

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 29/10/18 – 04/11/18

**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:** 174 Newton Ardtoe  
**Parish:** Ardnamurchan & Sunart  
**Reg No:** A0265  
**Case Number:** 92543  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>		<b>Extent: 0.073 ha</b>
<b>Grounds for Decision</b>		
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.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	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.	

**Croft:** 1 Colliemore(small Crofts)  
**Parish:** Portree  
**Reg No:** I3127  
**Case Number:** 88498  
**Application Type:** Assignment

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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:** **Blackmill, Ardchattan & Muckairn**  
**Case Number:** **80225**  
**Parish:** **Ardchattan & Muckairn**  
**Reg No:** **A0024**  
**Owner Occupier Crofter:** **Ronald W Hogg**  
**Application:** **Division by Owner-Occupier Crofter**

#### **Decision – Refusal**

The Commission has considered the application under Section 19D of the Crofters (Scotland) Act 1993 [“the Act”] to divide the owner-occupied croft at Blackmill to create two new crofts and decided to **refuse** 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 division of a croft.

In terms of sections 58A(7)(a)(i) of the Act, the Commission must have regard to whether any person is or will be ordinarily resident on, or within 32 km of, the crofts created by the division. It is noted that it is the intention of the applicant to let the crofts created by the proposed division to his son and daughter, but it is not necessary for the Commission to divide an owner-occupied croft first before receiving an application or applications to let because applications to let part of a croft are perfectly competent. Whilst it is noted both suggested tenants would be ordinarily resident on, or within 32 kilometres of the respective crofts should the Commission receive letting applications at some point in the future, the Commission is not considering a letting application but an application to divide an owner-occupied croft by an owner-occupier crofter whose stated address would indicate that he is ordinarily resident. The Commission note that compliance with the residency duty would not be materially affected by the granting of the application.

In terms of section 58A(7)(a)(ii) of the Act, the Commission must have regard to whether the crofts will be cultivated or put to some other purposeful use. The Commission noted that the two new crofts would extend to 0.52 ha and 0.68 ha with no associated grazing right. Although the Commission notes that both suggested tenants intend to build houses on their newly created croft, the Commission is not considering any letting applications at the present time. The Commission notes from the SGRPID report that the croft does not appear any longer to be cultivated (or grazed) and is now covered with rank grassland and mature oak trees, but the croft would previously have been cultivated for crops and used for grazing. The Commission is of the view that fragmentation of the current modest-sized croft with its current limited potential (in the absence of a considerable degree of clearance and/or improvement work) to be cultivated and the creation of two new units of considerably less than a hectare (and one being approximately half an acre) and with no associated grazing right make the croft land less sustainable with even less potential for cultivation by any existing or future users, whether they be owner-occupier crofters or croft tenants.

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. Against that background the Commission recognise that, in some circumstances, the division of crofts could further the aim of population retention and provide opportunities for new entrants into crofting, particularly where there is an intention to transfer or sell a part of an owner-occupied croft that is capable of cultivation or being put to a purposeful use to a new owner-occupier crofter. The Commission, in exercising its discretion, must have regard to any possible benefits in terms of population retention, but must also assess how the application would likely affect the sustainable development of the crofting community. The Commission accepts that having two new tenants who are ordinarily resident could support population retention in the event that it were to receive letting applications, but it is

considering a division application. If the Commission were to receive such applications, it would have to assess what weight to give any benefit in terms of population retention when it assesses the interests of the crofting community and its sustainable development. In terms of the current application, the Commission is of the view that the fragmentation of the croft into two units of limited cultivability would not be in the interests of the crofting community or its sustainable development. It is the Commission's view that it is in the interests of the crofting community and its sustainable development for there to be crofts within the crofting community that crofts are capable of being put to meaningful cultivation and/or purposeful use.

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, but notes that the Commission, as the public regulator of crofting, has control over fragmentation and division of croft land into small units.

Subsection 58A(7)(f) of the 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.

