# Trends in Common Grazing

## first steps towards an integrated needs-based strategy

## Funding and acknowledgements

This report would have been impossible without support and assistance from a large number of places. Funding was generously given by Highlands and Islands Enterprise; Scottish Natural Heritage; Shetland Islands Council; Comhairle nan Eilean Siar; Highland Council; the EFNCP co-funding was from the 2010 Work Programme under the Life+ NGO Support grant of the European Commission (DG Environment).

Data was provided by the Scottish Government and the Crofters Commission (CC). Thanks especially to Alan Fraser and his colleagues in Edinburgh for the parish level IACS data; Simon Allison in the Commission for the lists of grazings; Anne Rae and her team in Inverness for the warm welcome and access to area data and to Davie MacVicar and the colleagues at the Portree office for their ready and cheerful assistance.

**Thanks**

- to my co-workers: Donald, Colin, Becky and Peter for their work on the questionnaires and other help; to Alison and Karen for data crunching; to Sally Huband and Katrina Brown in the Macaulay Institute for their literature review.
- to the RSPB GIS team in Edinburgh for the beautiful maps provided at no cost to the project and to Amy Corrigan for very useful discussion of data interpretation.
- to Allan Lilly and Nicky Baggaley in the Macaulay Institute for their immediate readiness to do the work on carbon storage; this was also provided at no cost to the project using the SG's Knowledge Exchange funding.
- to Norman Leask, Donnie MacDonald, John Mackintosh and Joyce Wilkinson for organising the meetings in Shetland, Lewis and Lochaber and to the crofters who gave up an evening to come out and discuss the work.
- To Derek Flyn for casting some light onto the mysterious world of the law.

All errors are the responsibility of the author and no views expressed herein should be taken to reflect those of the funders, of the Scottish Government or of the consultants and other partners who assisted in the work.

*Gwyn Jones, Ellishadder, February 2011*

European Forum on Nature Conservation and Pastoralism

Main author: Gwyn Jones

Sections 3.4 and 4.5 written by Nicky Baggaley and Allan Lilly, Macaulay Institute.

This report is published by the European Forum on Nature Conservation & Pastoralism, 2011.

Design by Dokumenta
www.dokumenta.co.uk

# Contents


1 Executive Summary **1**

2 Background **1**

2.1 EFNCP and High Nature Value farming **1**

2.2 Why look at common grazing? **1**

2.3 Purpose of this report **3**

3 Methodology **3**

3.1 Scottish Government data **3**

3.2 Questionnaire survey **5**

3.3 Meetings with stakeholders **7**

3.4 Carbon storage calculations **7**

4 Results **8**

4.1 Social significance of common grazings **8**

4.2 Significance of common grazings in Scottish agriculture **10**

4.3 Geographical distribution of common grazing **14**

4.4 Use of common grazings **16**

4.5 Significance for biodiversity policies **35**

4.6 Common grazings as carbon stores **38**

4.7 Institutional arrangements on common grazings **40**

4.8 Grazings Clerks' attitudes **44**

5 Discussion – the wider perspective **48**

5.1 How important are common grazings for Scottish agriculture and rural development and for local economies? **48**

5.2 What is the significance of common grazings for delivering public policy goals? **49**

5.3 What do we know about the social and economic situation on common grazings **51**

5.4 What do we know about governance on common grazings? **52**

5.5 What can we say about current support to common grazings? **55**

5.6 What does Government know about common grazings and what should it know? **57**

5.7 SWOT analysis of common grazings **59**

6 Conclusions and recommendations **61**

7 References **66**

# 1 Executive Summary

Common grazings are a poorly understood but significant form of land use and community organisation in Scotland. Used by 20% of those who claim agricultural support in Scotland, they dominate the parishes where there are most claimants. These very same regions are the most geographically-marginal and socially-vulnerable – 75% of claimants in parishes designated as Fragile by Highlands and Islands Enterprise contain common grazings, and 69% of all claims with common grazings are found in these parishes.

Their significance as providers of environmental public goods is out of proportion to their size. Though less than 7% of Scotland's land area and 9% of land in active agriculture, they account for 13% of the Special Protection Areas designated under the BIRDS Directive; over 15% of High Nature Value farmland and 30% of the area with peat of over 2m in depth.

Despite this they are poorly served by Government support measures. Receiving the lowest rates of Single Farm Payment (SFP) and Less Favoured Area Support Scheme (LFASS) payments, they also find it difficult to access support under the more targeted Axis 2 measures. Our evidence suggests that this is due to a combination of lack of suitable options within the schemes and the extra transaction costs of negotiating between shareholders, whether active or inactive. Scottish Government rules on the degree of agreement required for participation in the Rural Priorities (RP) measures compound this difficulty.

The possible future development of the SFP towards a more regionally-based model poses particular challenges for common grazings, where the area of forage claimed is usually lower than the forage used, putting their users at a potential disadvantage once the historic tie is broken.

Most common grazings are offered the possibility of self-regulation by Scots law. However, at least 1 in 5 is not regulated at present, and capacity is low in many of the others. The empowerment of grazings institutions to make the transition from the regulation and development of pastoral agriculture to a wider remit would seem to be a vital element in the sustainable development of these communities, yet Government lacks even a basic list of common grazings.

These facts call for analysis and careful planning by Government. Common grazings have usually been considered ex post in policy-making up till now. Consideration of their importance and special needs is absent from all recent significant policy documents. Their integration into policy development and monitoring is however hampered by their being difficult to identify in the agricultural statistics – a situation which could be remedied given the political will.

# 2 Background

## 2.1 EFNCP and High Nature Value farming

The European Forum on Nature Conservation and Farming is a network founded in the 1980s to raise awareness that, in contrast to the wholly negative message emanating from environmental non-governmental organisations (NGOs) at the time, the relationship between agriculture and the environment could be and was in many parts of the continent a positive one. Low-intensity agriculture created and maintains Europe's non-forest semi-natural vegetation; the growing desire to protect Europe's rich biodiversity was and is intimately linked to the future of these farming systems.

Agricultural systems associated with high biodiversity are now commonly known as High Nature Value Farming (HNVF). HNVF is characterised by a high proportion of semi-natural vegetation managed at low intensity. This sometimes occurs in a mosaic with other agricultural land and with 'non-productive' elements such as walls and hedges. Its maintenance and enhancement has, since 2007, been a major goal of EU rural development policy (Beaufoy and Cooper 2009). These systems have survived mainly in Europe's more marginal areas and are extremely vulnerable to change. Since its inception, EFNCP has tried to raise awareness that securing their future requires a broad and holistic view of the social, cultural and economic challenges they face.

## 2.2 Why look at common grazing?

A significant feature of HNVF in many parts of Europe, and indeed the rest of the world, is the survival of various common or communal forms of land tenure and/or management. Common land poses extra livestock management difficulties and increases the social impediments to change faced by farmers the world over. It is largely as a result of these challenges that common land has retained its semi-natural character even in lowland parts of Europe into the 21st century.

However, lowland Europe also illustrates the down side of this institutional conservatism – in SE England common land is largely abandoned by agriculture, to the extent that its management is now the focus of Life+ programmes run by NGOs. In Scotland, common grazings are still largely actively managed, but the economic situation is perilous, as illustrated by the landmark report Farming's Retreat from the Hill, (SAC 2008) and explained year on year by Quality Meat Scotland's economic analyses (QMS 2010).

As society tries to implement policy in rural areas in a more targeted and subtle manner, regulations and support mechanisms have multiplied and increased in their complexity. The hypothesis underlying this report is that the challenges facing common land are likely to increase more quickly and to an even higher level than those on equivalent land which is in sole use.

In contrast to its likely importance in the delivery of public policy objectives, the policy profile of common land is very low. The impression is often given that making policy measures 'commons-friendly' is an afterthought, putting further pressure on the delivery of public goods by HNVF in these areas.

As a result of these perceptions, EFNCP is carrying out a number of pieces of work in 2010 to highlight common grazings issues in a number of European countries. This report forms part of this work programme – it was undertaken at our initiative with the intention of jump-starting the debate on the future support of common grazings at this crucial time.

Katrina Brown states that every time the Common Agricultural Policy is reformed, the issue of common land in the UK is sidelined or forgotten about until the main policy mechanisms have already been developed and commons have to be subsequently force-fitted into them (Brown 2006a).

Two issues are of particular concern in the context of developments in the Common Agricultural Policy (CAP). It is clear that the moral justification for historically-based Single Farm Payment (SFP) allocations reflecting production in a reference period of 2000-2002 is by now weak, especially since decoupling means that payments can be received without the necessity of any agricultural activity in the claim year. The obvious solution is some sort of regionally-defined payment (or a limited set of such payments). See for example Brian Pack's report for a further discussion on this topic (Scottish Government 2010a).

While decoupling already has the potential to change the relationship between payment and actual activity, the author's previous experience as an agricultural advisor in Skye and Lochalsh suggests that, in that area at least, few producers have destocked altogether and surprisingly few have even adjusted their stock numbers significantly (with death, illness and similar significant events apparently providing the main catalysts of change). Meanwhile those inactive in 2000-2002, while they can theoretically buy entitlements and claim payments on common grazings, have in general not done so – those who have entitlements have held onto them. Some have even allowed other crofters to use their grazings shares to support their own claims – there is no real reason for them not to, and possibly even a small financial incentive for them to do so.

Regionalised payments could threaten this status quo. The active would likely receive a very different payment – something which could force an assessment of their crofting activity upon them. Their payment would reflect their forage share, not their use of the grazing, shining a light on mismatches between souming and stocking which were glossed over under the historic model. It is at least conceivable that they would be disadvantaged relative to similar hill farms.

At the same time, those inactive since 2000 could then have the possibility of accessing payments without having to purchase entitlements. Their relationship with the active could become one of rivalry rather than benign indifference. Furthermore some active crofters at least are using forage informally or on terms of less than 5 years – the tenants of this land now also become their potential rivals.

These are all hypotheses, of course – the precise suite of effects would depend a great deal on the implementation chosen. All this project tries to do is assess the possible impact of such a change in SFP, so that discussion of the issues as they affect graziers in common can actually start.

A second potential threat to the viability of active grazing on common pastures is the increasing shift toward delivering support through the so-called 'Second Pillar' – the Rural Development (RD) element of the CAP – and in particular agri-environment and similar schemes which require a 5-year commitment and for which, except in the specific case of sheepstock clubs, the grazings committee is the appropriate applicant. These schemes contrast with the SFP, where the crofter is in total control of his forage claim, including the grazings share, and the availability rules, for SFP at least, are such that he does not even have to be able to access the forage for the whole of the claim year. RDP schemes, in contrast, put the active crofter at the mercy of the other shareholders. The project investigated how easy it is for common grazings to access such schemes and the extent to which social factors in the township both prevent participation. In participating townships, we investigated the extent to which participation in these schemes necessitate a quid pro quo payoff to inactive shareholders, even when the scheme payments are calculated on the income foregone and additional costs of the active grazier.

## 2.3 Purpose of this report

The aims of this report are two-fold. First, it will address a significant gap in policy analysis, at this critical juncture in the development of EU agriculture and rural development policy, by providing an updated, more quantified and more geographically precise picture of common grazing in Scotland, building on the work of James Coull (Coull 1968), which remains as far as the author is aware the only published source of information on the topic. It will attempt to put this information in a modern policy context. The second aim is to give a snapshot of the socio-economic context of common grazing in Scotland in 2010 – its actual use and administration and the attitudes of those managing it. Again, the implications for policy will be considered. A series of recommendations are put forward – they do not pretend to be the result of a representative exercise in consultative democracy, but nevertheless draw on this substantial body of new evidence, discussions with groups of crofters and the author's 15 years as an agricultural advisor in the crofting areas. In some cases, the author was very unsure of what to suggest – this is noted in the text.

For the purposes of the report, a pragmatic definition of 'common grazing' is used. We are interested in those pastures where the existence of multiple grazing rights and/or multiple graziers has the potential to cause additional social, regulatory and practical impediments to the active graziers relative to those experienced by their hill farming neighbours. Common grazings where all the shares are in the possession of one grazier are therefore excluded, while anomalies such as the Glendale townships, the Reef Grazings of Tiree and land outwith the Crofting Counties are included. Land which is legally common grazing but which is in de facto sole use falls into a grey area – if such land, when declared in the Integrated Administration and Control System (IACS) forms used for claiming CAP support, is still processed by the Scottish Government (SG) as being common grazing, it is included; if it has been included under the croft holding number, it is excluded.

# 3 Methodology

## 3.1 Scottish Government data

The Crofters Commission provided a list of common grazings and their constables or committee clerks and chairs by parish, which formed the basis of the questionnaire sample.

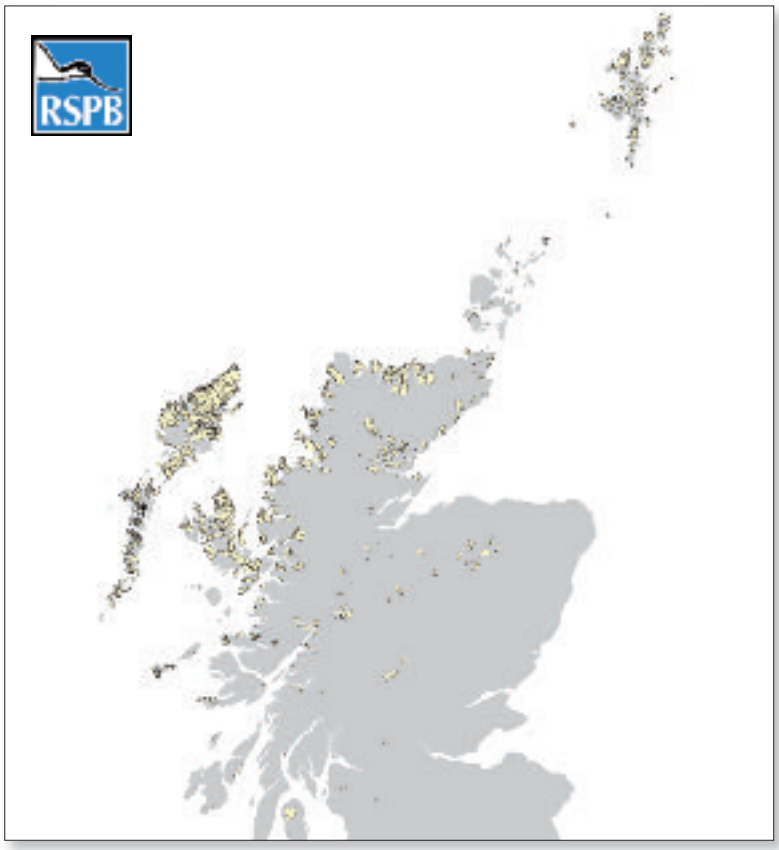



**Figure 1**
**Land declared as common grazings, IACS 2009**

*Created by Emma Teuten, CDMU, RSPB-Scotland*
*Reproduced from the digital Ordnance Survey map by permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office. © Crown Copyright. All rights reserved.*
*RSPB licence 100021787*

Very little current data on common grazings is available in published sources, although a global figure is given annually in the Economic Report on Scottish Agriculture (Scottish Government 2010b). Unpublished Scottish Government data was made available at two levels. Centrally, parish-level information based on data gathered in IACS 2009, and in particular at question 2 (common grazings), was provided. This included claims; number of claims with common grazings declared; area claimed; area of common grazing claimed, all by parish number of the claimant. To give better information on the grazings themselves, we also asked for area of common grazings declared by parish of the grazings. We were also provided with a map of all the parcels associated with holding numbers declared at q 2 of IACS (common grazings) in 2009 and the GIS shape files (Figure 1). One small anomaly with this map would seem to be that some newly afforested, and so ungrazed, parcels (those claiming Farm Woodland Premium?) are included. We treat this as trivial at the scale of our analysis of grazing, and it does of course still form part of the area subject to active communal decision-making.

A sub-sample of more detailed IACS data at the grazings level was made available at the Portree and Inverness Scottish Government Rural Payments and Inspections Directorate (SGRPID) offices (comprising mainland Inverness-shire and Ross and Cromarty, the Small Isles and Skye and surrounding islands – Figure 2). A sub-set of similar data, without claim information, was also available in Lewis and Harris. Area, shareholding and souming details were thus available for approximately 51% of all grazings on the Crofters Commission list, with SFP claims details for 32% of all grazings. This data provides very useful and interesting insights, and it would have been good to have been allowed to collect it for the whole of the crofting area.

**Figure 2 .**
**Parishes administered from Inverness and Portree Scottish Government offices**

Where possible, simple cross-checks were undertaken to examine the compatibility of the data sets. Within the Crofting Counties, the area of common grazings declared by parish was compared to the existence of crofters' common grazings according to the Crofters Commission data. 18 parishes had common grazings not on the Commission database – a total declared common grazings area of 5070.44 ha. Further enquiries revealed that although the Crofters Commission database contains many unregulated grazings, they only appear due to some kind of interaction with the Commission in the past, for example through an apportionment application (Simon Allison, pers. comm.). In the local datasets from the Inverness office, it also emerged during analysis that data was missing for a small number of parishes around the east of Loch Ness.

The SG dataset contained its own cross-check – the total grazings declared shown by claimant was 31589.47 ha (just over 8%) less than the total shown by parish of the grazings; we assume this is due to data confidentiality. We use the larger figure where possible in the analysis below.

## 3.2 Questionnaire survey

Grazings clerks and constables are central figures in the management of most common grazings in Scotland, as the law provides; they are the people empowered to sign contracts for CAP support, such as investments in holdings or agri-environment. They have a unique grassroots overview of the state of common grazing and their opinions and perceptions not only give insight into the mood music amongst grazings committees. Moreover, they themselves are key factors in the way common grazings administration interacts with the ever-changing policy environment.

The sample of clerks was based on the Crofters Commission database, which contains 918 grazings. The initial data set therefore excluded all grazings in parishes with no Crofters Commission data, whether within or outwith the Crofting Counties, and all non-crofters common grazings. To the 5000+ ha in parishes in the Crofting Counties not on the Crofters Commission database can be added 7240 ha (at least) of declared common grazings outwith the Crofting Counties and the 2898 ha of the Glendale grazings in Skye. The dataset from which the sample is drawn therefore excludes at least 15000 ha of known common grazing. This is only of the order of 2.5% of the 591901 ha of common grazings in Scotland (Scottish Government 2010b), but these are also likely to be the grazings which find it most difficult to respond to policy signals.

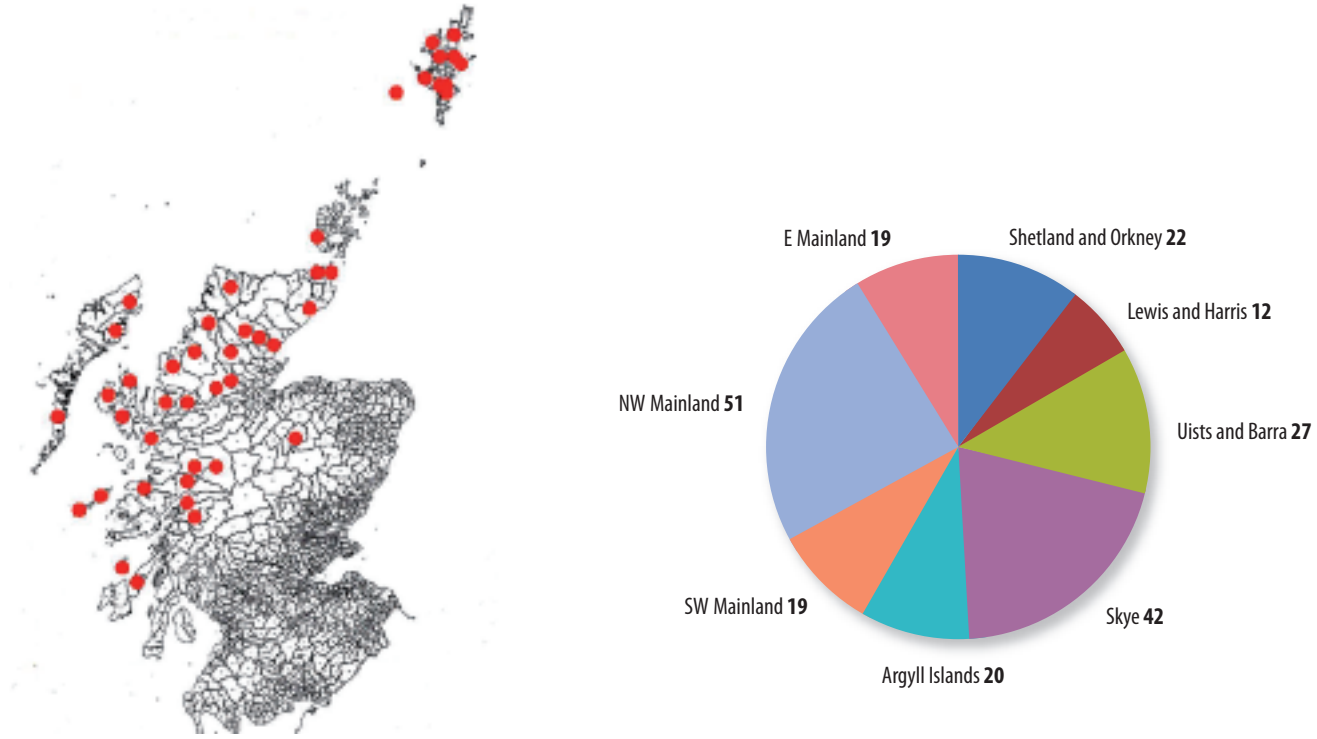



**Figure 3. Parishes and grazings in the questionnaire sample**

Of the grazings on the database, 345 did not have a clerk/committee chair/constable, although some of these were also among the 65 shown as unregulated and/or the 74 where the details were shown as being for 'runrig lands' and/or 'apportionments only'. Inspection of the list of such grazings for areas known to the author reveals a mixture of situations. While some unregulated grazings are small (e.g. Nostie Park, 10.8 ha, Lochalsh) or seemingly inactive (e.g. Deeke, Arisaig & Moidart), others are very much the opposite, including some large general grazings (e.g. Ness General, Barvas, with 5469 ha of net forage and 396 separate Main Farm Codes with unapportioned shares). Ness General has no committee, but Stornoway General (Stornoway, 4453 ha, 574 shareholders) provides an example of an unregulated grazings with a grazings committee, albeit one which, according to the Crofters Commission database, deals with 'apportionments only'. Since the area data comes from a limited number of local SG offices, it is not possible to say what proportion of the total area of common grazings is unregulated.

The total of 573 grazings with committees or constables (918-345) seems significantly lower that the 853 grazings committees cited by Reid (Reid 2003), the 767 recorded by Katrina Brown in 2001 (Brown 2006b) and even than the 681 plus 23 constables reported 35 years earlier (Coull 1968). On the other hand, Reid also estimates that approximately 200 grazings remain unregulated – a somewhat higher figure than can be proved to be so from the Commission lists (these are known to be incomplete), even adding the 9 Glendale grazings and so on. According to the Commission staff (Uilleam Smith, pers. comm.), 458 grazings have 'active' committees or constables, while 333 are regulated but 'inactive' in the sense that their details were not updated at the end of their most recent 3 year term.

A telephone questionnaire survey[1] was carried out with the clerks, constables or chairs of committees of 213 grazings. The parishes were chosen in a stratified random manner to include both ones with many and ones with few grazings, with the aim of including approximately half of all grazings in approximately half the parishes (Figure 3). In reality the starting pool of possible subjects was the 573 grazings with committees or constables. The clerks reported a total of 3087 shareholders and 983 active shareholders. Given that 4395 Crofting Counties producers included common grazings in their IACS claims in 2009, the sample seems likely to have achieved the aim of covering ¼ actual graziers, though this cannot be proved with any great precision. It would have been interesting and informative had we had the time to ascertain the situation on some of the other grazings.

The survey aimed to gather data on the actual use of the grazings as pasture for livestock and as a basis for participation in various support schemes. We also canvassed views and perceptions on the principles which should underlie and the factors that affect such participation. We also explored issues of administrative capacity and perceptions of the scale and type of problems facing grazings.

During the analysis the questionnaire sample was further subdivided to see if there was significant geographical variation and differences between

- grazings with 5 or more graziers and ones with fewer
- grazings with 2 or fewer active graziers and those with more
- grazings with bank accounts and those without
- grazings in parishes with many grazings and those from parishes where crofting is less significant
- grazings participating in support schemes and those not doing so.

## 3.3 Meetings with stakeholders

After the initial data analysis, meetings were held with leading crofters, organised by the area chairs of the Scottish Crofting Federation (SCF), in Shetland, Lewis and Lochaber. Views were gathered on a number of questions arising, both of principle and of practicalities. A reporting and discussion meeting was also held with Highlands and Islands Enterprise (HIE) before the drafting of the final report.

## 3.4 Carbon storage calculations

This element of the work was carried out by Nicky Baggaley and Allan Lilley in the Macaulay Institute. The extent of peat within the common grazings (from IACS 2009) was determined from the National Soil Map of Scotland, scale 1:250 000 (Soil Survey of Scotland Staff 1981). For the majority of the common grazings, this is the only available soil map.

Where peat occurs within complex soil map units (that is, in association with other non-peat soils) the areal extent of the map units were multiplied by the proportion of peat estimated to occur in that particular map unit. These proportions were originally determined for the Hydrology of Soil Types (HOST) classification (Boorman, Hollis, and Lilly 1995) and have been slightly modified.

The individual peat types delineated on the 1:250 000 scale National Soil Map include:

- Basin Peat
- Blanket Peat
- Deep Blanket Peat
- Eroded Basin Peat
- Eroded Blanket Peat
- Eroded Deep Blanket Peat

An additional category of semi-confined peat was also recognised as important for catchment hydrology and was subsequently delineated as a component part of the HOST classification.

[1]http://www.efncp.org/download/efncp-questionnaire-draft.xls

The depth of peat throughout Scotland has been determined (or estimated where data was limited or not available) from a variety of sources including peat surveys and soil surveys (Chapman et al. 2009) (J U Smith et al. 2009). This dataset comprises georeferenced soil map polygons with estimated peat depths for each polygon.

The carbon content of the common grazing land was calculated based on carbon concentrations and bulk density values stored within the Scottish Soils Knowledge and Information Base (SSKIB). This dataset comprises summary information on Scotland's soils (for example, typical soil horizon sequences) together with calculated summary statistics such as means, medians and standard deviations of a range of soil properties (http://sifss.macaulay.ac.uk/) to depths of 1m (Lilly et al. 2004) (Gottschalk et al. 2010). The summary statistics are derived from the Scottish Soils Database which holds data on over 40000 soil horizons.

For the calculation of carbon stocks, the soil types found on the common grazings (and their extent), the estimated thicknesses of their typical soil horizons, the median carbon content for each of these horizons and an estimated bulk density based on a series of regression equations were used. The Land Cover of Scotland (Macaulay Institute 1993) dataset was also used to identify those areas that were cultivated as this has a profound effect on the soil characteristics and carbon contents. For this calculation, the typical peat profile from the SSKIB dataset is assumed to be at least 1m thick. This may introduce a degree of error in the carbon stock calculation where the actual thickness of the organic layer is $<$ 1m but while the underlying mineral soil (to 1m deep) will have a lower carbon concentration it will also have a greater soil density such that there is often little difference in overall carbon stock between some of these mineral layers and that calculated for typical peat profiles from SSKIB. For peats greater than 1m, we have assumed the same carbon content and bulk density as that of the lowest peat horizon (typically 0.60-1m).

# 4 Results

## 4.1 Social significance of common grazings

Household data for HIE Fragile Areas was extracted from the 2001 census online database on a civil parish basis. The data set was made compatible with the agricultural parishes of the IACS dataset by merging of data in whatever direction necessary. Compatibility with the Fragile Area map was carried out on a moderately conservative basis – parishes where most of the holdings are known or likely to be outwith the Fragile Areas were excluded; parishes where a substantial proportion of the holdings are within the Fragile Areas were included.

The index chosen to show the social importance of agriculture was the % of households submitting an IACS claim. This data was available and reflects well the engagement of households with agriculture in an empowered manner – the alternative of % employed in agriculture on the one hand includes farm workers, overstating the number of decision-making units engaged in land management, but on the other is given in terms of Full Time Equivalents, underplaying the number of families engaged. Comparison of the IACS claim data set with the employment data would produce a typology of parishes in which those in which farms with workers are important could be distinguished from those with many small part-time farmers (and crofters).

On the broad scale, the number of households engaged in agricultural decision making increases with increased marginality. There is a number of 'non common grazing' parishes with a high proportion of agricultural claimants, but all of these have a low total population. Only New Deer has over 600 households and >12% IACS claimants without having common grazings.

