

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 19/11/18 – 25/11/18

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: 12 & 13 Borve
Common Grazing: Borve & Annishadder
Parish: Snizort
Register No: I13614
Case Number: 77838
Application Type: Apportionment

Decision – Approved	Extent: 9.73 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.	
Purpose	
Stock management	
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 reduced by 22 sheep from 16 cows and 88 sheep to 16 cows and 66 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) You and your successors shall use the area hereby apportioned for stock management purposes.</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: 2 & 3 Colliemore (small Crofts)
Parish: Portree
Reg No: I3128
Case Number: 88494
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: 239 Bruernish
Parish: Barra
Reg No: I0326
Case Number: 89494
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.43 ha
Grounds for Decision	
<p>The Commission considered the application under sections 24(3), 25(1)(a) and 25(4) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft extending to 0.43 (ha) to provide a site for a chalet and grants a direction on the following grounds:</p> <ul style="list-style-type: none"> • 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). While the area applied for is in excess of what the Commission would normally consider suitable, it notes that the area is completely separate from the remainder of the croft and runs to the shore line. In these circumstances the Commission has concluded that the area applied for is not excessive in relation to the stated purpose. • In the absence of an objection from the Estate, the Commission is satisfied that the granting of the direction will not have a negative effect on the Estate. • The Commission is satisfied that granting a decrofting direction is not adverse to the public interest as the site already benefits from planning consent which has been through a public consultation process. • 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 remainder of the croft or any other croft land. 	
Conditions of Direction	
<p>The land must as a first change of use, be used, let or disposed of as the site for a chalet.</p> <p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Croft: 27 Eoropie
Parish: Barvas
Reg No: R0695
Case Number: 92370
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: 1 Luskintyre
Parish: Harris
Reg No: I1776
Case Number: 90632
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved	Extent: 0.2 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:	<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: 11 Crowlista
Parish: Uig
Reg No: R5190
Case Number: 84919
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved	Extent: 0.109 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:	<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: 14 Seilebost
Parish: Harris
Reg No: I2001
Case Number: 86751
Application Type: Assignment

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 at 14 Seilebost, Isle of Harris 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 expects to be in a position to comply with the residency duty within 2 years of the approval or as soon as is reasonably practical after that date. The reason for this indicative timeframe is that the proposed assignee intends to build a new croft house to enable him to be resident on the croft. In the circumstances, we consider this to be a realistic timescale 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 has made arrangements for ensuring the croft is cultivated during his absence and that he will cultivate the croft himself when he takes up residence on the croft. We further note the proposed assignee’s intention to put part of the croft to another purposeful use in terms of renewable energy activities. This will require, in due course, the consent of the landlord under section 5C(4) of the Act.
- The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the 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 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 considers 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 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 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: **52 South Bragar**
Parish: **Barvas**
Reg No: **R0487**
Case Number: **93803**
Application Type: **Decrofting – Croft House Site and Garden Ground**

Decision – Approved		Extent: 0.103 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.	

Croft: **21B Shuilshader**
Parish: **Stornoway**
Reg No: **R4574**
Case Number: **90495**
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: **18a Lionel**
Parish: **Barvas**
Reg No: **R0925**
Case Number: **91631**
Application Type: **Subletting**

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	
The sublet term let will be for the fixed period of 10 years.	