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's Policy Plan at paragraph 113 states:

*"The Commission will apply the standard requirements and exercise its discretion to decide every application for division on its merits. However, the Commission will not generally consent to divisions unless satisfied that the croft will not be fragmented into unsustainable units, because the Commission recognises that proper control of the division of crofts prevents unnecessary fragmentation of croft land."* As previously referred to, the Commission consider that creating two new small crofts extending to 0.52 ha and 0.68 ha with no associated grazing share, and where possible housing developments could further reduce the working area of the crofts, not be in the interests of the crofting community or its sustainable development. The Commission has considered this application on its individual merits and is of the view that its decision is consistent with the Commission's Plan.

For the foregoing reasons the application has been **Refused**.

The Commission noted that the applicant's proposal, should the division application have been approved, was to let the newly created crofts to his son and daughter. However, there is no requirement to divide in these circumstances as there is no stated intention to transfer or sell a part of the croft and letting applications to let parts of the croft would have been competent. Should the applicant wish to lodge a letting application or letting applications with the Commission, any such application(s) would be considered on their individual merits and in terms of the factors set out in the 1993 Act as well as any applicable policy, including how such application(s) relate to the various factors set out in section 58A(7) of the 1993 Act. Nothing in this decision note should be taken as prejudging the outcome of any such application(s).

**Croft:** 6 Bunacaimb  
**Parish:** Arisaig & Moidart  
**Reg No:** I0085  
**Case No:** 77195  
**Application Type:** Decrofting – Part Croft – Reasonable Purpose

<b>Decision – Refusal</b>	<b>Extent: 1.442 (ha)</b>
<b>Grounds for Decision</b>	
<p>The Commission has considered this application to decroft part of the croft at 6 Bunacaimb Arisaig &amp; Moidart and refuses it. Sections 25(1)(a) and 25(2) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) set out those matters to which the Crofting Commission (“the Commission”) must have regard when reaching a decision on applications for a Commission direction to decroft a croft or part of a croft for a reasonable purpose.</p> <p>Under section 25(1)(a), the Commission must be satisfied that the applicant has applied for the direction in order that the croft may be used for or in connection with some reasonable purpose within the meaning of section 20 of the 1993 Act in relation to the good of the croft or the estate or to the public interest or to the interests of the crofting community.</p> <p>In this particular case, the applicant has indicated that the purpose of the application is as the site of an existing dwellinghouse and associated amenity ground. While the Commission are satisfied that the purpose is a reasonable one within the meaning of section 20 of the 1993 Act generally, it has also to consider the (specific) purpose in relation to the good of the croft, the estate or to the public interest or to the interests of the crofting community in the locality of the croft, and that the extent of the land applied for is not excessive.</p> <p>The Commission is of the view that an area of 1.442(ha) ha is excessive for a single dwellinghouse and associated amenity ground. The Commission notes that the area applied for in the decrofting application comprises the whole of the area apportioned for the exclusive use of the tenant in 2004. However, the apportionment was granted for stock management purposes, not for a dwellinghouse and amenity ground. The Commission consider that any apportionment made for the purpose of a dwellinghouse and amenity ground would be considerably smaller than the 1.442(ha) which was approved for stock management purposes.</p> <p>The Commission notes from the SGRPID report that the intention is that members of the applicant’s family will also build a dwelling on this site at a future date. The Commission consider that it will be open to any future applicants to make separate application supported by the appropriate planning permissions and the Commission will then be able to consider the applications on their own merits in accordance with the legislation and procedures in place at that time, and determine whether the area applied for is excessive in relation to the purpose. In the absence of any planning permission in relation to any proposed future development, rather than the current dwellinghouse, the Commission are unable to consider this aspect further.</p> <p>The Commission further notes the comment in the SGRPID report that the land applied for is very poor grazing with a high percentage of protruding rocks and some areas of wet bogs. The Commission, while acknowledging these comments, consider that the poor quality of the land is not a good reason alone in itself for decrofting land in excess of what is reasonable for a single dwellinghouse and amenity ground.</p> <p>The Commission considered issuing a modified direction under section 25(5) of the 1993 Act to enable the applicant’s proposal to be supported by decrofting a reduced area that would have been reasonable for the proposed purpose. However, when this option was</p>	

put to the applicant they responded that they did not wish to modify the area applied for and accordingly the Commission has exercised its discretion not to modify the application. The applicant is entitled to apply to decroft an area that is not excessive in relation to a single dwellinghouse and garden ground, and any such application would be considered on its merits and in line with applicable law and policy.

