



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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**Decrofting Application Part Croft
– Owned**

**Di-chroiteadh Pàirt Croit
– neach-gabhaill**

This document comprises the application form at pages 1-23 and guidance notes at pages 24-31. There is no requirement to submit the guidance notes.

SECTION 1

WHAT IS PART CROFT DECROFTING

Decrofting is the term used when land is removed from crofting tenure.

In considering its decision on an application, the Commission will give regard to whether the purpose of the decrofting is a reasonable one and whether the extent applied for is excessive in relation to that purpose.

Reasonable Purpose

Examples of reasonable purpose include:

- (a) the using, letting or disposing of the land for:
 - the building of dwellings
 - small allotments
 - harbours, piers, boat shelters or other like buildings
 - churches or other places of religious worship
 - schools
 - halls or community centres
 - planting
 - roads practicable for vehicular traffic from the croft or township or the public road or to the seashore
 - the generation of energy or any other purpose likely to provide employment for crofters and others in the locality

or

- (b) the protection of an ancient monument or other object of historical or archaeological interest from injury or destruction.

This list is illustrative only. It is not exhaustive, neither does the purpose indicated above guarantee approval of an application to decroft.

PLEASE NOTE, in any application involving or affecting access to the croft, provisions for sufficient vehicular access must be clearly marked on plans submitted with the application. Please take the time to consider any issues relating to access to the croft carefully before submitting the application to us. This may help avoid delays in dealing with your case. To take account of modern vehicles and equipment, access to the croft should be at least 4 metres wide.

SECTION 2

PRIVACY NOTICE

The Crofting Commission acts as the 'Controller' of the personal data you provide us with when you complete a Regulatory Application. Under the Crofters (Scotland) Act ("The 1993 Act") we are obliged to collect this information in order to facilitate the processing of your application. Please note that the Commission will be unable to process your application if you do not provide the information requested.

Any data provided by you is part of an open process and may be made available to other parties involved (unless told otherwise). These could include:

- The tenant / owner / landlord
- The proposed tenant / subtenant
- The landlord of the croft
- The owner of the common grazings
- The grazings committee
- The owner of any adjacent non-croft land
- The occupier of any adjacent non-croft land
- Any member of the local crofting community
- Any other person with a significant interest
- Third Party Organisations – RPID (Rural Payments & Inspections Directorate) and the Registers of Scotland.

Your data will be used to update the Register of Crofts and it may also be released under a Freedom of Information enquiry, subject to any disclosure exemptions under Data Protection Laws.

Your information will be stored in the format received and electronically in the Commission's Crofting Information System (CIS). We will not keep your personal data for any longer than is necessary to complete the relevant processing and in line with our Retention Policy.

If at any point you believe the data we process on you is not accurate, you can request to see it and have it corrected or deleted. If you wish to raise a complaint about how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter. Our Data Protection Officer can be contacted by e-mailing DataProtection@crofting.gov.scot. Further details on the Crofting Commission's Data Protection Policy can be found at www.crofting.scotland.gov.uk/data-protection-act.

For information on submitting a complaint to the Crofting Commission, please visit our website at www.crofting.scotland.gov.uk/complaints. For details of how to complain to the Information Commissioner, please visit www.ico.org.uk.

Please tick this box to confirm you have read and understood the Crofting Commission's Privacy Notice

SECTION 3

PRE-APPLICATION CHECKLIST

WHAT DO I NEED TO DO BEFORE I APPLY?

Check if you are an Owner or Landlord of a Vacant Croft or Landlord of a Vacant Croft. Find out via the ROC Online: <https://crofting.scotland.gov.uk/register-of-crofts>

Before you apply you must:

- 1) **Check if the croft has already been registered on the Registers of Scotland Crofting Register.** If the croft is not yet registered, you must also apply to register the croft. Ideally your first registration application (RoS Form A) should be made to the Commission at the same time as you make this application.
i Please refer to guidance section – REQUIREMENT TO REGISTER YOUR CROFT LAND
- 2) If the application is for a proposed development you must provide evidence that you have been granted, or have applied for, full planning consent or permission in principle. It is not sufficient to submit evidence of Pre-Planning checks or advice obtained from the local authority.
i Please refer to guidance section – PLANNING PERMISSION
- 3) Your decrofting application must be accompanied by a location and site map of the area being applied to decroft.
i Please refer to guidance section – MAPPING INFORMATION DECROFTING
- 4) **Requirement to Provide Mandate Agent Authorisation Form** If you are not a solicitor or professional agent (Crofting/Rural Consultant or Adviser) you and the applicant must separately complete a **Mandate Agent Authorisation Form** which will enable you to act on the applicant's behalf. This form can be found on the Commission Website here: www.crofting.scotland.gov.uk/agency-and-mandate

HOW DO I APPLY?

- Online Application (**Recommended**) This application can be completed and submitted through the Online Application Portal on our website here: <https://account.crofting.scotland.gov.uk/>
- Upload this PDF via the Online Portal: <https://account.crofting.scotland.gov.uk/>
- Print and post this application to us. If you are printing this application to submit to us via post there is no need to print the guidance section.

SECTION 4

IMPORTANT INFORMATION (DECROFTING)

It is important that you provide us with as much information as possible. This will help to prevent delays resulting from us having to contact you to obtain additional information. It will also help the Commission arrive at a fully informed decision on this application.

However please avoid, where possible, providing sensitive personal information either in the application itself or as supporting documentation e.g. detailed medical information. For further information, please refer to the terms of the Commission's Privacy Notice.

Policy Plan: Before completing the form you should read the extract from the Commission's Policy Plan in relation to your application (link to guidance modules on Policy Plan  **Module G31**)

Delegated Decision Making: The Commission operate a model of Delegated Decision Making, with officers able to approve straightforward cases that meet all the legislative, policy and parameter requirements. Parameters are set by the Commission for each regulatory function so that they can be considered under the delegated decision making process. For further information please read further at the following link: [Delegated Decision Making](#)

Before completing the form you should read the delegation parameters relating to your application at the following link: [Delegation Parameters for Decrofting](#)

SECTION 5

WHO IS APPLYING

I am making this application in my capacity as::

Owner Occupier Crofter

Owner/Landlord of a Vacant Croft

Legal Guardian of the applicant¹

Holder of Power of Attorney²

Accountant in Bankruptcy³

- 1 A child under the age of 16 years must be represented by a Legal Guardian (usually a parent). Legal Guardians may also be appointed by Order of a Court following an application under the Adults with Incapacity (Scotland) Act 2000, authorising them to act and make decisions on behalf of an adult (anyone over the age of 16 years) with incapacity. If you are applying as the legal Guardian for an adult, you will need to provide us with a copy of the Court Order or other documentation which has authorised you to act in this capacity.
- 2 There are 2 different types of Power of Attorney (PoA). One allows a person ("the grantor") to appoint one or more people to make decisions on their behalf, should they be unable to do so in the future. The PoA document can cover both "continuing" (in other words, financial and property) powers and welfare powers and needs to be registered with the Office of the Public Guardian (Scotland). The other is a legal document, usually drawn up by a solicitor, which gives an individual a usually time-limited and specific power to do certain tasks such as to sign a legal document on their behalf. You will need to provide us with a copy of the PoA document.
- 3 The Accountant in Bankruptcy (AiB) is an Executive Agency of the Scottish Government responsible for administering the process of personal bankruptcy and corporate insolvency, administering the Debt Arrangement Scheme, and implementing, monitoring and reviewing government policy in these and related areas, for example protected trust deeds and diligence.

SECTION 6

CROFT DETAILS

Croft:

Township:

Parish:

Crofting Commission Register of Crofts Number:

Registers of Scotland Crofting Register

Croft Number (where registered):

C

SECTION 7

APPLICANT DETAILS

If there are additional owners of the croft please enter their details in the Additional Landlord/Owner section.

