

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 09/04/18 – 15/04/18

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.

Caithness, Orkney & Shetland

Croft: **Urafirth (Apportionment and Share)**
Common Grazing: **Ennisfirth, Hamar, Orbister, Olnesfirth, Assater & Heylor Common Grazings**
Parish: **Northmavine**
Reg No: **Z3419**
Case Number: **81770**
Application Type: **Apportionment**

Decision – Approved	Extent: 17.4 ha
Grounds for Decision	
The application for the Commission's consent to apportion a part of the above common grazing for the applicant's own exclusive use has been approved subject to the conditions below.	
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 grazings shall be extinguished.</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 that the souming has been extinguished 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: Grutin (apportionment)
Parish: Delting
Reg No: Z3702
Case Number: 84779
Application Type: Assignment

Decision – Approval

Grounds for Decision

The Commission has considered your application under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to assign the tenancy of the croft Grutin (Apportionment) [Z3702] to Nigel J Sutherland and has decided to approve the application on the following grounds:

- Section 58A(7) of the 1993 Act stipulates the factors to which the Crofting Commission is obliged to give regard to when reaching a decision on applications for Commission consent to the assignment of a tenanted croft.
- In terms of sections 58A(7)(a)(i) of the 1993 Act, the Commission must have regard to whether any person is or will be ordinarily resident on, or within 32 kilometres of, the croft and are satisfied from the available evidence that the proposed assignee, Nigel J Sutherland, will be in a position to comply with the residency duty.
- In terms of section 58A(7)(a)(ii) of the 1993 Act, the Commission must have regard to whether the croft is being or will be cultivated or put to such other purposeful use and are satisfied from the available evidence that Mr N J Sutherland will cultivate the croft and that his stocking proposals for the croft seem reasonable.
- The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the 1993 Act. We have not received an objection from the landlord/estate in respect of the land to which this application relates and therefore do not consider that the interests of the estate will be adversely affected.
- Sections 58A(7)(c) and (d) of the 1993 Act relate to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We have not received any objection to this application from any member of the crofting community. The Commission therefore consider that approving this application will not have an adverse effect on the interest of the crofting community in the locality of the croft or on the sustainable development of that crofting community. In approving this application it is noted that the Commission is approving the assignment of the tenancy of one other croft and the letting of two other crofts in the locality to Mr Sutherland. It is the Commission’s opinion that the transfer of these crofts to Mr Sutherland is the natural progression from one generation to another and will help sustain crofting in the area.
- The interests of the public at large must also be taken into account under subsection 58A(7)(e) of the 1993 Act. The Commission has found no evidence to suggest that the interests of the public at large would be affected, either positively or negatively by the proposed assignment.
- Subsection 58A(7)(f) of the 1993 Act relates to any objections received to the application. The Commission notes that no objections were received to the public notification process of the application, nor were any expressions of demand received in respect of the tenancy of the croft.
- Section 58A(7)(g) of the 1993 Act requires that in reaching a decision on such applications the Commission must have regard to their Policy Plan. The Commission has had regard to its Policy Plan and is satisfied that the consent hereby provided is consistent with the said Plan as it relates to assignment.

Croft: Grutin
Parish: Delting
Reg No: Z0215
Case Number: 84865
Application Type: Letting of a vacant croft by Landlord

Decision – Approval

Grounds for Decision

The Commission has considered your application under section 23(3) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to let the whole of the croft at Grutin (Z0215) to Nigel J Sutherland and has decided to approve the application on the following grounds:

- Section 58A(7) of the 1993 Act stipulates the factors to which the Crofting Commission is obliged to give regard to when reaching a decision on applications for Commission consent to the letting of a croft.
- In terms of sections 58A(7)(a)(i) of the 1993 Act, the Commission must have regard to whether any person is or will be ordinarily resident on, or within 32 kilometres of, the croft and are satisfied from the available evidence that the proposed tenant, Nigel J Sutherland, will be in a position to comply with the residency duty.
- In terms of section 58A(7)(a)(ii) of the 1993 Act, the Commission must have regard to whether the croft is being or will be cultivated or put to such other purposeful use and are satisfied from the available evidence that Mr N J Sutherland will cultivate the croft and that his stocking proposals for the croft seem reasonable.
- The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the 1993 Act. In this instance the Commission consider this application is in the interests of the estate as it is the landlords of the croft that are making the application to let the tenancy of the croft to the person of their choice.
- Sections 58A(7)(c) and (d) of the 1993 Act relate to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We have not received any objection to this application from any member of the crofting community. The Commission therefore consider that approving this application will not have an adverse effect on the interest of the crofting community in the locality of the croft or on the sustainable development of that crofting community. In approving this application it is noted that the Commission is approving the letting of one other croft and the assignation of the tenancies of two other crofts in the locality to Mr Sutherland. It is the Commission’s opinion that the transfer of these crofts to Mr Sutherland is the natural progression from one generation to another and will help sustain crofting in the area.
- The interests of the public at large must also be taken into account under subsection 58A(7)(e) of the 1993 Act. The Commission has found no evidence to suggest that the interests of the public at large would be affected, either positively or negatively by the proposed letting.
- Subsection 58A(7)(f) of the 1993 Act relates to any objections received to the application. The Commission notes that no objections were received to the public notification process of the application, nor were any expressions of demand received in respect of the tenancy of the croft.
- Section 58A(7)(g) of the 1993 Act requires that in reaching a decision on such applications the Commission must have regard to their Policy Plan. The Commission has had regard to its Policy Plan and is satisfied that the consent hereby provided is consistent with the said Plan as it relates to letting.

Croft: Grutin (Apportionment)
Parish: Delting
Reg No: Z3703
Case Number: 84874
Application Type: Assignment

Decision – Approval

Grounds for Decision:

The Commission has considered your application under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to assign the tenancy of the croft Grutin (Apportionment) [Z3703] to Nigel J Sutherland and has decided to approve the application on the following grounds:

- Section 58A(7) of the 1993 Act stipulates the factors to which the Crofting Commission is obliged to give regard to when reaching a decision on applications for Commission consent to the assignment of a tenanted croft.
- In terms of sections 58A(7)(a)(i) of the 1993 Act, the Commission must have regard to whether any person is or will be ordinarily resident on, or within 32 kilometres of, the croft and are satisfied from the available evidence that the proposed assignee, Nigel J Sutherland, will be in a position to comply with the residency duty.
- In terms of section 58A(7)(a)(ii) of the 1993 Act, the Commission must have regard to whether the croft is being or will be cultivated or put to such other purposeful use and are satisfied from the available evidence that Mr N J Sutherland will cultivate the croft and that his stocking proposals for the croft seem reasonable.
- The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the 1993 Act. We have not received an objection from the landlord/estate in respect of the land to which this application relates and therefore do not consider that the interests of the estate will be adversely affected.
- Sections 58A(7)(c) and (d) of the 1993 Act relate to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We have not received any objection to this application from any member of the crofting community. The Commission therefore consider that approving this application will not have an adverse effect on the interest of the crofting community in the locality of the croft or on the sustainable development of that crofting community. In approving this application it is noted that the Commission is approving the assignment of the tenancy of one other croft and the letting of two other crofts in the locality to Mr Sutherland. It is the Commission’s opinion that the transfer of these crofts to Mr Sutherland is the natural progression from one generation to another and will help sustain crofting in the area.
- The interests of the public at large must also be taken into account under subsection 58A(7)(e) of the 1993 Act. The Commission has found no evidence to suggest that the interests of the public at large would be affected, either positively or negatively by the proposed assignment.
- Subsection 58A(7)(f) of the 1993 Act relates to any objections received to the application. The Commission notes that no objections were received to the public notification process of the application, nor were any expressions of demand received in respect of the tenancy of the croft.
- Section 58A(7)(g) of the 1993 Act requires that in reaching a decision on such applications the Commission must have regard to their Policy Plan. The Commission has had regard to its Policy Plan and is satisfied that the consent hereby provided is consistent with the said Plan as it relates to assignment.

