

FOI/19/00950

Details of any dates, times and minutes relating to meetings between Fergus Ewing and NFUS in (a) 2016 (b) 2017 (c) 2018.

Date	Time	Type	Organisation/Individual met with	Subject
25/05/2016	1000 – 1045	Meeting	NFUS	N/A
20/06/2016	1000 – 1230	Meeting	NFUS	N/A
29/06/2016	1200 – 1245	Meeting	NFUS	N/A
25/07/2016	1130 – 1215	Meeting	Lucy Sumsion, Crofting Policy Manager, NFUS and ██████████ ██████████ Chair of the NFUS Crofting Highlands and Islands Working Group	N/A
05/09/2016	1445 – 1530	Meeting	National Farmers Union for Scotland	Farming and food production
17/10/2016	1530 – 1630	Meeting	NFUS	Farming and Food
09/11/2016	1600 – 1645	Meeting	NFU Scotland	Farming and Food Production
01/12/2016	1600 – 1645	Meeting	NFUS to discuss Dairy Producer Organisations	Farming and food production
22/12/2016	1330 – 1430	Meeting	NFUS	Farming and food production
06/02/2017	1800 – 2200	Reception	NFU Scotland Annual Dinner	Farming and food production
07/02/2017	1030 – 1130	Meeting	NFU Scotland AGM	Farming and food production
20/02/2017	1015 – 1100	Meeting	Shetland NFUS Branch	Rural Economy
23/02/2017	0930 – 1030	Meeting	NFUS	Farming and food production
30/05/2017	1530 – 1600	Meeting / with Lobbyists	National Farmers Union Scotland to discuss the revolution of the Crown Estate	Rural Economy
30/05/2017	1600 – 1650	Meeting / with Lobbyists	National Farmers Union Scotland to discuss Beef Efficiency Scheme	Rural Economy
20/09/2017	1600 – 1645	Meeting	Joint meeting with Roseanna Cunningham MSP and National Farmers Union Scotland to discuss rural economy priorities post-Brexit	Rural Economy/farming/Brexit
08/02/2018	1800 – 2230	Meeting / Dinner	Attending National Farmers Union Scotland AGM dinner	Rural Economy
09/02/2018	0915 – 1200	Speech	Attending and addressing National Farmers Union Scotland AGM and conference	Rural Economy
06/03/2018	1830 – 2000	Meeting	Midlothian National Farmers Union Scotland Branch and addressing members	Agriculture/Rural Economy
28/03/2018	1000 – 1045	Meeting	Andrew McCornick (NFUS)	Agriculture/ Brexit
19/04/2018	1100 – 1200	Meeting	Andrew McCornick NFUS	Agriculture

21/06/2018	1230 – 1300	Meeting	Minette Batters, NFU	Farming
26/06/2018	1300 – 1430	Meeting	NFUS	Farming
30/08/2018	0930 – 1100	Meeting	NFUS Less Favoured Area's Committee	Agriculture
14/11/2018	1430 – 1600	Meeting	The NFUS	Agriculture

**Meeting between Cabinet Secretary for the Rural Economy and Connectivity and NFU Scotland
Atlantic Quay, Glasgow, 25 July 2016**

Present:

1. [Redacted text]
2. [Redacted text]

