

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 19/02/18 – 25/02/18

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: 3 Halistra
Parish: Duirinish
Reg No: I1121
Case Number: 82747
Application Type: Short Term Let

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. Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

The period of sublet shall be for 5 years.

Croft: 10 & 11 Borve
Parish: Snizort
Reg No: I3613
Case Number: 84064
Application Type: Sublet

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.

The period of sublet shall be for 10 years

Croft: 7 Glenuig
Parish: Arisaig & Moidart
Reg No: I0107
Case Number: 84617
Application Type: Assingation

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: 6 & 7 Elishadder
Parish: Kilmuir (Skye)
Reg No: I5719
Case Number: 77950
Application Type: Division

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: Orgill
Parish: Lunnasting
Reg No: Z1195
Case Number: 81379
Application Type: Letting

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: **Bouster**
Parish: **Yell**
Reg No: **Z2564**
Case Number: **77235**
Application Type: **Apportionment**

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| Decision – Approved | Extent: 77.9 ha |
| Grounds for Decision | |
| <p>The Commission considered this application submitted under section 52(4) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to apportion part of the West Sandwick and Herra Common Grazings extending in total to 77.9 ha in respect of the grazing share pertaining to Bouster, Yell. The proposed use is for stock management purposes. The application is granted on the following grounds:</p> <ol style="list-style-type: none"> 1. The Commission are satisfied that the apportionment will be for the exclusive use of the applicant. 2. While the Commission received an objection from Scottish Natural Heritage following the advertising of the apportionment, the applicant subsequently modified the area applied to address their concerns. 3. There was no evidence to suggest that the apportionment will adversely effect either (i) the interests of the crofters sharing in the grazings or (ii) that part of the common grazings remaining unapportioned. | |
| Purpose | |
| Stock Management Purposes | |
| Conditions | |
| <p>(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.</p> <p>(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.</p> <p>(THIRD) The souming for the said croft in the said common grazing shall be reduced from 191 sheep to 90 sheep.</p> <p>(FOURTH) Your liability for township expenses including the expenses incurred by the Committee in maintaining the said common grazing and in providing, maintaining and replacing any fixed equipment required in connection therewith, shall, notwithstanding the foregoing abatement of souming, remain as hitherto (that is to say, based on the original souming) but you may apply to the said Grazing Committee for modification of your liability for township obligations and if you are dissatisfied with the decision of the said Grazing Committee you can make representations to the Crofting Commission.</p> <p>(FIFTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.</p> <p>(SIXTH) All existing rights of access over the area apportioned shall be reserved.</p> | |

Croft: Annfield
Parish: Sandsting
Reg No: Z1653
Case Number: 81563
Application Type: Decrofting – part croft

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| Decision – Approved | | Extent: 0.08 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: | Existing dwellinghouse. | |
| Enclosure: | <ol style="list-style-type: none"> 1. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the direction. 2. That fence must be maintained in good order and repair by each successive owner or occupier of the land. | |

Croft: Rocklea
Parish: Whiteness
Reg No: Z3603
Case Number: 81383
Application Type: Assignment

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| Decision – Approved | |
| Grounds for Decision | |
| <ul style="list-style-type: none"> • We have had regard to whether the proposed assignee will be ordinarily resident on, or within 32 kilometres, of the croft and are satisfied from the available evidence that the assignee will be in a position to comply with the residency duty. • We have had regard to whether the croft will be cultivated or put to a purposeful use under section 5C(4) of the 1993 Act and are satisfied from the available evidence that the assignee will cultivate the croft. We note from the evidence provided in the SGRPID report that the proposed tenant is currently working his existing crofts to their full potential. • We have received no objection from the landlord/estate in respect of the land to which the application relates and do not therefore consider on the available evidence that the interests of the estate will be adversely affected. • We have received no objection(s) from any members of the crofting community. The Commission considers on the available evidence that the consent hereby provided will not have an adverse effect on the interests of the crofting community in the locality of the croft or on the sustainable development of that crofting community. • We are satisfied on the available evidence that the approval of the assignment will not adversely affect the interests of the public at large. • We have not received any other objections under subsection (4) or (5A) of section 58A of the 1993 Act, nor were any expressions of demand received in respect of the tenancy of the croft. • We have had regard to the Commission’s Policy Plan and are satisfied that the consent hereby provided is consistent with our Policy Plan. • In exercising our regulatory functions, the Commission must have regard to the desirability of supporting population retention in the crofting counties. The available evidence indicates that the consent hereby provided will likely have a neutral impact upon population retention in the locality. | |

