

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 27/08/18 – 02/09/18

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: 13c Lower Carnach, Appin
Parish: Lismore & Appin
Reg No: R2193
Case Number: 78625
Application Type: Assignation

Decision – Approved

Grounds for Decision

The Commission has considered the application under section 8 of the Crofters (Scotland) Act 1993 (“the Act”) to assign the tenancy of the croft **13c Lower Carnach** and has decided to approve the application on the following grounds:

Section 58A(7) of the 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 assignation of a tenanted croft.

- We have had regard to whether the proposed assignee will be ordinarily resident on, or within 32 kilometres, of the croft. We are satisfied from the available evidence that the assignee is in a position to comply with the residency duty.
- In terms of Section 58A(7)(a)(ii) of the 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 the proposed tenant will cultivate the croft.
- The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the Act. Although we received an objection from the landlord/estate in respect of the land to which this application relates, this appears to be resolved and therefore do not consider that the interests of the estate will be adversely affected.
- Sections 58A(7)(c) and (d) of the Act relate to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We did receive objections to this application, however these appear to be resolved.. 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.
- The interests of the public at large must also be taken into account under subsection 58A(7)(e) of the 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 division.
- Subsection 58A(7)(f) of the Act relates to any objections received to the application. The Commission notes that although initial objections were received to the public notification process of the application, these were resolved. There were no expressions of demand received in respect of the tenancy of the croft.
- Section 58A(7)(g) of the 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 assignation.

Croft: **Ardionra, Eastend**
Parish: **Kilfinichen & Kilvickeon**
Reg No: **A0726**
Case Number: **86425**
Application Type: **Decrofting – Part Croft**

Decision – Approved	Extent: 0.08 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	
The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: **½3 Claddach**
Parish: **Kilchoman**
Reg No: **A0519**
Case Number: **84452**
Application Type: **Decrofting – Part Croft**

Decision – Approved	Extent: 0.118 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	
The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: 6 & 7 Muirshearlich
Parish: Kilmallie
Reg No: I2274
Case Number: 90805
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.209 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 acquisition of the land by the crofter or nominee.	
	That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Caithness, Orkney & Shetland

Croft: Springs, Burry
Parish: South Ronaldsay
Reg No: O0642
Case Number: 88792
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.138 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: **84 Inchcape**
Common Grazing: **Southside Strathfleet Common Grazings**
Parish: **Rogart**
Reg No: **S1821**
Case Number: **85152**
Application Type: **Apportionment**

Decision – Approved	Extent: 1.944 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 below conditions.	
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 Original Common of the said common grazing shall be reduced from five sheep to one 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: **58 Farr**
Parish: **Farr**
Reg No: **S1134**
Case Number: **90887**
Application Type: **Consent to be absent**

Decision – Approved
Grounds for Decision
The Commission has considered the application for consent to be absent from the croft under section 21B of the Crofters (Scotland) Act 1993 and is satisfied that there is a good reason for the crofter not to be ordinarily resident on, or within, 32 kilometres of the croft.

Croft: 20 & 22 Baligill
Parish: Farr
Reg No: S1082
Case Number: 90569
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.

Croft: 172 & 184 Marrel (Share)
Parish: Kildonan
Reg No: S2827
Case Number: 89069
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.

Western Isles

Croft: 24 Claddach Baleshare
Parish: North Uist
Reg No: I4321
Case Number: 89554
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.

Croft: 17 Aird (Share)
Parish: South Uist
Reg No: I7212
Case Number: 85523
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.

Croft: 3 & 5 Ahmore
Parish: North Uist
Reg No: I4190
Case Number: 89067
Application Type: Assignation

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: Allotment to rear of 29 High Street, Skigersta
Parish: Barvas
Reg No: R6222
Case Number: 90899
Application Type: Consent to be absent

Decision – Approved

Grounds for Decision

The Commission has considered the application for consent to be absent from the croft under section 21B of the Crofters (Scotland) Act 1993 and is satisfied that there is a good reason for the crofter not to be ordinarily resident on, or within, 32 kilometres of the croft.