Discussion Points and Actions Arising

1. Brief discussion about the origins of crofting.
2. Discussion re NFUS opening branch in Harris. NFUS confirmed that they represented more agriculturally active crofters with larger crofts.
3. Highlighted involvement with two groups interested in promoting woodland crofts.
4. Highlighted importance of attracting new entrant crofters to the sector.
5. Cabinet Secretary talked about Strathspey small landholders and highlighted the difficulty they had in accessing funds. [REDACTED TEXT] confirmed that provision for small farms had been made within SRDP (start-up grants and capital grants) at Mr Ewing's previous behest following representations being made by Strathspey small landholders. Mr Ewing said that he was interested in this and wanted sight of the detail (**ACTION Crofting Policy**).
6. Discussed need for crofting legislative reform. Cabinet Secretary said that the legislation was very complex and that he didn't want to rush things – keen to listen – keen for consultation first followed by debate prior to any decisions being taken – might be a need for a few important changes to be made in advance but might not be possible – no decisions have been taken as yet.
7. LFASS highlighted as important by NFUS as well as sheep payments. Cabinet Secretary suggested the need for simplicity which takes precedent over everything else and that it was NFUS requests during the design phase that had led to complexity (referencing Upland Sheep Scheme and use of regions).
8. Suggested that extension of the application window for the Upland Sheep Scheme would not add to complexity. Also suggested that there was a need to stop over compensating those that don't need it – Upland Sheep Scheme. Further consideration necessary (**ACTION RPID**).
9. Discussed CAP IT system and problems encountered. Cabinet Secretary referenced visit to Stornoway and mentioned that specific mention had been made of problems experienced in registering individual holding share interests for common grazings on the IT system. Cabinet Secretary suggested that a note needed to be passed to David Barnes (**ACTION RPID**).
10. NFUS highlighted issue of common grazings shares being passed out to non-crofters without the knowledge of either the Grazings Committees or the Crofting Commission. Cabinet Secretary identified the need to follow up and advise (**ACTION RPID**).
11. Discussion on the need to deal with the tail of the 2015 basic payments. It was recognised that priority was being given to this. Specific problems were highlighted such as the private contract clause, re-mapping issues and cross border payments – preventing payments being made until resolution was reached.
12. NFUS asked about the National Development Plan for crofting aligned to the manifesto commitment. Discussion centred around the need for super-fast broadband which would need to be put in the plan; the need for affordable housing; and the need for a new entrant scheme. The Cabinet Secretary referenced the conversation with [Redacted text] at the stakeholder forum.

The Cabinet Secretary also referenced the new entrants on the forestry estate and the need to consider leases of longer than 10 years to attract in order to secure the necessary finance to maintain and grow businesses. Discussion touched on the SRDP small farm start up scheme and the need to increase uptake.

13. The Cabinet Secretary mentioned the need for robust business plans and NFUS referenced the previous new entrant scheme that required production of business plans – as well as making payments to outgoing older crofters.
14. The need for good advice was also touched upon and NFUS were appraised of the current position with respect to the Advisory Services Contracts. NFUS highlighted that Integrated Land Management Plans were not really suitable for crofts.
15. Common Grazings were discussed and NFUS said that they had not entered the media frenzy. Instead they were keen to work with the Crofting Commission and others to produce better guidance and fit for purpose regulations. NFUS also mentioned their work on dyslexia.
16. NFUS stressed the need for the Crofting Commission to be properly resourced and expressed disappointment that funding for the Common Grazings project had come to an end.
17. Discussion then touched upon [Redacted text] and NFUS said that the vast majority of Common Grazings Committees worked well. They also said that they were not close to the detail on the 3 common grazings and, as a result, did not feel that they could comment.
18. NFUS made the point that there was a need for a dedicated lead on Crofting Development. The Cabinet Secretary was not keen to consider the role being undertaken by the Crofting Commission as it is a regulator, not a development body. Similarly, the Cabinet Secretary was not keen to separate out the wider rural development functions from crofting – suggesting that HiE is better placed to deal with the larger investment decisions and that Business Gateway via LAs is better placed to provide advice and guidance relating to smaller investment opportunities. The Cabinet Secretary said that a review of the enterprise network was ongoing and that it would be good to see what comes of that. The Cabinet Secretary added that the biggest single thing that would make a difference was high speed broadband for rural communities. Nevertheless the Cabinet Secretary was keen for discussion/debate to continue and that he would continue to listen to points made by stakeholders. NFUS noted the points made but reiterated that it would like to see something put in place to support the development of crofting.
19. Additional points made in last few closing minutes: NFUS highlighted an issue with a Woodland Crofter not being eligible to apply for CAGS grants. **(ACTION Crofting Policy)**; HiE not involved in SE Rural Leadership Programme. Cabinet Secretary suggested that HiE might be delivering alternative actions/initiatives and asked whether there were any gaps. NFUS suggested that the Rural Leadership Programme was very good, brought people together and ensured that it provided an opportunity for under represented groups such as women to get involved. The Cabinet Secretary suggested that contact be made with [Redacted text] from HiE to check how things sit. **(ACTION Crofting Policy)**.