The Commission must also balance the interests of the applicant in granting the Direction against the impact of any proposed decrofting in relation to the general interest of the crofting community in the district. The Commission note the comment in the SGRPID report that the decrofting will not have an adverse **impact** on the local crofting community, but also notes that this land was previously deemed as appropriate for stock management purposes as evidenced by the granting of an apportionment by the Crofters Commission. The Commission consider there could be an adverse impact on the crofting community in removing this area of apportioned land from the pool of croft land available for use by future generations of crofters.

The Commission considers that there would be demand for a tenancy of the croft, including the apportioned land, if it were actually to become available for letting on the open market and notes the view expressed on this point in the SGRPID report.

For the foregoing reasons the application has been **Refused**.

**Croft:** Sandbank (Share)  
**Parish:** Kilfinichen & Kilvickeon  
**Reg No:** A1682  
**Case Number:** 91109  
**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.

## **Caithness, Orkney & Shetland**

**Croft:** Upper Geiselittle, Thurso  
**Parish:** Thurso  
**Reg No:** C0882  
**Case Number:** 86450  
**Application Type:** Decrofting – whole croft

### **Decision – Refused**

#### **Grounds for Decision**

The Commission has considered this application and **refuses** it. In coming to its decision, the Commission has identified the following factors are relevant to this application:-

- Whether the application is for a reasonable purpose within the meaning of section 20(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”);
- The discretionary provisions set out at section 24(3) and 25(2) of the 1993 Act;
- The desirability of supporting population retention as set out at section 1(2A) of the 1993 Act; and
- The impact of the changes to the overall area of land held in crofting tenure on the sustainability of crofting.

In assessing whether or not there is a reasonable purpose, the Commission is required in terms of section 25(1)(a) of the 1993 Act to consider how the purpose relates to the good of the croft or of the public interest or to the estate or to the interests of the crofting community. In order to assess these factors, the Commission has also to be satisfied that the purpose has a reasonable prospect of being achieved. The Commission note that the reason given by the applicant to decroft the land is that he considers that the croft does not form part of a crofting community and there is no public interest in keeping this land subject to crofting tenure. The applicant also stated that they may use the land for forestry purposes or renewable diversification. The Commission considers, however, that this falls significantly short of the requirements to enable the application to be processed under the provisions which relate to reasonable purpose. The Commission would normally require sight, for instance, of the relevant planning permission in order to be satisfied that any reasonable purpose requiring planning permission is likely to go ahead.

As such, the information in support of the application is, in the Commission’s view, insufficiently strong and any potential benefits from the possible purposes too remote at this stage for the Commission to be able to find that the stated purpose is a reasonable purpose. Accordingly, the Commission has not considered the statutory factors set out in section 25(1)(a) in any detail due to the conjectural nature of the stated reasons.

Having found there to be no reasonable purpose relating to the factors set out in section 25(1)(a) of the 1993 Act, the Commission has considered section 25(2) of the 1993 Act when it exercises its discretion. In exercising its discretion, the Commission has balanced the interests of the applicant with the factors to which the Commission must have regard in section 25(2) of the 1993 Act. The Commission notes that, as with its assessment of reasonable purpose, the likelihood of a development going ahead is a material consideration in assessing the weight to be given to the interests of the applicant. The Commission understands that the applicant considers that it is in their interests to have the croft decrofted, as they consider that it does not form part of a crofting community and there is no public interest in keeping the land subject to crofting tenure. However, the Commission considers that these interests would have had stronger weight if information regarding any future development of the croft had been provided in support of the application. Therefore, it is unclear why the interests of the applicant cannot be met by keeping the croft in crofting tenure.

The Commission has considered whether there is a crofting community in relation to the Upper Geiselittle croft and acknowledges that whilst there is not a particularly distinct crofting community or easily identifiable townships in this part of Caithness, there are 46 registered crofts in the Thurso parish and a number of these are only several kilometres from Upper Geiselittle.