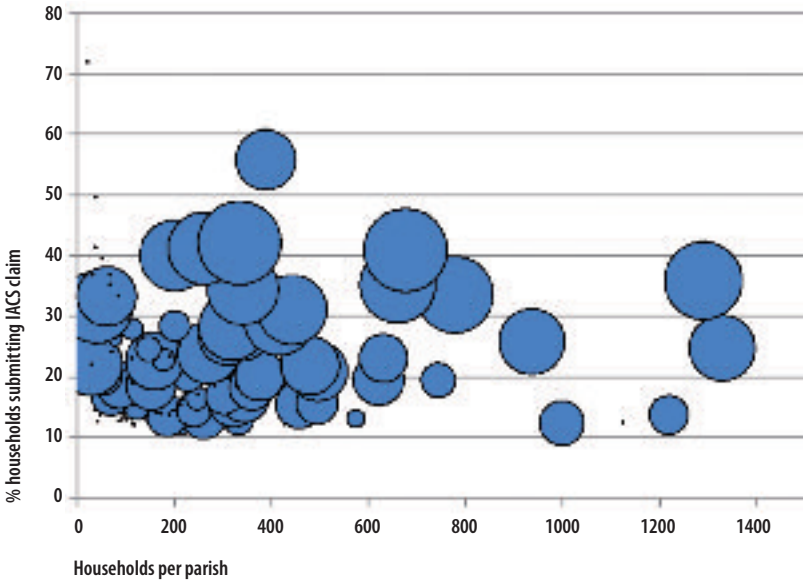



**Figure 4.**
**Relationship between no. of households per parish and % of IACS-claimant households. (Area of circles proportionate to % of households with common grazings in their IACS claim)**

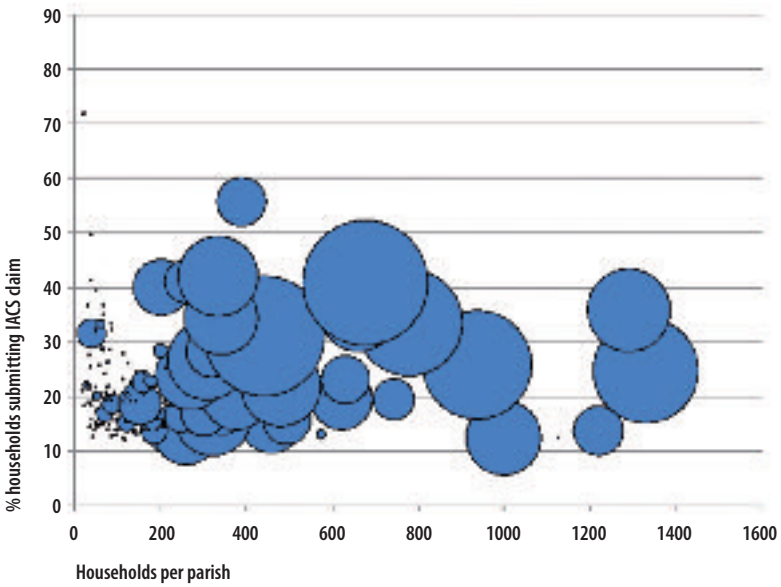



**Figure 5.**
**Relationship between no. of households per parish and % of IACS-claimant households. (Area of circles proportionate to area of common grazings declared in IACS 2009)**

| | Total households | % households with IACS claims | % households, IACS claims with common grazings |
|---|---|---|---|
| Scotland | 2,192,246 | 1.0 | 0.2 |
| Crofting Counties | 196,035 | 3.6 | 2.2 |
| HIE Fragile areas | 28,116 | 14.4 | 10.8 |

**Table 1. Significance of agricultural decision-making: % households with IACS**

Within the Fragile Areas, the importance of common grazings for households generally increases as the importance of agriculture generally increases. In general, the higher the amount of common grazing, the higher the engagement with land management decision-making at the household scale, and only parishes where common grazing has a very high significance have large numbers of IACS claims, i.e. a very high number of people engaged in land management-related decisions.

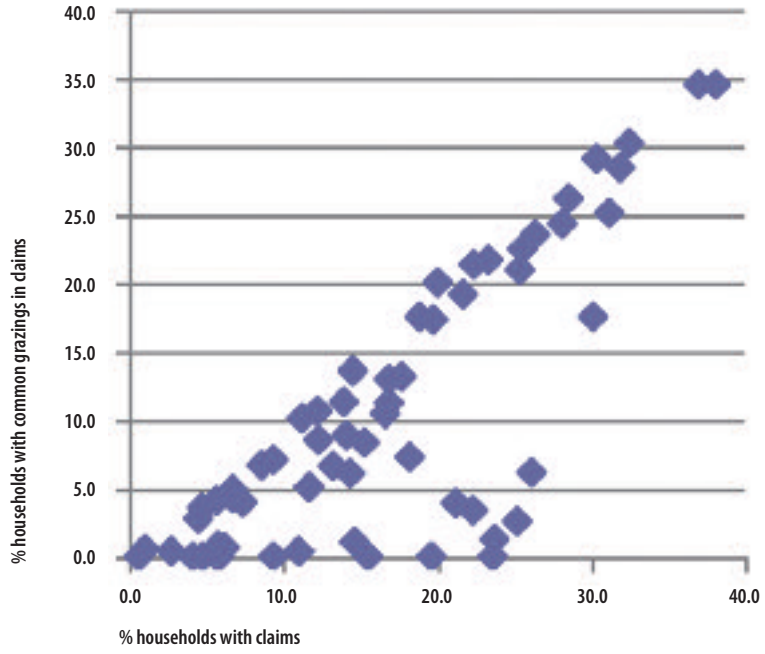
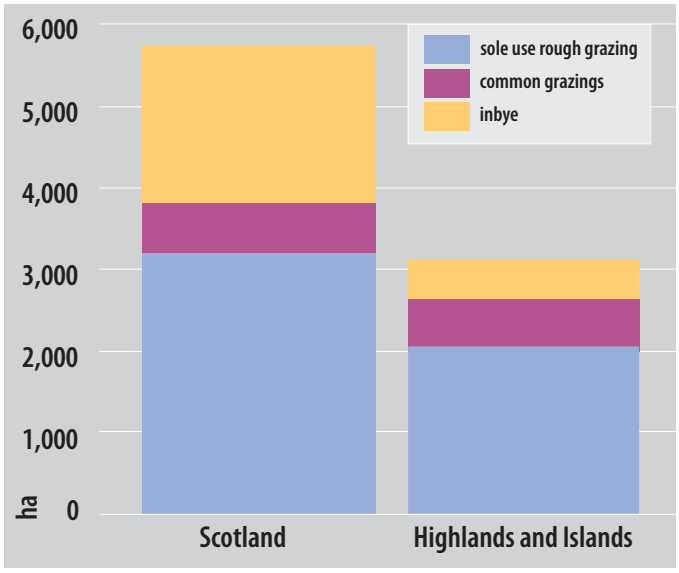
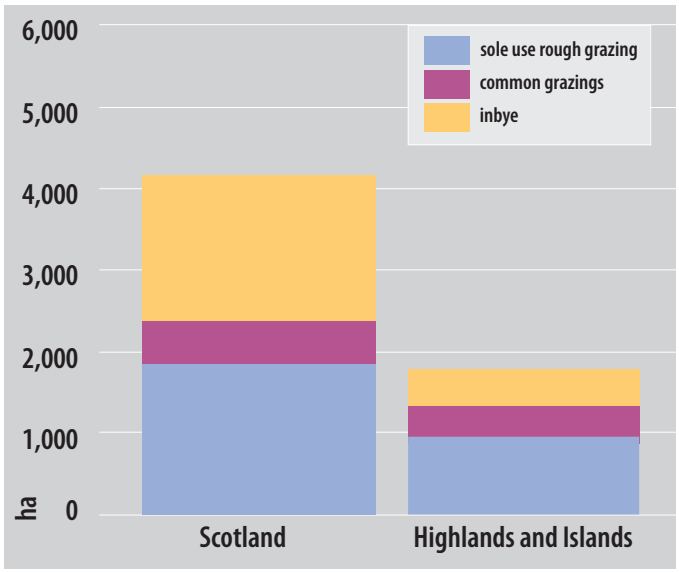


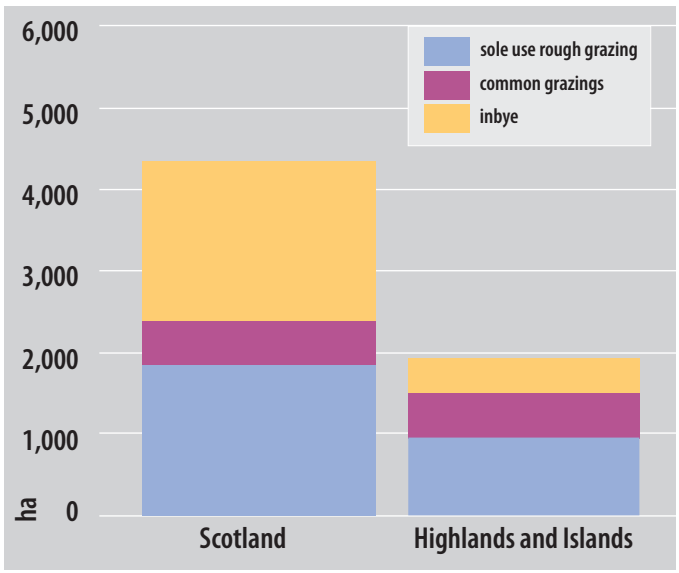

**Figure 6.**
**Importance of common grazings, households in Fragile parishes**




7a



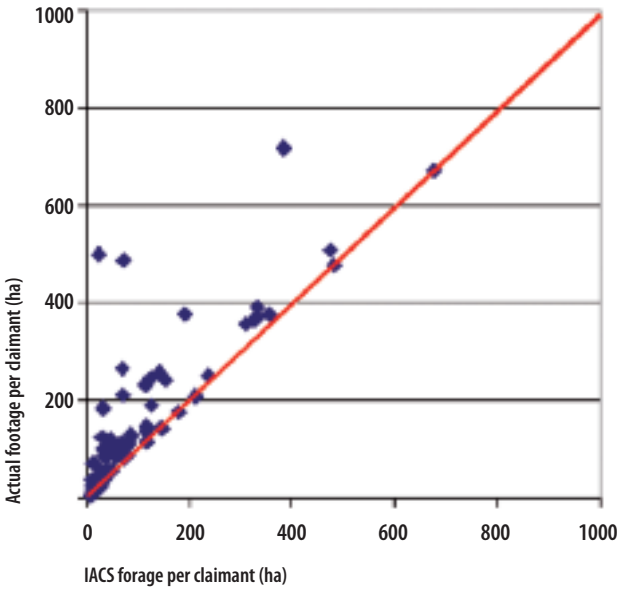

7b




7c

**Figure 7.**
**Common grazings in Scottish farmland according to**
**a) farm census**
**b) IACS claims[2]**
**c) IACS claims with estimated actual area of managed common grazing[3]**

**Figure 8.**
**Average IACS forage and actual forage per share claimed in IACS 2009, Portree & Inverness sample**




[2]Assumptions: Sole use rough grazings = IACS total claim – IACS common grazings claimed – census inbye

[3]Assumptions: Actual managed common grazings = total area of IACS common grazings shape files

## 4.2 Significance of common grazings in Scottish agriculture

Common grazing in Scotland extends to 591,901 ha, which is 10% of the land in crops, fallow, grass and rough grazings and 15.5% of Scotland's rough grazings (Scottish Government 2010b).

In IACS 2009, 4,176,623 ha of land were used to claim SFP entitlements. Although certain crops are not eligible for SFP claims, none of them account for a large area, so that the majority of the difference between the IACS claim and total agricultural land as declared in the census is likely to be rough grazings which is either not in Good Agricultural and Environmental Condition (GAEC) or for which the owner/tenant does not hold SFP entitlements (de facto, land which did not support subsidy claims in the 2002-2002 reference period). Of this IACS-claimed land, 360,360 ha (8.63%) was in common grazing.

However, this does not give a fair picture of the importance of common grazings is Scotland's actively farmed land, since on a parcel of common grazings only the shares of the claiming shareholders can be claimed, not the whole of the actively managed land. Taking the total area of the parcels claimed at the common grazings question – 537,615 ha – it can be seen that common grazing is in fact 12.8% of all land maintained in GAEC in Scotland (Figure 7c). Subtracting this IACS figure from the total common grazings area suggests that there are approximately 54,286 ha of common grazings not used for grazing (or used for grazing and not declared in IACS by any of the graziers).

By subtracting a (census-derived) figure for inbye land and the (shape files-derived) area of claimed common grazings from the total IACS claimed land, we arrive at an estimate for the area of claimed sole use rough grazings of 1,868,625 ha. Common grazings therefore make up around 24% of the rough grazing land used to support IACS claims in the whole of Scotland. It would be possible to give this figure more accurately from IACS data and to break it down by region; our purpose is merely to illustrate that in common grazings are more important as a proportion of actively-managed land and especially of actively-managed rough grazings than the raw statistics suggest.

Common grazings form part of the forage area of 4,425 (20.55%) of Scotland's 21,528 IACS claimants. The recent economic report on crofting (Scottish Government 2010c) reminds us that crofting holdings are typically small. The average IACS-claimed common area per claimant, whether measured at a Scottish, Crofting Counties or HIE Fragile Area basis, is approximately 80 ha. This tells us nothing about the size of the croft, but if the capacity of an average common grazings share to support livestock is estimated as being of the order of 80 sheep 12 Livestock Units (LU), the total livestock pastured on common grazings can be estimated at 53,100 LU – almost a third of the livestock on 'holdings with a croft', as given in the economic report.

The non-common grazing land on the same holdings is given as 282,400 ha, but it is impossible to extrapolate from this the area of registered croft land as opposed to farmland, or to distinguish between crofts with hill shares and those without. It is a notable feature of this and all other Government reports that the significance of crofting and all its associated features, including common grazings, are only being estimated – it is difficult to understand why there are no accurate figures, given the existence for many years of a Crofters Commission charged with ensuring the appropriate regulation and development of crofting.

Claim data from the local SGRPID office files was available for 81 grazings in the questionnaire survey. The average common grazings forage area for the 410 claimants on those grazings was 143 ha (112 ha if Galmore, a grazings with one sheepstock club claimant and 2,594 ha of forage, is excluded) - significantly higher than the national average (Figure 8), probably illustrating the small forage areas of many crofters in Lewis in particular.

## 4.3 Geographical distribution of common grazing

Common grazings are largely associated with crofting agriculture, broadly defined, and are therefore predominantly found in the Crofting Counties. Nevertheless, just over 2% – 7884 ha – is found in other areas of Scotland. The largest areas are in Lochtayside and Glenlivet, as mentioned by Coull (Coull 1968) and on Arran.

Common grazing is declared in IACS claims from 127 (14%) of Scotland's 884 agricultural parishes. As a predominantly Highlands and Islands feature, it is no surprise that 107 of these parishes (84%) are in the Crofting Counties. Common grazings are declared in almost 61% of the 176 Crofting Counties parishes.

Within the Crofting Counties themselves, common grazing predominates on Shetland, on the Outer Hebrides, Tiree, Skye and Raasay. There are substantial areas on the coastal strip of mainland from Lochalsh round to the Kyles of Sutherland. Inland they are few and far between, with the greatest concentration in East Sutherland. A thinner band stretches from Lochaber in the west over to Badenoch and Strathspey.

69% of both claimant graziers and of claimed grazings area fall into Highlands and Islands Enterprise's Fragile Areas (Figure 9). 52 of the 65 Fragile parishes (80%) contain declared common grazing.

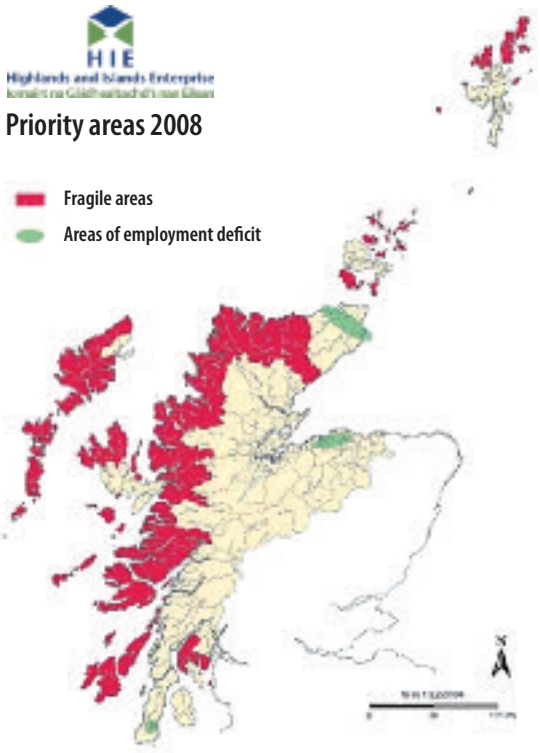



**Figure 9. HIE Fragile areas (red)**

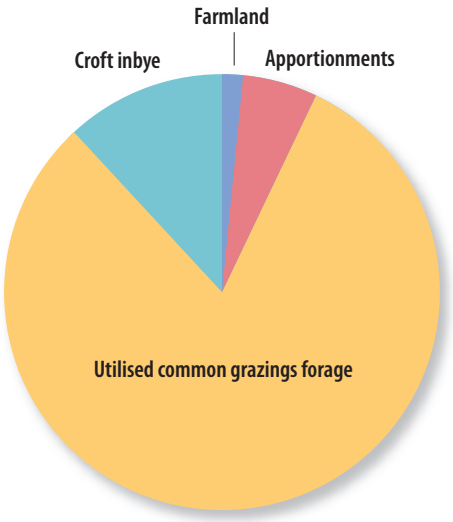
*© Wendy Price Cartographic Services 2008. Based on Ordnance Survey mapping*
*© Crown Copyright Highlands and Islands Enterprise 100020539*

Only in 63 parishes (7%) do more than 50% of IACS claims contain common grazings (Figure 11), but these parishes contain the main holding of over 22% of all claimants – 4,769 businesses altogether. 38 of these parishes are in the HIE Fragile Areas. However, only in 14 parishes (1.5%) is more than 50% of the claimed land in common grazing (Figure 12) – land tenure is still very polarised in most of the parishes where crofters are the majority of IACS claimants. 10 of these are in the HIE Fragile Areas (the others are in Shetland).

A picture of the importance of common grazings for those who claim it is difficult to establish. However, based on the various data sources and the personal knowledge of the author, it can be illustrated with reference to Kilmuir parish, Skye. Subtraction of claimed common grazings forage, claimed apportionments and farmland (estimated at 200 ha) from the total IACS claim gives an estimate of inbye. Total net forage on claimed grazings parcels can then be substituted for actual claimed forage to give an estimate of all agricultural land maintained in GAEC (approximating closely to 'actively grazed' in this parish at least). Figure 10 shows that common grazing makes up around 80% of claimants' grazed area.

Numbers of common grazings per parish are no more than a general guide to the relative importance of common grazings. While the 12 parishes in the Crofters Commission dataset with over 20 grazings are undoubtedly part of the crofting heartland (the highest number is 55 in South Uist), there is, for example, no Shetland parish in their number. Conversely the 18 parishes with only 1 grazings include farming-dominated parishes such as North Knapdale and Glassary, both in south Argyll, but also Foula – a Shetland parish where common grazings is found in 100% of all claims and makes up 71% of the claimed area.

Common grazings vary greatly in size. The IACS data set provides an insight into the size of common grazings parcels. A total of 1,718 parcels were declared in 2009, ranging from 0.092 ha to 5,998.403 ha. The distribution is highly skewed with quartile values of 16 ha; 81 ha; 355 ha.




Although it was not possible from the data we were given to analyse the total area of the various individual common grazings over the whole of Scotland, we were able to do this in the old Inverness-shire (except Uists and Barra) and Ross-shire. Data was available for 407 grazings, ranging from the 5761 ha of Achiltibuie, Acha-Braighe, Ach-An-Inbher, Achduart, Achlochan & Achnacarnan Common Grazings (Lochbroom) to the 8 ha of Uig Mill Lands (Snizort). Quartiles are at 158 ha, 422 ha and 860 ha.

**Figure 10. Actual grazed forage, Kilmuir parish, Skye**

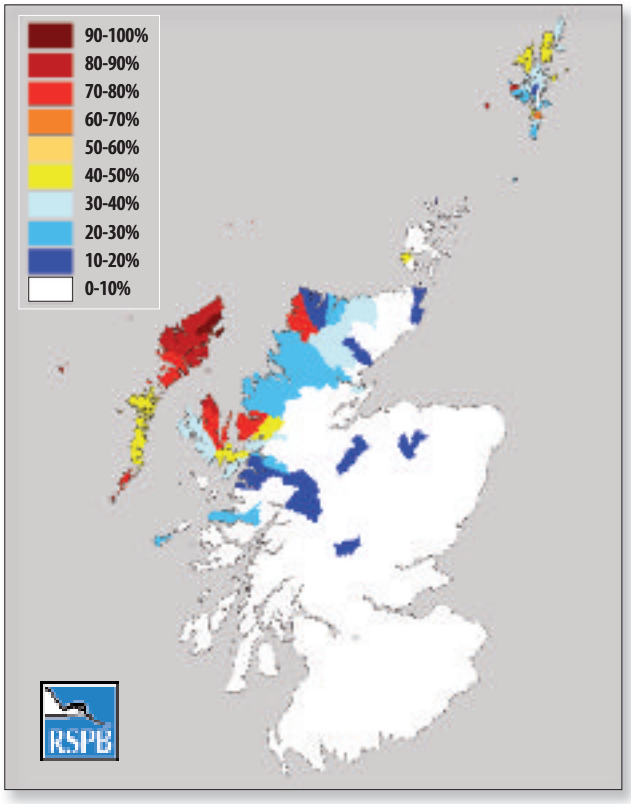



**Figure 11.**
**IACS claims with common grazings**

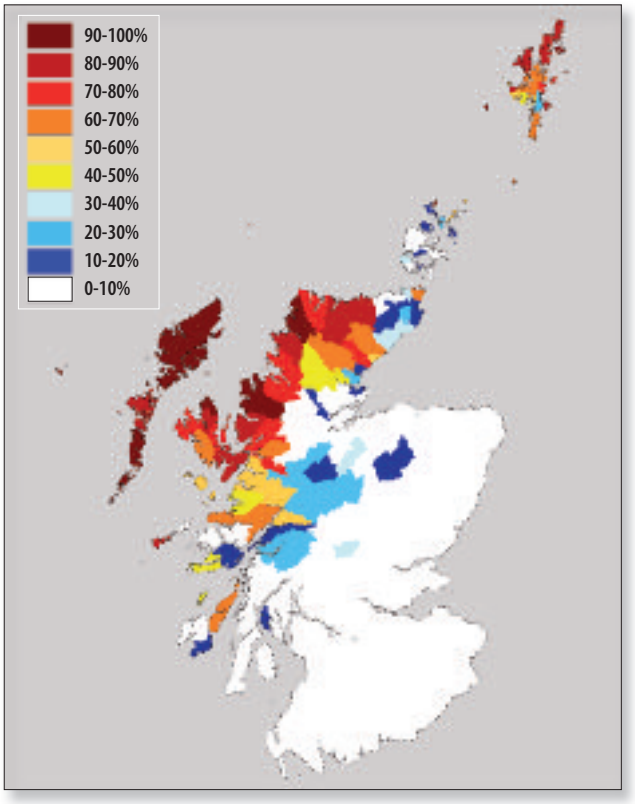



**Figure 12.**
**Proportion of IACS-claimed land in common grazing**

## 4.4 Use of common grazings

### Shareholding

The project did not have access to shareholding data at the national scale. Data was however available for both the questionnaire sample and for the 3 local areas. In the 408 grazings in Inverness and Ross-shires (less Uists and Barra) shareholdings ranged from 1 to 704. The 1-shareholder grazings are somewhat of an anomaly, since it seems to be normal SGRPID practice to include such grazings with the Main Farm Code of the sole shareholder for the purposes of IACS. In any event, shareholding is very skewed, with quartiles at 6, 12 and 23 shareholders (Figure 13).

In the questionnaire survey, clerks were asked about both shares and shareholding in order to enable unambiguous comparison with SGRPID data. For the 208 grazings for which we have data the range was from 1 shareholding (3 grazings) to 80, with quartiles at 5, 10 and 18.

The project did not concentrate on the total number of shares, since it is felt that the impediments to co-operative or individual action on common grazings relates to the number of different people involved, whereas the number of shares is a rather abstract concept of no day to day significance. Data from the questionnaires does however shed some light on the numbers of shares and is reported here for completeness, despite the presence of shares expressed as fractions in the list which casts some doubt on its internal consistency. Share details were available for 205 grazings, ranging from a minimum of 2 to a maximum of 125 shares. Quartile values are 9, 19 and 28.

Grazings with fewer than 5 shareholders made up 17% of the entire sample. There is some geographical variation: the Western Isles in particular stand out as an area of multiple shareholding – no sampled grazings in Lewis and Harris and only 3% of the Uists and Barra sample had <5 shareholders. Unsurprisingly, grazings outwith the core crofting area had a higher than average number of grazings with a low number of shareholders – 27% in the SW mainland. Surprisingly the highest figure (30%) was for the Argyll Islands, but on reflection, although Tiree (which dominates the sample) is dominated by crofting, it is characterised by a large number of small townships with relatively few crofts each.

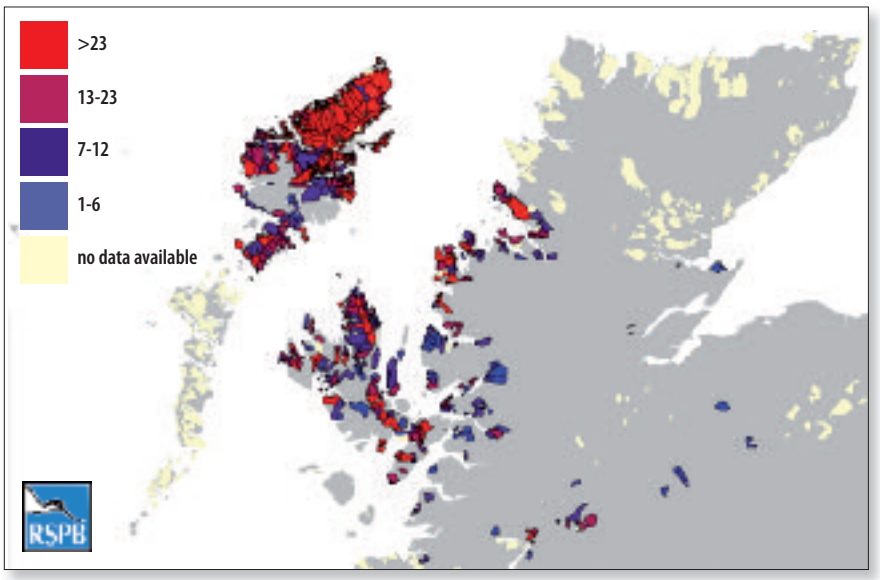



**Figure 13. Shareholding per grazing by quartiles**

*Created by Emma Teuten, CDMU, RSPB-Scotland. Reproduced from the digital Ordnance Survey map by permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office. © Crown Copyright. All rights reserved. RSPB licence 100021787*

Reference was made above to the size of shareholdings, with the national average claim being approximately 80 ha. Stornoway, Portree and Inverness data sheds light on the size of actual shareholdings on individual grazings, as opposed to whole IACS businesses, and irrespective of whether or not they are used to support an IACS claim. Information was available for 407 grazings and 276,415 ha of net forage – around two fifths of the total. Shareholdings range from 0.4 ha (Hacklete, Uig) to 691 ha (Achintee, Lochcarron). Mean shareholding is 60 ha; the median is 31 ha, with quartiles at 14 ha and 67 ha.

## Activity

On common grazings surveyed, 32% of all shareholders actively use their grazings for keeping livestock, according to the clerks. This figure is highest in Argyll & Islands (60%) and lowest in East Mainland (6%). It is interesting to compare this figure with the one available to the Shucksmith Crofting Enquiry (George Street Research 2007), where 46% of the 587 crofters surveyed reported actively using their common grazings shares and with Katrina Brown's figure from 2001 of 50% (Brown 2006b).

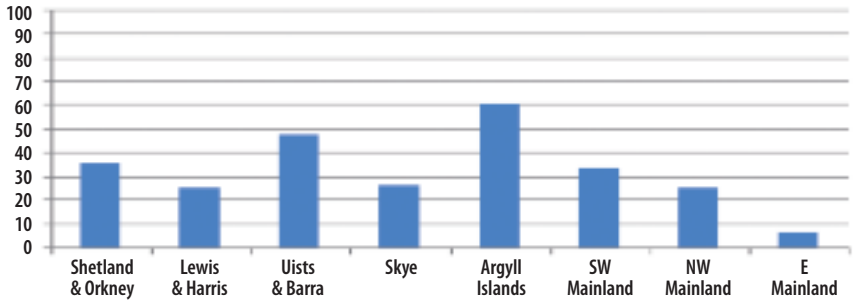



**Figure 14.**
**Mean % active shareholders according to sample clerks**

On common grazings where shareholder numbers were below 5, 70% of the shareholders were active, but this is possibly explained by the fact that the sample only contains grazings where it is considered necessary to have a committee, and committees require a minimum level of participation and activity. It has also already been noted that the Argyll Islands – a very active area – has a higher than average proportion of grazings with <5 shareholders.