[Redacted text]

Agriculture and Rural Development

Note of Ms Cunningham and Mr Ewing's meeting with NFUS – 20 Sept 2017

- Ms Cunningham and Mr Ewing met with NFUS yesterday (20 Sept).
- NFUS thanked Mr Ewing for announcing the CAP loan scheme and the payments timeline which they saw as providing some helpful clarity to farmers.
- NFUS then spoke about their latest document - Post-Brexit Priorities for Legislative Change, saying that they felt changes could be made to legislation without affecting ability to trade, etc, and that there needed to be more proportionality in regard to penalties.
- They also said that they saw an opportunity to make some of the amendments suggested in their document during a transition period until a new Scottish Agriculture Bill, outlining future policy, was in place.
- Mr Ewing agreed that some of the penalties were extreme and whilst there was a valid need for sanctions those should be proportionate.
- NFUS then spoke about their other "Change" document - A New Agricultural Policy for Scotland Post-Brexit, which sets out their vision and direction of travel for future policy.
- This includes a shift from what they term as Financial Stability payments to payments for Productivity Improvements and Environmental Benefits. MS Cunningham welcomed this thinking and asked if NFUS would be attending the stakeholder event at Battleby on 6th October, NFUS confirmed that they will be represented.
- NFUS repeated that future policy has to be simpler, has to be market led and that there should be a supported transition.
- Mr Ewing said we all wanted things to be simpler, but that currently we had to comply with the EU Regulations, he also said that his predecessor had suggested an alternative to the 3 crop rule which had been rejected by the European Commission. He asked officials to look out this proposal and to re-consider it going forward.
- They also mentioned considering other possibilities such as Government intervention to help projects get off the ground, they used Milk Powder as an example where investment is required to set up a processing plant to produce milk powder. They also said that to make it viable we could consider measures

such as storing milk powder when world prices were low and releasing it when prices picked up.

- NFUS then turned to funding and outlined their position that funding should continue at least at the current level and should be ring-fenced. There was a discussion around funding with both Ministers making the point that we need to have clarity from UK Government on future funding as that would affect the future policy. Mr Ewing said he would be raising this issue when he meets with Michael Gove next week. NFUS confirmed that they had sent a letter to Mr Gove outlining the same need for clarity on funding.
- Mr Ewing concluded the meeting by thanking the NFUS for the two documents they have produced and suggested that it might be useful to have another meeting once SG had time to consider the content of the documents in more detail.

[Redacted text]

From: [Redacted text]

Sent: 09 February 2018 14:05

To: [Redacted text]

Cc: Cabinet Secretary for the Rural Economy and Connectivity[Redacted text]Cabinet Secretary for the Environment, Climate Change and Land Reform[Redacted text]

Subject: Re: NFUS AGM Speech

Thank you again to all those who contributed to Mr Ewing's speech and briefing pack for the NFUS AGM. The event went off very well. Over lunch three separate attendees told me unsolicitedly that they thought it was one of the best speeches by a Cab Sec at an AGM.

In the Q and A session after the speech, Mr Ewing was asked about the following:

Beavers, on which he accepted an invitation to visit [REDACTED] at Strathmore .

Broadband.

Field sports and business rates.

Forestry in the Borders.

Grocery Code Adjudicator, on which he said he supported extension of coverage.

Glyphosate.

Future of crofting law.

Detailed rules for new entrant support on which Mr Ewing asked officials to follow up individual cases [Redacted text] is dealing).

Brexit.

In the press conference afterwards he was asked about:

Farming's twin roles as set out in his speech.

What if lynx were introduced in England ; Cab Sec said he intended to write to Mr Gove to ask what his position is.

Glyphosate.

Forestry.

Innovation.

Post Brexit funding uncertainty and policy development.

In both sessions Mr Ewing said he expects that over the course of the next year SG will be in a position to give more information on a post Brexit farm policy.

[Redacted text]

Sent from my BlackBerry 10 smartphone.

From: [Redacted text] **On Behalf Of** Cabinet Secretary for the Rural Economy
Sent: 27 September 2018 12:00
To: [Redacted text] Cabinet Secretary for the Rural Economy [Redacted text]
Cc: [Redacted text]
Subject: RE: NFUS Crofting Highland and Island Committee

[Redacted text]

Please see attached final reply now issued for your records.

Thanks

[Redacted text]

Assistant Private Secretary
Cabinet Secretary for the Rural Economy
[Redacted text]



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From: [Redacted text]
Sent: 26 September 2018 11:42
To: Cabinet Secretary for the Rural Economy [Redacted text]
Cc: [Redacted text]
Subject: NFUS Crofting Highland and Island Committee
Importance: High

Cabinet Secretary

Following on from your meeting with the NFUS Crofting Highland and Island Committee meeting, please find attached a draft letter for your signature to Barney MacAskill, Chairman. This picks up on the concerns expressed at the meeting about the administrative performance of CAGS – in particular the time taken to make payments to crofters. The letter also picks up on issues concerning the Crofting Commission's performance. There are some flow charts annexed to the letter that will hopefully help explain the position and demonstrate that action is being taken.