Croft: Grutin
Parish: Delting
Reg No: Z0216
Case Number: 84882
Application Type: Letting of a vacant croft by Landlord

Decision – Approval

Grounds for Decision

The Commission has considered your application under section 23(3) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to let the whole of the croft at Grutin (Z0216) to Nigel J Sutherland and has decided to approve the application on the following grounds:

- Section 58A(7) of the 1993 Act stipulates the factors to which the Crofting Commission is obliged to give regard to when reaching a decision on applications for Commission consent to the letting of a croft.
- In terms of sections 58A(7)(a)(i) of the 1993 Act, the Commission must have regard to whether any person is or will be ordinarily resident on, or within 32 kilometres of, the croft and are satisfied from the available evidence that the proposed tenant, Nigel J Sutherland, will be in a position to comply with the residency duty.
- In terms of section 58A(7)(a)(ii) of the 1993 Act, the Commission must have regard to whether the croft is being or will be cultivated or put to such other purposeful use and are satisfied from the available evidence that Mr N J Sutherland will cultivate the croft and that his stocking proposals for the croft seem reasonable.
- The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the 1993 Act. In this instance the Commission consider this application is in the interests of the estate as it is the landlords of the croft that are making the application to let the tenancy of the croft to the person of their choice.
- Sections 58A(7)(c) and (d) of the 1993 Act relate to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We have not received any objection to this application from any member of the crofting community. The Commission therefore consider that approving this application will not have an adverse effect on the interest of the crofting community in the locality of the croft or on the sustainable development of that crofting community. In approving this application it is noted that the Commission is approving the letting of one other croft and the assignation of the tenancies of two other crofts in the locality to Mr Sutherland. It is the Commission’s opinion that the transfer of these crofts to Mr Sutherland is the natural progression from one generation to another and will help sustain crofting in the area.
- The interests of the public at large must also be taken into account under subsection 58A(7)(e) of the 1993 Act. The Commission has found no evidence to suggest that the interests of the public at large would be affected, either positively or negatively by the proposed letting.
- Subsection 58A(7)(f) of the 1993 Act relates to any objections received to the application. The Commission notes that no objections were received to the public notification process of the application, nor were any expressions of demand received in respect of the tenancy of the croft.
- Section 58A(7)(g) of the 1993 Act requires that in reaching a decision on such applications the Commission must have regard to their Policy Plan. The Commission has had regard to its Policy Plan and is satisfied that the consent hereby provided is consistent with the said Plan as it relates to letting.

Croft: 1 Lower Guddon, Gossabrough
Parish: Yell
Reg No: Z2671
Case Number: 87194
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.023 ha
Grounds for Decision		
Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.		
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 date of the Direction.	
	That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Highland (excl Caithness)

Croft: 18 Baligill
Parish: Farr
Reg No: S1080
Case Number: 84979
Application Type: Assignment

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.	
Conditions	
Mrs Murdina Barnard must assigned the above croft to Mr Alistair Hugh Cook	

Croft: 2b Gartymore
Parish: Kildonan
Reg No: S3108
Case Number: 88054
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.	

Croft: 4 Strath
Parish: Gairloch
Reg No: R1867
Case Number: 85798
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.133 ha
Grounds for Decision	
<p>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.</p>	
Conditions of Direction	
<p>(1) The land must as a first change of use, be used, let or disposed of as a new dwellinghouse.</p> <p>(2) The land must be enclosed (so far as not already enclosed) with a stock proof fence within four months of the development being completed.</p> <p>(3) That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Western Isles

Croft: 7b Knockaird
Parish: Barvas
Reg No: R0893
Case Number: 86525
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved	Extent: 0.0812 ha
Grounds for Decision	
<p>Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.</p>	
Conditions of Direction	
Enclosure of area:	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>

Croft: 13b Laxay
Parish: Lochs
Reg No: R3182
Case Number: 87056
Application Type: Assignment

Decision – Approved
Grounds for Decision
<p>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.</p>