Conversely in areas with large numbers of shareholders, grazings could have an active regulatory framework in the form of a grazings committee and still have a significant proportion of inactivity (75% inactivity in Uists and Barra; 74% in Skye). Nevertheless, for grazings with less than 3 active graziers, the % activity is only 15% - 108 active graziers out of the 983 reported are on such grazings, having to deal with 592 inactive shareholders. By contrast the 878 graziers on grazings with more than 3 active graziers only have to negotiate with 1520 inactive graziers – a 37% activity rate.

In Lewis, the practice of enclosing and agriculturally improving areas of hill land as 'township parks' was formerly common (for example, Back 63 ha; Garrabost & New Garrabost 118 ha). There are at least 1392 ha recorded on the SG's IACS files. It is known that some shareholders use these areas only, raising questions as to the actual stocking density on the open hill (1811 ha and 321 ha respectively in the two examples). There is no mechanism for declaring this and so no further light can be shone on the question in this report.

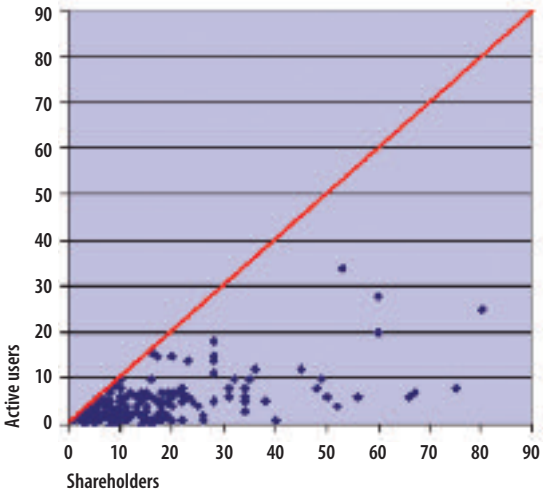



**Figure 15.**
**Activity as a function of number of shareholdings, Portree & Inverness SG areas**

No activity was reported on 7 grazings (3%) and there was only 1 active shareholder on 36 grazings (17%). The highest number of active shareholders reported in our sample was 34 but the median was only 3.

Comparison with (Brown 2006b) is interesting – while there is a possible shift towards less use, there is also a much higher % of grazings with 5 or more active users (Table 2).

| No. of graziers using common grazings | 0 | 1 | 2 | 3 | 4 | 5 or more |
|---|---|---|---|---|---|---|
| Percentage of common grazings (Brown) | 7 | 9 | 12 | 35 | 26 | 11 |
| Percentage of common grazings (this study) | 3 | 17 | 17 | 14 | 11 | 38 |

**Table 2. Number of active users per grazing: comparison with 2001 survey**

100% usage was reported on 26 grazings out of 204 grazings (13%). Inactive shareholders are over 2/3 of all shareholders on 102 grazings – 50% of the sample. Active shareholders are a majority on 33% of grazings and over 2/3 of all shareholders on 20%.

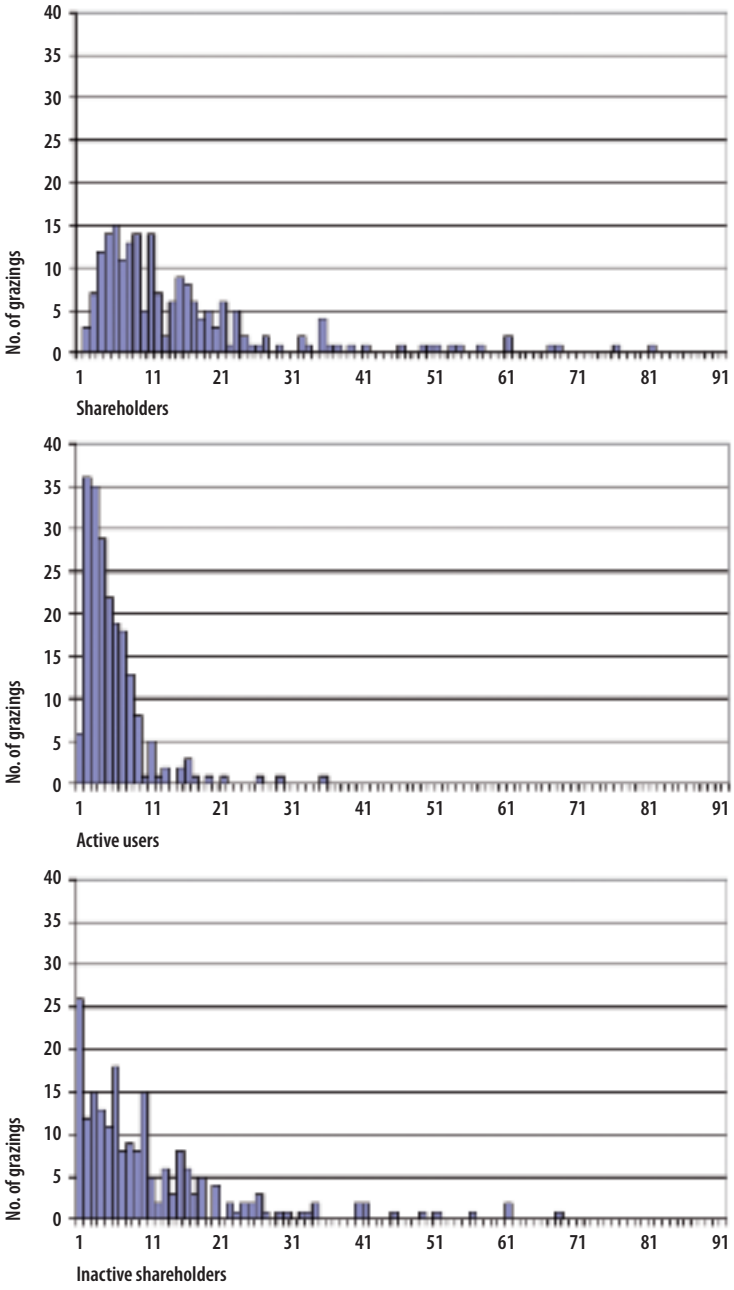



**Figure 16.**
**Distribution of shareholdings, active and inactive shareholders – Portree & Inverness SG areas**

**Use for claiming support payments**

360,360 ha out of a possible 590,501 ha of common grazing (60%) are used to claim SFP, all except 19,454 ha of which are also used to claim LFASS.

Looking at the 79 grazings for which we have data from both SGRPID and questionnaires, we can compare an estimate of actual active graziers provided by the grazings clerks with the exact number of SFP claims in IACS 2009 (Figure 17). Although this is a relatively small sample, the results of the comparison are interesting. Only on 14 of the grazings (18%) do the figures match exactly. Inspection of grazings known to the author in the survey reveals that confusion occasionally arises from such factors as the presence of a sheepstock club (ignored as a separate entity by clerks in their responses, but a separate IACS claimant nonetheless). Assuming on that basis that differences of +/- 1 can be ignored as trivial, the number of 'matches' increases to 34 (43%). The other 58% of grazings exhibit differences ranging from an 'overstatement' of 9 to an 'understatement' of 14 shareholders. Expressed as a percentage of shareholders, the difference ranges from 90% to -91% with a median of 20% of absolute difference.

It must be stressed that these facts are not necessarily an indication of 'errors', let alone fraud on the part of claimants. It is not clear why active shareholders would not claim their shares in IACS, but differences in the other direction are easily explained – inactive shareholders only need to ensure that the land they claim for SFP purposes are kept in GAEC; on a common grazings this is kindly being done for them by the active graziers. 21% of clerks were of the opinion that inactive shareholders were claiming SFP on their grazings. Argyll Islands clerks (mostly on Tiree) registered the lowest value – 5% - while East Mainland clerks put the figure at 38%. There was a significant difference between general and township grazings (even when Shetland scattalds are counted as 'general'), with 30% of general grazings clerks reporting claims by the inactive as compared to only 18% of township grazings. This ties in with the author's observation while an SAC advisor

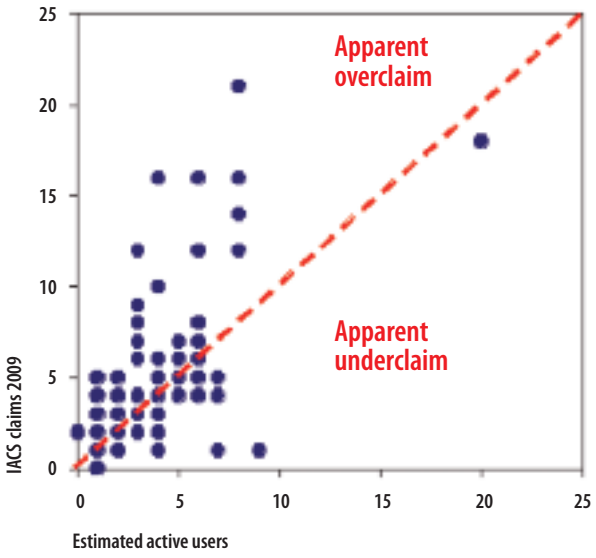



**Figure 17.**
**Estimated active users versus IACS claims 2009**

The project had no access to claims for the Less Favoured Area Support Scheme (LFASS) for individual grazings or shareholders – a scheme where the claimant indicates that he or she is actively farming the land. However, we note that at a Crofting Counties parish level, only 19,454 ha, or 5.5%, of the total area used to claim under IACS 2009 is not used for supporting LFASS claims.

Data on claims in 2009 was available for 264 grazings in the Portree and Inverness SGRPID office areas. 12 grazings (4.5%) had no claims (though a datasheet exists, suggesting that claims may have been made in the past). 40 (15%) had 100% of the area claimed. The average forage area claimed on a grazings was 63% (median of 67%). On 9.5% of grazings active users were only able to claim 25% or less of the area they were keeping in GAEC (and probably grazing, given the global proportion claimed for LFASS).

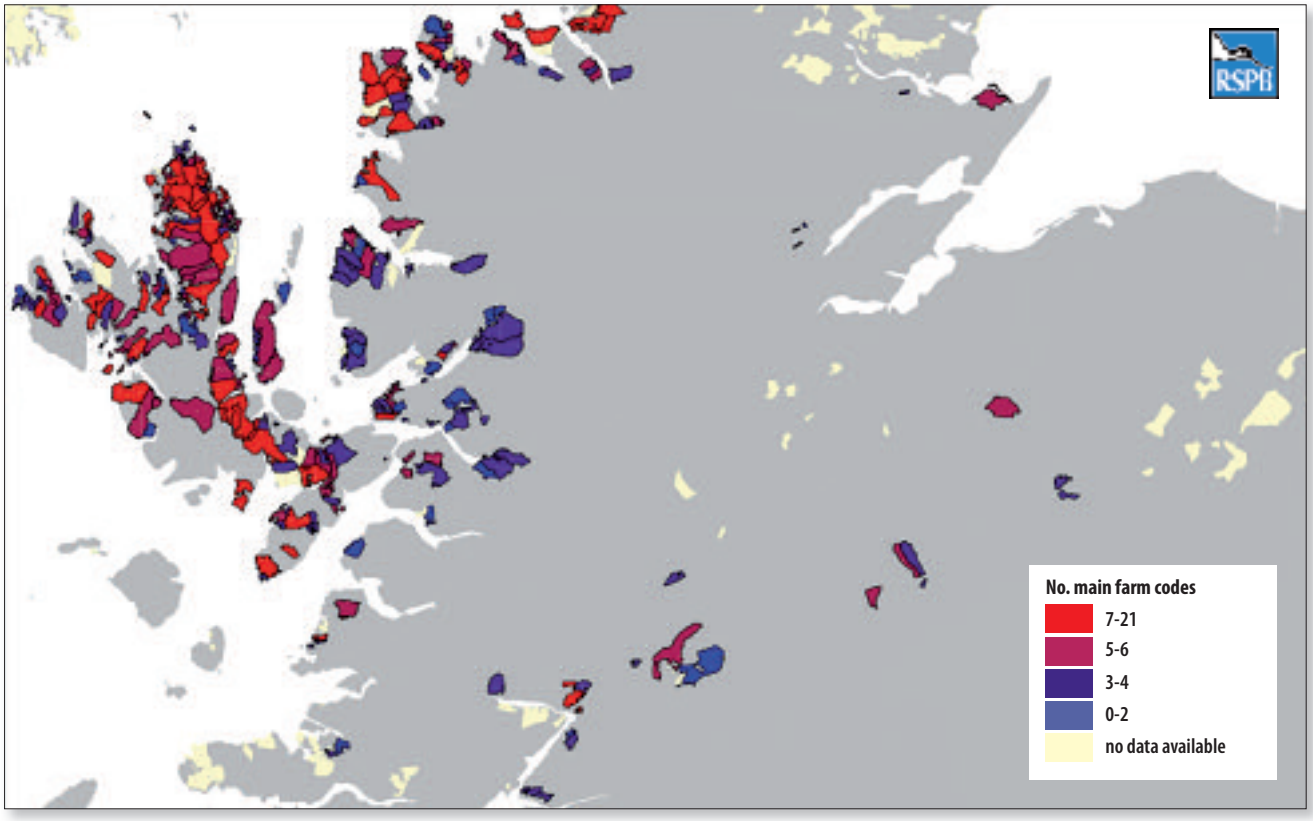



**Figure 18. Number of separate shareholders claiming per grazings, IACS 2009, by quartile**

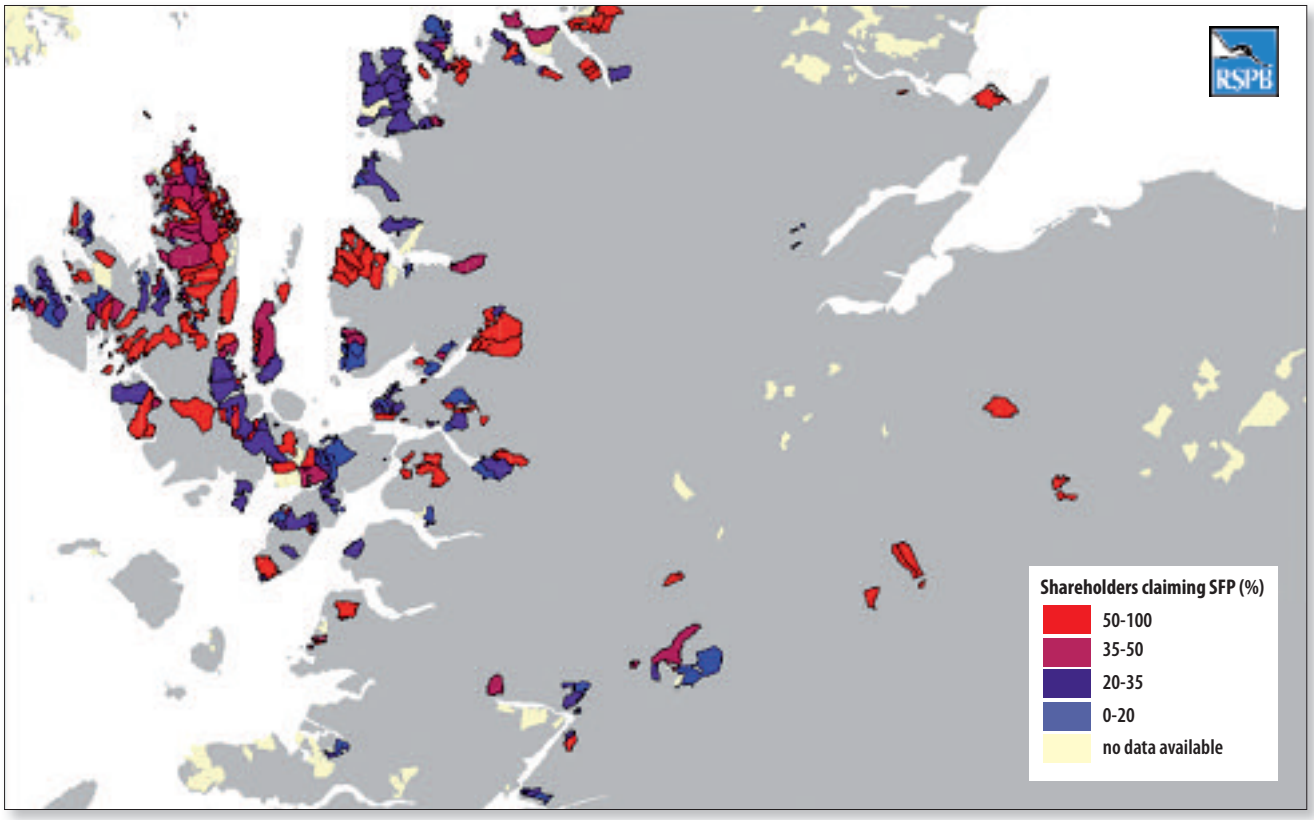
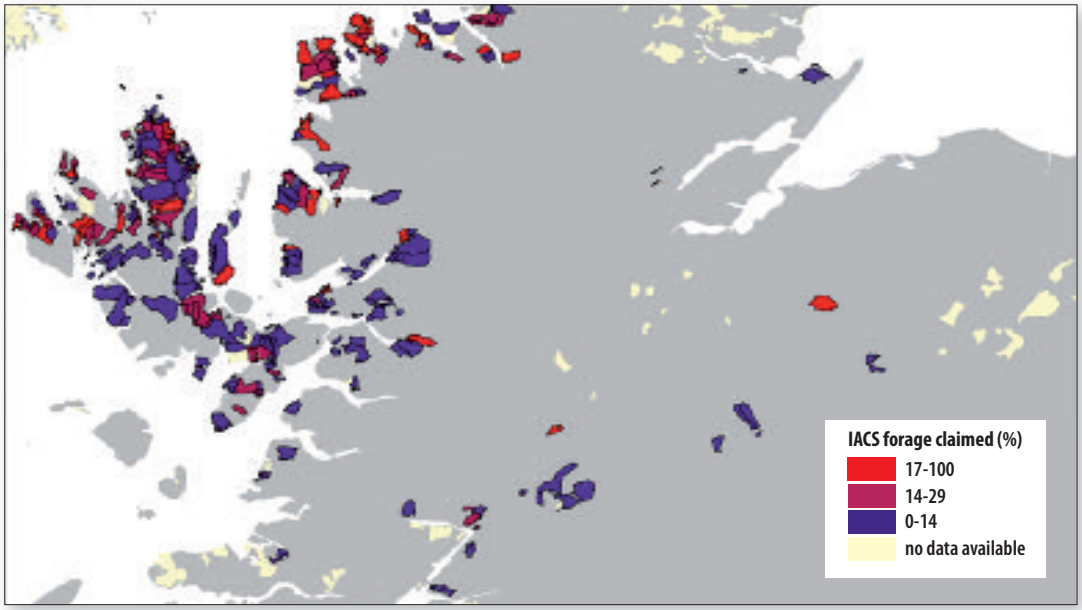
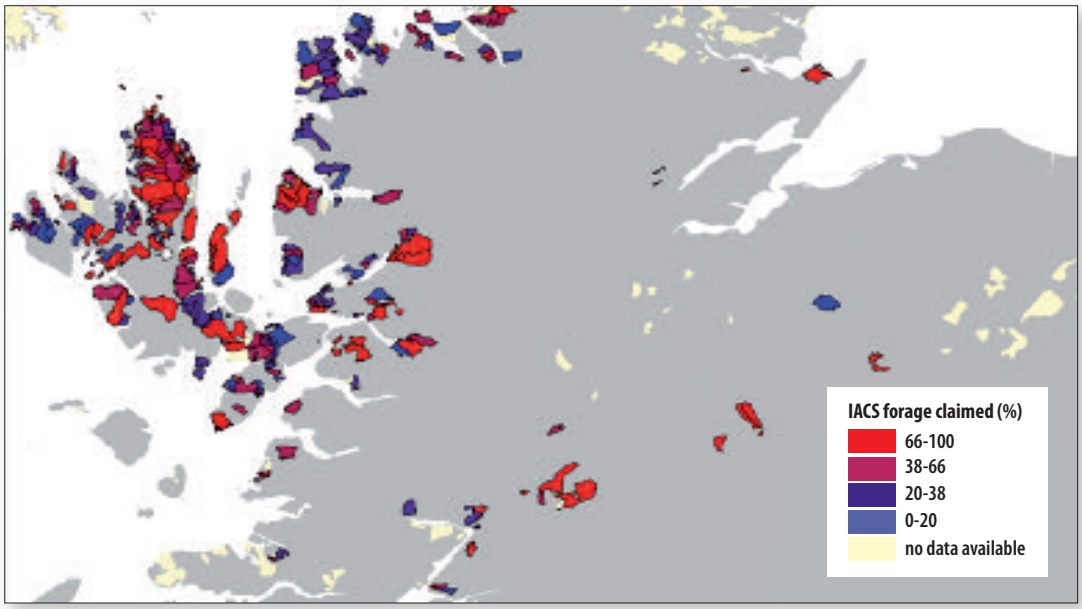



**Figure 19. % of shareholders claiming SFP, IACS 2009, by quartiles**




20a




20b


20c

**Figure 20.**
**Percentage of forage, IACS 2009, by quartile:**
**a) claimed by chief tenants**
**b) claimed by others**
**c) unclaimed**

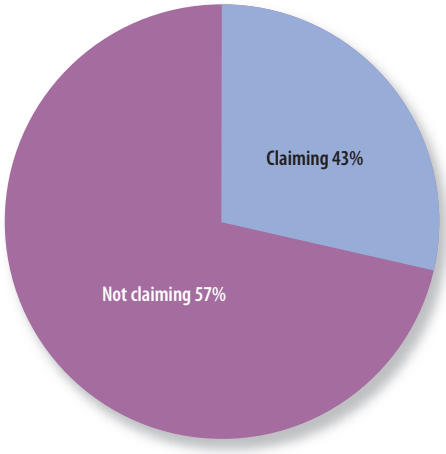



Figure 21.
Shareholders claiming, IACS 2009,
Portree & Inverness SG areas

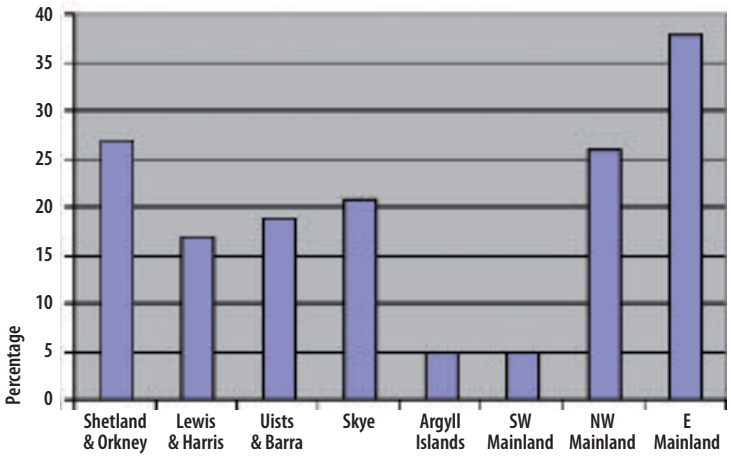



Figure 22.
Grazings in sample where inactive shareholders
are claiming SFP – clerk's views

We also investigated who is claiming. In the same Portree and Inverness grazings we looked at the % of all shareholders claiming. This time 100% claimed only on 9% of grazings and the average proportion of shareholders who claim is only 43% (median 40%). 69 (27%) of the 252 grazings with any claims at all had less than 25% of shareholders claiming and only 38 (15%) had more than 75% claiming (Figure 19).

Turning back to the percentage of forage claimed, we investigated whether the claims were made by shareholders with a full and permanent right to the share or whether they were held under time-limited or informal arrangements under which they could easily lose them should circumstances change. Chief tenants or owner-occupiers claimed an average of 48% of the forage area on the grazings in the sample. Ignoring the 12 grazings with no claims, chief tenants were claiming less than 25% of the forage on 70 (28%) of the grazings where some forage was claimed – there were 8 grazings where none of the forage was claimed on a secure basis (Figure 21).

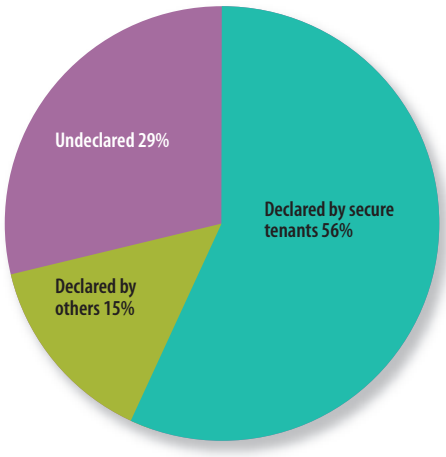



Figure 23. IACS claims on common grazing
2009, Portree & Inverness SG areas

For the grazings in the Portree and Inverness areas for which data was available, Figure 23 shows how the 146,619 ha of net forage was divided between unclaimed land and the various classes of claimants. Chief tenants had control over 83,408 ha of the forage and also had access through informal arrangements or sublets to another 15,282 ha. Claimants from the locality (defined as having main farm codes in the same or adjacent parishes) declared 5,824 ha. Some grazings committees within the area are known to be leasing out shares on paper only for the purpose of claiming SFP (so-called 'naked acres'). It was striking therefore that the area claimed by producers from outwith the immediate locality was only 293 ha – a trivial amount. Leasing is clearly mostly to locals and as such is indistinguishable from informal arrangements between individual crofters. In comparison, 42,988 ha went unclaimed.

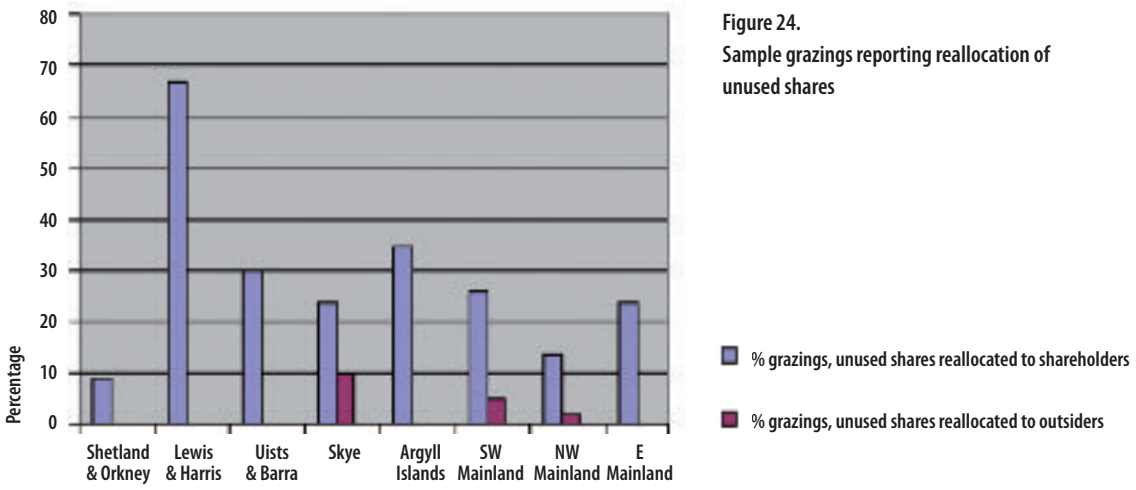



**Figure 24.**
**Sample grazings reporting reallocation of unused shares**

Shares not being used in IACS were being reallocated to other shareholders with the knowledge or involvement of clerks on 22% of surveyed grazings. This figure was highest in Lewis & Harris (67%) and lowest in Shetland & Orkney (9%). Only on 3% of surveyed grazings were unused shares reallocated to someone other than the shareholders on that particular grazings. This figure was highest in Skye (10%), where the SAC advisors have been encouraging and facilitating such action, with Shetland & Orkney, Lewis & Harris, Uist & Barra, Argyll & Islands and East mainland all recording nil returns.

## Souming

A soum is the maximum charge of livestock that a shareholder is permitted to graze. It may be expressed in terms of specific livestock classes and substitution between classes may be at a specified conversion factor or restricted in some way – some grazings are for cattle only, for example. The project did not have access to grazings regulations, but SGRPID, for the purpose of allocating forage to IACS claimants, has a record of souming and converts sheep to cattle at the standard LU rate of 0.15:1.

Souming details were available for 407 grazings in Ross-shire and Inverness-shire (except Uists & Barra). They ranged from 0.015 LU/ha (10 ha per ewe equivalent) to 1.93 LU/ha (almost 12 ewe equivalents per ha). On a grazings by grazings basis, the average souming is 0.23 LU/ha, but the distribution is highly skewed, with a median of 0.17 LU/ha. In terms of actual area, the average stocking is 0.17 LU/ha. In other words, the average by grazing is being distorted by high stocking densities on a few small grazings. This is indeed the pattern seen in the list. 17 grazings had a souming of 0.6 LU/ha (4 ewes/ha) or more. The average size of these grazings is 250 ha, and only 96 ha if the 2,729 ha Galson Moor (Barvas) is excluded, whereas the average of all grazings is 677 ha.