ALL FIELDS MUST BE COMPLETED

Title:

Surname:

Forename(s):

Date of Birth:

Postal Address Line 1:

Address Line 2:

Address Line 3:

Address Line 4:

Address Line 5:

Address Line 6:

Postcode:

Alternative Telephone:

Telephone:

E-mail Address:

Is the application being submitted by an agent? Yes No

Agent Details for Applicant (only if applicable)

Name:

Postal Address Line 1:

Address Line 2:

Address Line 3:

Address Line 4:

Address Line 5:

Address Line 6:

Postcode:

Alternative Telephone:

Telephone:

E-mail Address:

I agree to communication regarding this application by email Yes No

I confirm that I am authorised to act as agent for the applicant in relation to their application.

I confirm that, as agent, I am not a direct beneficiary of the application.

I understand this authorisation is only valid while the application is under consideration and will end when the application is concluded.

Important: If you are not a solicitor or professional agent (Crofting/Rural Consultant or Adviser) you and the applicant must separately complete a Mandate Agent Authorisation Form which will enable you to act on the applicants behalf.

Is the application being submitted by a legal guardian? Yes No

Is the application being submitted with a holder of Power of Attorney? Yes No

Guardian/Power of Attorney details for Applicant (only if applicable)

Name:

Postal Address Line 1:

Address Line 2:

Address Line 3:

Address Line 4:

Address Line 5:

Address Line 6:

Postcode:

Telephone:

E-mail Address:

I agree to communication regarding this application by email Yes No

SECTION 8

DECROFTING PART APPLICATION

Please provide the extent to three decimal places:

What is the extent of the whole croft in hectares?

How much land are you applying to decroft in hectares?

Please state the reasons for the size of the area applied for:

Will this application remove all of your interest in the croft? Yes No

Is this area already enclosed separately from the croft? Yes No

Why are you applying to decroft?

Site of an existing house that is not the statutory house site

Site for a new house

Garden/Amenity Ground

A proposed new development (please give details)

Some Other Purpose (please give details)

If this application relates to a proposed new development (including the site for a new house) please indicate below whether planning permission has been:

Applied for

Obtained

Is not required

Planning Reference Number:

Please note that your decrofting application will not be determined until planning permission has been obtained. If planning permission is not required please provide documentary evidence from your local Council Planning Department.

If the area is to provide a site for a new house, who is this intended for?

Yourself

Other Family Member

Other Identified Purchaser

Marketed for Sale: Expressions of Interest

Marketed for Sale: No Expressions of Interest

Not Yet Marketed for Sale

Is the land that you wish to decroft currently being used?

Yes

No

If 'Yes', how is the land you wish to decroft currently being used?

Crops (please tick all that apply)	✓	Livestock (please tick all that apply)	✓
Grass: Forage		Sheep	
Grass: Grazing		Cattle	
Cereals		Poultry	
Vegetables		Pigs	
Soft Fruits		Other (Please specify)	
Tree Planting/Use of land as Woodland			
Other (Please specify)			

Are there any other buildings used for domestic purposes included within the area applied for?

Yes

No

If **Yes**, please tell us:

Type Garage Domestic Storage Domestic Shed Workshop	Size	Condition Good Moderate Poor Derelict	Age <5 years 5-10 years 11-20 years 20> years	Currently use	Grant Assistant Received

Is the area applied for situated on an apportioned area of Common Grazing land?

Yes

No

If **Yes**, please provide details of the apportionment:

Name of Common Grazing:

Date of Apportionment Order:

Extent Granted:

(Please provide copy of the Order and Map)

Current end date if termed apportionment:

SECTION 9

EXISTING ACCESS DETAILS DECROFTING

Please provide information regarding the current access to the croft by answering all questions that apply:

Description of current access arrangements	Yes / No	Please provide as much information as possible of the current access provision including details such as width, gates, condition
Is there existing, established access for vehicles and agricultural machinery?		
Is there stock/pedestrian access?		
Is access taken from a public road?		
Is access taken from a track?		
Is access taken via another croft or common grazing land?		
Is access shared with other users?		
Other access arrangements?		