Highland (excl Caithness)

Croft: 44 Scourie Village
Parish: Eddrachilles
Reg No: S0972
Case Number: 82970
Application Type: Decrofting – Part Croft – Reasonable Purpose

Decision – Approval – 0.046 ha

The Commission has considered the application under sections 24(3) and 25(1)(a) and 25(4) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft parts of the croft, extending in total to 0.046 ha, being the site of existing garden ground which includes part of an existing garage, kennel and greenhouse, and decided to grant a decrofting direction on the following grounds:

- Under section 25(1)(a) of the 1993 Act, the application is considered to be for a reasonable purpose, within the meaning of section 20 of the 1993 Act, and the extent applied for is not excessive in relation to that purpose.
- We note that the decrofting of this area of land is adjacent to the site which was decrofted in 1993 to provide a site for a dwellinghouse. Owing to the topography of the area decrofted in 1993, a small area of land which lay outwith the decrofted area was enclosed as part of the garden ground. In granting this application the Commission note that this is regularising an existing situation where the area of land has been enclosed as part of the garden ground for a number of years.
- Paragraph 67 of The Crofting Commission’s Policy Plan, states that “*When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land or, where appropriate, common grazing*”. The applicant has confirmed there is an alternative access to the part of the croft below the area which is the subject of this application. The alternative access is located at Point A (as shown on the plan attached to the decrofting Direction) and the applicant has confirmed that the installation of a 10ft gate at Point B (also shown on the plan attached to the decrofting Direction) will provide access to the remainder of that part of the croft should it be required in the future. The Commission are therefore satisfied that the matter of ensuring access to this part of the croft has been addressed.

Croft: 1 Incheril
Parish: Gairloch
Reg No: R1536
Case Number: 83446
Application Type: Decrofting – Part Croft

Decision – Approved

Extent: 0.0838 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

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| 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 development being completed. That fence shall be maintained in good order and repair by each successive owner or occupier of the land. |

Croft: 149 & 250 Little Rogart
Parish: Rogart
Reg No: S1894
Case Number: 86368
Application Type: Assignation

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| Decision – Approved |
| Grounds for Decision |
| Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted. |

Croft: 6 Loaneckheim
Parish: Kiltarlity
Reg No: I2880
Case Number: 85244
Application Type: Decrofting – part croft

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| Decision – Approved | Extent: 0.047ha |
| 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: | Amenity ground |

Croft: Heights of Brae
Parish: Fodderty
Reg No: R1335
Case Number: 86190
Application Type: Decrofting – croft house site and garden ground

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| Decision – Approved | Extent: 0.102 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: | |
| Enclosure of area: | The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the date of this direction. That fence shall be maintained in good order and repair by each successive owner or occupier of the land. |

Western Isles

Croft: 9 East Gerinish
Parish: South Uist
Reg No: I5050
Case Number: 77985
Application Type: Decrofting – Part Croft

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| Decision – Approved | | Extent: 0.22 ha |
| Grounds for Decision | | |
| <p>The Commission has considered the application under sections 24(3) and 25(1)(a) and 25(4) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft, being the site of an existing dwellinghouse and ruinous house, extending to 0.22 ha, and approve the application on the following grounds:</p> <p>Under section 25(1)(a) of 1993 Act, the application is considered to be for a reasonable purpose (within the meaning of section 20 of the Act) and is not excessive in relation to the stated purpose;</p> <p>Paragraph 67 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>. The Commission determined that there are no issues with access to the site, the remainder of the croft or any other croft land.</p> | | |
| Conditions of Direction | | |
| Purpose: | Being the site of an existing house and ruinous house. | |
| 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. | |