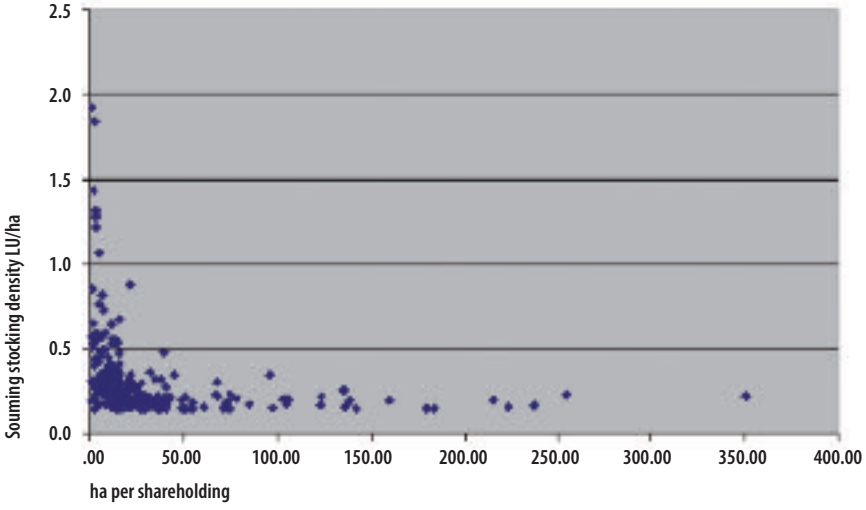



**Figure 25.**
**Relationship between souming stocking density and availability of land**

Furthermore many of these small grazings have numerous shareholders, for example 14 shareholdings on 25.1 ha in Steinish (Stornoway) or 704 shareholdings on 286.3 ha in Hacklete (Uig). The latter has only 0.41 ha per shareholding. Most of these grazings are township grazings for very populous townships, with the occasional general grazings. The high soumings are a reflection of the fact that a soum of half a cow would have been meaningless. In Hacklete, a minimal soum of 1 ewe per share would lead to a stocking density of 0.36 LU/ha! These high soumings are in fact an indication of former 'congestion', as described so vividly by Fraser Darling (Fraser Darling 1955).

At the other end of the souming spectrum, 100 grazings of the 407 (25%) for which data was available have a total soum of less than 0.12 LU/ha – the minimum stocking density 'limit' for LFASS (or more accurately, the density below which the area on which payments are notionally made are reduced so that the stocking density per hectare paid is 0.12 LU/ha). In other words the 1493 shareholders on these grazings cannot be fully compensated for the physical disadvantages under which they labour without breaching their grazings regulations (unless they are lucky enough to have very large and productive crofts – not usually a sign of disadvantage). Many of these grazings where LFASS acts in effect as a headage incentive are mountains (Torrin, Strath; Satran, Bracadale) or peatlands (Upper Barvas, Barvas; Cove Inverasdale, Gairloch) designated under the Habitats Directives.

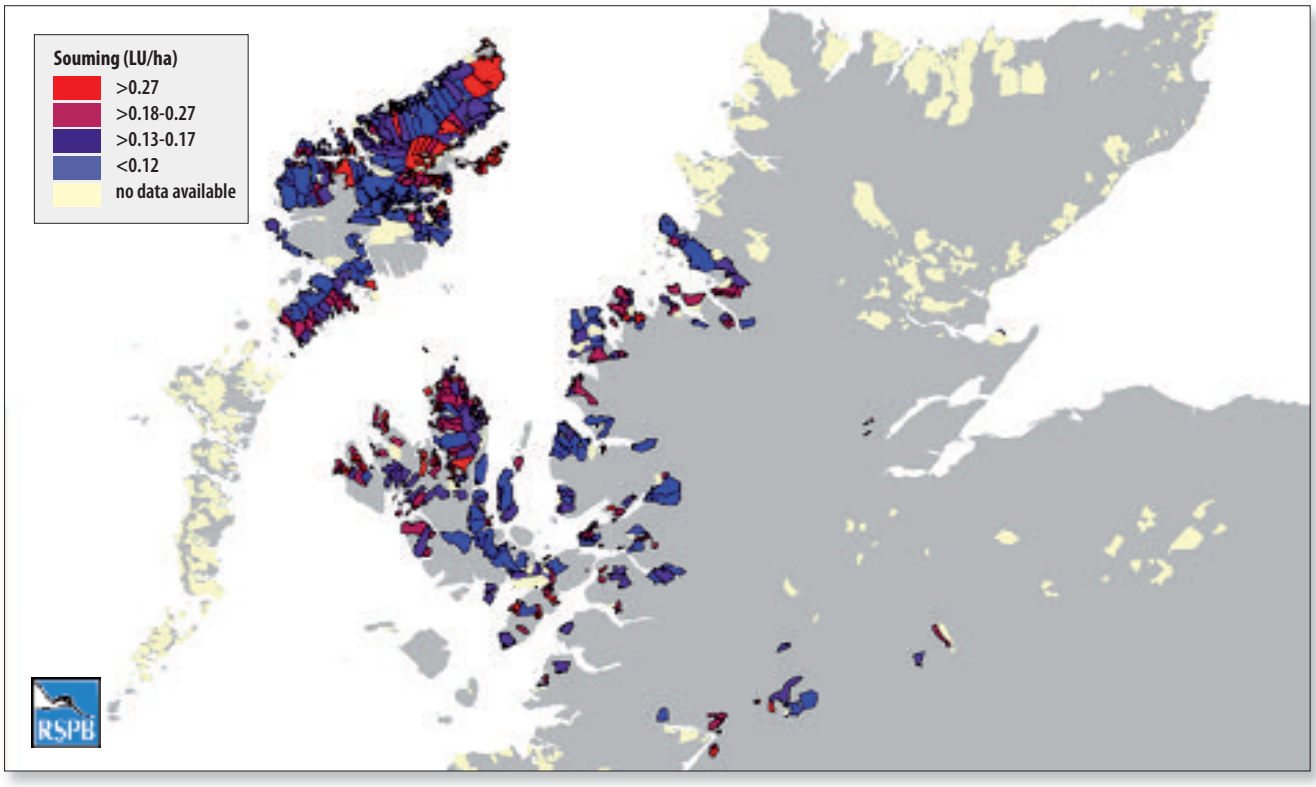



**Figure 26. Souming stocking density by quartiles**

*Created by Emma Teuten, CDMU, RSPB-Scotland. Reproduced from the digital Ordnance Survey map by permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office. © Crown Copyright. All rights reserved. RSPB licence 100021787*

Given the high percentage of inactive shareholders and the overall reduction in livestock numbers in the crofting areas since the introduction of decoupling of subsidies from production in 2005 (SAC 2008) it is perhaps quite surprising that in the questionnaire sample, 22% of common grazings keep to the individual soums, according to the grazings clerks. This figure is highest in the Argyll Islands (45%) and Shetland & Orkney (41%), low in NW Mainland (12%) and Uists & Barra (11%) and lowest in Skye (7%).

Many grazings take a pragmatic approach in the light of shareholder inactivity and claim to enforce overall rather than individual souming. In total 42% of all grazings clerks claim to be observing either individual or overall soumings, varying from 85% in the Argyll Islands; 69% in mainland Argyll and Lochaber and 64% in the Northern Isles.

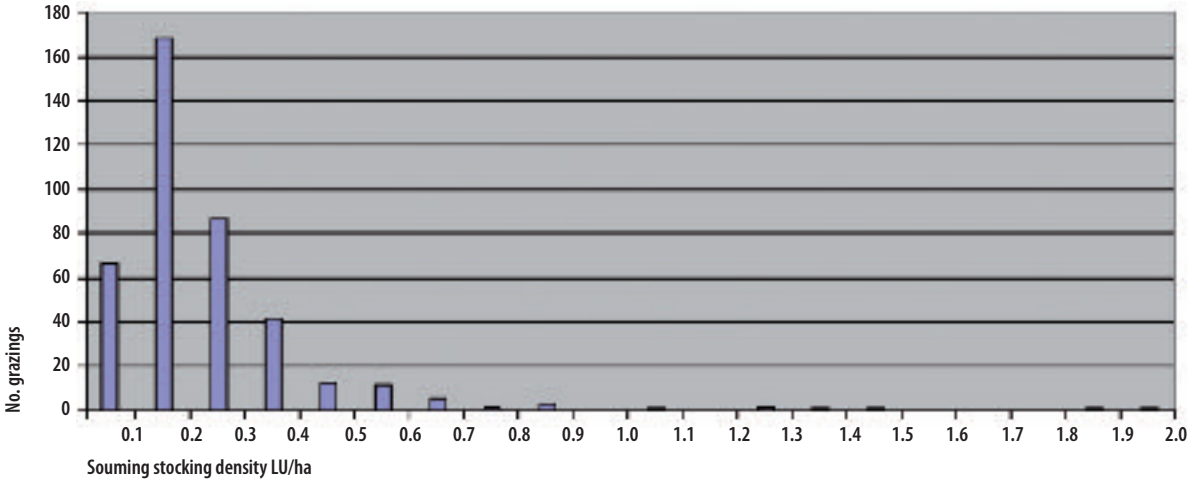



**Figure 27. Distribution of souming stocking density - Stornoway, Portree, Inverness SG areas**

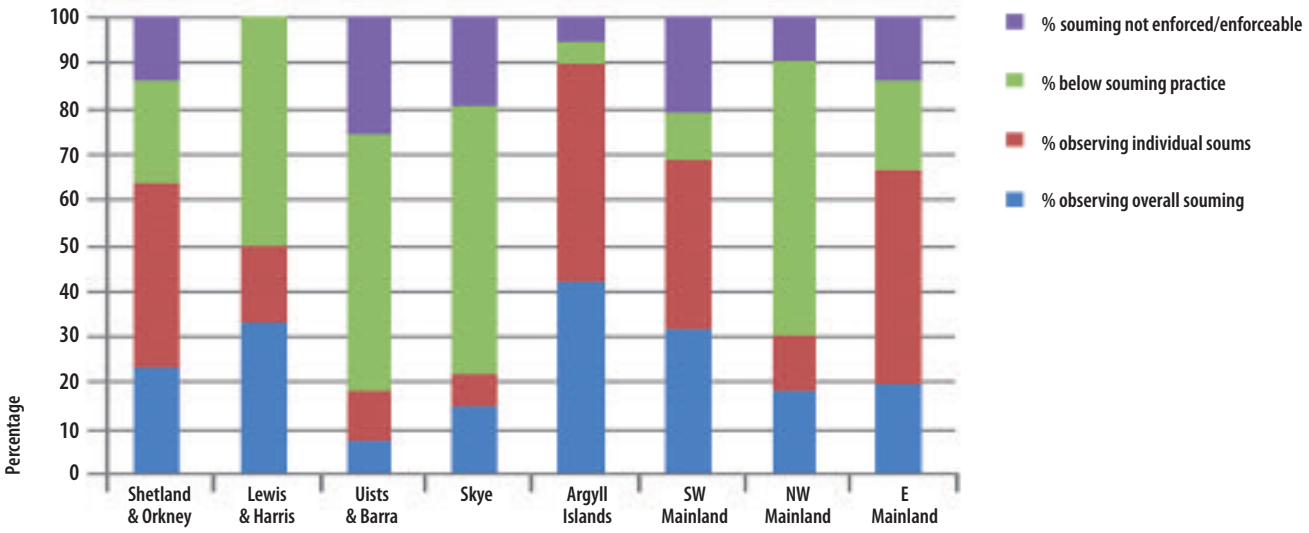



**Figure 28. Degree and method of control over stocking, questionnaire sample**

A number of grazings clerks admit to not concerning themselves with souming at present because stock numbers are so low (60% in the NW Mainland; 57% in Skye; 56% in the Uists and Barra and 50% in Lewis and Harris).

In 14% of grazings, soumings are considered unenforced and/or unenforceable. Only Lewis and Harris reject this viewpoint (no clerks reported this attitude), while in Skye and Uists & Barra a very significant minority of clerks were of this view (19% and 26% respectively).

The result is that there is a very large variation between areas, see Figure 28. The Argyll Islands are both regulating in principle and practice; Lewis and Harris seem to be regulators in principle but with activity levels too low for this to be tested in practice on half the grazings; Uist and Barra in contrast seem to be not only relatively inactive but much less committed to controls in practice. Is this reflected in clerks' professed attitudes?

We asked clerks about their views about souming in principle as opposed to in practice in 2010 (Figure 29). 37% of grazings clerks surveyed felt that soumings were not relevant any more and should by implication be done away with. Most surprisingly, this figure was highest in Lewis & Harris (75%), contrasting markedly with actual practice. Perhaps Lewis and Harris clerks are good at respecting even rules with which they don't agree! This viewpoint was also strong in the Argyll mainland and Lochaber and Skye, areas with large

shareholdings but high levels of inactivity. The incidence of this opinion was lowest in Shetland and Orkney (9%). But the most striking figure is from the Uists and Barra – despite a very high activity level of 47%, support for this opinion was the second highest of all the areas at 52%.

26% felt that souming is both relevant and something that is a matter for all shareholders. This figure was highest in Shetland and Orkney (45%), high in East mainland (43%), low in Lewis & Harris (17%) and lowest in SW Mainland (16%).

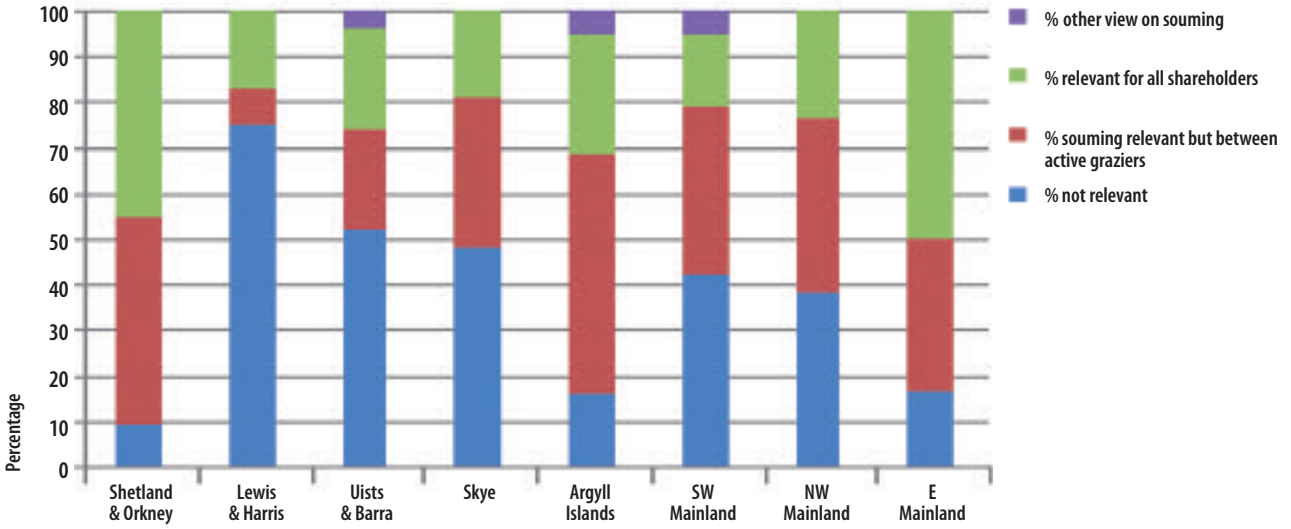



**Figure 29. Grazings clerks' attitudes to souming**

34% of clerks felt that souming is relevant but something best decided between active graziers. This figure was highest in Argyll & Islands (50%) – an area of notable activity, according to the survey; high in Shetland & Orkney (45%) and lowest in Lewis & Harris (8%).

### Labour on Common Grazings

The availability of labour is recognised as a major factor in management decisions on common grazings. This has two aspects. The first is the availability of the labour from within the grazings itself – work by the active crofters is usually 'free', but the reality is that it has very real costs. Some are lucky enough to be able to fit it into their 'leisure', so that the price is a social one – less time spent with family; less flexibility when it comes to holidays, and so on, though the crofter might occasionally ask himself whether his overall return is an adequate reward for his efforts. But others have to attend gathers and fanks during working hours; common grazings work then competes in a very real way with the prospect of earning real cash in the money economy.

The second aspect is more straightforward. When labour availability from within the group of active shareholders is insufficient, it has to be bought in. Hourly rates can be as high as £10. In fact the 'economically rational' crofter would be much better off being inactive on his own grazings (where he makes a loss on his actual activity on top of which he gives around an hour of unpaid labour per ewe – (see QMS 2010) and being active as a contractor elsewhere. Bringing in labour is thus a major consideration for a grazings – one which can completely change the apparent, 'cash-in-the-bank', economics of the system, and can cast a sharp light on the question of which items constitute 'township' expenses and who should pay for them.

In our questionnaire sample 57% of common grazings surveyed still have enough active shareholders to provide their own labour. This figure is highest in Argyll & Islands and Lewis and Harris (85% and 83% respectively), reflecting perhaps the high levels of activity in the former area and high shareholder numbers per grazings, allowing for a critical mass of labour even when the percentage of active shareholders is low, in the latter. In fact, no money changes hands in the sampled grazings in the Argyll Islands.

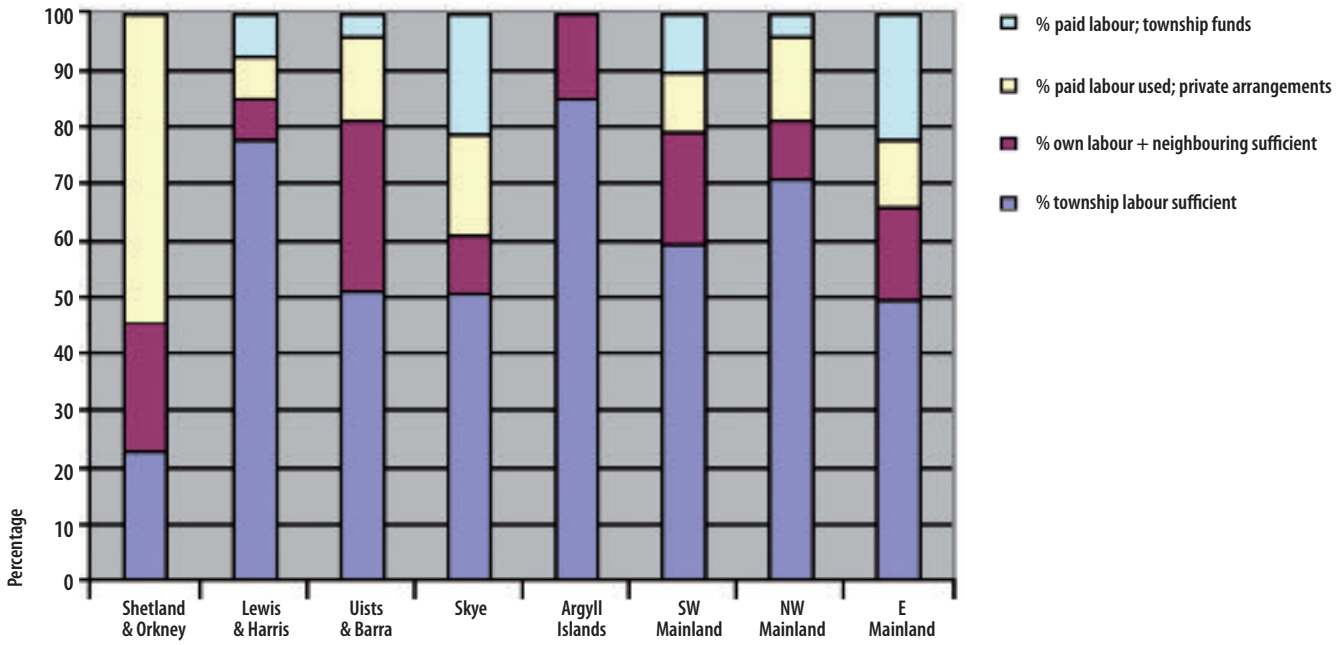



**Figure 30. Labour on sample grazings**

In general, paid labour is needed on substantially fewer than 50% of grazings in an area, but the figure is noticeably high in Skye and the East Mainland – areas with only a moderate level of activity. In the former, hearsay over the past ten years suggests that the trend is for an ever-increasing need to pay for labour.

Neighbouring is, perhaps not surprisingly, commonest in some of the areas with high levels of activity – Uists and Barra, for example – adjacent townships can conceivably achieve the critical mass of labour without needing to go to disinterested parties who would need to be paid.

Shetland and Orkney are highly anomalous, with 55% of the grazings paying for labour in some shape or form. One might surmise that the availability of alternative work might be a factor in this area. Interestingly, none of the grazings reported paying through the grazings account – paid labour is a personal business matter for the individual crofter. By contrast in Skye and the East Mainland 21% and 19% of grazings respectively pay for some labour through the grazings account.

### Agri-environment schemes

Up until the advent of the Environmentally Sensitive Area schemes in the early 1990s and the passing of the Crofter Forestry (Scotland) Act 1991, all ongoing support to crofters was delivered on an individual basis. Agricultural support payments were made to common grazings committees and constables, but these were one-off, mostly for capital investment. While both forestry and agri-environment schemes offer assistance with capital works, the Farm Woodland Premium Scheme, Environmentally Sensitive Area schemes acted primarily through per hectare payments for terms of 5, 10 or 15 years.

Subsequently these schemes were joined or replaced by the Scottish Forestry Grant Scheme, the Countryside Premium Scheme (CPS), the Heather Moorland Scheme, the Habitats Scheme, the Rural Stewardship Scheme (RSS) and the Land Management Contract Scheme before all were finally swept away in a so-called simplification exercise under the current Rural Development Programme (RDP). The Rural Priorities (RP, discretionary) and Land Managers' Options (open access) elements of that Programme is also replacing Scottish Natural Heritage (SNH)'s Natural Care schemes on certain designated sites as well as SNH's management agreements with individual occupiers.

It is regrettably not possible to give any information of the overall uptake of schemes by common grazings committee, or to compare the uptake of such schemes by grazings with uptake by farmers or crofters.

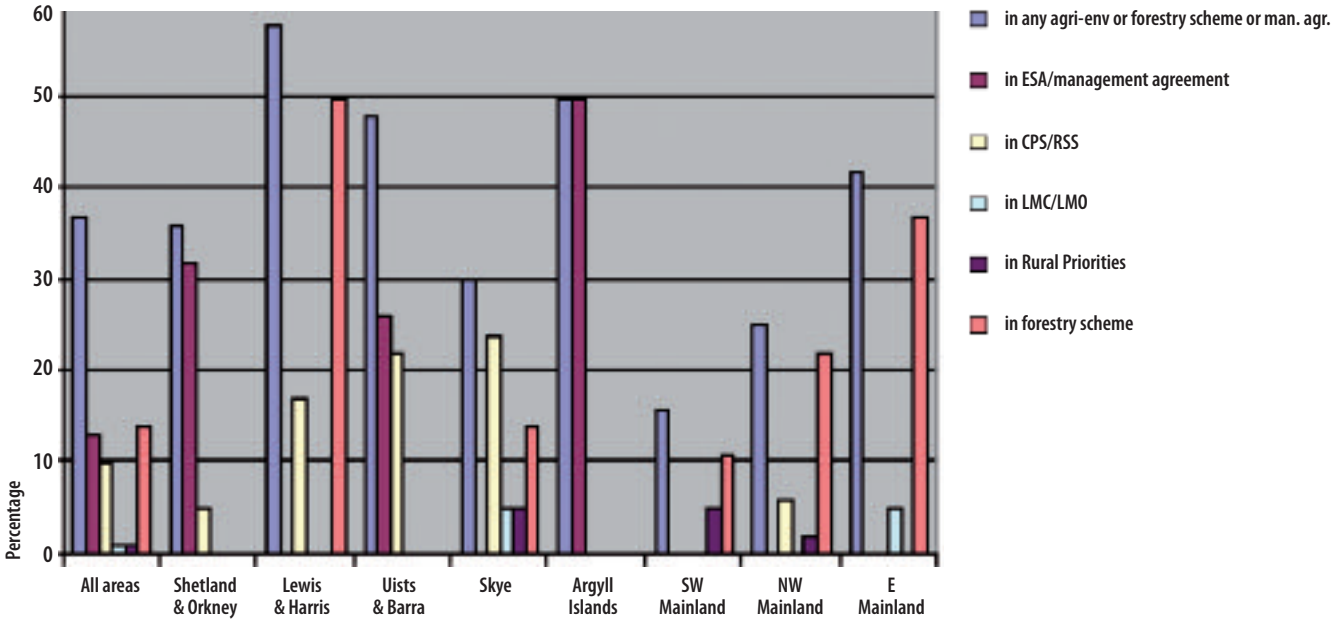



**Figure 31. Agri-environment and forestry scheme participation by area**

37% of surveyed grazings are in some sort of area-based rural development scheme. The highest percentage is in Lewis and Harris (58%), but most of these are for afforestation – this area also has the highest uptake of forestry schemes. These schemes are the only ones of any significance in the mainland crofting areas (although uptake of all schemes is particularly low in the SW Mainland, at 16%)

Environmentally Sensitive Area schemes and SNH management agreements were the only form of scheme participation in the Argyll Islands and the most significant in the areas containing the other former ESAs, Uists and Barra and Shetland.

CPS and its successor, RSS, were most significant in Skye and the Western Isles. Uptake of Land Management Contract (LMC) or Land Mangers' Options (LMO) is abysmal in all areas, with only 1% of all grazings participating. A similar percentage is involved in the new Rural Priorities scheme. No grazings are participating in any form of organic aid scheme.

### Common Grazings not in agri-environment schemes

We asked the clerks/constables of grazings not in any Rural Development schemes what was the main reason for their non-participation. The pattern varied considerably. Lack of information was the major reason in the Western Isles, with Lewis and Harris also noting (under 'other reasons') the unavailability of consultants willing to advise on and/or prepare forestry schemes (Figure 32). Shetland was well informed, as were the Argyll Islands, both former Environmentally Sensitive Areas with high uptake levels, but other non-ESA regions were also well-informed (the author declares an interest as regards Skye). The ESA areas are nevertheless interesting in terms of other factors, as they have been able to evaluate schemes on their merits. The 'other reasons' in the Argyll Islands were dominated by the perceived need to have somewhere to put stock when the crofts were shut off under various agri-environment schemes, but clerks were also sceptical that the schemes give adequate reward. In Shetland, failure to get agreement with either active or inactive shareholders was the main reason for non-participation in 45% of grazings.

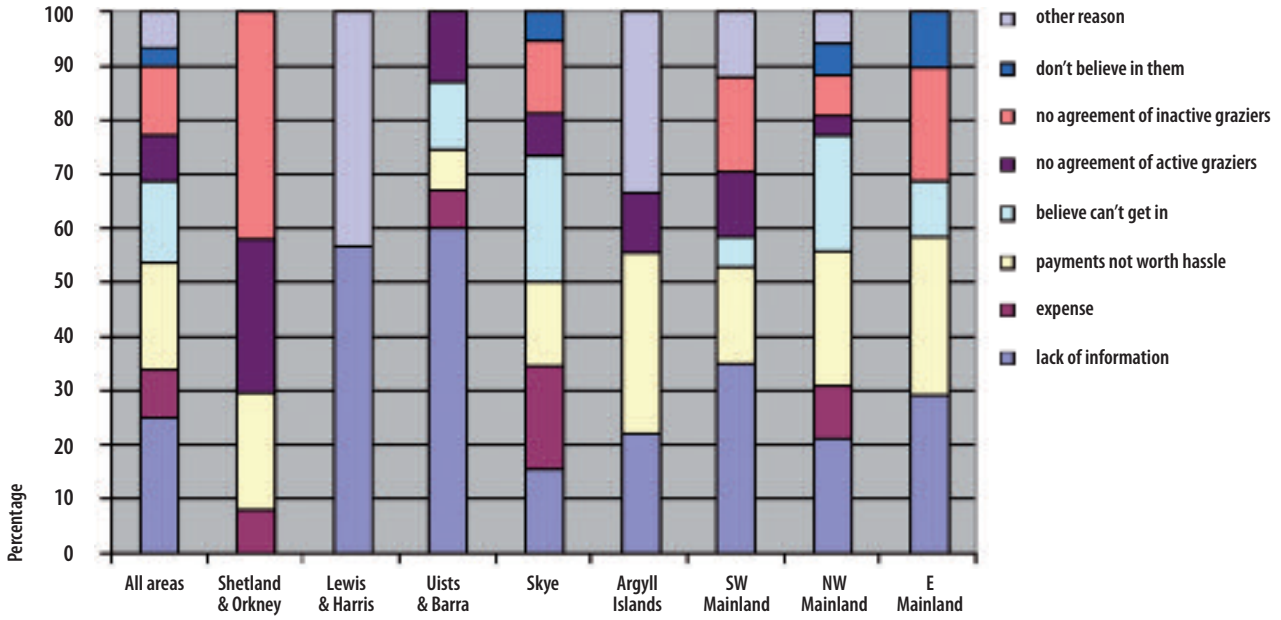



**Figure 32. Reasons for non-participation in RD schemes**

### Difficulties accessing schemes

66% of common grazings surveyed stated that accessing schemes was more difficult for them than for a hill farm, the largest percentage (90%) being from Shetland & Orkney. 45% stated that this was because of the way the scheme works, while 20% cited social reasons (difficulty in obtaining shareholders agreement and lack of trust). 25% of respondents stated that accessing schemes was no more difficult than on a hill farm, the largest percentage of these (67%) being from Lewis & Harris.