I have also attached, for your separate information and interest, a summary of the CAGS performance, together with a summary account on remedial action being taken by the Crofting Commission. I hope you find this informative and helpful.

Regards

[Redacted text]

[Redacted text]

Agriculture Policy Division

Agriculture and Rural Economy Directorate

[Redacted text]



Scottish Government
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Barney MacAskill, Chairman
NFUS Crofting, Highlands and Islands Committee

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

27 September 2018

Dear Barney

I am writing to follow up on some of the points raised with me by the members Crofting, Highlands and Islands committee when we met in Grantown-on-Spey on 30 August.

There were two main issues raised by members.

Firstly on the delivery performance for CAGS, particularly around payment of claims. Officials have looked into this and given me the latest figures on delivery performance. For 2017 and 2018 in particular there has been a significant dip in performance on payment of claims within the published 90 day period and that is disappointing. Having said that much of our priority since 2015 has been given over to ensuring early CAP Pillar 1 payments are made. This year the Scottish Government made more than 95.24% of EU CAP Pillar 1 payments for the 2017 scheme year by the end of June 2018 and this represented more than £387 million being paid to around 17,150 farmers and crofters ahead of the payment deadline.

However, I do appreciate that this might not be a consolation to your members who have had to lay out 100% of the cost of capital improvements before the grant is then paid.

To help crofters understand the processes involved in CAGS I have attached a flow chart showing the processes followed for both applications and claims. I hope you find this helpful and that it provides an indication as to what is involved in dealing with applications. You will note that there are a number of process stages that are necessary to meet regulatory requirements as well as demonstrating appropriate levels of accountability for use of public funds. The downside to this is that it adds to the time taken to make payments to crofters.

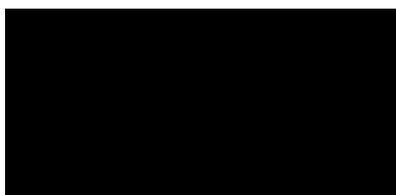
I am nevertheless pleased to be able to tell you that we are in the process of introducing improved IT functionality for administration of CAGS and that this is expected to speed up

the payment process. For cases not selected for inspection in particular, this will reduce the time between approval of the claim and payment considerably.

When we met your members also raised the issue of the performance of the Crofting Commission. My officials who attended the meeting have looked into the issue and have held positive discussions with the Crofting Commission on making improvements.

The Crofting Commission has highlighted however the need to acknowledge that not all cases are straight forward and that some take time to resolve, particularly those cases that are likely to be challenged in the Land Court. Nevertheless, the Commission has acknowledged that it's performance has fallen well short of ideal. In this regard officials have received assurance that remedial action has been instigated and that process improvements have already been made. This is expected to deal with the backlog of routine cases that had built up as well as putting things on a much firmer footing going forward. This includes action being taken to ensure that the basics are right, such as timely provision of acknowledgements and provision of feedback to customers on progress where there are unavoidable delays. In short, the Crofting Commission is well aware of the need for improvement in customer care and is committed to making the necessary changes. Flow charts outlining the process steps for the various types of regulatory case work are attached, including details of the delegated decision making protocols that are designed to improve process efficiencies. I hope your members also find this helpful.

I very much enjoyed the discussion on the day and my officials will be happy to receive any further feedback.