As acknowledged in the SGRPID report, there are a number of crofts that are actively worked in the Thurso parish, whether as standalone crofts or as part of larger farming/agricultural businesses. Financial assistance can be available to crofters and owner-occupier crofters of registered crofts. The decrofting of this croft would deprive a future owner-occupier crofter or crofter of the opportunity of applying for such financial assistance, which is considered to be detrimental to the interests of crofting and the crofting community and could have an adverse impact on new potential entrants to crofting.

The Commission notes that a crofting community is identified by means of two or more registered crofts within a township (regardless of whether those crofts are for practical purposes amalgamated into larger farming units), and the existence of a common grazings is not essential for a crofting community to exist, though the existence of crofts sharing in a common grazings will of itself tend to point to there being a crofting community. The Commission recognises that the nature of the crofting community in the general sense (and not as defined in the 1993 Act) differs substantially in parts of Caithness as some crofts in Caithness are worked practically as part of larger farming units, in contrast to the other parts of the crofting community where crofting is organised into discrete and readily identifiable crofting townships. Nevertheless, the Commission is of the view that there is sufficient geographical proximity between the registered crofts in the district to constitute a township within which these crofts exist, and therefore a crofting community. However, the Commission also readily acknowledges that such a township differs in character from a traditional discrete township with a strong crofting identity. The Commission also recognises that, in parts of Caithness, owner-occupation is the norm but nevertheless considers that owner-occupier crofters can form a crofting community.

Although the Commission accepts that no expressions of interest in obtaining a tenancy of the croft have been made to the Commission in connection with this application, the Commission does not regard the absence of any such expressions of interest as evidence that no such interest exists. In cases such as these, a tenancy of the croft has not been made available for letting on the open market and so the absence of any actual expressions of interest is unsurprising. The Commission notes that the croft extends to some 19.29 hectares and is described by SGRPID as a combination of permanent grass land and rougher unimproved pasture. The Commission is satisfied that a croft of such a size and quality could in all likelihood be eligible for grants and subsidies, including financial assistance exclusive to crofting, and would therefore likely be of interest to existing crofters or new entrants to crofting while still being retained within crofting tenure. The Commission refers to the SGRPID report, which concludes that there would always be a healthy demand for such land in and around Thurso irrespective of whether it is a registered croft or a non-croft unit. The Commission are therefore satisfied that there would likely be demand should the croft be made available for letting as a croft. The interests of the crofting community would, in the Commission's view, likely be adversely affected by the removing of land from crofting tenure which would attract demand either as a tenanted or owner-occupied subject, particularly in the absence of any compelling reasons to do so.

The Commission must also consider the relevance of the application to the two further grounds set out below, namely the impact of granting a direction on population retention and the impact of granting a direction on the overall area of land held in crofting tenure on the sustainability of crofting.

In terms of section 1(2A)(a) of the 1993 Act, the Commission must have regard to the desirability of supporting population retention. In exercising its regulatory functions the Commission must be mindful of the potential for any particular regulatory application to impact upon the issue of population retention. The Commission is of the view that Upper Geislittle could, in view of its size and productive capacity and the likelihood that it could possibly attract agricultural and crofting grants and subsidies, support a resident croft tenant or an owner-occupier crofter who could contribute to population retention within the community if the croft were to be let or sold as a separate unit. In addition, the applicant has not set out any compelling reason why the application should be granted.

In terms of section 1(2A)(b) of the 1993 Act, the Commission had regard to the impact that the application, if granted, would have on the overall area of land held in crofting tenure on the sustainability of crofting. The Commission notes that Upper Geislittle croft extends to 19.29(ha) of permanent grass land and rough grazing and that it is the whole of the croft that the applicant seeks to decroft. The Commission considers that 19.29 ha would provide an opportunity for active crofting in an area where in the Commission's view crofting is at or close to a "tipping" point as to the sustainability of the crofting community and crofting (*cf MacDougall -v- Crofting Commission*). The Commission notes that section 1(2A)(b) refers to the sustainability of crofting. The Commission understands sustainability as requiring the Commission to consider the long-term interests of crofting and the potential for crofts to support future generations of crofters. In the Commission's view, Upper Geislittle croft has the potential to sustain crofting activities and that its loss from crofting tenure would, in view of its size and quality, have a material impact locally upon the overall area of land available to crofting by reducing the pool of croft land available to possible future crofters.