## 4.5 Significance for biodiversity policies

Common grazings are predominantly semi-natural vegetation – grasslands; heathlands; wetlands; more unusually, grazed woodlands and sand dunes. 1392 ha in Lewis and Harris are noted as 'improved' by the SG, and crofters' cropped and fallow strips are mapped on the same field identifier as the surrounding uncultivated machair on some grazings, but since reverted semi-improved grassland and fallows are also semi-natural vegetation sensu lato, the area which does not fall under the umbrella term High Nature Value (HNV) Farmland is trivial in the scheme of things.

SNH used a mask to exclude non-farmland from the dataset semi-natural vegetation classes from Land Cover Scotland 2000 and produced a first estimate of 3,844,252 ha of 'Type 1' (i.e. semi-natural vegetation dominated) HNV farmland (Duncan Blake, pers. Comm.). In this case, common grazings account for around 15% of this type of HNV farmland. The mask used by SNH included not only IACS but an additional 10% of land which also appears to have the characteristics of farmland. It is not clear whether excluding this additional land would significantly change the estimated HNV area.

Although HNV farmland is a more inclusive concept than, for example, Biodiversity Action Plan Priority Habitats, it is not surprising given the composition of much of Scotland's semi-natural vegetation, that large areas are designated as being of not just national but international significance.

| | |
|---|---|
| % of all land which is common grazings | 6.8 |
| % of SSSI which is common grazings | 8.2 |
| % of non-marine & mixed SAC which is common grazings | 10.9 |
| % of SPA which is common grazings | 13.1 |

**Table 3.**
**Designated common grazings as a proportion of all designated land**

As shown in Table 3, Site of Special Scientific Interest (SSSI) designation is 20% more likely on common grazing than the Scottish average, designation as an Special Area of Conservation (SAC) under the Habitats Directive (92/43/EEC) roughly 60% more likely and designation as a Special Protection Area (SPA) under the Birds Directive (79/409/EEC) 91% more likely.

The higher percentages for EU than national designation is interesting, reflecting to some extent the low value given nationally to areas of 'common' habitat which are nevertheless home to significant habitats and/or breeding and wintering birds. This is clear from comparing the respective proportions of common grazing land and Scotland which have been designated – SPAs are the largest group on common grazings; non-Natura SSSIs account for the largest area in Scotland as a whole.

| | ha | % |
|---|---|---|
| All common grazing fields | 537.901 | 100 |
| Total designated land in common grazing fields | 147,660 | 27.5 |
| SPA in common grazing fields | 115,021 | 21.4 |
| SAC in common grazing fields | 79,675 | 14.8 |
| SSSI in common grazing fields | 84,966 | 15.8 |

**Table 4.**
**Proportion of common grazings designated**

| | ha | % |
|---|---|---|
| Scottish land area | 7,877,200 | 100 |
| Total designated land | n.a. | n.a |
| Designated an SPA | 880,096 | 11.2 |
| Designated a marine/mixed SAC | 728,214 | 9.2 |
| Designated a SSSI | 1,035,820 | 13.1 |

**Table 5.**
**Proportion of Scotland designated**

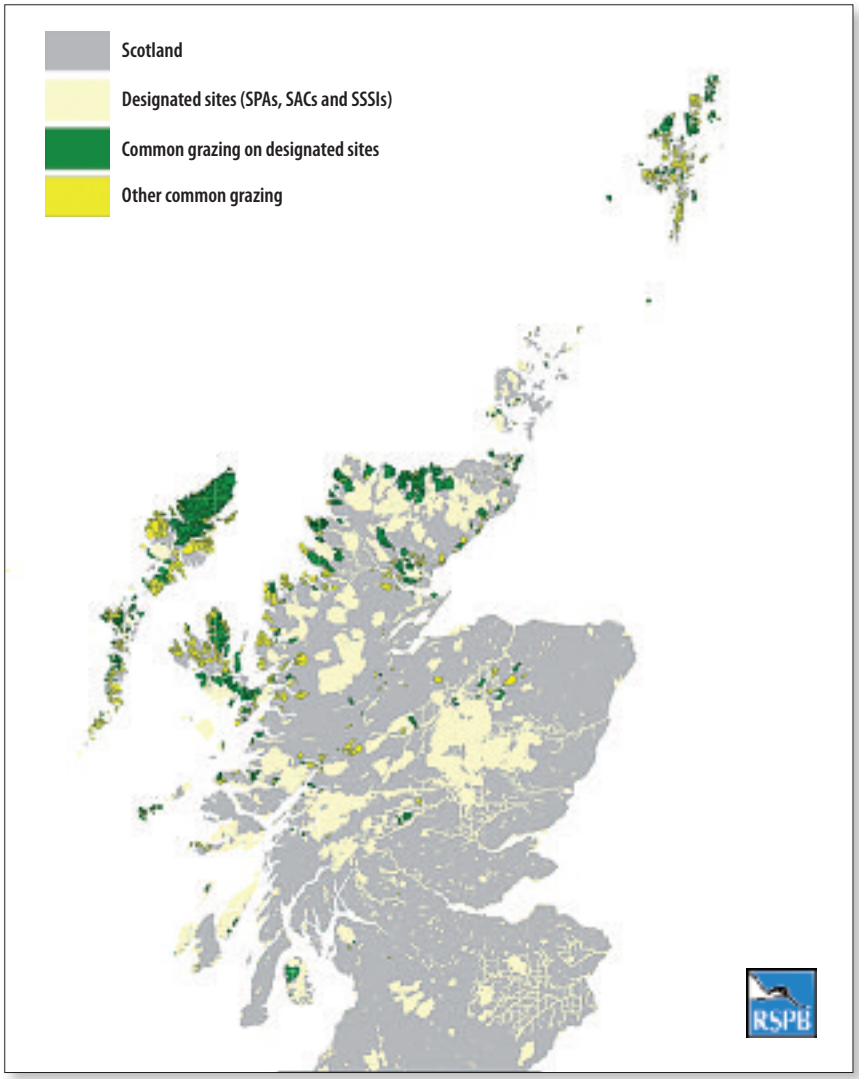



**Figure 33.**
**Biodiversity designations and common grazings**

*Created by Emma Teuten, CDMU, RSPB-Scotland. Reproduced from the digital Ordnance Survey map by permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office. © Crown Copyright. All rights reserved. RSPB licence 100021787*

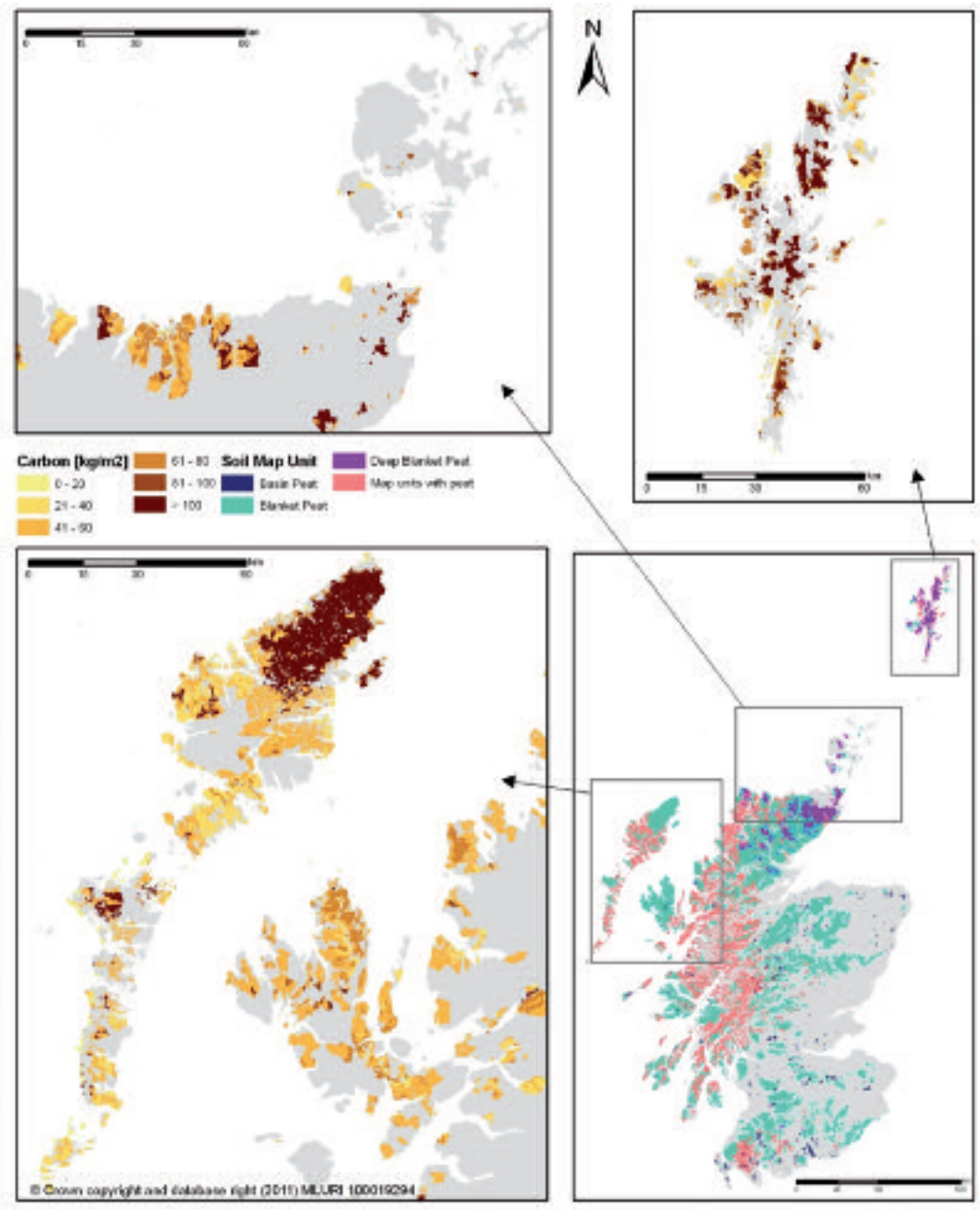
## 4.6 Common grazings as carbon stores

- Common grazings cover 7% of the land area of Scotland
- 49% of the common grazing land in Scotland is on peat soils
- 28% of the common grazing land in Scotland is on peat soils greater than 1m depth
- 14% of the common grazing land in Scotland is on peat soils greater than 2m depth
- 15% of the peat area of Scotland is under common grazings
- 30% of the peat over 2m deep is under common grazings

Common grazings are more than twice as likely to be peatlands as Scotland as a whole and over four times as likely to be on deep peat.

Based on SSKIB data, the soils of common grazing lands in Scotland contain approximately 10% (324 Mt) of the total carbon in Scottish soils. Figure 34 shows a national scale map with areas of basin, blanket and deep (>1m) blanket peat in Scotland delineated, along with areas where peat is an integral part of the landscape (soil complexes comprising peat). Accompanying the national map are inserts showing carbon contents on common grazings.

Figure 34.
Peat and soil carbon on common grazings




## 4.7 Institutional arrangements on common grazings

The project attempted to gain an insight into the vitality and scope of governance by grazings committee or constables.

### Bank Accounts

80% of Grazings surveyed have a bank account. This figure is highest in Lewis & Harris (100%) and lowest in East Mainland (57%). 50% of accounts contain money from various Government schemes (50%); 31% contain money raised from shareholders and a surprisingly high proportion – 35% – have money from other sources. We did not enquire as to the source, but examples might include compensation for resumption; proceeds from house site sales; rent for masts or wind farms. The questionnaire also asked clerks on grazings with bank accounts whether money from shareholders was raised from all shareholders or only from those who might be considered 'beneficiaries' of the proposed spending (e.g. active graziers in the case of spending on a fank). Unfortunately, it seems that the question was not limited to clerks with bank accounts in at least some interviews, leading to figures of >100%. Since the size of the actual sample is not clear, it is not possible either to take this data as being an expression of the clerks' opinions in principle.

## How the money is used

54% of grazings surveyed used the money from the bank account for Crofting Counties Agricultural Grants Scheme (CCAGS) work.; the highest figure for this was from Uist & Barra (85%) and the lowest East Mainland (5%). 23% for other uses (mostly fencing, etc not done under CCAGS); the lowest figure from Uist & Barra (0%). 9% used their money for provision of labour and 6% for bull hire. Interestingly, payment of dividend was not mentioned by any clerk – in the light of the information on the division of scheme payments (see below), this is clearly a weakness of the question used.

## Distribution of money from agri-environment and forestry schemes

The majority of grazings participating in area-based rural development schemes in our sample did not apparently pay out the money directly to shareholders (Figure 35), but rather kept it in the grazings account. A significant proportion of around 20% pay all shareholders and around 10% pay all active graziers. Data from Orkney and Shetland was incomplete.

We tested the hypothesis that the payment logic of agri-environment schemes and forestry schemes is sufficiently different as to result in different payment distribution patterns. (We might characterise the schemes in a somewhat simplified manner as, respectively, promotion of certain grazing practices or reduction of grazing pressure by active graziers, as opposed to a reduction of the forage available to all shareholders, whether active or not.) Grazings which were not in forestry schemes but in agri-environment (a small sample of 11 grazings) were compared with those in agri-environment but not forestry schemes. However this proved not to be the case, except that there were no forestry-only grazings in which money was shared between committee and either active or participating graziers.

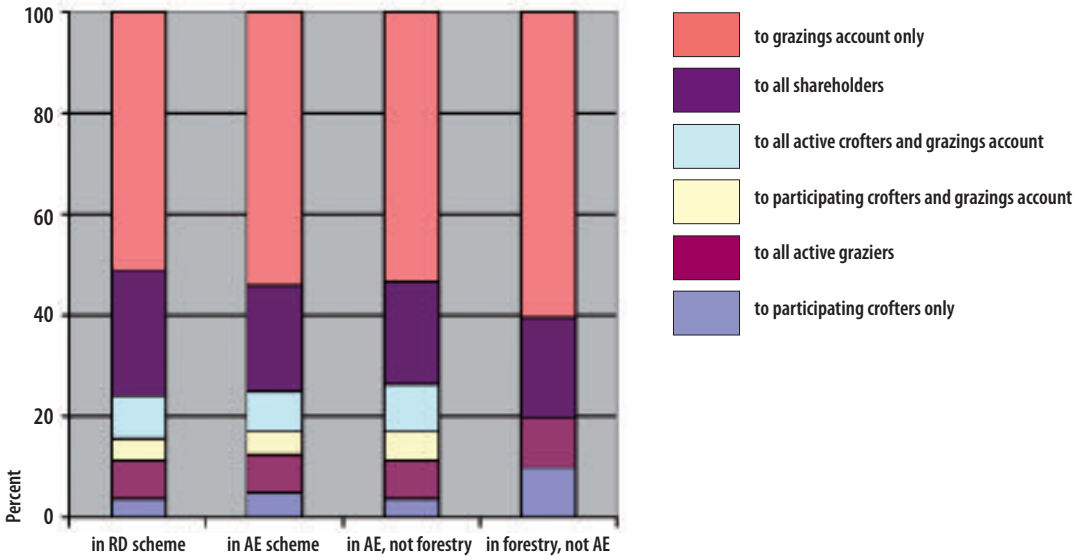



Figure 35. Distribution of scheme money

## Sufficiency of financial resources

45% of grazing clerks/constables surveyed believed that lack of access to money not an issue for their grazings. This was highest in Lewis & Harris (100%), high in Argyll & Islands (90%) and lowest in Uist & Barra (11%).

29% of respondents thought that access to money was limited by individual shareholders being unwilling to pay their share. This view was not held in Lewis & Harris or Argyll & Islands (both 0%).

25% of respondents agreed with the statement that a lack of access to money was an issue but no more of an issue for common grazings than for individual crofters. This view was not recorded in Lewis & Harris (0%).

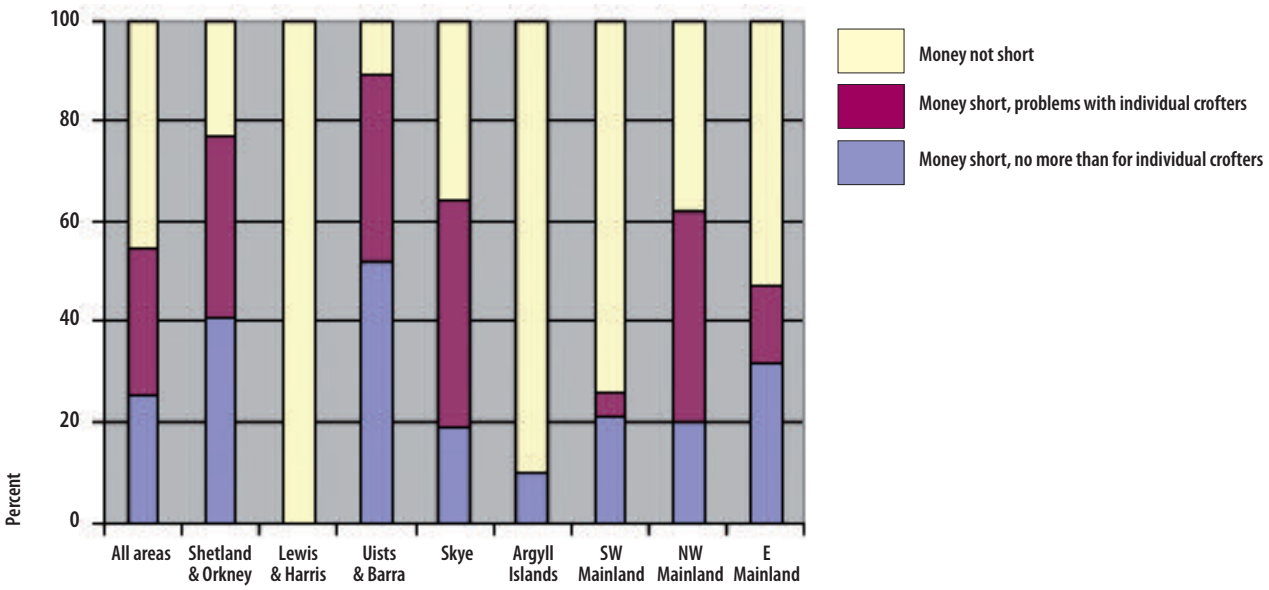



**Figure 36. Availability of funds**

## Committee meetings

51% of Common Grazings surveyed hold committee meetings once a year. This figure is highest in Argyll & Islands (80%) and lowest in Lewis & Harris (17%), which is also the only area where one meeting per year is not the most common frequency (Figure 37). The link between activity levels and meeting frequency is far from straightforward – the Argyll Islands are active but have few meetings; Lewis and Harris are less active and have many. Interestingly, townships with <5 shareholders (such as in the Argyll Islands) are much more likely to have only one meeting than those with more (such as in Lewis and Harris) – see Figure 38. In our sample, only grazings with >5 shareholders deem it necessary to have over 3 meetings a year.

Interestingly, grazings participating in rural development schemes are more likely to have more than one meeting per year and more likely also to have more than 3 meetings. Though we can surmise that some causality is at play, it is far from clear in which direction this might be operating – is an administratively-active grazings more likely to be in a scheme, or are more meetings necessary in order to implement a scheme?

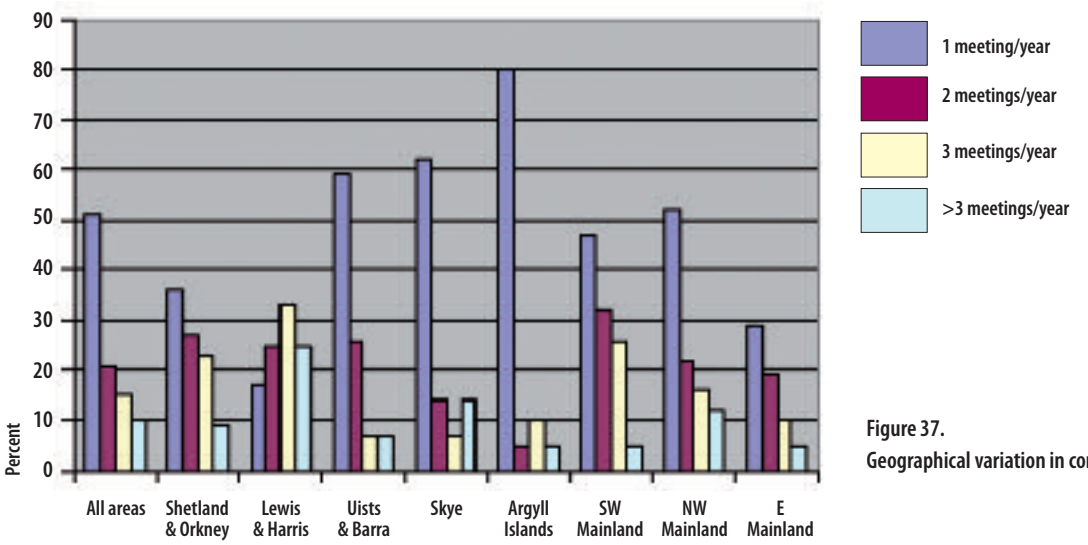



Figure 37.
Geographical variation in committee meeting frequency

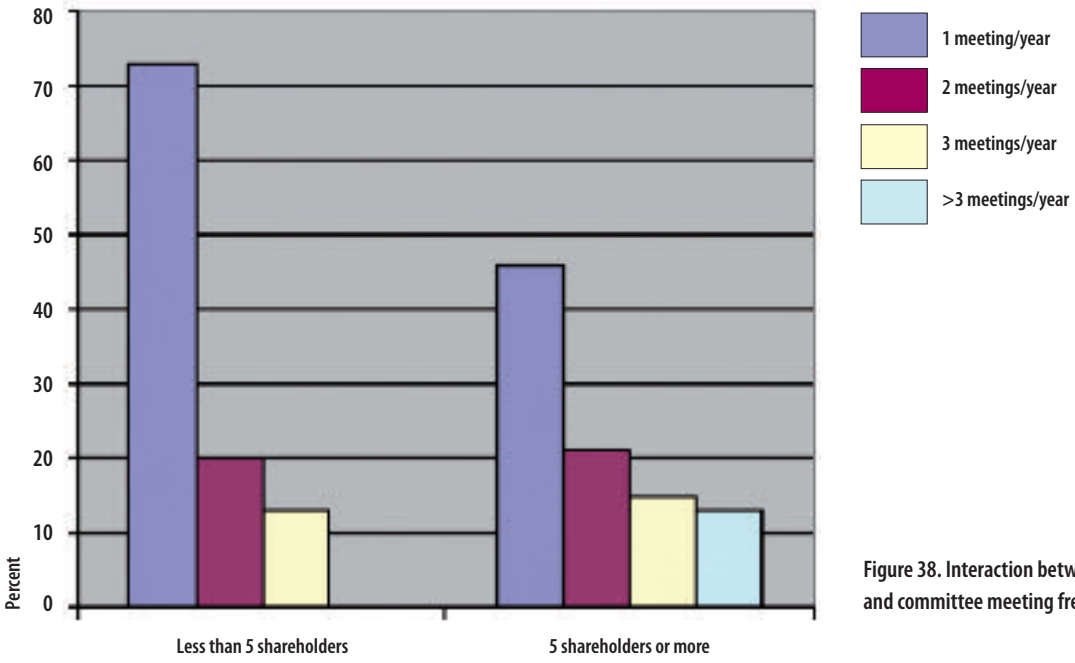



Figure 38. Interaction between no. of shareholders and committee meeting frequency

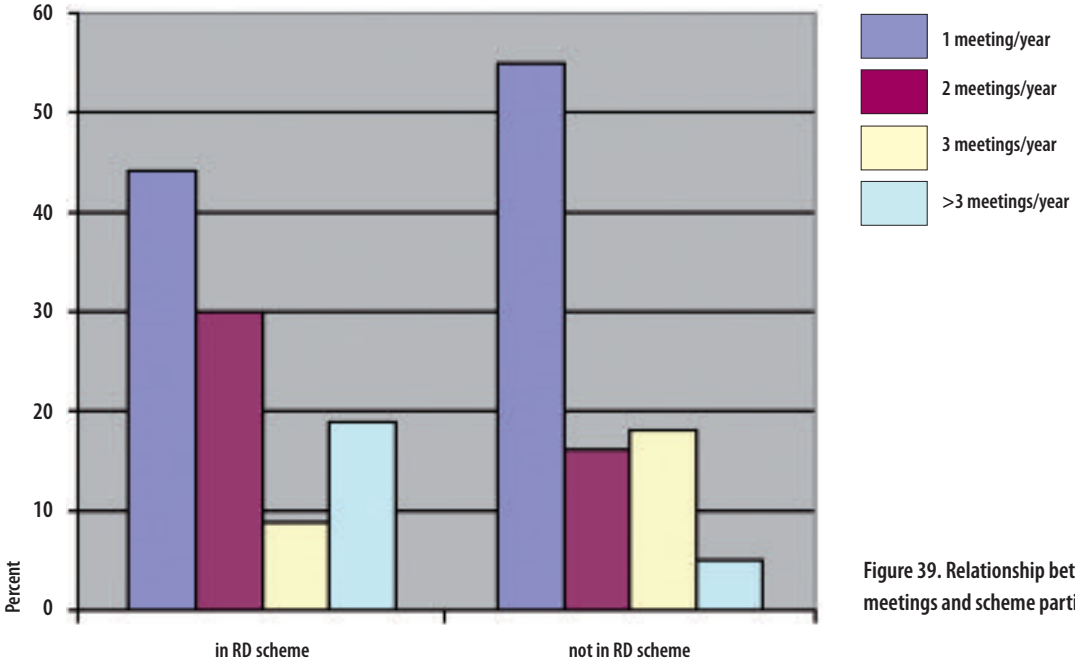



Figure 39. Relationship between no. of committee meetings and scheme participation

### Dealings with Crofters Commission

45% of Grazings surveyed have had dealings with the Crofters Commission in the last 10 years. That figure is highest in Shetland & Orkney (73%), high in Lewis & Harris (67%) and lowest in Argyll & Islands (10%).

### Grazing Clerk

On 83% of the surveyed common grazings the clerk is an active shareholder; an inactive shareholder on 5% of surveyed grazings, active outwith the grazings on 6% and not active in crofting or farming on 6% of grazings.

## 4.8 Grazings Clerks' attitudes

### Who should claim SFP/LFA payments?

We asked clerks who they thought should, in principle, be allowed to claim IACS forage on their grazings, i.e. who should claim SFP and LFA payments.

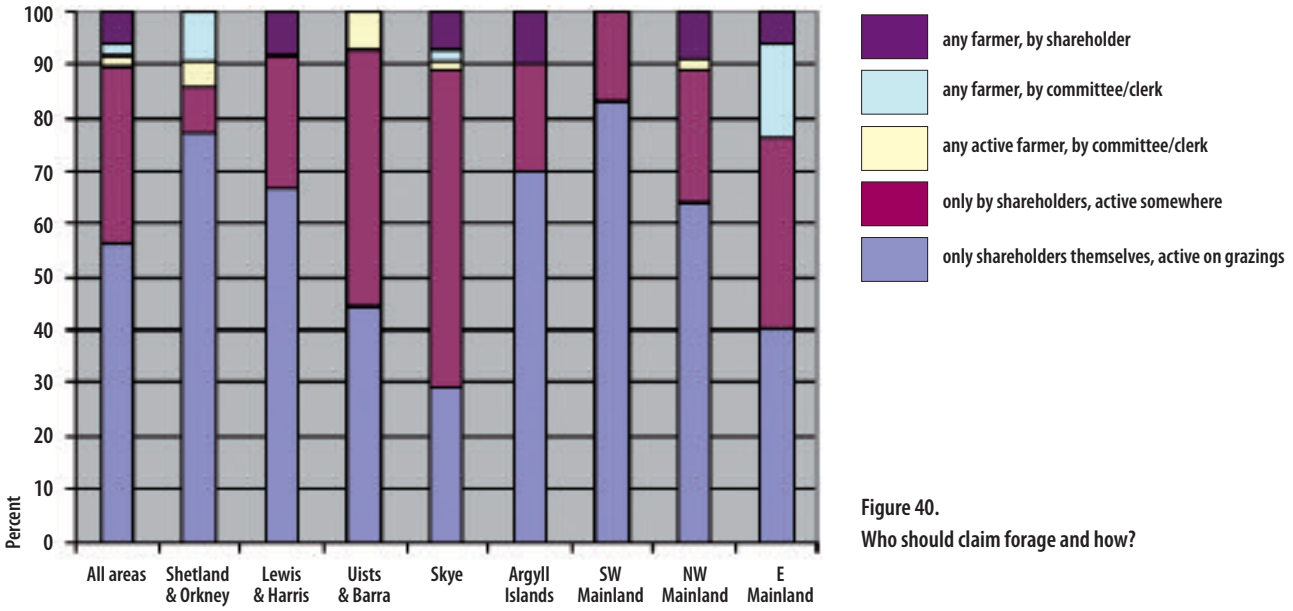



**Figure 40.**
**Who should claim forage and how?**

On average, 54% of grazing clerks/constables surveyed believe that support payments should only be claimed by shareholders active on the grazings. This view was more strongly held in the SW Mainland (79%) and was the most popular position in all regions except Uist & Barra and Skye (44% and 29% respectively). In the East Mainland this was the most popular choice, but this view was still held by only 37% of all clerks.