SECTION 10

ACCESS TO CROFT FOLLOWING DECROFTING

Is the current access to the croft included in the area applied for in the application? Yes No

i Please refer to guidance section – ACCESS

Will the current access be impacted by the removal of the area applied for? Yes No

If the answer to either of these questions is **Yes**, please provide further information regarding alternative access provision by completing the table below.

Description of Proposed New Access	Yes / No	Please provide as much information as possible of the proposed access including details such as width, gates, condition
Will there be access for vehicles and agricultural machinery?		
Will there be stock / pedestrian access?		
Will this access be taken from a public road?		
Will access be taken from a track?		
Will access be taken via another croft or common grazing land?		
Will access be shared with other users?		
What other access arrangements will there be?		

SECTION 11

BUILDINGS

Are there any buildings on the croft?

Yes No

If Yes, please provide details below:

Type of Building	Age	Condition (indicate whether):	Currently used? Tick if Yes	Comments
House (not decrofted) Domestic garage Domestic shed/outbuilding Agricultural/General purpose Livestock Housing Other (Specify)	<5 years 5-10 years 11-20 years 20> years	Good Moderate Poor Derelict		

Further information:

SECTION 12

FIXED EQUIPMENT AND PERMANENT IMPROVEMENTS

Is there any fixed equipment on the croft?

Yes

No

If Yes, please provide details below:

Type	Age	Condition (indicate whether):	Comments
Fences	<5 years	Serviceable	
Ditches	5-10 years	Partially Serviceable	
Fanks	11-20 years	Not Serviceable	
Pens	20> years		
Other (Specify)			

Further information:

SECTION 13

INTERESTS OF THE CROFT

In deciding the application, the Commission is required to consider the effect the decrofting will have on the good of the croft. This application will impact on the interests of the croft by:

	Tick those that apply	Further details
Allowing the crofter to reside on or close to the croft.		
Allowing the crofter to reinvest in the croft.		
Allowing the remaining croft land to be assigned to a new crofter.		
Other		

SECTION 14

WIDER INTERESTS DECRYPTING

i Please refer to Guidance – WIDER INTERESTS

In deciding the application, the Commission is also required to consider the effect the decrofting will have on the local crofting community, the sustainable development of the local crofting community, the interests of the public at large, and the interests of the estate (if applicable).

This application will impact on these wider interests by:

List options (please tick all that apply)	<input checked="" type="checkbox"/>
Providing additional housing in the community	
Providing a shared facility for community use e.g. village hall	
Providing facilities to support tourism in the area	
Providing employment opportunities within the community	
Utilising the services of local contractors and/or suppliers	
Contributing to the social and cultural benefits associated with crofting	
Contributing to improvements to the landscape and environment in the locality	
Developing renewable energy projects and schemes.	
Other (Please specify)	

Please provide details below:

SECTION 15

ADDITIONAL INFORMATION

Please provide any additional information in support of this application that you consider may be helpful to the Commission in reaching its decision:

SECTION 16

DECROFTING DECLARATION

I confirm that I have carried out the following in connection with this application:

I have attached map(s) of the location and site of the area I have applied to decroft.

 Please refer to guidance section – MAPPING INFORMATION DECROFTING

Where applicable, I have attached evidence of the planning permission granted/applied for, for the proposed development (either full planning permission or planning permission in principle).

Where the croft is not registered with the Registers of Scotland, I have separately applied to register the croft.

Where the application is being submitted by a non-professional agent, a completed Mandate Agent Authorisation Form has been included with this application.

I have read and understood the Commission's Privacy Notice.

I agree to communication regarding this application by e-mail

DISCLAIMER

All parties involved in any application/notification to the Commission should satisfy themselves as to the identities of the relevant parties involved in an notification as the Commission does not have the facility to carry out identity checks to verify a person's identity.

Any person who (i) knowingly provides false or incorrect information including any documentation or other information supplied with this application/notification, and/or (ii) who forges a signature (electronic or physical), may be guilty of a criminal offence. The Commission takes no responsibility for any such fraudulent acts or omissions. However, the Commission may investigate suspected fraud and any declarations, signatures or statements made in connection with the application/notification which the Commission suspects to be fraudulent will be reported to Police Scotland.