The Commission's Policy Plan (at paragraph 99) states: "*Applications that are made only for the reason of taking the croft, or part of the croft, out of crofting tenure are unlikely to be approved.*" The Commission must have regard to its policy, but in this case and all others does not permit policy to override the consideration of the individual merits of a case and the terms of the 1993 Act.

The Commission has for the above reasons decided not to give a decrofting direction in respect of Upper Geislittle croft.

**Croft:** **Ness of Gardie, Gardie, Yell**  
**Parish:** **Yell**  
**Reg No:** **Z2656**  
**Case Number:** **90686**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>		<b>Extent: 0.07 ha</b>
<b>Grounds for Decision</b>		
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.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	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.	



**Croft:** **Garth**  
**Parish:** **Nesting**  
**Reg No:** **Z0990**  
**Case Number:** **92335**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>		<b>Extent: 0.168 ha</b>
<b>Grounds for Decision</b>		
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.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	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.	

**Croft:** **Upper Waterytown**  
**Parish:** **Cunningsburgh**  
**Reg No:** **Z0729**  
**Case Number:** **88922**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>		<b>Extent: 0.03 ha</b>
<b>Grounds for Decision</b>		
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.		
<b>Conditions of Direction</b>		
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.		

**Croft:** **Millhaugh**  
**Parish:** **Sandness**  
**Reg No:** **Z2445**  
**Case Number:** **89408**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>		<b>Extent: 0.181 ha</b>
<b>Grounds for Decision</b>		
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.		
<b>Conditions of Direction</b>		
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:** 3 Skye Of Curr  
**Parish:** Duthil  
**Reg No:** I1337  
**Case Number:** 91317  
**Application Type:** Short Term Let

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The short term let will be for the fixed period of ten years.

**Croft:** 71 Melvich  
**Parish:** Farr  
**Reg No:** S1211  
**Case Number:** 90822  
**Application Type:** Assignment

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The assignment cannot take effect before 3 January 2019.

**Croft:** Morvich Cairngorm  
**Parish:** Glenshiel  
**Reg No:** R1970  
**Case Number:** 91451  
**Application Type:** Assignment

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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:** 7 West Gerinish  
**Parish:** South Uist  
**Reg No:** I5060  
**Case Number:** 91280  
**Application Type:** Sublet

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The sublet will be for the fixed period of 7 years.

**Croft:** 4A Gearradubh  
**Parish:** North Uist  
**Reg No:** I6257  
**Case Number:** 91283  
**Application Type:** Sublet

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The sublet will be for the fixed period of 7 years.

**Croft:** 3 Portnaguiran  
**Parish:** Stornoway  
**Reg No:** R4381  
**Case Number:** 90759  
**Application Type:** Assingation

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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:** 21 & 22 Lower Barvas  
**Common Grazing:** Lower Barvas and Barvas Park Common Grazings  
**Parish:** Barvas  
**Reg No:** R0319  
**Case Number:** 81739  
**Application Type:** Apportionment

<b>Decision – Approved</b>	<b>Extent: 0.063 ha</b>
<b>Grounds for Decision</b>	
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.	
<b>Purpose</b>	
Regularising the use of an existing agricultural building	
<b>Conditions</b>	
<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 soumings for the said croft in the said common grazing shall remain unchanged with no soumings reduction applied.</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 remains 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) You and your successors shall use the area hereby apportioned to utilise an existing agricultural shed.</p> <p>(SIXTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.</p> <p>(SEVENTH) All existing rights of access over the area apportioned shall be reserved.</p>	

**Croft:** 14 Marvig (share only)  
**Parish:** Lochs  
**Reg No:** R6714  
**Case Number:** 89816  
**Application Type:** Assignation

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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 Laxdale  
**Parish:** Stornoway  
**Reg No:** R4133  
**Case Number:** 89680  
**Application Type:** Subletting

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The sublet will be for the fixed period of 5 years.