The second most popular opinion was that support payments should only be claimed by shareholders who are active somewhere, i.e. not necessarily on that particular grazing. This view was most prevalent in Skye and Uist and Barra (60% and 48% respectively) and least prevalent in Shetland and Orkney (9%). Taken together, these two 'active grazier' options account for the views of over 85% of clerks everywhere.

It is interesting how the relative preference for the two 'active' options varies geographically. The 'active somewhere' option is popular in Skye and Uist and Barra. It might be postulated that the number of general grazings in Skye (used by fewer of the shareholders than

the township grazings) may explain the former. The Uists and Barra also have a number of important general grazings, and in the Uists it may be that lower rates of use of hill grazings compared to machair grazings is a factor which colours the clerks' views. However, this does not explain the high preference for graziers who are active on that particular grazings in Lewis, where there are also numerous large general grazings.

**Participation in agri-environment schemes**

We asked clerks who should decide on participation. The result was very confusing, not least in the wide variation seen between regions (Figure 41). Observer bias cannot be ruled out – it is striking that the three areas where unanimity of shareholders was most popular were all surveyed by one individual.

A majority or unanimous decision by all shareholders taken together accounted for more than half the clerks in Lewis and Harris, the Argyll Islands, SW Mainland and E Mainland.

By way of contrast, decisions explicitly made by the active (clerk/committee; all active; majority of active), though never dominant, made up a significant segment of opinion in NW Mainland and Skye and, to a lesser extent, in the E Mainland.

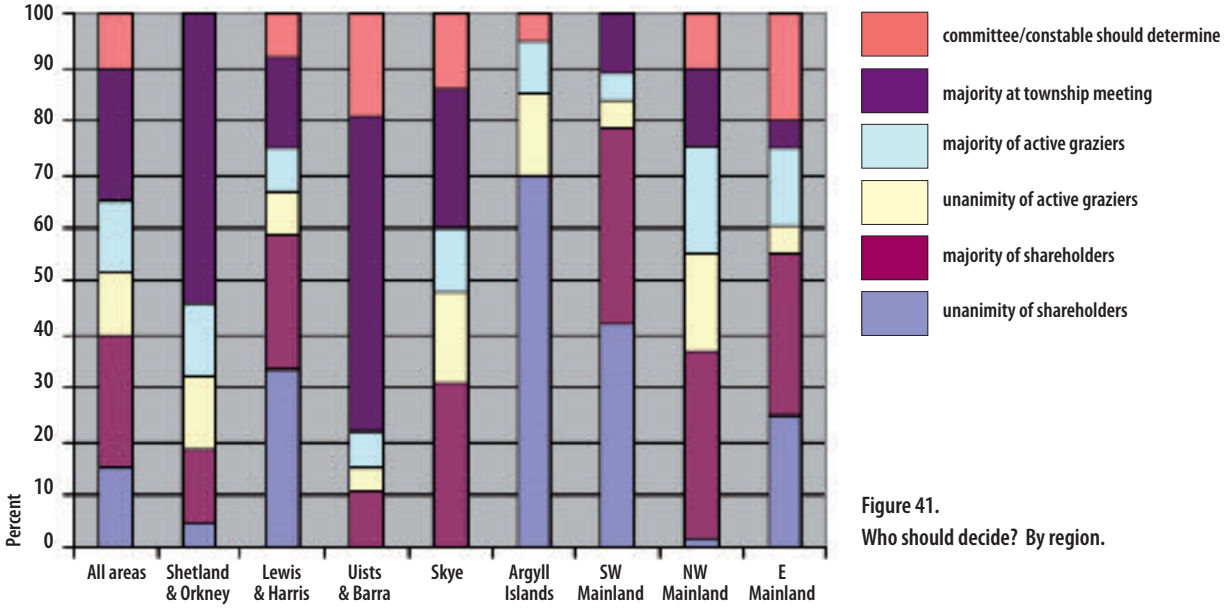



**Figure 41.**
**Who should decide? By region.**

The significance of a majority vote at the township meeting is greatest in Orkney and Shetland and Uists and Barra. In most other areas it makes up a small but not insignificant viewpoint, but in the Argyll Islands not one clerk thought that it should be the decision-making method adopted.

24% of grazing clerks/constables surveyed believed that participation in agri-environment schemes should be decided by a majority of all shareholders. This figure was highest in SW Mainland (37%) and lowest in Argyll & Islands (0%).

We looked at whether actual participation in schemes makes a difference to the views held. It seems to do so – those not in schemes put less store on the opinions of the whole body of shareholders, while those in forestry schemes put great store on their views. It is not clear whether this reflects, for example, idealism versus realism, or perhaps the fact that those who entered recent schemes had actually had to gauge the opinion of all shareholders.

When we asked whether in principle grazings had greater difficulty in accessing schemes than a comparable hill farm, roughly one in five clerks thought that the rules of the schemes themselves made it more difficult. This does not vary significantly between those in and those not in schemes. The major variation came between those who thought that there was no disadvantage relative to farms and those who thought that there was disadvantage linked to the need to obtain the agreement of shareholders. Around a third of those actually in schemes thought that there was a disadvantage, whilst two thirds of those not in schemes held this view. Nevertheless, 15% even of those not in schemes could see no disadvantage, though whether this viewpoint was born of experience or might for example reflect a feeling that all units on hill ground are disadvantaged is not something on which we can comment with certainty.

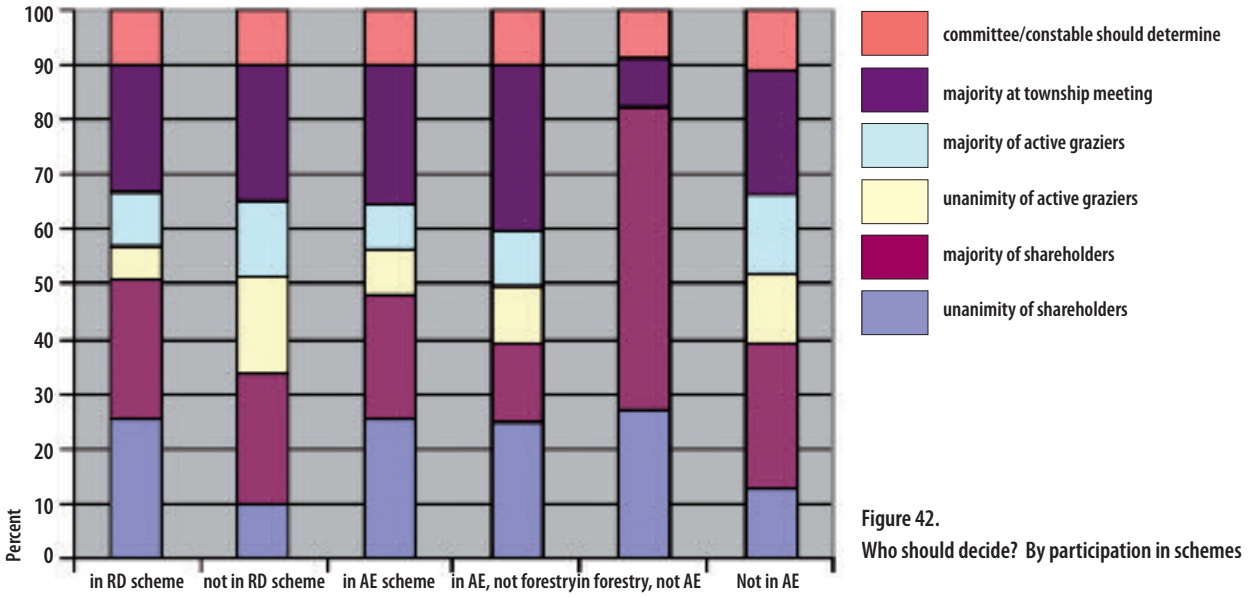



**Figure 42.**
**Who should decide? By participation in schemes**

## Reward from support schemes

37% of grazing clerks/constables surveyed believed support schemes give a poor reward to the right people and too good a reward to the wrong people, 22% believe that they give a fair reward to the right people, 20% believe that the money mostly goes to the wrong people while 9% believe that they give a poor reward to the right people. Overall 66% of respondents believed that support schemes were either giving a poor reward or that the money was going to the wrong people.

## Grazing Regulation

71% of grazing clerks/constables surveyed believed that their grazings were under the right amount of regulation. The figure was over 60% in all areas. 95% of respondents from Argyll & Islands believed that their grazings were under the right amount of regulation. 17% felt that their grazings would benefit from more regulation while only 7% believed their grazings would benefit from more relaxed regulation. Three of the four areas where there was the highest demand for more regulation were also three out of the four areas with the highest demand for less regulation.

When asked about the intervention of the Commission, in general between a third and a half of clerks wanted a higher degree of involvement. Shetland is strongly of the view that more involvement is required, but equally is the only area not wanting any of this to be on the Commission's own initiative.

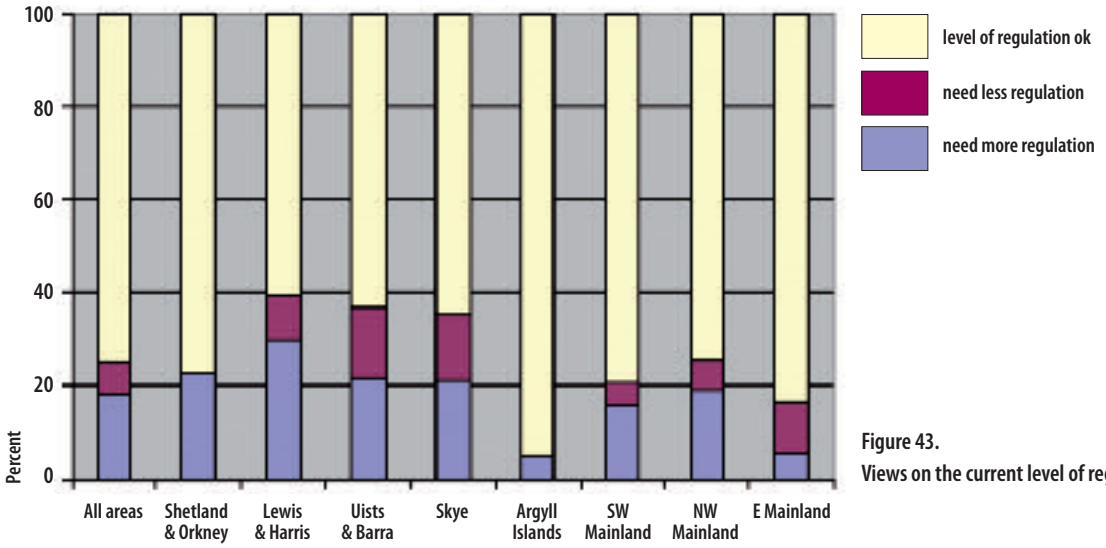



**Figure 43.**
**Views on the current level of regulation**

37% of grazing clerks/constables surveyed felt that the Commission interventions were at the right level, the highest proportion agreeing with this was SW Mainland (58%). In general this view was held by between a quarter and half of all clerks, with only Shetland being markedly different.

Less intervention or non-intervention were minority views everywhere, but were nonetheless significant in Skye and Uist & Barra (26% and 22% respectively).

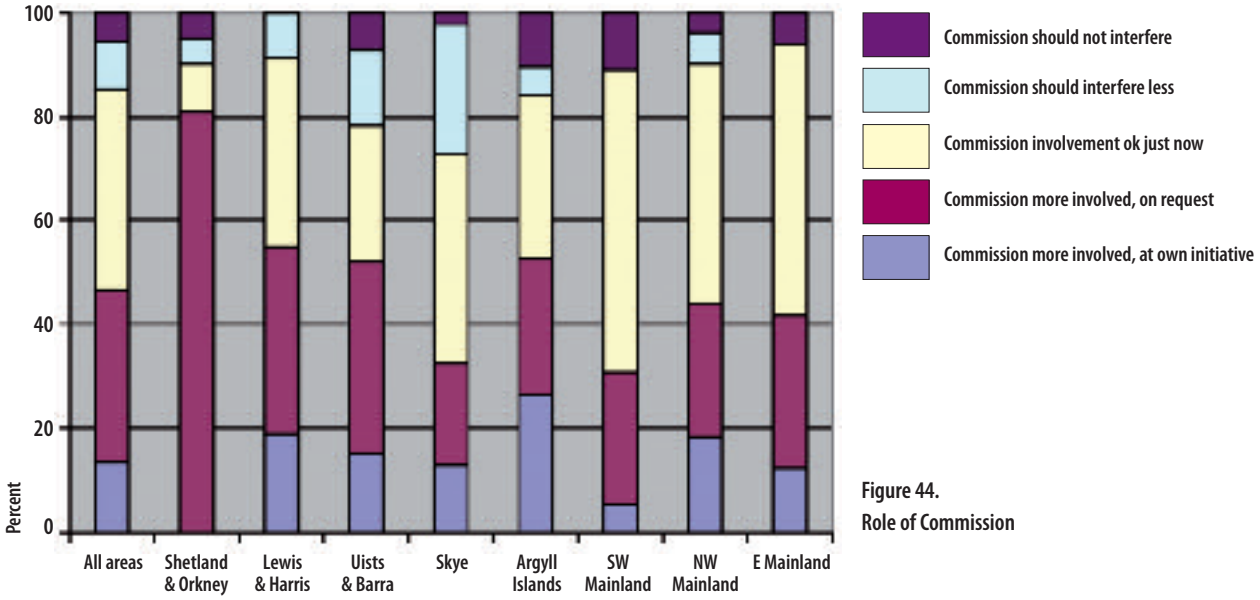



**Figure 44.**
**Role of Commission**

## The Future

34% of grazing clerks/constables surveyed were unsure of what the future held while 32% were pessimistic about the future. 20% were optimistic because they could see positive things happening now and 14% were optimistic as they feel that things always get better. Overall 66% of all respondents are unsure or pessimistic. These figures were highest in Shetland & Orkney (91%), NW Mainland (72%), Uist & Barra (64%) and SW Mainland (63%). Comments as to why there was optimism frequently included references to the effect that 'some of the young people are getting involved'.

# 5 Discussion – the wider perspective

## 5.1 How important are common grazings for Scottish agriculture and rural development and for local economies?

We showed in section  that common grazings account for about 1 in 8 ha of Scotland's actively farmed land – a relatively small proportion.  More unexpectedly, they make up around a quarter of actively farmed rough grazings - any attempt to address a 'retreat from the hills' must therefore engage with the common grazings issue.  Socially, they are most important where a large proportion of the population is actively engaged in decision-making about land use.

The mismatch between census and IACS-derived data is striking.  Government analysts should think carefully about which baseline figures they use – the default position of starting from the census may be appropriate in some countries, but in Scotland there are many cases where an adjusted IACS figure is a much more meaningful starting point.  In passing we might also note that a policy 'vision' for the land not in IACS is conspicuously absent, irrespective of whether this land is under crofting law.  To give one obvious example, the RDP doesn't address itself to how much designated land is farmed.

Common grazings have a low livestock carrying capacity: we estimate that they account for only around 51,300 LU of grazing livestock, which is roughly 2.5% of the total grazing livestock over 1 year old (taking that to be roughly 1.287 million LU (Scottish Government 2010b) ).  If we assume for convenience that all of these livestock are sheep, common grazings supports something of the order of 10% of the Scottish sheep flock, excluding lambs. (The overall importance of businesses using common grazings could be established from IACS, but we did not ask this question).  While this is not to underplay the importance of common grazings from the perspective of quality, it suggests that market distortion which might be caused by increasing support for common grazings would be very limited indeed, even if that were to be delivered by recoupling up to a minimum stocking level.

This relatively minor role in total agricultural production is even more striking given the numbers of active farmers who use common grazings.  Even taken at a national scale, the data we requested from the SG showed that common grazings is involved in 1 in 5 SFP claims.  It is far from being the concern of a tiny fringe element and in general the significance increases the more economically-fragile the area: 69% of both active users and common grazings (and probably a much higher proportion of actual shareholders) are in some of the most deprived rural areas in Scotland, HIE's Fragile Areas.

We are not able to give a precise picture on the overall importance of common grazings within the farming economy of those crofters and farmers who use them (though such information could again be gleaned from further investigation of IACS), but sample data suggests that it dominates their forage, and again, the more marginal the area, the more this seems to be the case.

In summary, common grazings are a rather more important element in Scottish agriculture than one might have thought from the lack of up-front policy consideration it attracts, but in terms of production its significance, like that of the rest of Scotland's rough grazings, is limited.  In terms of significance to farmers and especially to those in the most socio-economically marginal areas, their importance should not be underestimated.  If 'sustainability' is taken to have three aspects – the environmental, the economic and the social, (Brown 2006a) notes that of these the social is the most undervalued by Government.  Yet it may be this social value that gives them the greatest significance for the communities where they exist and may yet, as she suggests, be the key to their survival as communal systems.  Seen from the perspective of balanced territorial development, to use the European Commission's helpful phrase, they have great significance and deserve greater attention and concern. The obvious place to start is evidence gathering.

## 5.2 What is the significance of common grazings for delivering public policy goals?

Common grazings are important for a number of public policy fields. (Brown 2006a) suggests that there is a difference to be seen between England and Scotland in that a greater emphasis is placed on the economic opportunities afforded by common grazings in the latter. An alternative perspective would be that while there have certainly been some statements which would suggest this, evidence of this in practice is very limited, and concentrates more on 'levelling the playing field' between common graziers and landlord or farmer. The Crofter Forestry Act is an example of this. What is true however is that there has been little positive appreciation of the management of common grazings by crofters and farmers. Machair is the one exception, but it might be noted in passing that policy delivery even on this flagship habitat is so incoherent and incomprehensive that it has been judged necessary to start a Life+ project there in 2010, 16 years and more after it was first targeted by an ESA scheme.

Recently the European Commission has promoted the idea that only the delivery of public goods can provide a rational intervention logic for support to agriculture which is capable of being defended in the World Trade Organisation (WTO). 'Public goods' ('public services' would be more accurate, but this phrase already has another meaning) is a narrowly-defined technical phrase. It means (Cooper, Hart, and Baldock 2009) goods and services for which there is no market and for which no market can exist since they are provided in situations of 'non-rivalry' (one consumer's enjoyment of them does not reduce the overall supply) and 'non-excludability' (consumers cannot be prevented from enjoying them).

'Public goods' does not therefore mean the same as 'public policy goals', let alone 'things which benefit the public'. At its heart, the public goods idea is a logical basis for intervention by the Government and specifically, in most cases, the giving of financial support. Support is deemed necessary where this public good is in danger of not being delivered and where regulation is not the appropriate solution. To give an illustration: apple orchards give wonderful displays of blossom in the spring, but unless they are in danger of being cut down, there is no need for public intervention – the public good is produced at no cost and there is no danger of a reduction in the supply of this good. Were there to be a threat, then the State might decide that the appropriate solution is to forbid the felling of apple trees. This notion of public good as an intervention logic underlies the European Commission's negotiating position in the WTO – it wants it to be the basis of the CAP, and is the logic on which the 'additional costs and income foregone' rules of rural development measures are based.

The Institute for European Environmental Policy (IEEP) identifies the following as being clear public goods: Agricultural Landscapes; Farmland Biodiversity; Water Quality and Water Availability; Soil Functionality; Climate Stability (Carbon Storage and Greenhouse Gas Emissions; Air Quality; Resilience to Flooding; Resilience to Fire. We examined two of these – biodiversity and carbon storage – in more detail. Many of the others are best delivered through the maintenance of semi-natural vegetation (see below). Only in the case of resilience to fire and greenhouse gas emissions is there a degree of ambiguity regarding the role of extensive grazing systems – the former due to questions raised by style of muirburn practised on some grazings at least (with some fires even threatening long term carbon storage on those grazings), and the latter due to the high level of greenhouse gas release per kilogram of meat, as judged by life cycle analysis assessments (which might be deemed to be too narrow in their focus, but which nevertheless dominate policy debate on the issue).

Biodiversity is now a major focus of rural policy. EFNCP, which produced this report, came into existence to highlight the fact that we must also look beyond designated sites – low-intensity farming is also important for nature conservation in many parts of Europe. Reflecting the long history of interaction between humans and their environment on the continent, this 'High Nature Value' farmland is about more than one or two sexy flagship species; it is characterised by a high diversity of species (which is what biodiversity means), a lot of it in groups which attract little attention, like invertebrates, fungi and soil bacteria. While the link between nature conservation and common grazings has never been investigated before, the RSPB and Scottish Crofters Union (SCU) raised these general links between biodiversity and low-intensity agriculture almost twenty years ago (SCU and RSPB 1992).

Biodiversity is about much more than designated sites, but their importance should not be understated. We found that common grazings are of above average significance for conservation as measured on the national scale (by 20%) and of much higher significance as seen from an EU perspective (up to 91% in the case of SPAs under the Birds Directive).

HNV farmland is above all about semi-natural vegetation farmed at low intensity, irrespective of whether it is on designated sites. The centrality of semi-natural vegetation is especially the case in countries like Scotland where arable cropping is rarely carried out extensively – small-scale arable adds to the value of largely semi-natural landscapes. Rough grazings and other semi-natural pastures dominate Scotland's farmed area, making the HNV farming concept highly relevant. Indeed, Scotland is of EU importance as the area in the Atlantic biogeographical zone with the greatest proportion of semi-natural farmland – to find it on a similar scale one must travel to the Mediterranean, the Alpine zone or to SE Europe. As a ball park figure, we estimate that common grazings make up around 15-20% of HNV farmland in Scotland. This semi-natural vegetation is also linked to a wide range of the other public goods listed above.

We did not gather direct evidence of intensity of use. Soumings show that most grazings should be grazed at low intensity – half the grazings had a soum of no more than 0.17 LU/ha. A good estimate of pre-'Retreat from the Hills' stocking levels is provided in the parish average for the Single Farm Payment, supplied by the SG in 2005 (Scottish Executive 2005) . The underlying historic payments for marginal parishes were £17.33 per animal for sheep (Scottish Executive 2003a) and £123.93 + £50.61 per suckler cow (Scottish Executive 2003b) (Scottish Executive 2003c). It is clear from inspection that stocking levels in parishes where common grazings dominate were very low in the 2000-2002 reference period. Once more, it would be possible to make such assessments on a per-IACS-claim basis should the Government wish to do so.

The picture is similar for carbon storage; once again common grazings have a significance which belies their small area. They are particularly important for deep peat, accounting for a third of the Scottish resource. Increasing the carbon store in both pasture vegetation and soils may soon become a potential source of income for common grazings (IUCN 2010a) (IUCN 2010b). 'Wetland management' by rewetting is already being trialled in SW England, with benefits foreseen not only for 'climate change' but water quality (the trials are being carried out by South-West Water). The recent climate change talks at Cancun have agreed that carbon savings from rewetting drained peatlands should be included alongside forestry planting as measures to help meet emissions reduction targets. The new peatland rules will not apply until the next greenhouse gas accounting phase after 2012, but all relevant restoration activity since 1990 will be eligible[4].

There will undoubtedly be numerous significant opportunities for Scottish common grazings as the form of these rules becomes apparent. Graziers (and hill farmers) will need a lot of guidance to help them make the most of them. And the increased value assigned to peatlands will have other implications which may not be as welcome – tree planting, muirburn and operations which open up the bogs to oxidation like ditching and road building are all practices which may become more difficult or cease to attract Government support. We might recall Katrina Brown's finding that new opportunities to benefit from resources on grazings will only be important if perceived to be legitimate by rights-holders (Brown 2006b); values may differ amongst the various rights-holders and new opportunities may be viewed as a threat to more 'traditional' uses. This tension can increase when rights-holders are more heterogeneous in the values that they hold. Incentives to reduce muirburn, block drains and so on are likely to raise the fundamental and sensitive question of what is 'good' land management and has the potential to generate conflict between the still-active and inactive shareholders.

Alongside these incontrovertible public goods, the IEEP report also recognised that there were other aspects of policy which were difficult to fit into the public goods framework, but which were nonetheless valid goals of policy. Important amongst these are Farm Animal Health and Welfare; Rural Vitality and Food Security.

---

[4]http://www.iucn-uk-peatlandprogramme.org/resources/146

Common grazings (like other rough grazings) have both positive and negative links to animal welfare – they are climatically harsh and offer seasonally-limited forage resources. However they offer considerable advantages for some aspects of animal health – this was stressed to us in the Shetland meeting.

'Rural vitality' is very difficult to define (and to put limits on) but has clear overlaps with the 'balanced territorial development' idea outlined above. It is also difficult to quantify, as the Economic Report (Scottish Government 2010c) makes clear, and of course quantification is currently hampered by weaknesses in the data.

Food security is a very complex topic, involving not just food availability, but also food affordability (and thus social and welfare policy). Food availability itself is also a complicated question. In farming circles, thinking often seems to focus exclusively on the need to reduce dependence on imports, sometimes backed up by rather dubious assumptions about the carbon footprints of different modes of transport, leading by a sequence of poorly argued steps to the support of something approximating to the status quo. Given the low proportion of Scotland's food produced on common grazings, why might a national food policy which at least takes note of the food security issue continue to bother with them (and other rough grazings)? There are two main reasons, we believe.

First, they produce food from land which otherwise would not produce food (the climate change argument for eating less meat only makes sense for land where there are multiple land use choices) and it is produced using methods which use little energy. Intensive farms are able to produce large volumes of food by a combination of high energy use, mostly from non-renewable sources, and an international trade in nitrogen in the form of feed proteins, a lot of which was also produced using a lot of non-renewable energy. Second, they do so from mosaics of semi-natural habitats on a landscape scale. This is precisely the type of land which is most likely to be climate-resilient – to be able to adapt to a changing climate. A third reason, important if one accepts the validity of the first two arguments, is that these areas retain a food production culture which, once lost, is difficult to replace. This includes not only the culture of the farmer and crofter, but the cultural memory of the hill flock and hill cow herd!

So much for the association between public goods (and other public policy goals) and common grazings. However, policy must look beyond correlation to causal links. The link between the ecological perturbations caused by low-intensity grazing may be well established, but what is the difference between sheep and red deer, for example? What is the basis of payment for peatlands – what must the grazier do, or forego, to improve the carbon storage? Do non-damaging levels of grazing make a blind bit of difference to carbon storage, or the density of moorland birds, or the conservation status of blanket bog? How close are we, indeed, to a real assessment of biodiversity, and how sure are we that the flagship species approach doesn't blind us to the true importance of areas like common grazings? Are these real issues? How else can the difficulty of getting any RDP support on most grazings be explained?

## 5.3 What do we know about the social and economic situation on common grazings?

Ostrom (2001) introduces the concept of 'salience' as a key factor in decision making. She describes a resource as highly salient when "appropriators are dependent on the resource for a major portion of their livelihood or other important activity" (p.22), which matters because "if appropriators do not obtain a major part of their income from a resource … the high costs of organising and maintaining a self- governing system may not be worth their effort" (ibid. p.25). Katrina Brown (Brown 2006a) points out that the salience of, and dependence upon, the surviving common land in the UK has declined, essentially because 'traditional' uses based on hill livestock production are barely viable, and newer uses face their own set of difficulties. The key challenge is to reverse this declining salience so that rightsholders have impetus to invest time, effort and money in common land (Ostrom 2001).

QMS data (QMS 2010), despite being based on average flock and herd sizes which are probably larger than those of common graziers, shows that systems of the type which predominate on common grazings are extremely dependent on public support and provide an extremely low return on family labour, well below the minimum wage.

With an approximate ratio between SFP : LFASS : Gross Margin of 2:1:1 the incentive is to do as little as possible. The LFASS minimum stocking penalises those who are allegedly 'overcompensated' (including those who are actually on the hardest ground in the country) but the payment is set so low that doing nothing and foregoing it is still the more economically-rational option.

While we did not address ourselves to the whole of the graziers' agricultural businesses (IACS would be a worthwhile source of information in the absence of specific census data), it is clear that not only is agricultural activity on common grazings unprofitable, but the average scale of graziers' businesses is small, measured in terms of gross margin. Although their character is seldom consistent with the literal meaning of the words, in EU terms they would be considered 'semi-subsistence holdings' (Jones 2008) (Jones 2009a) (Jones 2009b).

As economic opportunities have increased, the need for grazings as an element in a subsistence economy has decreased markedly, increasing the importance of financial considerations. The public goods and 'balanced territorial development' which are being delivered, albeit imperfectly, by common grazings systems are being delivered on a shoestring.

Given the small absolute income delivered by grazing systems and the small return to labour expended, not least in comparison to wages in the wider economy, it is little wonder that activity levels are low. One does not have to look for negative cultural stereotypes or other social pressures to explain a lack of activity on the part of an average of 68% of shareholders (sample data) – to do nothing is perfectly rational. Crofters in our discussion meetings were strongly of the opinion that many of the issues we identified – including those concerning governance as well as activity – would be solved by, to use Ostrom's terminology, an increase in 'salience'. In simple terms, making things worth doing is the best way to ensure that people do them and gives them an incentive to overcome the difficulties of organising and regulating themselves. Regulations are much more difficult to enforce when the remaining active graziers are struggling economically (Brown 2006b).