By signing this declaration, I acknowledge that I have read, understood, and agree to be bound by these terms and conditions.

DECLARATION

I declare that, to the best of my knowledge, the information I have given in this application is correct.

Signed

Date

SECTION 17

ADDITIONAL LANDLORD/OWNER DETAILS

Name of Organisation/Company/Estate:

Title:

Surname:

Forename(s):

Postal Address:

Postcode:

As co-owner of the croft, I hereby agree to this application being made.

Signed

Name of Organisation/Company/Estate:

Title:

Surname:

Forename(s):

Postal Address:

Postcode:

As co-owner of the croft, I hereby agree to this application being made.

Signed

Name of Organisation/Company/Estate:

Title:

Surname:

Forename(s):

Postal Address:

Postcode:

As co-owner of the croft, I hereby agree to this application being made.

Signed

SECTION 18

WHAT HAPPENS NEXT

When we receive this application, we will send the applicant or their agent an acknowledgement letter.

When the Commission are satisfied that the application is valid, we are required by law to advertise the decrofting application in a newspaper circulating in the district in which the croft is situated. Comments from any member of the crofting community within the locality of the croft and any expressions of demand for the croft can be made to the Commission, within 28 days of the advertising of the application.  **Please refer to guidance section – REQUIREMENT TO ADVERTISE**

At the end of the 28 day consultation period, provided the croft is registered with the Keeper of the Registers of Scotland, we must decide whether or not to grant the application or to investigate further e.g. By obtaining a report from a local Rural Payments & Inspections Directorate office. If we decide to investigate further we will notify all interested parties.

END OF APPLICATION FORM

REQUIREMENT TO REGISTER YOUR CROFT LAND

The Crofting Reform (Scotland) Act 2010 established the Crofting Register.

The Crofting Register is map based and provides a definitive record of the extent of, and interest in, land within crofting tenure in Scotland. In addition to showing the boundaries of land, the register also contains information on the crofter, owner-occupier crofter and/or the landlord of the registered croft. The Crofting Register is maintained by the Keeper of the Registers of Scotland (RoS), although the application for registration is made in the first instance to the Crofting Commission who will check the information contained in or accompanying the registration application against the information contained in the Commission's Register of Crofts.

These checks include, ensuring the application is in respect of a croft which is entered in the Register of Crofts, ensuring that the parties listed in the application as the tenant, owner etc, matches the information held in the Commission's records, and ensuring the information provided by the applicant in terms of historical apportionments, decroftings and resumptions correspond with our records.

What we are not checking (in most cases) is whether the applicant has accurately mapped the boundaries of the croft. That is because the Commission's Register of Crofts which was established in 1955/56 was never intended to be and has never served the function of being a map based register. In addition, the Commission have no legal locus in determining the boundaries of a croft. The body who are charged with determining the boundaries of a croft are the Scottish Land Court.

If your croft is unregistered, The Commission will be unable to make a decision on your regulatory application until the croft has been registered with RoS). To avoid delays therefore, we recommend that your regulatory application should be accompanied by your application to register the croft on the Crofting Register. This must be accompanied by a map showing the boundaries of the croft along with the registration fee.

A copy of the registration form and accompanying guidance notes can be found at www.ros.gov.uk/services/registration/crofting-register, if an application to register is not submitted within 6 months of the date of receipt of this application, it your regulatory application will be withdrawn from our records and returned to you. If you subsequently re-submit the regulatory application, it will be treated as a new application and will require to be re-advertised.

If your croft is already registered with the Keeper of RoS, an application for Registration of a Subsequent Event will be required should your regulatory application be approved.

POLICY DECROFTING PART CROFT

A straightforward approval can be made if:

- The application is for a reasonable purpose
- The area relates to a dwelling-house and/or to additional amenity ground and the combined total area of house and garden is 0.40 hectares or less
- There are no other buildings included in the area that are/could be used as agricultural buildings
- There are no concerns over access to the remainder of the croft
- There have been no negative submissions
- There is no more than one decrofting application being considered at the same time

If any of these conditions are not met, the application will be escalated.

