

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 21/08/17 – 28/08/17

N.B. If your area is not shown in the list below, this is due to no notifications being recorded/ applications decided in your area for the specified period.

Argyll, Skye & Lochalsh, South and West Inverness

Croft: **Croft 1 Lettershuna**
Parish: **Lismore & Appin**
Reg No: **A1646**
Case Number: **80222**
Application Type: **Letting of a croft**

Decision – Approved
Grounds for Decision
The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.

Croft: **1/24 Ardarroch (Share)**
Parish: **Strath**
Reg No: **I7035**
Case Number: **63749**
Application Type: **Assignment**

Decision – Approved
Grounds for Decision
The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.

Caithness, Orkney & Shetland

Croft: Vigga, West Yell
Parish: Yell
Reg No: Z2854
Case Number: 69750
Application Type: Subletting

Decision – Approved

Grounds for Decision

The Commission has considered the application by James David Polson to sublet the croft to Stuart McIntyre and **provides its consent** to the application on the following grounds:

Section 58A(7)(a)(i) of the Crofters (Scotland) Act 1993 (“the Act”) requires the Commission in considering a subletting application to have regard to “*whether any person is or will be ordinarily resident on, or within 32 kilometres of the croft*”. The Commission noted that James David Polson, the current tenant, is no longer able to work the croft and keep livestock and has chosen to sublet the tenancy to Stuart McIntyre who resides within 32 kilometres of the croft. The Commission is therefore satisfied that Mr McIntyre will meet the residency duty.

Section 58A(7)(a)(ii) of the Act stipulates that the Commission must have regard to “*whether the croft is being or will be cultivated or put to such other purposeful use...*” Mr McIntyre intends to put stock on the croft and also plans to improve the fences, drain the croft and apply fertilizer to maintain the condition of the croft. The Commission is therefore satisfied that Mr McIntyre will actively work the croft.

Section 58A(7)(b) of the Act requires the Commission to have regard to the interests of the Estate. In the absence of any objection to the assignation application from the landlord, the Commission has no evidence that approval of the application will have any adverse effect on the interests of the estate.

Section 58A(7)(c) and (d) of the Act relates to the interests and sustainable development of the crofting community in the locality of the croft. The Commission notes Mr Johnson’s concerns on this matter but, on balance, the Commission considers that its consent to the subletting will benefit and contribute positively to the sustainable development of the crofting community as the proposed subtenant has realistic plans for the croft and states that he works together with friends and neighbours cutting grass for hay and silage, taking home peats, hill gatherings, shearing sheep and lambing duties.

The interests of the public at large must also be taken into account under section 58A(7)(e) of the Act. The Commission has found no evidence to suggest that the interests of the public at large would be adversely affected by the subletting.

Section 58A(7)(f) of the Act requires the Commission to have regard to any objections received as a result of public notification of the application. An objection to the proposal was received from Mr Johnson. We have given careful consideration to the objection and the fact that Mr McIntyre has other land. However, the Commission is content that Mr McIntyre fully utilizes the land at his disposal and has previously demonstrated through a previous sublet that he requires additional land and make good use of it. Having assessed that the croft will be utilised and that the proposed subtenant will meet the residency duty, the Commission have decided to approve the application to sublet the tenancy of the croft to Mr McIntyre.

The sublet will be for a fixed period of 10 years.

Croft: Bayview
Parish: Aithsting
Reg No: Z1757
Case Number: 72629
Application Type: Division by Owner-Occupier crofter

Decision – Approved
Grounds for Decision
<p>The Commission has considered your application under section 9 of the Crofters (Scotland) Act 1993 to divide the croft at Bayview to create two new crofts and decided to grant the application on the following grounds:</p> <ul style="list-style-type: none"> Sections 1(2A) and 58A(7) of the Crofters (Scotland) Act 1993 (“the Act”) stipulate the factors to which the Crofting Commission (“the Commission”) must have regard to when reaching a decision on applications for Commission consent to the division of a croft. Section 1(2A)(a) states that the Commission must have regard to “<i>the desirability of supporting population retention in the crofting counties</i>”. Section 1(2A)(b) requires regard to be given to “the impact of changes to the overall area of land held in crofting tenure on the sustainability of crofting.” The Commission recognises that in some circumstances the division of crofts can further the aim of population retention. In this case, the proposal is to divide an owned croft to create two new crofts, one of which the applicant wishes to sell to a third party. This application will have no impact on the overall land held in crofting but will create two new crofts. They noted that the area extending to 1.11 ha is smaller than would normally be expected for a new croft created through a decision. However, the Commission recognise that the smaller area will be run in conjunction with the other crofts which are tenanted by the prospective buyer and that as a result the smaller area can be justified on this occasion. The Commission is satisfied that there will be no access issues created by the granting of the division application. As required by section 58(7), the Commission has had regard to the interests of the estate, the interests of the public at large and the interests of the crofting community. No objections to the proposed let have been received from any member of the crofting community as a result of the public notification process. The Commission is therefore satisfied that the division will have no adverse impact on these interests