In any event, activity levels are very low in some areas – only 6% on average in the East Mainland grazings sampled. The median number of active shareholders in our sample is 3; the commonest situation was in fact only 2 active shareholders. The increase in labour costs in recent years must be significant, yet even as these producers move towards a situation of sole use grazing, they are still subject to all the social and regulatory issues of common grazing.

Katrina Brown recognises 'dynamic' grazings, which have

- >80% of shareholders using the resource;
- cooperation at least every few weeks;
- enforced regulations;
- grazings committee meets at least three times per year.

We were unable to assess all of these, but in our questionnaire sample, only 33 grazings had >80% use (16%) and of those only 4 had 3 or more meetings a year – only 2% of the total. While we might question the validity of the meeting frequency criterion, even the shareholder-use figure gives cause to wonder whether any policy which depends on this type of dynamism can succeed – a different approach needs to be developed somehow.

Are these figures significant? If so, are they significant mainly in terms of the business activities of the active graziers or for wider policy delivery? The latter, surely, at least in so far as the efficiency of delivery of the public goods which are now central to policy goals for less productive areas cannot but be a matter of importance for any conscientious Government.

## 5.4 What do we know about governance on common grazings?

The string of crofting legislation enacted since 1891 sets out clear rules for the initial formation of a grazings committee; the drawing up of grazings regulations; what grazings regulations should contain; how to come to decisions on matters covered by the regulations and to appeal those decisions and how to deal with various other matters, such as crofter forestry.

Judging by the difference between SG figures and IACS data, around 9% of common grazings are not used at all; we assume that their governance institutions are at best moribund and would struggle with administration should grazing be resumed.

At least some of these grazings are part of the estimated 200 unregulated crofters' common grazings, but we know that at least 7,240 ha lie outwith the old Crofting Counties and that Glendale's grazings extend to at least 2898 ha.

The legal situation for grazings other than crofter's common grazings is complex. It seems that those who fulfil the definition of 'small landholders' in the 1911 Act are still covered by the provisions of the 1891 Act as regards the formation of grazings committees, the drawing up and enforcement of grazings regulations and so on (Derek Flyn, pers. comm.). Whether any non-crofter common grazing has gone down this road is unknown. How many grazings do not fulfil these criteria is also unclear. What is the legal situation in Glendale, for example, and how does that compare with the reality in the townships there?

Producers on all these grazings, which are for whatever reason unregulated, are currently 'inaccessible' to policy. This is the appropriate way to regard the situation – whereas in the past, when assistance from the State was all directed at income support and boosting production, it might have been acceptable and logical to say that the graziers are not accessing support, but when Government is trying to ensure the maintenance and enhancement of public goods delivery on grazings, the onus for maximising the opportunity for engagement falls in large part on the State.

At the heart of traditional grazings regulation is souming. The perceived relevance of this is difficult to assess, with many clerks feeling that their grazings are below the overall soum (over 50% of clerks in many of the core areas) – it would be interesting to gauge the extent to which this is the case. On top of this we detected a feeling from some clerks that they appreciate anyone who is active and are loathe to interfere with them. Given these two pressures, it was noteworthy how many grazings were observing souming in some form.

One way of resolving the apparent contradictions between the ways clerks view soumings in principle and in practice, while possibly even improving the delivery of public policy goals might be to recognise that it is overall grazing pressure and mix which is important, not just to the pasture (and the 'habitats') but to the active graziers. Perhaps souming should become something which is only set at the grazings level, with the precise allocation of rights being down to the grazings committee?

Something similar is expected of grazings committees under stock reduction agri-environment measures. In these cases there are extra difficulties caused by the overlapping needs to demonstrate both control over stocking on the actual grazings and a reduction in sheep numbers owned by the individual participating graziers. New entrants pose specific difficulties. It is striking, but not surprising, to the author that forestry schemes, which are somehow fixed once they start and which affect the rights of active and inactive participating shareholders equally, are easier to negotiate than schemes to do with levels of grazing activity which, by their nature are prone to being affected by the vagaries of people's changing circumstances and aspirations.

Julia Aglionby (Aglionby 2008), a land agent in Cumbria, illustrates one innovative approach used within Derwent Common graziers' association. After the overall stocking levels had been agreed, each grazier was given a maximum and minimum stocking level; if a grazier's numbers fell below the minimum they lost 75% of their payments and if they fell more than 25% below their summer maximum they lost all payments, with the money being reallocated to those delivering the agreed level of grazing. Thus the grazings

gives the State the certainty it needs, allowing for flexibility between graziers, but with each being fairly sure that his colleagues will not default but will rather go back to the association (in their case) if he gets into difficulty.

The high significance given to getting the agreement of either active or inactive shareholders when accessing schemes, both in principle and as a reason for non-participation on specific grazings should be a surprise to no-one. It was striking that the areas and grazings which saw little extra difficulty in accessing schemes compared to hill farms were those least familiar with hill farms in the first case (Lewis and Harris, for example), or had already successfully applied in the second.

Our discussion groups were clear – grazings should benefit the active while allowing the inactive to become active if and when they choose to do so and then to benefit as much as their colleagues. The people who should decide on issues could be described as 'the interested' – one group said 'the currently and recently active'. This is exactly the way the Crofting Acts lay down – decisions are to be arrived at by a committee elected at a general meeting, with proper notification of shareholders and a right of appeal to the Commission. The Committee itself is elected at the general meeting; inclusiveness and efficient governance is ensured and the engaged are not at the mercy of the uninterested.

The grazings committee allows the body of shareholders implicitly to benefit the active. This is how we understand the way RD money is disbursed – most grazings don't distribute it to shareholders, but spend it on the grazings. To disburse it would be to expose the committee to the argument that all must benefit equally; to spend it on the grazings benefits all in principle, but the active in practice. 9% of grazings even use township money to pay for bought-in labour.

This long-standing way of doing things is at the present time being blown apart by the RP scheme rules, as set out in the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008, s 6. (1) of which reads, Subject to paragraph (4), a grazings committee may, with the consent of a majority of the crofters ordinarily resident in the township and sharing in the common grazing, submit an application for aid in relation to that common grazing. The web-based guidance makes it clear that this consent must be in *written* form.

This seemingly-minor change completely shifts the basis of democracy in townships away from the participatory and representative model set in the Crofting Acts and gives the committee a massive mountain to climb.

A grazings which occurs in both our clerks- and IACS-derived samples illustrates the point: it has 84 shares held by 75 shareholders; 21 are using forage shares to claim SFP; the clerk estimates that 7 are using it for grazing. The RP rules require 38 votes in favour – at least 31 non-graziers, 17 of whom are not even claiming SFP must be not only inspired to assent, but to make the effort to post back a letter confirming this. Imagine the extreme case of Hacklete (Uig), with over 700 shareholders – no scheme currently on offer is worth that effort, but even if they were, why should such a massive impediment be put in their path? What for?

How many local government elections would fulfil this rule? 34.7% voted in the last European Parliament election in the UK; the devolution referendum produced a 45% vote of the electorate in favour; the Scottish Parliament elections of 2007 had an overall turnout of 54% in the Highlands and Islands, so even the most popular candidate would come nowhere near such a majority.

Surely a reasonable compromise between action and consultation/explanation would be a requirement to hold a general meeting, which is what every township does in such circumstances in the author's experience and was what our discussion groups recommended. Decisions should be by majority at that meeting – if 700 turn up in Hacklete, it just means counting a few more hands!

A further issue to consider in the context of governance is the willingness of clerks to take on the responsibility. (Aglionby 2008) notes that neighbours do not like taking action against neighbours, particularly those they have to work together with on the fell. Often commoners are related to each other or have had working relations over several generations. If action is taken then it can result in

lingering resentment that affects the day to day management of the common. She illustrates the weakness of non-statutory controls in the Lake District, but statutory controls seem to have little more success in the case of crofters' common grazings.

Her work illustrates well the tensions between schemes, personal interest and social cohesion on the commons of Cumbria. While the institutions are different, the issues are familiar. She believes that commoners in the Lake District ask themselves two questions when considering entering agri-environment schemes – do I get proper reward (is it worth it?) and what is the risk of non-compliance? The same considerations would be quite natural in the mind of clerks – in their case they have very little reward and a lot of responsibility!

Participants in consultation meetings were very firmly of the view that being a clerk is a thankless job, with little training or active support available. There is no written guidance, yet they seem to crave a solid foundation of rules, backed up with support from the Commission when required. This of course is what the present system is supposed to provide – the evidence from the questionnaires is that clerks don't want more regulation; they just want assistance to implement what exists. A fair response from the Commission is that in many cases grazings regulations are years out of date, often not describing the township's current practices, but those of fifty years ago and more. However, it is unrealistic to expect clerks to take the initiative to change them in most cases – the fact that the regulations are not fit for purpose is itself a symptom of lack of capacity and of socio-economic marginality.

The Commission was accused of being too willing to sit on the fence. In the case of common grazings, 'Community solutions' seem to be favoured for some reason. Meanwhile in the criminal justice system we can see the benefit of locally-based police not just as an alternative to the lynch mob, but as the only way to overcome in a fair and consistent manner the willingness of society to avoid conflict 'for an easy life'. Limited resources are a factor of course. Assessors were seen as a key instrument in resolving these difficulties, though in the short term this just shifts part of the capacity-building need to an extra layer of people.

A good illustration of the difficult position in which clerks find themselves was seen in Shetland. There the local SGRPID office has been approaching clerks for a list of active graziers for cross-checking their LFASS claims. It was very interesting that the crofters in our discussion meeting did not object in principle to being asked to report on activity; what they objected to was being used to prove whether or not their fellow-crofters are liars. They expressed a willingness to be the only people whose responsibility it was to give this information.

Whether this is a universal view is far from clear – participants at our meetings were 'movers and shakers', not the average clerks, let alone representative of the average grazings. A new duty is set out in s49 of the 1993 Act as amended by s38 of the Crofting Reform Act 2010 whereby each grazings committee must report to the Commission on the condition of each croft as well as the common grazings and report any failures on the part of individual crofters to comply with the rules laid down in various sections of the Act. Hearsay reports from assessors' meetings suggest that this new duty has not been well-received. At the Lochaber meeting it was pointed out that it would have been better to have given the committee a positive duty, but whether this means that they would balk at a reporting function even in that context was not clear.

In summary, there seems little reason to think that the framework of regulation and governance set out the Crofting Acts (and Small Landholders (Scotland) Act 1911) is not appropriate today, or that it would not become more so were opportunities on common grazings to reflect their significance in various areas of policy. There seems, in contrast, to be no reason for imposing higher hurdles to decision-making than is set out in these Acts. However, the State needs to recognise that:

- not all grazings are subject to any regulation (nor possibly to the Acts)
- many grazings which are regulated on paper are not actively regulated
- all types of grazings are extremely challenged to respond to rapidly changing policy instruments, whether regulatory or for support
- all types of grazings have higher transaction costs than similar farms, which place shareholders and especially active shareholders, at a disadvantage
- local regulation is socially-difficult: those willing to engage need support, advice and backup

## 5.5 What can we say about current support to common grazings?

Support schemes are not, by their very nature, neutral. Each one gives a message: some will be encouraging and rewarding; others discouraging and, by implication, unappreciative or critical. This subliminal message can be delivered in a number of ways: the very existence or not of support; eligibility rules; targeting mechanisms; administrative hurdles; payment rates and so on. So although we cannot with any certainty, for the reasons explained above, give accurate global data about uptake of and spend on schemes as they relate to common grazings, we can describe our impression of what is happening and give a feel for this policy message.

The bulk of support is given via SFP and LFASS – these are the only schemes available to all, if we ignore the plight of the new entrant, who has no entitlement of course. The demands laid down in these schemes in terms of activity are minimal. The logical connection between these minimal levels and any public policy goals, not least the delivery of public goods, is unclear and unexplained. SFP payments to areas where common grazings predominate are low; so low, in fact, that the claimant is better off doing nothing if he can. This is not to say that there are better opportunities in the wider economy, though no doubt they exist (being a hired hand for gathers is one – a ridiculous state of affairs!). No, just sitting in the house is more economically attractive than active grazing, and especially so when the presence of other active graziers on the common grazing means that any worries one might have about meeting the GAEC standards there are alleviated.

Some claim that the costs of meeting GAEC are higher on the better land, but this is clearly not the case. GAEC demands are minimal – occasional grazing; topping of fields and so on. They are in all cases more onerous for the active farmer than the inactive, but they do not oblige activity; the minimum that a scheme demands is the only rational way of assessing its cost to the claimant.

LFASS might be expected to rectify that situation. But it doesn't. The minimum stocking level seems to be set arbitrarily and applied in a clearly meaningless uniform way. We showed how soumings for a quarter of the grazings in one of our samples were under this 'minimum'. Indeed, the 'minimum' isn't even a minimum, but a level at which the claimant starts to be penalised. So, on the one hand the scheme is telling people that they should increase their stocking (it is a headage payment at these densities) even though the land is poor, but then telling them that the apparent undergrazing is insignificant, since they can graze at a lower level if they like. In which case, why penalise them? To avoid 'overcompensation', we are told, but how can the SG seriously argue that someone gathering the bare rocky hills of Harris is in danger of being given too much while a farmer at 1.4 LU/ha on the upland fringes of some of the arable counties of the East, getting six or seven times the payment per hectare is not?

The cattle 'uplift' certainly used to give a positive signal, one which led to the reintroduction of cattle on some units in Skye, to the author's knowledge. However, that live link to activity is also now gone. And we might note in passing that the cattle uplift was also a way of making payments higher on the better land, where cattle are more common. Were it to come back again, this would need to be addressed, with the payment being somehow limited either geographically or by amount.

It is pointless to pretend that the problem of SFP and LFASS distribution does not have a highly political, 'winners and losers', side to it. However, it must surely be possible to examine the issue from a more dispassionate perspective. Put simply, what is to be achieved, how and at what cost? If the answer is some sort of public good, what does it take to achieve that? LFASS is supposed to help achieve 'sustainable land management', including support for High Nature Value farmland, according to the Community Strategic Guidelines (European Commission 2006). What is a meaningful baseline management, and how does it vary across the country? How much does it cost to achieve it? Are we sure that we, the public, are paying those delivering them at least the minimum wage hourly rate for their efforts? EFNCP believes that some rules are justified, to protect our health, our rivers, to ensure animal welfare, and so on. But securing positive management should never be done by coercion, but by reward.

The Scottish Beef Calf Scheme is positive enough, but in our experience it only gives extra reward to those already keeping cattle – it is just too small to change behaviour.

So much for the direct payments (LFASS fits logically with them) – they could do more, much more, but at least they are almost universally available. The same cannot be said of the Second Pillar. Our work suggests that uptake of the schemes which are in principle the most targeted at public good delivery is poor. Not only that, but the trends are very worrying. Schemes which are now closed have relatively good uptake (though we did not gather evidence which would enable a comparison with other classes of participants), while the current schemes have a very low uptake. While to some degree these are two sides of the same coin (grazings in an ESA scheme are less likely to have land 'available' for claiming RP payments), experience in Skye suggests that the uptake is low even outwith the former ESAs.

One third of participants in our sample were in a forestry scheme. While it is not our intention to denigrate such schemes, which undoubtedly offer an income opportunity for grazings and which, not least in the minority of cases where they are for the management and natural regeneration of existing woodland, can be a positive influence on biodiversity (and on net carbon capture). However, it is undeniable that most planting schemes have been on semi-natural vegetation, often on peatlands, and certainly do not increase the viability of management by grazing; they are incentives not to graze in fact!

Other RD schemes might at least be expected to complement afforestation incentives, guiding planting towards some land types and rewarding sustainable grazing elsewhere, if such grazing is needed to deliver the desired public goods. But the reality is that other than on geographically-restricted habitats such as machair and coastal heath, the main incentive in the RD schemes throughout their history has been to reduce stock numbers. It is true that winter reduction of stock, which fits in with hogg wintering practice, has now been introduced, and does help the economy of extensive grazing systems, but here again, the applicant has to justify it through reference to overgrazing; there is no reward for the additional costs of sustainable grazing despite the loss-making nature of such management.

The non-discretionary LMO scheme sends similar messages. It contains a summer cattle grazing option – a very positive signal indeed, were it not for the option's rules. The grazings parcel must be completely enclosed and there must be a cow for every 25 ha of that enclosed parcel. As far as the author can work out, the figure of 25 ha per cow comes from Roy Dennis, who noted positive results at that stocking density in Abernethy, but when he presented these findings in various talks, Roy was suggesting that these benefits could be obtained without needing more than that number of cows per hectare! The result is that all the areas grazed at low densities, including ones on Natura sites, such as Satran, Bracadale, are effectively debarred from payment, while there is no control on maximum stocking rates, though grazing at too high an intensity could easily be damaging!

Targeting and administrative requirements are other difficulties. It is very difficult for non-designated sites to access the RP scheme, not surprising perhaps given the failure of the RDP to address the High Nature Value farming question at all. The need to obtain the positive agreement of the majority of shareholders has already been mentioned in section above.

Crofters and hill farmers often say in meetings that 'they' (policy makers) want to get rid of them. Sadly, it seems that there is no such well-planned policy. We can summarise the present situation as follows: to the extent that support is delivering a clear message, it is that grazing is at best unimportant and at worst undesirable. Its costs are clear and Government seems unwilling to pay them. For common grazings it not only doesn't recognise the additional costs and effort involved in applying for support, but puts very severe impediments in the way of participation.

What of the future? What if regionalised payments are introduced? We show how claimants on most common grazings are only able to claim a fraction of the land they actually use. (And we note that clerks tell us that active graziers are an even smaller fraction of the shareholders). Introduction of regionalised payments without any additional adjustment would lead to an average 'penalty', in terms

of receipts on a common grazing compared to a hill farm, of approximately 1/3 of the payment. Inactive graziers would, unless coupling of some sort was introduced, be able to claim not just approximately 150000 ha of currently-unclaimed land, but significant additional areas of forage which is at present let on a short-term basis to other claimants. There should be urgent attention given to this problem and to possible solutions, which should aim to reward the active for all the land they manage.

## 5.6 What does Government know about common grazings and what should it know?

Although the Crofting Acts have consistently stated that "any right in pasture or grazing land held or to be held by the tenant of a croft, …… in common with others, shall be deemed to form part of the croft", it is clear that the Crofters Commission did not regard the duty vested in it to keep a Register of Crofts as requiring it to keep a register of common grazings (Derek Flyn, pers. Comm.). This is despite the apparently unambiguous words inserted in s.41.(2).(cc) of the 1993 Act by the 2007 Act that the Register must include, '*where the tenant of a croft holds a right in a common grazing, the location and boundaries of the grazings*'.

The list which the Crofters Commission does have does not contain even all those grazings which are used for claiming forage in IACS, some of which at least appear to be crofters' common grazings. The only relevant map it has produced in recent years seems to be one showing the number of grazings per parish – a statistic of little significance, as we found when drawing up our questionnaire sample. This mapping role was transferred to the Registers of Scotland by the Crofting Reform Act 2010, but since this register will be compiled piecemeal, it is unlikely to fill the information gap in the near future.

As pointed out in the Government's own Economic Report on Crofting (Scottish Government 2010c), farm census data is also of limited use. There are two issues. The first, which the report recognises, is that although there is a tick box on the form to indicate that at least part of the holding is a croft, there is no certainty that the croft makes up all or most of the holding. Secondly and, this report argues, at least as important, common grazings are not part of the data gathered by the census, not being considered (under some interpretations at least) as part of the Utilised Agricultural Area (UAA).

This lack of a distinguishing mark, from a data collection perspective, means that it is not possible to monitor or evaluate the extent to which the main agricultural and environmental supports (with all due respect to the Crofting Counties Agricultural Grant Scheme and Cattle Improvement Scheme) are reaching crofting and common grazings or whether their effects are proportional to the needs of the producers and the policy aspirations of the Government. The Economic Report guesses that the Energy Crop Scheme and Protein Crop Premium are of little significance to crofters because the values are small; unfortunately the reverse is not necessarily the case – schemes with large spend in the Crofting Counties may equally be delivering proportionally less to crofting. Neither the Crofters Commission nor HIE are able to furnish information on the uptake of rural development schemes relating to the land-based activity of crofters, other than CCAGS and possibly crofter forestry. It is difficult to see how the 'situation' can be discussed or improved without continual recourse to relevant data.

For non-crofter common grazings the situation is of course even worse – here there is not even a plan to gather better information. Government should appraise itself of the scale of this issue.

This is not to say that Government doesn't have some very useful data about common grazings, of which they could be making better use. Since common grazings cannot be distinguished by their CPH (County/Parish/Holding) number, they must be identified through something which they do differently from a CAP administration perspective. An example is that they are declared at a specific question of IACS (q.2 on the 2009 form). Another example would be if grazings clerks were the only ones able to apply for a certain support measure, or if they have to provide additional information which might be entered separately on the SG computer system as the application is progressed (proof of shareholder agreement, perhaps).

However, as far as this project is aware, the only useful source of this type is IACS. The data in the national SIACS database gives an insight into the actual distribution and use, at least for the claiming of various support payments, of common grazings throughout the country and without prejudice as to its legal status. As this project showed, question 2 provides much interesting data, especially when taken alongside the figures for the rest of the land of the parish. It would probably even be possible, using the CPH numbers declared at q.2, to search through all the other schemes and arrive at accurate participation statistics. We recognise however that this is a clumsy and unsatisfactory way to proceed.

As is often the case, the local area offices of SGRPID contain a wealth of detailed information, as well as personal knowledge. SGRPID staff are an underused resource by the policy-making arm of the SG. In this project we were able to make use of the Excel worksheets for each common grazings, on the basis of which shares are allocated. Local offices also contain compendious common grazings paper files linked to their crofting administration work for the Crofters Commission and, in some offices, to the SG's own estate. Should the SG wish to make use of it, it has a lot of information at its disposal, albeit not in the most convenient format.

Having carried out this research, the author is of the impression that the Government knows surprisingly little about common grazings per se. Its knowledge base would appear to be handicapped by a data gathering process which is almost the opposite of joined–up; there is little sign that this state of affairs will improve, with evidence of what looks like a complete lack of curiosity on the part of policy-makers.

Why should the Government bother getting better or more easily accessible information about common grazings? In the case of crofting, it is sufficiently concerned with its importance that it has given itself the duty of assessing and reporting on crofting's economic condition in Section 51 of the Crofting Reform Act 2010 (Table 6).

**Crofting Reform (Scotland) Act 2010**

Section 51 Duty to report to the Scottish Parliament
(1) The Scottish Ministers must lay before the Scottish Parliament, once every 4 years, a report on—
(a) the economic condition of crofting;
(b) the measures taken to support crofting during the reporting period by—
(i) the Scottish Ministers;
(ii) the Commission;
(c) the further measures that the Scottish Ministers intend to take to address the economic condition of crofting.

**Table 6. Duty to report on economic condition of crofting**

We have shown in this report how common grazings deliver a significant benefit to Scotland, not least in the form of public goods, some of which at least are linked to economically-vulnerable agricultural management. Public support in some form or other seems inevitable if the delivery of these public goods is to be maintained and put on a more sustainable footing. Coherent and effective policy delivery requires an evidence-based, targeted and appropriately-funded approach to policy-making where budgetary considerations are clearly feeding back into the targeting rationale. One such framework is of course set out in Regulation (EC) 1698/2005, summarised in Table 7.

**Draw up a strategy, containing:**

- an evaluation of the economic, social and environmental situation and the potential for development
- a description of the strategy chosen, showing the consistency with policies and EU guidelines;
- an outline of choice of thematic and territorial priorities, including the main quantified objectives and the appropriate monitoring and evaluation indicators;

**Based on the strategy, draw up a delivery plan, containing:**

- in the light of the overall policy strategy, an analysis of the situation in terms of strengths and weaknesses and how they will be met
- an evaluation of the potential measures available justifying why particular ones should be chosen (and including complementarity with other programmes);
- a description of the measures proposed, including the specific verifiable objectives and indicators that allow the programme's progress, efficiency and effectiveness to be measured;
- a financing plan,
- a monitoring and evaluation plan

**Table 7. Summary of the policy-making framework for rural development set out in Reg. (EC) 1698/2005**

The National Strategy for 2007-13 (Scottish Government 2006a) contains no references whatsoever to common grazings. Neither does the draft Land Use Strategy (Scottish Government 2010d). The Rural Development Programme (Scottish Government 2006b) contains 8 uses of the phrase 'common grazings', two of which are in the context 'excluding. . . common grazings' and the other 6 of which are in the context of the Wardening for Golden Eagles measure. There is no analysis anywhere of the link between common grazings and the policy goals set out.

On the other hand, there is a general lack of integration in the whole RDP, exemplified by the section on Environment and Landscape – current situation (3.1.3.1). Nowhere in this key section is there any attempt to link or cross-reference nature conservation designations (for example) with farmed land, nor indeed any other type of management. Despite this, the measures proposed are predicated (if only in the payment calculations) on specific types of management, in most cases agricultural.

The HNV farmland concept is not complicated and had been the subject of substantial published work by and for the European Environment Agency and EU Joint Research Centre since at least 2003 – years before it appeared in the European Agricultural Fund for Rural Development (EAFRD) regulation and Community Strategic Guidelines for Rural Development. Though DG Agri had not provided full official guidance to Member States by 2006, the SG's idea, set out in the 2007-13 RDP (Scottish Government 2006c) that it could be measured by 'hectares of land under farmland, woodland, urban, and other' is nothing short of ridiculous. Had the RDP had an appropriate evaluation and assessment of the value of farmed semi-natural vegetation in Scotland – something which should have been central to policy in any case – there would have been no problem!

This lack of a logical 'paper trail' between objective, calculation of payment and targeting of measure is particularly apparent in LFASS, where the distribution of payments is not only not related to current management activity but also apparently unrelated, at least in any explicit way, to any of the policy goals set out in the RDP.

It is obvious that common grazings suffer higher impediments to entering schemes, even if all else is equal, due to the need to obtain a measure of agreement and the potential for a mismatch between effort and reward, whether between clerk and shareholders or between active graziers and inactive shareholders. Yet nowhere is this discussed, let alone quantified, in any Government documents, to the best of our knowledge. It is a valid policy decision not to try to overcome these obstacles, but not to engage explicitly with their very existence suggests a lack of analytical rigour.