PLANNING PERMISSION

If the application is for a proposed new development, you must include a copy of the planning permission granted for the proposed development (either full planning permission or planning permission in principle).

If planning consent has been applied for but has not yet been approved when you make your application, we will need you to provide the planning application reference number. This is to confirm that you have applied for planning permission for the proposed development.

Please note that we will be unable to take a decision on your decrofting application until planning permission is granted. You should notify us when you obtain planning permission so that we can resume the processing of your application as soon as possible. If planning permission is refused, we will be unable to proceed with your decrofting application and this will be returned.

WIDER INTERESTS

In this section you are provided with the opportunity to make any comments on these matters which the Commission are required to take into account when considering your application.

Section 58A(7)(b)-(e) of the Crofters (Scotland) Act 1993

In considering its decision on this application, the Commission must have regard to:

- (b) the interests of the estate which comprises the land to which the application relates;
- (c) the interests of the crofting community¹ in the locality of that land;
- (d) the sustainable development of that crofting community;
- (e) the interests of the public at large

4.1 SUSTAINABLE DEVELOPMENT

Sustainable development of a crofting community will normally include the economic social and environmental well-being of the community but meeting the sustainable development criteria need not require meeting all these strands. For instance, the agricultural aspect of crofting is not always necessarily financially sustainable, but this does not preclude it from adding value to the well-being of the individual and the surrounding community. Consideration of applications should take account of the maintenance and possible increase in populations, good management practices, the protection and enhancement of environmental assets, economic demand and employment opportunities, the protection and encouragement of biodiversity, the production of renewable energy reduction in carbon emissions, resource efficiency and the avoidance of dereliction of land. There are many criteria available when considering sustainable development although not all will be applicable to each circumstance.

4.2 PUBLIC INTEREST

Crofting legislation does not define 'public interest', although it contains various references to it. It is therefore for the Commission to be satisfied that, where required on a case-by-case basis, the public interest test is met.

In exercising its functions, the Commission must have regard to (a) the desirability of supporting population retention in the crofting counties and in any other designated area where crofts have been created, and (b) the impact of changes to the overall area of land held in crofting tenure to the sustainability of crofting.

In determining if, for example, approving an application is in the public interest, the Commission may consider any evidence of the benefits and disbenefits to other crofters, crofting communities, the wider community and others the Commission considers as having an interest in the application. The Commission will also take into account the Scottish Government's crofting policies and will normally favour the wider public interest particularly where individual private interest will disadvantage the sections detailed above.

¹ Crofting community means all the persons who (either or both) – occupy crofts within a township which consists of two or more crofts registered with the Crofting Commission; hold shares in a common grazing associated with that township.

MAPPING INFORMATION DECROFTING

The decrofting application must be accompanied by a site map of the area you are applying to decroft.

We also require a location plan showing the location of the site in relation to the croft boundary.

The map should be clearly labeled with the dimensions and extent, in hectares, of the area you are applying to decroft.

An example map is included here  **Please refer to Guidance - EXAMPLE MAP**.

ACCESS

The Commission will give priority to the provision of appropriate access to all remaining parts of the croft and, where appropriate, the common grazing.

The provision should allow unrestricted access at all times including access for agricultural machinery (the recommended minimum width for access is 4 metres wide). Failure to meet this provision is likely to result in the application being modified or may include in any such direction conditions for the purpose of ensuring that implementation of the proposal would not prevent or impede access to another part of the croft or to other croft land.

Your site map must show all existing access routes to the croft as well as any proposed access provision. Please provide as much information as possible of the current or proposed access provision at question in the application form including details such as width, gates, condition and any consents obtained or that may be required together with supporting evidence.

REQUIREMENT TO ADVERTISE

When the Commission are satisfied that the application is valid, we are required by law to advertise the decrofting application in a newspaper circulating in the district in which the croft is situated. Comments from any member of the crofting community within the locality of the croft and any expressions of demand for the croft can be made to the Commission, within 28 days of the advertising of the application.