Croft: Sandwick
Parish: Sandwick, Shetland
Reg No: Z0574
Case Number: 80140
Application Type: Decrofting – part croft

Decision – Approved	Extent: 0.013 ha
Grounds for Decision	
<p>The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.</p>	
Conditions of Direction	
Purpose:	Amenity ground.
Enclosure:	Within four months of date of direction.

Croft: Longfield
Parish: Dunrossness, Shetland
Reg No: Z0608
Case Number: 77364
Application Type: Decrofting – part croft

Decision – Approved		Extent: 0.175 ha
Grounds for Decision		
<p>The Commission has considered your application under sections 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.175 (ha) for providing the site for a new dwellinghouse and decided to grant a decrofting Direction on the following grounds:</p> <ul style="list-style-type: none"> • The Commission is satisfied on the available evidence that the application is for a reasonable purpose within the meaning of section 20 of the Act and is not excessive in relation to the stated purpose • Paragraph 41 of The Crofting Commission’s policy plan states that <i>“When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land”</i>. There are no issues with access to the site or the remainder of the croft land. 		
Conditions of Direction		
Purpose:	To provide a site for a dwellinghouse.	
Enclosure:	Within four months of completion of development.	

Croft: Longfield
Parish: Dunrossness, Shetland
Reg No: Z0608
Case Number: 77368
Application Type: Decrofting – part croft

Decision – Approved		Extent: 0.261 ha
Grounds for Decision		
<p>The Commission has considered your application under sections 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.261 (ha) for providing the site for a new dwellinghouse and decided to grant a decrofting Direction on the following grounds:</p> <ul style="list-style-type: none"> • The Commission is satisfied on the available evidence that the application is for a reasonable purpose within the meaning of section 20 of the Act and is not excessive in relation to the stated purpose • Although the extent of the land to which the application applies is larger than would normally be granted in relation to that purpose, the area is considered justifiable given the size of the area applied for in relation to the croft as a whole, and that there is no practical way of reducing it. Therefore the proposed area is considered appropriate for the stated purpose. • Paragraph 41 of The Crofting Commission’s policy plan states that <i>“When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land”</i>. There are no issues with access to the site or the remainder of the croft land. 		
Conditions of Direction		
Purpose:	Site for a new dwellinghouse	
Enclosure:	Within four months of the date of the development being completed.	

Croft: **Swenister**
Parish: **Sandwick**
Reg No: **Z0656**
Case Number: **78087**
Application Type: **Decrofting – part croft**

Decision – Approved		Extent: 0.2 ha
Grounds for Decision		
<p>The Commission has considered your application under sections 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.20 (ha) for providing the site for a new dwellinghouse and decided to grant a decrofting Direction on the following grounds:</p> <ul style="list-style-type: none"> • The Commission is satisfied on the available evidence that the application is for a reasonable purpose within the meaning of section 20 of the Act and is not excessive in relation to the stated purpose • Paragraph 41 of The Crofting Commission’s policy plan states that <i>“When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land”</i>. There are no issues with access to the site or the remainder of the croft land. 		
Conditions of Direction		
Purpose:	Site for a new dwellinghouse.	
Enclosure:	Within four months of the date of the development being completed.	

Highland (excl Caithness)

Croft: 1 Badralloch
Parish: Lochbroom
Reg No: R2529
Case Number: 4.21.62819
Application Type: Apportionment