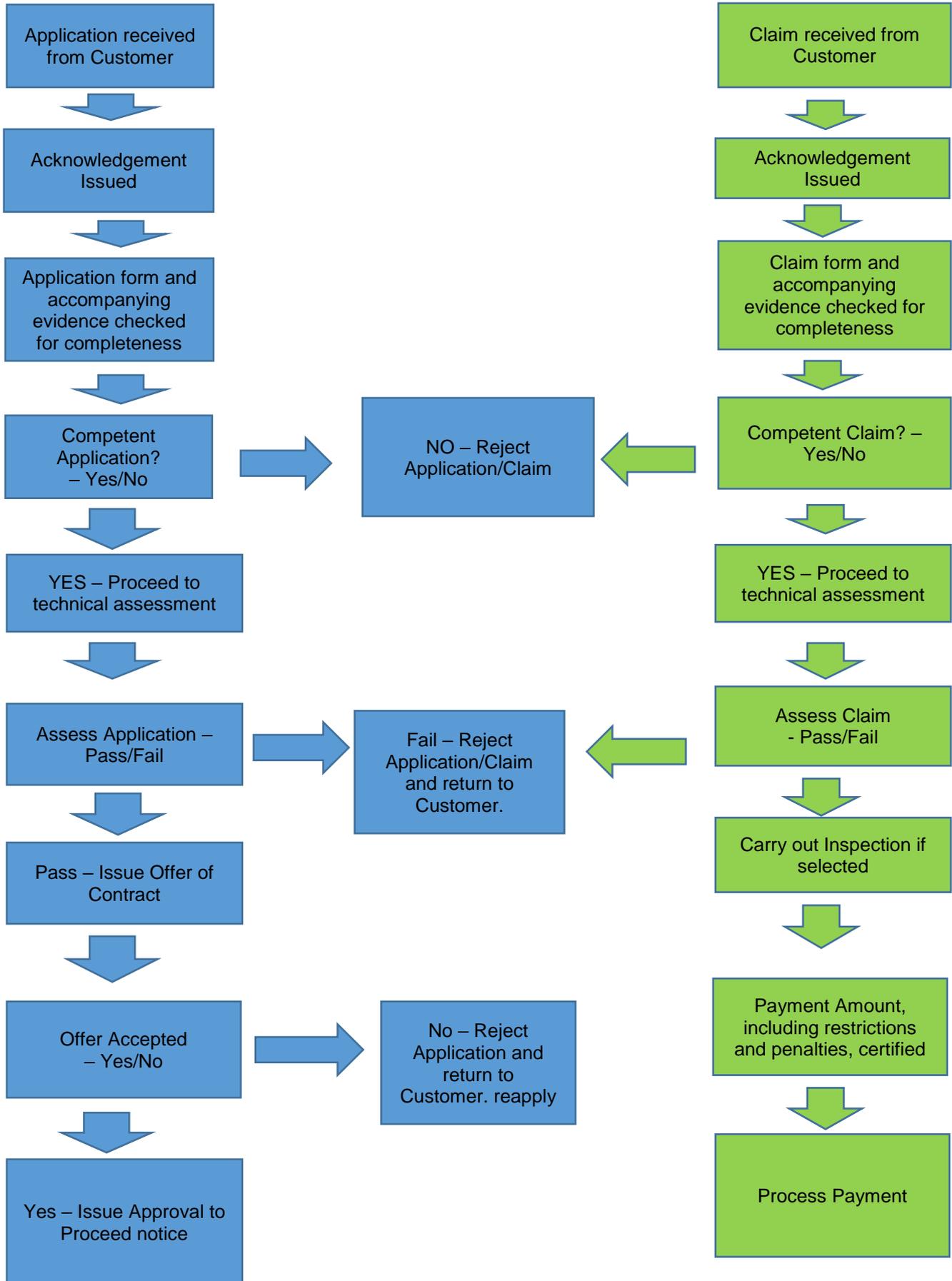
FERGUS EWING

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CAGS ADMINISTRATIVE PROCESSES



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REGULATORY APPLICATION PROCESS

The timescale for processing your regulatory application will depend on which parameters ([link to parameters](#)) it falls into. Also if the croft is not registered with Registers of Scotland it can add a considerable timescale to the application process.

What are Parameters?

When we moved to a model of Delegated Decision Making, with officers able to approve straightforward cases that meet all the legislative and policy requirements, parameters were set by the Commission for each regulatory function that could be considered under the delegated decision making process.

When you have identified the parameters it will give you an indication of how long an application process will take.

TIER 1

These are straightforward cases that meet all the necessary parameters for that regulatory function and allow approval to be made by a Casework Officer.

TIER 2

These are cases outwith the parameters set for Tier 1 cases and are considered by a Senior Casework Officer, again only approval can be made.