Croft: 422 North Lochboisdale
Parish: South Uist
Reg No: I5315
Case Number: 85725
Application Type: Sublet

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| Decision – Approved | |
| Grounds for Decision | |
| <p>The Commission has considered the application to sublet the croft and provides its consent to the application. We are satisfied on the available evidence that it has been demonstrated that the subtenant will be ordinarily resident on or within 32 km of the croft, and will cultivate the croft for the full duration of the period of the sublet. The sublet includes the right to graze in North Lochboisdale Common Grazings. The sublet excludes the croft house and garden ground.</p> <p>The Commission notes that no objections to the proposed subletting have been received from the landlord or any member of the crofting community.</p> <p>The sublet will be for the fixed period of 5 years.</p> | |

Croft: 4 Askernish
Parish: South Uist
Reg No: I4763
Case Number: 86400
Application Type: Consent to be absent

Decision – Refused

Grounds for Decision

The Commission has considered your application under section 21B of the Crofters (Scotland) Act 1993 for consent for absence from the above croft from 15 November 2017 to 15 November 2027 and has decided to **refuse** the application.

In refusing your application for consent to be absent, the Commission note that you are currently living and working in Glasgow and do not intend to return to South Uist until at least 2029. The Commission recognise that there may be legitimate reasons why a crofter is unable to take up residence on or within 32km of a croft for a reasonable period of time. The Commission, however, do not consider that it is appropriate to give consent to be absent for a period as long as 10 years in the circumstances set out in your application, and indeed you have indicated that you will not be in a position to return to or within 32km of the croft at the end of a 10 year period of consent. The Commission do, however, recognise that there could be circumstances where a crofter is unable to comply with the residency requirements, for instance where he or she may be working away from the croft or within 32km of the croft for a specific and contracted period of time.

In addition to the above, the Commission is to have regard to the desirability of supporting population retention when considering applications for consent to be absent. It is the view of the Commission that population retention on island crofting communities is best supported when crofters reside on or within 32km of their crofts, unless there is a good and objective reason why a particular crofter cannot fulfil the residency duty for a specified period of time.

Specific Conditions

I can advise further that the Commission cannot enter into any dialogue with parties while this 42 day appeal period is extant.

Croft: 250 Daliburgh
Parish: South Uist
Reg No: I4950
Case Number: 86409
Application Type: Consent to be absent

Decision – Refused

Grounds for Decision

The Commission has considered your application under section 21B of the Crofters (Scotland) Act 1993 for consent for absence from the above croft from 15 November 2017 to 15 November 2027 and has decided to **refuse** the application.

In refusing your application for consent to be absent, the Commission note that you are currently living and working in Glasgow and do not intend to return to South Uist until at least 2029. The Commission recognise that there may be legitimate reasons why a crofter is unable to take up residence on or within 32km of a croft for a reasonable period of time. The Commission, however, do not consider that it is appropriate to give consent to be absent for a period as long as 10 years in the circumstances set out in your application, and indeed you have indicated that you will not be in a position to return to or within 32km of the croft at the end of a 10 year period of consent. The Commission do, however, recognise that there could be circumstances where a crofter is unable to comply with the residency requirements, for instance where he or she may be working away from the croft or within 32km of the croft for a specific and contracted period of time.

In addition to the above, the Commission is to have regard to the desirability of supporting population retention when considering applications for consent to be absent. It is the view of the Commission that population retention on island crofting communities is best supported when crofters reside on or within 32km of their crofts, unless there is a good and objective reason why a particular crofter cannot fulfil the residency duty for a specified period of time.

Specific Conditions

I can advise further that the Commission cannot enter into any dialogue with parties while this 42 day appeal period is extant.

Croft: 266 & 274 Daliburgh
Parish: South Uist
Reg No: I4962
Case Number: 86414
Application Type: Consent to be absent

Decision – Refused

Grounds for Decision

The Commission has considered your application under section 21B of the Crofters (Scotland) Act 1993 for consent for absence from the above croft from 15 November 2017 to 15 November 2027 and has decided to **refuse** the application.