Decision – Approved	Extent: 0.490 ha
Grounds for Decision	
<p>The Crofting Commission has considered the application by Ms Lucy Robison for an apportionment of part of the Badralloch Common Grazing, in respect of the grazing share pertaining to croft 1 Badralloch. The purpose for the application is in connection with stock management and the Commission have decided to approve the application to apportion an area land extending to 0.490 ha for her exclusive use.</p> <p>The Commission, in coming to this decision, had regard to paragraph 96 of its Policy Plan and were satisfied that approving this application is consistent with the said Plan.</p> <p>The Commission has taken into account that the Grazing Committee made no comment or objection, having been given the opportunity to do so as part of the Commission's consultation under section 52(4) of the Crofters (Scotland) Act 1993.</p> <p>The Commission decides every apportionment application on its individual merits. The Commission has considered the merits of the applicant's proposal to use the land for her exclusive use in order to provide a stockproof enclosure to manage her stock and inbye land to a better degree and is satisfied the apportionment will be of benefit to her.</p> <p>The Commission has considered whether the proposed apportionment could adversely affect the interests of other shareholders and the use of the remainder of the common grazings. The Commission has noted there have been objections or concerns raised by two shareholders in the grazing, Mr S Burnett and Mr D G A O'Neill, following the advertisement of the application. These pertained to:</p> <ul style="list-style-type: none">• Water supply pipes and their security;• Access to the remainder of the grazing following apportionment;• Mapping issues in the application;• Road Safety issues for stock and vehicles;• The quality of land being apportioned. <p>The Commission has noted that the proposed apportionment was pegged by the RPID Reporting Officer at the site inspection with the applicant present. The RPID Officer has highlighted that the pegged western boundary is located further east than indicated on the application map so the actual water supplies are not located within the area sought by Ms Robison for her exclusive use. There are several water pipes that cut diagonally across the pegged area which Ms Robison has volunteered to bury as precautionary measure, but it is the Commission's view any risk to these pipes will not increase due to the area being apportioned. The Commission is also satisfied that the pegged western boundary will allow for continued access to the common grazings between the burn and the proposed apportionment. The Commission has taken into account that the southern boundary is positioned several metres back from the road to provide a wider passage for stock movement and also that the RPID Officer, whilst agreeing there are some bends on the public road, considers that enclosing the area may have the advantage of potentially assisting road safety through keeping a small proportion of the applicant's sheep off the road. The Commission has further noted the evidence provided by the RPID Reporting Officer about the quality of land within the area applied for in comparison to the whole of the grazings and has reflected this in the proportionate souming reduction applied in this case. The Commission is therefore satisfied the shareholders concerns about these matters have been addressed.</p> <p>For the foregoing reasons the application has been approved.</p>	

Conditions

(FIRST) The apportionment must be fenced in accordance with the attached map. If you find it is not possible to enclose the area with a stockproof fence in terms of the attached map, you must complete the fencing within the line of apportionment. You must not encroach onto the unapportioned common grazing land. However, if there are any unforeseen physical constraints which prohibit from enclosing on or within the agreed fence line you may seek a review of the condition.

(SECOND) You and your successors shall in all time coming maintain in a stockproof condition any new fences and gates erected to complete the enclosure of the said area of ground and that without prejudice to any liability they may have for the maintenance of any other fences and gates bounding the said area of ground.

(THIRD) The souming for the said croft in the said common grazings shall be reduced by two sheep.

(FOURTH) Should new Regulations for the management of the Badralloch Common Grazings be confirmed, your liability for township expenses including expenses incurred by the Committee in maintaining or replacing any fixed equipment required in connection therewith shall notwithstanding the foregoing souming reduction, remain based on the full share but you may apply to the Committee for modification of your liability for township obligations and if you are dissatisfied with the decision of the Committee you can make representations to the Crofting Commission.

(FIFTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.

(SIXTH) All existing rights of access over the area apportioned shall be reserved.

(SEVENTH) You and your successors must ensure that any use that is made of the apportionment does not interfere with the water pipes that are situated within the area.

(EIGHTH) Should the Grazings Committee's proposal to use part of the common grazings for woodland/forestry proceed, you and your successors will co-operate with the Grazings Committee should there be a requirement to upgrade any of the existing fences enclosing the apportionment from a stockproof fence to a deer fence.

Croft: **N.muirnich & Wester Tomvoit**
Parish: **Boleskine & Abertarff**
Reg No: **10663**
Case Number: **80163**
Application Type: **Decrofting – part croft**

Decision – Approved		Extent: 0.138 ha
Grounds for Decision		
The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.		
Conditions of Direction		
Purpose:	Dwellinghouse.	
Conditions:	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of development being completed. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Western Isles

Croft: 24 Ardivachar
Parish: South Uist
Reg No: I4730
Case Number: 79300
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.044 ha
Grounds for Decision		
Having considered all of the available information, the Commission is satisfied this application is for a reasonable purpose and that the extent of the land applied for is not excessive in relation to that purpose. The Commission has therefore agreed to grant the Direction as requested.		
Conditions of Direction		
Purpose:	Amenity ground.	
Enclosure of area:	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	