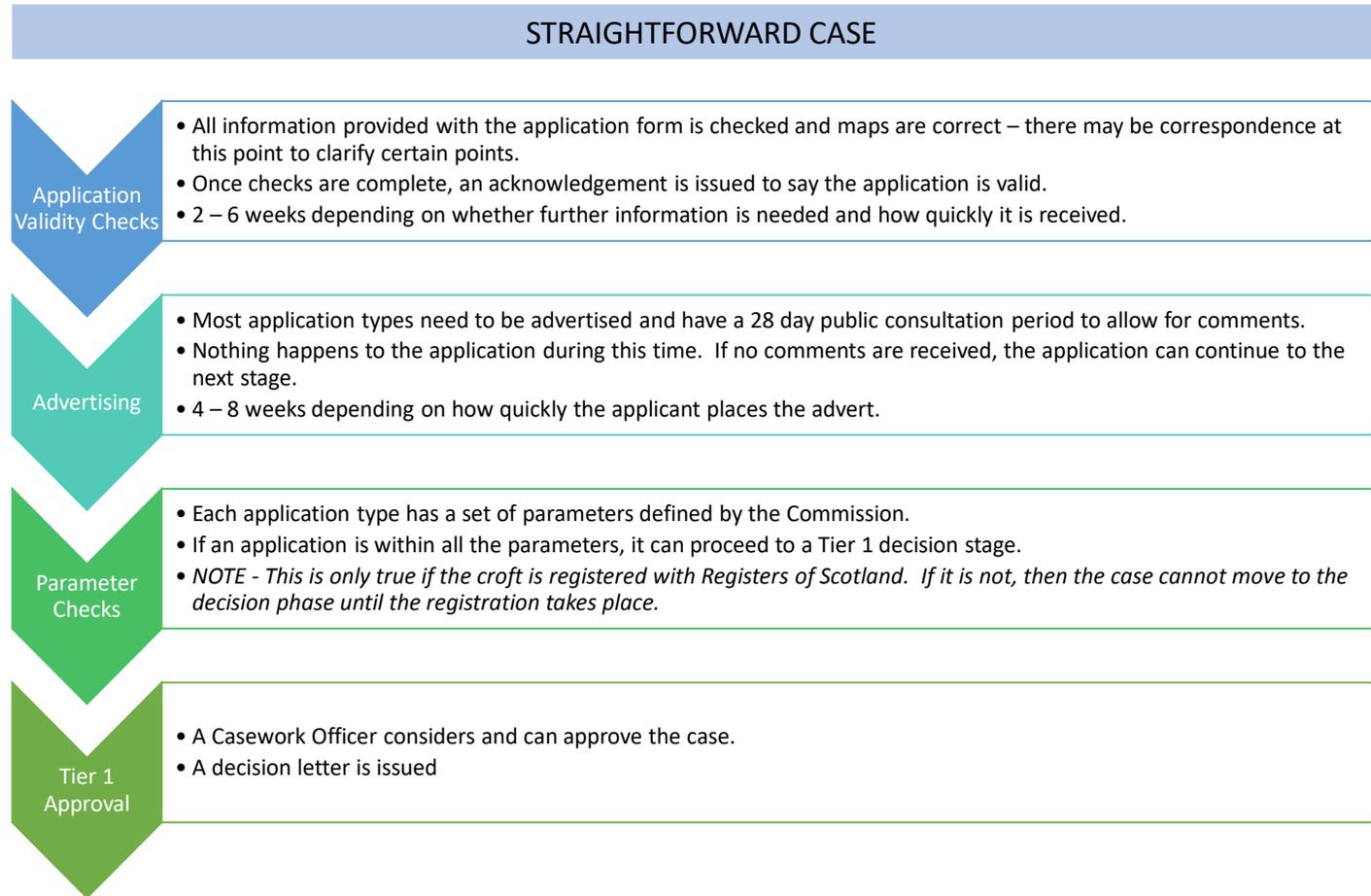
TIER 3

These are cases where Senior Casework Officers at Tier 2 cannot take a decision. Tier 3 cases are considered by a casework group of 3 Commissioners. Only Tier 3 can refuse an application.