In refusing your applications for consent to be absent, the Commission note that you are currently living and working in Glasgow and do not intend to return to South Uist until at least 2029. The Commission recognise that there may be legitimate reasons why a crofter is unable to take up residence on or within 32km of a croft for a reasonable period of time. The Commission, however, do not consider that it is appropriate to give consent to be absent for a period as long as 10 years in the circumstances set out in your application, and indeed you have indicated that you will not be in a position to return to or within 32km of the croft at the end of a 10 year period of consent. The Commission do, however, recognise that there could be circumstances where a crofter is unable to comply with the residency requirements, for instance where he or she may be working away from the croft or within 32km of the croft for a specific and contracted period of time.

In addition to the above, the Commission is to have regard to the desirability of supporting population retention when considering applications for consent to be absent. It is the view of the Commission that population retention on island crofting communities is best supported when crofters reside on or within 32km of their crofts, unless there is a good and objective reason why a particular crofter cannot fulfil the residency duty for a specified period of time.

Specific Conditions

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Croft: 254 Daliburgh
Parish: South Uist
Reg No: I4954
Case Number: 86415
Application Type: Consent to be absent

Decision – Refused

Grounds for Decision

The Commission has considered your application under section 21B of the Crofters (Scotland) Act 1993 for consent for absence from the above croft from 15 November 2017 to 15 November 2027 and has decided to **refuse** the application.

In refusing your application for consent to be absent, the Commission note that you are currently living and working in Glasgow and do not intend to return to South Uist until at least 2029. The Commission recognise that there may be legitimate reasons why a crofter is unable to take up residence on or within 32km of a croft for a reasonable period of time. The Commission, however, do not consider that it is appropriate to give consent to be absent for a period as long as 10 years in the circumstances set out in your application, and indeed you have indicated that you will not be in a position to return to or within 32km of the croft at the end of a 10 year period of consent. The Commission do, however, recognise that there could be circumstances where a crofter is unable to comply with the residency requirements, for instance where he or she may be working away from the croft or within 32km of the croft for a specific and contracted period of time.

In addition to the above, the Commission is to have regard to the desirability of supporting population retention when considering applications for consent to be absent. It is the view of the Commission that population retention on island crofting communities is best supported when crofters reside on or within 32km of their crofts, unless there is a good and objective reason why a particular crofter cannot fulfil the residency duty for a specified period of time.

Specific Conditions

I can advise further that the Commission cannot enter into any dialogue with parties while this 42 day appeal period is extant.

Croft: 262(2) Daliburgh
Parish: South Uist
Reg No: I4958
Case Number: 86419
Application Type: Consent to be absent

Decision – Refused

Grounds for Decision

The Commission has considered your application under section 21B of the Crofters (Scotland) Act 1993 for consent for absence from the above crofts from 15 November 2017 to 15 November 2027 and has decided to **refuse** the application.

In refusing your application for consent to be absent, the Commission note that you are currently living and working in Glasgow and do not intend to return to South Uist until at least 2029. The Commission recognise that there may be legitimate reasons why a crofter is unable to take up residence on or within 32km of a croft for a reasonable period of time. The Commission, however, do not consider that it is appropriate to give consent to be absent for a period as long as 10 years in the circumstances set out in your application, and indeed you have indicated that you will not be in a position to return to or within 32km of the croft at the end of a 10 year period of consent. The Commission do, however, recognise that there could be circumstances where a crofter is unable to comply with the residency requirements, for instance where he or she may be working away from the croft or within 32km of the croft for a specific and contracted period of time.

In addition to the above, the Commission is to have regard to the desirability of supporting population retention when considering applications for consent to be absent. It is the view of the Commission that population retention on island crofting communities is best supported when crofters reside on or within 32km of their crofts, unless there is a good and objective reason why a particular crofter cannot fulfil the residency duty for a specified period of time.

Specific Conditions

I can advise further that the Commission cannot enter into any dialogue with parties while this 42 day appeal period is extant.