



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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Apportionment of Common Grazing Application

Tagradh air Roinneadh Fearann Ionaltraidh

OFFICE USE ONLY CASE No:

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 1993 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-occupier crofter / landlord of a vacant croft
- The proposed tenant/sub-tenant
- The landlord of the croft
- The owner of the common grazings
- The area assessor
- 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.

BEFORE YOU APPLY

Before applying it is important that you read the information contained in the accompanying Application for Apportionment Guidance Notes.

Consultation

You should consult with the Grazing Committee (or Grazing Constable) for the Common Grazing on the location and extent of the area of the Common Grazing you are looking to apportion for your own exclusive use.

We recommend that you provide a completed application form and the map of the area you want to apportion to the Grazing Committee or Grazing Constable and allow sufficient time for your proposal to be considered by them before you apply to allow any concerns to be raised and any required amendments to be made to your application.

It is important to do this and make any necessary amendments to the location and extent applied for before you apply to the Commission, as it will not be possible for you to change the extent or location of the area to be apportioned after the application has been submitted.

The Commission must consult with the grazing committee before deciding whether or not to grant an apportionment for the location and extent you have applied for. Any changes to the area following the submission of your application will be limited to essential adjustments, such as resolving access issues, correcting mapping discrepancies, minor restrictions to reflect souming entitlement or ensuring the area is capable of being fenced as a stock proof enclosure. If you need to make more substantive changes to the location and extent, you must withdraw this application and submit a new one for the revised area.

Registration

Please refer to section 2 of the Guidance Notes on the requirement to register your croft land.

Fencing Costs

Should an application be approved you will normally be required to fence the Apportionment with a stock-proof fence within two years of the date of the apportionment order.

As part of the preparation for the apportionment application the Commission would strongly recommend that you obtain an estimate/quote for the cost of any fencing work should the application be approved.

APPLICANT AND CROFT DETAILS

ALL FIELDS MUST BE COMPLETED

1 Applicant Details (additional applicant details can be entered at Appendix 1)

| | |
|---|-----------|
| Surname: | Title: |
| Forename(s): | |
| Date of Birth ¹ : | |
| Main Residential Address: | |
| | |
| | Postcode: |
| Telephone: | |
| Alternative Telephone: | |
| E-mail Address: | |
| I agree to communication regarding this application by e-mail Yes <input type="checkbox"/> No <input type="checkbox"/> | |

2 Agent Details for applicant (only if applicable)

| | |
|---|-----------|
| Name: | |
| Postal Address: | |
| | |
| | Postcode: |
| Telephone: | |
| Alternative Telephone: | |
| E-mail Address: | |
| I agree to communication regarding this application by e-mail Yes <input type="checkbox"/> No <input type="checkbox"/> | |

- 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. This form can be found on the Commission Website here: www.crofting.scotland.gov.uk/agency-and-mandate

1 The Act was amended on 1 October 2011 to include the requirement that the age and date of birth of the tenant of each croft shall be entered in the Register.

3 Croft Details

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland

Register Number (where registered):

Main Location

Code (MLC):

4 Additional Croft Details (only required if application is in respect of more than one croft)

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland

Register Number (where registered):

Main Location

Code (MLC):

The Crofting Commission is required to consult the Grazing Committee (or Constable) as part of the process. We therefore strongly suggest that you consult with the Grazing Committee or Grazing Constable prior to submission of your application to the Commission.

5 Grazing Clerk/Constable Details

Name:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

I agree to communication regarding this application by e-mail

Yes

No

6 Landlord Details (additional landlord/owner of common grazing details can be entered on Appendix 2)

Name of Organisation/Company/Estate:

| | |
|----------|--------|
| Surname: | Title: |
|----------|--------|

Forename(s):

Postal Address:

| | |
|--|-----------|
| | Postcode: |
|--|-----------|

Telephone:

Alternative Telephone:

E-mail Address:

7 Agent Details for Landlord (only if applicable) – additional agent details can be entered on Appendix 2

Name:

Postal Address:

| | |
|--|-----------|
| | Postcode: |
|--|-----------|

Telephone:

Alternative Telephone:

E-mail Address:

8 Do you currently reside on or within 32 kilometres (20 miles) of the croft? Yes No
If 'Yes', go to next question
If 'No'

What is your timescale for taking up residence? Please provide reasons for the timescale.