Total Case Times - Assuming no registration issues	
Tier 1	12 – 16 weeks
Tier 2	16 – 57 weeks
Tier 3	28 – 94 weeks

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CROFTING COMMISSION ADMINISTRATION OF REGULATORY APPLICATIONS – ROUTINE CASES



Total time for case between 12 – 16 weeks assuming no significant hold ups and that croft is already registered before reaching the decision stage

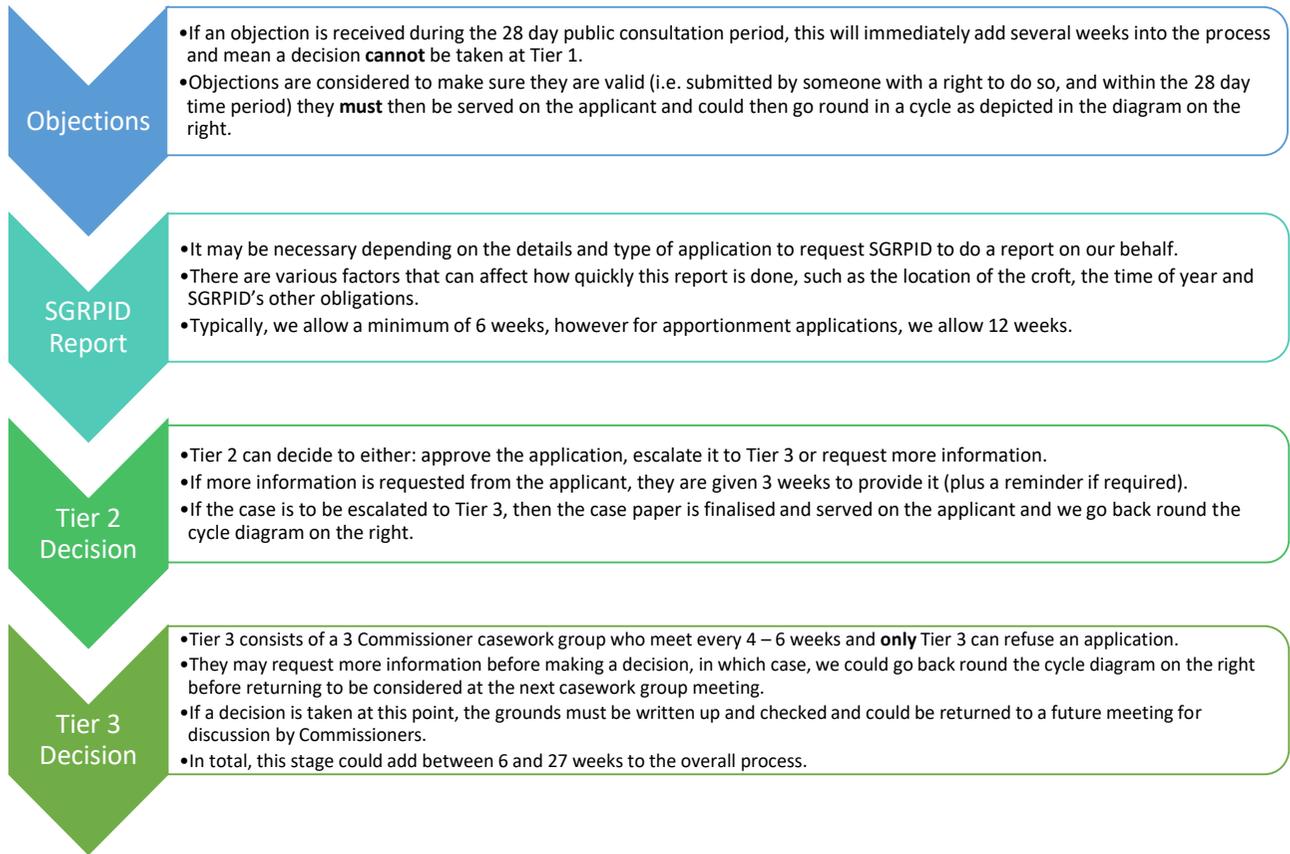
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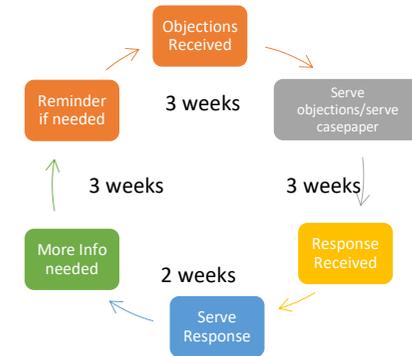


CROFTING COMMISSION ADMINISTRATION OF REGULATORY APPLICATIONS – COMPLEX CASES

COMPLEX CASE
 This may involve one or more of the following processes in addition to that of a straightforward case



Total potential time of cycle: 3 - 11 weeks



Total Case Times*	
* Assuming no registration issues	
Tier 1	12 – 16 weeks
Tier 2	16 – 57 weeks
Tier 3	28 – 94 weeks

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