This report is a starting point for producing a baseline assessment of common grazings. The next logical steps include:

- a needs analysis, based on the SG's objectives, social, economic and environmental
- an assessment of the economic and social impediments to the achieving of these needs showing in a quantified and specific way the intervention logic and the scale of intervention needed in all the policy areas
- design of packages of measures and of delivery mechanisms which are realistic in the light of the character of the units concerned (common grazings in our case)
- assessment of the need for capacity-building or advice and, if appropriate, putting in place targeted systems to deliver them

## 5.7 SWOT analysis of common grazings

**STRENGTHS**

- Significant element in cultural landscape
- Important forage resource for substantial proportion of Scottish farmers & crofters
- Important element of cultural and social fabric of Fragile Areas
- Important part of Scotland's High Nature Value farming
- Over-represented in terms of national, and especially international, conservation designation
- Disproportionately important for carbon storage, especially deep peat
- Food produced at low energy cost and on land with limited vulnerability to climate change
- Most grazings still active to some degree, preserving skills base and livestock acclimatisation/'culture'
- In some cases, retention of important genetic stocks
- In some cases, significant role in production of high health breeding stock
- Good and long-standing legal framework in place for most grazings
- Regulation in place for majority of grazings
- Grazings clerks mindful of need to encourage the active grazier
- State agencies given specific role in regard to crofters, which account for majority of grazings, including their economic situation

**WEAKNESSES**

- Not explicitly valued by society
- Govt. not collecting grazings-specific data or, in general, considering them in policy-making
- Farming & crofting systems which use common grazings usually economically-small and unprofitable
- Many grazings selling low value stock, some without access to a proper market
- Extra difficulties of common grazings make Fragile Areas more vulnerable
- No clear signal that ongoing management is regarded as positive by Government, especially in case of sheep systems
- Current support measures encourage inactivity, not covering the costs of the active and penalising those on most marginal land
- Inadequate suite of agri-environment options, not easy to access, giving poor support, poorly linked to strengths of grazings
- Very high threshold of agreement for agri-env. means they extremely difficult to enter
- Extra transaction cost (e.g. estimated +50% more time) makes applying for support difficult
- Significant number of grazings not used
- Most grazings have few active shareholders, exposing them for first time to high cost of bought-in labour
- Mismatch between active and total shareholders is great on most grazings
- At least ¼ of all grazings not subject to regulation (and support by agencies)
- Significant number of grazings not able to self-regulate and/or get support from agencies, even in principle in some cases, but no solid data and no-one apparently interested in addressing these needs
- Insufficient support for clerks in their work
- Development/advisory work particularly underfunded

**OPPORTUNITIES**

- New strategic and RD planning process for 2014-20 programming period could give chance for new approach
- Government could collect data on grazings, including on crofters' common grazings, and use data to inform its policy making and ensure better delivery
- Govt. could set out overall vision for common grazing underlying all policy
- Policy impact assessment could be carried out for common grazings in all relevant policy fields as part of policy-development process
- Grazings and activity on them could be seen as key element in sustainable development of Fragile Areas
- Grazings and activity on them could be seen as key element in delivery of support to HNV farmland
- Role of grazings and their management for delivery Natura (and SSSI) obligations could be made explicit and rewards, where appropriate, designed and delivered
- Carbon trading rewards could start being important part of income
- CAP reform could translate this into higher payments through greater targeting at public goods
- RDP could contain common grazings-specific package, with targeted measures, delivery mechanism
- Rules for measuring agreement on grazings could be made more reasonable
- CAP reform could deliver higher payments through introduction of regionalised payment, transferring payment from more intensive to less intensive producers
- Realistic minimal activity could be coupled to realistic minimum reward gives more strength to the active
- Higher, locally-tailored rewards could give positive message to both graziers and grazings committees creating virtuous spiral of activity within clear sustainability envelope
- Government (through adequately-funded HIE or CC?) could address issue of unregulated grazings
- Advisory system could be reinforced with tie-up of objectives and instruments
- Regulatory and development support through CC, HIE, assessors could become joined-up and targeted clearly at needs of clerks, with proper balance of agreement and regulation

**THREATS**

- Govt. could fail to engage properly with this question in the next 2 years
- CAP reform could opt for status quo
- Higher payments for positive management could be made available through mechanisms which pose extra difficulties for common grazings
- Carbon trading mechanism might be regarded as unacceptable or inimical by active graziers, causing increased tension in community
- RDP agreement rules might remain unchanged
- Regulatory pressures might grow, e.g. EID, putting more strain on economies and extra difficulties for common grazings in particular
- Most significant payments could remain completely unrelated to activity, possibly with increased opportunities for the inactive through regionalised payments
- Regionalised payment could be brought in without considering allocation mechanism on grazings, causing huge loss of income opportunity and morale
- Clerks might receive less support due to funding cuts
- Clerks could be given more 'negative' roles leading to mass resignations
- Advisory services might be given less support due to funding cuts or continue to be allowed to use funds in untargeted way
- Authorities could set store on 'community solutions' without regulatory backup, leading to lack of morale and more moribund regulation
- Overall pattern of combination of abandonment of many grazings and further move to sole use (but with even lower viability in long term) could accelerate, which, in combination with low morale on part of clerks, regulators, could leads to vicious spiral

# 6 Conclusions and recommendations

Common grazing is a practice of great antiquity, pre-dating the establishment of the modern Scottish state (Ross 2008), which has been lost in most of the country (Reid 2003) (Callander 2003). As Katrina Brown points out (Brown 2006a), despite the change in direction of rural policy in recent years, there still seems to be a duality in our attitudes towards common grazings, seeing them both as a valuable resource and an anachronism. Her conclusions remain valid six years after her thesis was completed, but have yet to inform policy; we develop them here.

**Recommendations for policy and institutional changes that could address barriers to the more effective governance of crofting commons (Brown 2006b)**

- Improved policy development protocols to ensure collective land management arrangements are systematically taken into account in policy development;
- Improved policy mechanisms for capturing the value from public goods provision (e.g. measures for conservation or tourism initiatives on common grazings);
- An audit of current policy for 'collective-friendliness' to identify current institutional barriers to capturing value from collective rights;
- Measures to provide favourable access to capital for projects with high start-up costs (e.g. wind power);
- Institutional change that recognises the heterogeneity of shareholders, to allow them to play to their various strengths (in terms of skills, assets and interests) and put in and take out resources in different ways and to different degrees, and enables sub-groups to cooperate where relevant;
- Improved policy support to enable shareholders to take incremental steps towards extended rights and responsibilities to provide some middle ground between current common grazings stagnation and full community ownership.

Given the difficulties under which their graziers labour – difficulties based in large part on the very fact that they are used in common and difficulties which threaten the very survival of common grazing – this must change if grazing is to be sustainable. Appreciating common grazings is not the same as seeing a value to 'crofting' and cannot be assumed to stem automatically from such a mindset – all too often discussions of 'crofting' ignore common grazings (which make up around 80% of the land covered by crofting law), and of course there are significant non-crofting common grazings.

**Recommendation 1. There should be an unambiguously positive message from the Scottish state, making it clear through practical means that it values common grazings for their benefits for the public and for public policy and celebrating and supporting them as a significant feature not just of the cultural landscape but of a still-vital culture.**

Appreciation is important, but for there to be efficient and coherent policy, there must be an analytical process. There has to date been nothing in Scotland to compare with the work funded by Natural England (Pastoral Commoning Partnership and H&H Bowe Ltd 2008) – this report is intended as a first step towards filling that gap. This is just a start on which the Scottish Government and its agencies might build. But a thoroughgoing assessment and monitoring, of the type which could and should be carried out both in the RDP process and when in the preparation of the periodic Economic Assessment as required by statute, is made impossible by the lack of clear identification of common grazings (and of croft land in general).

Under the new Romanian Agriculture Commissioner, DG Agri not only held a major European conference on semi-subsistence farming[5], but in its recent Communication on the CAP post 2013 (European Commission 2010), 'improving the conditions for small farms' is a key element of its vision for territorial development (a concept which is not part of the Scottish policy tradition, but should be in our opinion) and sets out the possibility of a new small farms scheme. Given how common these economically-small farms are in Scotland, and not least amongst the shareholders on common grazings, does the SG (and CC and HIE) have a vision for them? If, as EFNCP believes, they do indeed have an important role in delivering public goods, then it is clear that they will need help to do so, which requires a strategic approach. Common grazings would need to be one very important specific aspect of such a plan.

A key issue of fundamental importance is the role of local governance. Is it to be merely a delivery mechanism for policy, or an active partner in policy development (whether in terms of goals or in terms of the means to be used) – how 'bottom-up' can policy really be? Is policy regarding common grazings going to be permissive (allowing participation in the delivery of policy goals – this is the current model) or proactive (starting from a position of seeing policy delivery as having to involve grazings and catalyzing such participation)? If the latter, then how does that fit with 'bottom-up' delivery?

**Recommendation 2. Common grazings (and croft land) should be clearly distinguishable through their CPH number as happens already in Northern Ireland. We suggest that 2000 be added to the croft holding number (i.e. most croft CPH will be of the form nn/nnn/2nnn, though in some Lewis parishes there will be some of the form nn/nnn/3nnn) and that all common grazings CPH numbers should be of the form nn/nnn/4nnn.**

**Recommendation 3. The next Economic Assessment of Crofting should contain detailed accounts of the state of play and of support delivery for crofts and common grazings in the agricultural and rural development spheres.**

**Recommendation 4. Common grazings should, given their unique social and administrative difficulties and disproportionate social and environmental importance, be considered explicitly in the National Strategy and Rural Development Plan for the programming period starting in 2014. What public goods should and could be delivered on them; what is the intervention logic? What is the balance between 'top-down' and 'bottom-up'? How proactive must policy be?**

While a lack of 'joined-up' analysis and programming is a feature of current policy, in some key areas the actual intended goals of policy are themselves not clear. One example, noted above, is the value or otherwise of common grazing – would it be a 'good thing' if they become in effect sole use farms or is the communal aspect something valuable to be nurtured and encouraged?

Another, very serious, gap is the lack of a coherent policy message for extensive livestock grazing. Hill cattle are universally described in a positive manner in official and NGO pronouncements, though adequate and targeted support is notable by its absence (the wrong-headed Summer Cattle Grazing LMO option notwithstanding).

For hill sheep, in contrast, policy documents mostly give the impression of an embarrassed silence punctuated by the occasional platitude. Light grazing is sometimes said to be of value, but most of the targeted support is still geared to a reduction in grazing pressure. There is noticeably little support for those who are actually grazing at low intensity, despite the high and increasing labour costs associated with such systems. Most of the many weaknesses of LFASS are well-rehearsed, but one which receives less attention is that for the most marginal grazings – the ones which have 'light grazing' – it acts as a headage payment. As we show in section above, a significant proportion of graziers (those on 25% of the grazings in our sample) are being encouraged by LFASS to exceed their souming; many of these are on Natura 2000 sites.

[5]http://enrd.ec.europa.eu/en-rd-events-and-meetings/enrd-seminars/semi-subsistence-seminar/en/semi-subsistence-seminar_home_en.cfm

EFNCP is firmly of the view that payment for land management should be given only to those who are engaged in active land management. This is not just a matter of natural justice, but also essential to prevent changes to the value of land (and to grazings shares) which are not related to a reward for management. We believe that the current ad hoc adjustments to the 'decoupled' system should be replaced by an explicit link not only between receipt of payment and minimum activity levels, but also between the payment calculation and the costs of this minimum activity (and no more).

**Recommendation 5. Pending any further reform, LFASS rules should be amended so that no crofter more than 70% of whose forage is on common grazings is punished for 'undergrazing' if he is at his souming (recognising that it is appropriate that higher stocking levels should be expected on inbye land).**

**Recommendation 6. SNH should be required to provide recommendations on appropriate overall minimum and maximum stocking levels for all nationally or internationally-designated sites without delay. Mechanisms should be designed to ensure that in the medium term, and at least by 2014, active producers on common grazings where stocking densities are not below these minimum levels are not penalised in any CAP scheme (while not rewarding inactive producers).**

**Recommendation 7. The Summer Cattle Grazing LM0 option should be amended at the first opportunity such that payment is still made for 25 ha per cow, but without the requirement either for there to be a cow for every 25 ha of the claimed parcel or for the parcel to be completely fenced. A maximum stocking level should also be set, above which no payments should be made (for example 5 ha per cow, 0.2 LU/ha, but the actual level should be set with reference to expert advice). Grazings clerks should be eligible to apply for this payment with respect to common grazings.**

**Recommendation 8. Given the well-documented 'Retreat from the Hills', the 2014-20 RDP should contain target stocking densities for all LFA land, differentiated by land type and region as appropriate, based solely on the minimum necessary to deliver public goods in the strict sense. The economics of farming at these stocking densities should be set out (including a clear description of the economies of scale) and measures should be proposed such that the total income from support measures when added to market returns ensures that producers grazing at these minimum levels receive the minimum wage for their labour (thus avoiding overcompensation). This implies the full integration of both Pillar 1 and Pillar 2, including, in the latter case, consideration of how accessible these measures are likely to be.**

It would be illogical, having set as a basic tenet that public support should reward active management, not then to insist that the producer has to manage all the land where payments are claimed. This is not the case under SFPS at present and for LFASS, the single tick box per grazing declaration allows, for example, graziers using township parks but not the hill to claim for the whole area. Crofters in the meetings we organised were clearly torn on this question – they knew of grazings where the inactive were claiming and could see that they were benefitting on the back of the active, but were loathe to come down explicitly against them, as long as they were active somewhere, because incomes as a whole are so low. EFNCP believes that the two issues should be addressed at the same time.

**Recommendation 9. In parallel with a clear link between activity, eligibility for payment and the level of payment received being established, there should be a mechanism by which active use of all common grazings parcels is declared** (see also Recommendation 16 below).

By the same token, it is completely illogical that payments designed to reward land management are not in the case of graziers on common grazings linked to the area of land they actually manage, but to their share in the grazings. We show in section how on average 1/3 of forage is not claimed. At present, this makes little difference, at least in the case of SFPS. However, a weaker link to historic payments, which one might expect to result from the current CAP reform, would change the situation completely, even assuming that no payments are given to the inactive.

**Recommendation 10.** **In the event that any further moves toward non-historic payments are made, urgent consideration should be given to finding mechanisms which reward graziers for all the land which they manage (at the minimum activity levels described above), not just on their 'official' forage share as calculated from the souming. This could take a number of forms, from completely changing the route through which payments are made from the individual to the grazings to merely giving more encouragement to clerks to reallocate shares on a year-by-year basis. Work on this should start immediately.**

The importance of rural development schemes in supporting sustainable land management is not likely to diminish; they need to be fit for purpose. Changing individual measures and options is only part of the solution. EFNCP believes that there are so many poor examples of national RD programming as to suggest that the idea of delivering RD support at this scale is fundamentally flawed. Delivery, whether wholly or in part, through regional or sectoral programmes would pose considerable challenges. Scotland's experience with Leader has been restricted to delivering Axis 3 priorities. The need to secure separate co-funding (usually from the very same public bodies that sit on the Local Action Groups (LAGs)) and the much higher organisational capacity of those bodies (which makes their 'minority' status on the LAGs rather meaningless) have tended to turn Leader into a disempowering and uninnovative delivery mechanism. Real grass-roots projects such as BurrenLife in Ireland3, now integrated into mainstream CAP mechanisms as an Article 68 measure, are rare, but inspirational. EFNCP is calling for this approach to be extended from 20144. Some participants in the consultation meetings in this project called for such a programme for crofting, or for Shetland. Others called for grazings committees to be assisted to draw up development or management plans for their grazings and for support measures to be in place to deliver them.

**Recommendation 11.** **Serious consideration should be given to a Rural Development Programme or sub-programme for common grazings in the next RD programming period, starting immediately. This programme should not be assumed to be limited to crofters' common grazings. Support should be delivered through grazings institutions.**

Unfortunately, policy delivery is not merely a matter of designing a scheme with adequate and accessible payments. There has to be an eligible applicant, and that applicant needs to be able to respond to the scheme – they need to be well informed and to have the administrative and organisational capacity to participate. There is a lack of clarity as to whether and how non-crofter common grazings can regulate themselves – how many are subject to the provisions of the Crofters Common Grazings Regulation Act 1891 (through the extension of its provisions to the whole of Scotland by the Small Landholders (Scotland) Act of 1911, for example?)

**Recommendation 12.** **As part of its consideration of common grazings in Scotland, the SG should assess the significance of non-crofter common grazings and obtain legal advice as to whether and how CAP support might be delivered to them. In the case of the Crofting Counties, the development role for these grazings should be added to the duties of Highlands and Islands Enterprise (the only significant areas outwith the HIE area are on Lochtayside). There should be active support for the development of such institutions on grazings where this is possible, including through the use of constables in the short term. Where there is no legal framework in place, the SG should consider how best to reduce exclusion of those graziers from support mechanisms.**

We found that 20% or more of crofters' common grazings are not regulated and that there are doubts about whether some of the regulated grazings have active committees or committees that have experience of involvement in schemes of any type. While we accept that better incentives will, in Ostrom's phrase, increase the 'salience' of common grazings, making both grazing and participation in regulatory structures worthwhile once more, we are far from convinced that such financial encouragement will be enough, at least in the first instance. Raising capacity is not a matter of favouring common grazings above farmers, estate owners or indeed individual crofters – it brings common grazings to the same starting point as these individual land managers.

**Recommendation 13.** **Raising capacity in common grazings committees, clerks and constables should be an explicit objective of SG policy; consideration should be given to delivering this using RDP funding.**

As a former advisor with both FWAG and SAC, the author is a strong believer that both graziers and the SG benefit from a one-stop-shop advisory service available locally and delivered primarily through face to face contact. It is troubling and unacceptable that clerks in some areas cited lack of knowledge as the main reason for non-participation in schemes, although to put this at the door of advisors is to underplay their role as information filters – a good advisor will assess the relevance of schemes and the chance of success before publicising them, and current RDP schemes fall down on both counts.

As the body engaged tasked with the development role in crofting, HIE should engage with SAC to develop targeted and well-thought-through initiatives aimed at common grazings. The SG provides support to SAC for giving services to 'crofting'. The broad-based nature of this commitment is to be welcomed, and contrasts with what might be considered over-'targeted' support in other policy spheres. Nevertheless there is a suspicion at very least that this support is used as a subsidy for 'being there' in the Crofting Counties, in a way not directly related to servicing crofters (and common grazings) specifically, and penalising those offices which are actually engaged with crofters and incurring the resulting costs.

On the other hand, dealing with common grazings is particularly expensive in terms of time and effort – this should be recognised in the schemes themselves. It is not right that the extra transaction costs of common grazings are not recognised in the RDP – the application process should be free at the time of application and paid for as part of the first year's payments.

In particular, decision making for participation in RD schemes on common grazings should reflect the spirit of the Crofting Acts, combining clear information, properly explained in good time, with a system of voting which does not transfer power to the hands of the inactive or uninterested. The requirement to have a majority at a township meeting would seem appropriate.

**Recommendation 14.** **SG support to SAC under Advisory Activity 411 for support to crofting is valuable, but could be better targeted. The broad-based element should be retained but linked explicitly to support to crofters, to common grazings and for work in support of the SG, CC and HIE's own work in support of crofting land use and common grazing.**

**Recommendation 15.** **Explicit support should be given, possibly through the grazings institutions, for the provision of specific advice on schemes, development planning and similar activity. The mechanisms chosen should avoid the need for contribution from the grazings/graziers until acceptance into schemes is guaranteed. In the case of a separate RDP scheme or measure for common grazings, serious consideration should be given to the 'project officer' delivery method.**

**Recommendation 16.** **RDP rules in future to require no more than a majority at a grazings meeting to secure participation in schemes.**

Grazings clerks need to be supported in their difficult role. This means giving them advice on their roles when they are first appointed; reminding them of what the law allows them to do and counselling them on how to approach their tasks in an equitable and efficient manner, including providing them with best practice and support on, for example, drawing up internal agreements and amending grazings regulations and how to reach a fair distribution of scheme payments. Supporting their work through the RDP should be considered. Similar attention should be given to the assessor network. The links between assessors and clerks and the support given by the authorities to assessors should be strengthened.

Approaches to clerks by the SG for details of shareholder activity, to be used for subsidy cross-checks, is causing discontent and unease, since the same information is being sought from the individual claimants. Clerks are also unsurprisingly not happy about being given what are perceived as 'negative' duties in the Crofting Reform Act 2010, but no positive role. This should change.

**Recommendation 17.** **The SG, through the CC, HIE and other bodies where appropriate, should spend more time capacity building grazings clerks. Specific written guidance should be available, especially for issues which are known to be causing difficulties, as well as access to examples of good practice. In the push for 'community' solutions, clerks should know what the law allows and ordains and have easy access to backup from the regulatory and development bodies. Some of this support and advice might be delivered through the assessors; there should be a stronger capacity building and support programme for them. For both clerks and assessors, support through the RDP should be considered.**

**Recommendation 18.** **Clerks' reporting responsibilities should be an integral part of a much wider development role, possibly closely related to RD support (e.g. a township development plan or grazings management plan). If they are to be asked for information which is to be used for validating claims, then a mechanism should be designed by which they are solely responsible for providing that data.**

# 7 Next steps

What specific actions can be taken in the next twelve months and by whom?

- Adjustment of CPH system to identify common grazings (and crofts), leading to production of one-off update to agricultural/land use aspect elements of Economic Report on Crofting. SG

- Adjust Summer Cattle Grazing option in LMO; change agreement rules for RP participation; amend LFASS minimum stocking rule, all at next opportunity for RDP amendment. SG

- Establish what is legal and regulatory context for all common grazings declared in IACS; add all such crofters' common grazings onto Commission records and the Register of Crofts; clarify legal position and opportunities for all non-crofter common grazings, whether within or outwith Crofting Counties; assign development and regulatory support roles on all these grazings as appropriate. SG/CC/HIE/?

- Establish single locus for legislative impact assessment role within SG to assess and advise on integration of common grazings concerns into regulation, support mechanisms etc. early on in the legislative process in the widest sense. SG

- Carry out research to establish factors conducive to an active grazing and active and successful grazings institution, and into how these could be (re-)established in areas of inactivity or moribund regulation. HIE

- Set out an 'envelope' of agricultural management practices necessary for achieving or maintaining Favourable Conservation Status for all designated sites, setting out minimum and maximum acceptable levels, differentiated geographically, temporally, etc. if appropriate, for each SSSI or Natura 2000 sites currently either used for grazing or requiring grazing (if not at present used for grazing). SNH

- Set out role and vision for economically-small agricultural businesses in the context of balanced territorial development, especially of Fragile Areas. HIE

- Based on this work by HIE and SNH, and with due regard to the legal and regulatory fact-finding exercise above, produce a proposal for a common grazings focused RD package, including measures, where appropriate, from all 3 axes. This should be developed with reference to specific 'test' areas, including HIE Fragile Areas and take account throughout of the effects of economies of scale. To ensure that progress is made from the current state of affairs, a substantial majority of these should not be on machair or in regions which are important for corncrakes. HIE? SG?

- Produce best practice guides, with examples, for various difficult or challenging aspects of grazings clerk and assessor roles. HIE

- Prepare and start to implement a funding and action plan to deliver capacity-building for grazings and their institutions, with better integration/role allocation between CC and HIE (through own staff and through assessors), SG (through own staff and SAC through AA411) and graziers' organisations. SG (subsequently co-ordinated through HIE?)

# References


**Aglionby, J C W.** 2008. Can Biodiversity, a public good, be delivered on Common Land through management organisations founded on optimising private property rights? In. Cheltenham. http://iasc2008.glos.ac.uk/conference%20papers/papers/A/Aglionby_104802.pdf

**Beaufoy, Guy, and Tamsin Cooper.** 2009. The Application of the High Nature Value Impact Indicator. European Evaluation Network for Rural Development, European Commission. http://enrd.ec.europa.eu/app_templates/filedownload.cfm?id=6A6B5D2F-ADF1-0210-3AC3-AD86DFF73554

**Boorman, D B, J M Hollis,** and **A Lilly.** 1995. Hydrology of soil types: a hydrologically-based classification of the soils of the United Kingdom. Institute of Hydrology Report No.126.

**Brown, Katrina M.** 2006a. Common land in Western Europe: anachronism or opportunity for sustainable rural development? In . Brescia, Italy. http://iascpeurope.eco.unibs.it/papers/Brown.PDF

**Brown, Katrina M.** 2006b. New Challenges for Old Commons: The Role of Historical Common Land in Contemporary Rural Spaces. *Scottish Geographical Journal* 122, no. 2: 109–129.

**Callander, Robin.** 2003. The history of common land in Scotland. Commonweal of Scotland - Working Paper No. 1 (Issue 2). Caledonia Centre for Social Development. http://www.scottishcommons.org/docs/commonweal_1.pdf

**Chapman, S J, J Bell, D Donnelly**, and **A Lilly.** 2009. Carbon stocks in Scottish peatlands. Soil Use and Management 25: 109-112.

**Cooper, Tamsin, Kaley Hart,** and **David Baldock.** 2009. Provision of Public Goods through Agriculture in the European Union. Report to DG Agri. IEEP. http://ec.europa.eu/agriculture/analysis/external/public-goods/report_en.pdf

**Coull, James R.** 1968. Crofters' Common Grazings in Scotland. *Agricultural History Review* 16, no. 2: 142-154.

**European Commission.** 2006. 2006/144/EC: Council Decision of 20 February 2006 on Community strategic guidelines for rural development (programming period 2007 to 2013). http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006D0144:EN:NOT

**European Commission.** 2010. The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future. COM(2010) 672 final. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0672:FIN:en:PDF

**Fraser Darling,** F. 1955. *West Highland Survey – an Essay in Human Ecology.* Oxford: Oxford University Press.

George Street Research. 2007. Crofting Enquiry: Survey of Rural Development and Crofting. Final Report. http://www.croftinginquiry.org/Resource/Doc/0/0000305.pdf

**Gottschalk, P, J U Smith, J Bellarby, S J Chapman, A Lilly, W Towers, J Bell, et al.** 2010. Estimating changes in national soil carbon stocks using ECOSSE – a new model that includes upland organic soils. Part II. Application in Scotland. *Climate Research* 45: 193–205.

**IUCN.** 2010a. Peatlands and Greenhouse Gas Emissions Reduction Opportunities in Scotland. A briefing document. IUCN UK Committee Peatland Programme. http://www.iucn-uk-peatlandprogramme.org/sites/all/files/100218Briefing_Peatlands_andGreenhouseGasEmissions.pdf

**IUCN.** 2010b. Kyoto Protocol and National Accounting. A IUCN briefing. IUCN UK Committee Peatland Programme. http://www.iucn-uk-peatlandprogramme.org/sites/all/files/IUCN%20UK%20Peatland%20Programme%20briefing%20on%20Kyoto%20Protocol%20and%20National%20Accounting,%20January%202011%20revised.pdf

**Jones, Gwyn.** 2008. Small farms – major embarrassment or key to policy delivery? La Canada.

**Jones, Gwyn.** 2009a. Why are small farms important for the environment? *The Crofter.*

**Jones, Gwyn.** 2009b. Small farms – commoner than you think. *The Crofter.*

L**illy, A, W Towers, A Malcolm,** and **E Paterson.** 2004. Report on a workshop on the development of a Scottish Soils Knowledge and Information Base (SSKIB). Proceedings of a Workshop, Macaulay Land Use Research Institute, 22 Sep 2004. Macaulay Institute, Aberdeen. www.macaulay.ac.uk/workshop/SSKIB/SSKIBWorkshop_Report.pdf

**Macaulay Institute.** 1993. The Land Cover of Scotland 1988. Final report. Macaulay Land Use Research Institute.

**Ostrom, E.** 2001. Reformulating the Commons. *In Protecting the Commons: A framework for resource management in the Americas. Burger, J, Ostrom E, Norgaard, RB, Policansky, D, Goldstein, BD (eds)*. Washington, D.C.: Island Press.

**Pastoral Commoning Partnership,** and **H&H Bowe Ltd.** 2008. Trends in pastoral commoning. NECR001. Natural England. http://www.stackyard.com/news/2009/07/environment/NECR001.pdf

**QMS.** 2010. Cattle and Sheep Enterprise Profitability in Scotland.

**Reid, David.** 2003. Crofters' Common Grazings, Commonweal of Scotland – Working Paper No. 2. Caledonia Centre for Social Development. http://www.scottishcommons.org/docs/commonweal_2.pdf

**Ross, Alasdair.** 2008. Sustainable souming in Scotland: theory and practice (abstract only). In. Lancaster. http://commons.ncl.ac.uk/?q=system/files/SymposiumAbstracts1.pdf

**SAC. 2008.** Farming's Retreat from the Hills. http://www.sac.ac.uk/mainrep/pdfs/retreatreport.pdf

**Scottish Executive.** 2003a. Sheep Annual Premium Scheme 2003. Notes for Guidance. http://www.scotland.gov.uk/Resource/Doc/46932/0017623.pdf

**Scottish Executive.** 2003b. Suckler Cow Premium Scheme 2003. Notes for Guidance. http://www.scotland.gov.uk/Resource/Doc/47102/0017570.pdf

**Scottish Executive.** 2003c. Extensification Premium Scheme 2003. Notes for Guidance. http://www.scotland.gov.uk/Resource/Doc/46932/0017614.pdf

**Scottish Executive.** 2005. National Reserve 2005. Single Farm Payment Scheme. Information leaflet 11. http://www.scotland.gov.uk/Resource/Doc/35596/0016425.pdf

**Scottish Government**. 2006a. Scotland Rural Development Programme 2007-2013 (as amended). http://www.scotland.gov.uk/Resource/Doc/311173/0098233.pdf

**Scottish Executive.** 2006b. Rural Development Programme for Scotland 2007-2013: The Strategic Plan. http://www.scotland.gov.uk/Resource/Doc/332031/0108048.pdf

**Scottish Executive.** 2006c. Scotland Rural Development Programme 2007-2013 (as amended). http://www.scotland.gov.uk/Resource/Doc/311173/0098233.pdf

**Scottish Executive.** 2010a. The Road Ahead for Scotland. Final Report of the Inquiry into Future Support for Agriculture in Scotland. Chairman: Brian Pack. http://www.scotland.gov.uk/Resource/Doc/329281/0106448.pdf

**Scottish Executive.** 2010b. Economic Report on Scottish Agriculture 2010 Edition. http://www.scotland.gov.uk/Resource/Doc/315020/0100103.pdf

**Scottish Executive.** 2010c. Economic Condition of Crofting, 2007–2010. http://www.scotland.gov.uk/Resource/Doc/931/0109979.doc

**Scottish Executive.** 2010d. Getting the best from our land: A draft land use strategy for Scotland. Consultation for discussion and feedback. http://www.scotland.gov.uk/Resource/Doc/325311/0104912.pdf

**SCU,** and **RSPB.** 1992. Crofting and the Environment: a New Approach.

**Smith, J U, S J Chapman, J Bell, J Bellarby, P Gottschalk, G Hudson, A Lilly, P Smith,** and **W Towers.** 2009. Developing a methodology to improve soil C stock estimates for Scotland & use of initial results from a resampling of the National Soil Inventory of Scotland to improve the ECOSSE model. Report prepared for the Rural and Environment Research and Analysis Directorate of the Scottish Government, Science Policy and Co-ordination Division. http://www.scotland.gov.uk/Resource/Doc/291684/0089873.pdf

**Soil Survey of Scotland Staff.** 1981. Soil maps of Scotland at a scale of 1:250 000. Macaulay Institute for Soil Research, Aberdeen.

Photograph of Balephuil, Tiree from West Hynish common grazings, by Stephen Squirrell