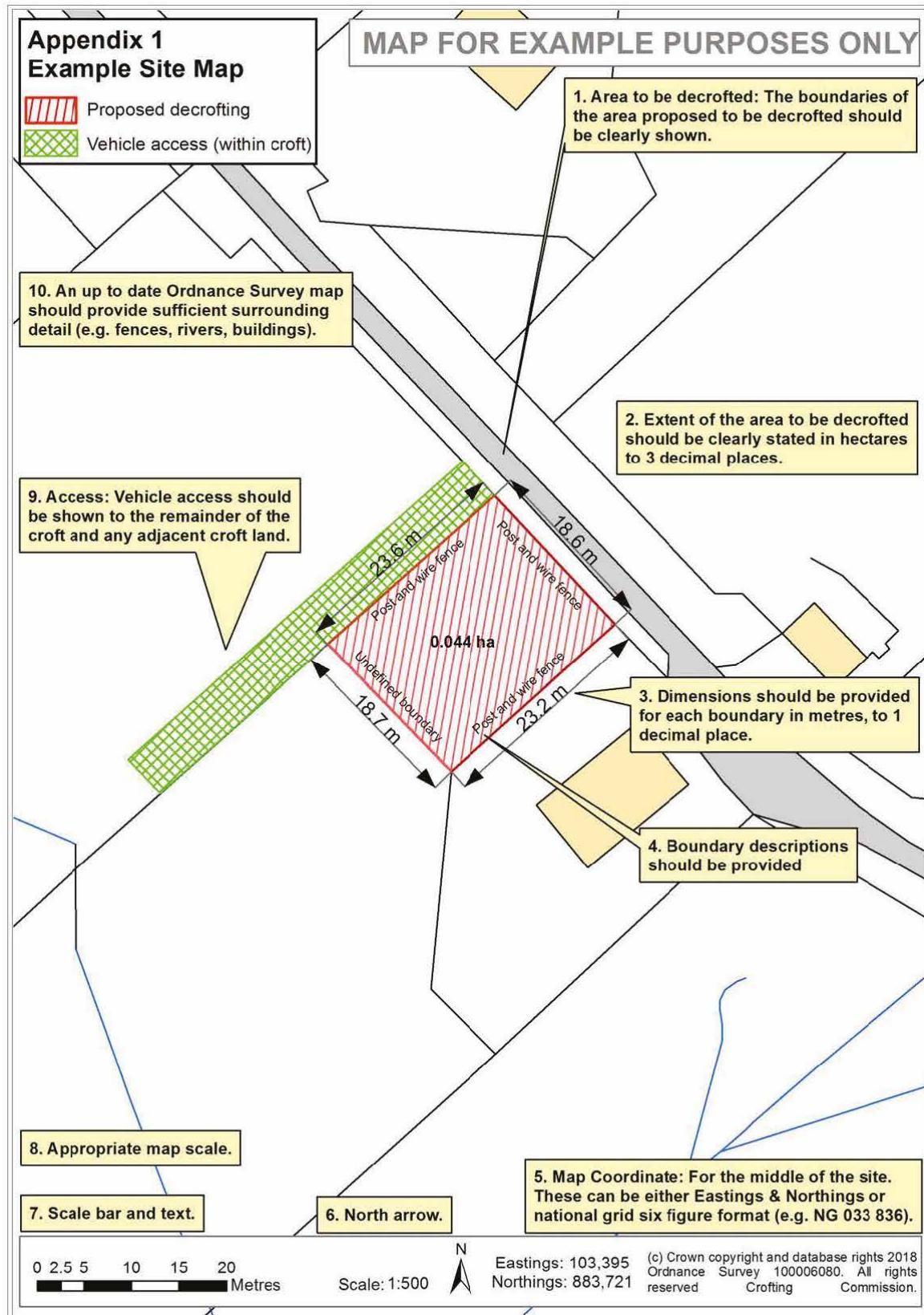
Crofting community means all the persons who:

- Occupy crofts within a township which consists of two or more crofts registered with the Crofting Commission

and/or

- Hold shares in a common grazing associated with that township.

EXAMPLE MAP



END