9 Name of Common Grazing: _____

If the Common Grazing is registered with the Registers of Scotland, please provide the registration number _____

Name of scattald (if applicable): _____

Name of park (if applicable): _____

Name of machair (if applicable): _____

(i) If the Grazing is not regulated, you should provide a signed declaration from the landlord confirming:

- *the total extent of the Grazing*
- *the shareholders' names and their respective share entitlement*
- *the name of each of the crofts and non-croft holdings that share in the Grazing*

(ii) If you are not a crofter, but are entitled to share in a Common Grazing along with other crofters, you must provide evidence of your grazing right

- *Where a share is tenanted, either a signed declaration from the landlord of the Common Grazing stating you have a share or a copy of your lease which confirms the right*
- *Where a share is owned, a copy of the Title Deed which shows the right to graze.*

10 How many shares do you have in the Common Grazing? _____

11 What is your souming entitlement? _____

12 What use is currently being made of your existing croft land and any apportionments you may already have?

13 What use is currently being made of your Grazing Share?

14(i) What is the extent of the proposed apportionment? _____

(ii) Please state the reason(s) for the extent and location applied for

(iii) Is any part of the proposed apportioned area contiguous to any part of your own croft? Yes No

(iv) Is any part of the proposed apportioned area contiguous to any part of another shareholder's croft? If yes, please provided details of the croft and contact details of the crofter in question. We strongly recommend that you discuss your proposal with the crofter in question prior to submitting the apportionment application. Yes No

15 Grazings Committee Consultation

You should consult with the grazing committee regarding the location and extent of the area applied for prior to submission as the opportunity to modify your application once submitted will be severely limited, and may result in the requirement to withdraw your application and re-apply for a modified area.

Is there a Grazing Committee/Constable in Office? Yes No

If "Yes": Have you consulted with the Grazing Committee/Constable on the location and extent of the area applied for? Yes No

If you have not consulted with the Grazings Committee please provide reasons why:

The Commission would also strongly recommend that you discuss your application with the owner(s) of the common grazings and other shareholders before sending us your completed application. This may reduce the possibility of time-consuming disputes by resolving any issues prior to submission of the application.

16 Fencing

Have you obtained an estimate/ quote on the cost required to enclose the apportionment? Yes No

If No, can you set out the reasons why you have not obtained/been able to obtain an estimate or quote for the fencing that will be required should your application be approved.

Please note that grants may be available for the cost associated with fencing the apportionment. However the Commission does not administer grant schemes. You should contact Scottish Government Rural Payments and Services at the following link: <https://www.ruralpayments.org/topics/schemes-by-customer/crofters/>

Your application must be accompanied by a map showing the area applied for in relation to your croft detailing the length of the boundaries in metres and extent of the area in hectares. Please read Section 4 – Mapping Information in the accompanying Application for Apportionment Guidance Notes.

If you are seeking to use the common grazing for the purpose of communal planting of trees/use as woodlands, this form should not be used.

The appropriate form for this can be found at on our website: <https://www.crofting.scotland.gov.uk/common-grazings/use-of-common-grazings-for-other-purposes/>.

17(i) Please select the purpose of your apportionment application in the table below.

| Purpose | Appropriate Section of the Crofters (Scotland) Act 1993 | Regulatory Function | Please tick relevant box below |
|---|--|----------------------------|---------------------------------------|
| Cultivation: Stock Management | Section 52(4) | Apportionment | |
| Cultivation: Agricultural Building (Existing or Proposed) | Section 52(4) | Apportionment | |
| Site of an Existing Dwelling House | Section 52(4) | Apportionment | |
| Site of a *Proposed Dwellinghouse | Section 52(4) | Apportionment | |
| Planting trees/use as woodlands | Section 52(4) | Apportionment | |
| Purposeful Use: *Tourism Accommodation or other tourism development | Section 52(4) | Apportionment | |
| Purposeful Use: *Renewable Energy (e.g. Wind Turbines) | Section 52(4) | Apportionment | |
| Purposeful Use: *Horse Livery/Stables | Section 52(4) | Apportionment | |
| Other (please specify) | Section 52(4) | Apportionment | |

If “Other” purpose, please state below:

* If the apportionment application is in respect of a site for a proposed agricultural building, dwellinghouse or other development, you must have applied for and/or obtained planning consent from the local Planning Authorities. You should therefore include a copy of the planning consent obtained for the proposed development or your planning application reference number (where the planning application has not yet been decided). If the local Planning Authorities have determined that planning permission is not required, you must provide written confirmation of this together with a copy of the relevant Planning Department’s final response to the Prior Notification procedures if applicable.

Should you be applying for an area of Common Grazings for the purpose of using the area for a specified Purposeful Use, you should provide confirmation that you have made the landlord aware of your plans for the apportionment and where possible provide a letter of support from your Landlord agreeing to the area of Common Grazings being used for the purposeful use proposed.

(ii) If your application is for stock management purposes please provide details of your existing and proposed stock numbers in the table below:

| Existing Stock | Number | Proposed Stock | Number |
|------------------------|---------------|------------------------|---------------|
| Cows | | Cows | |
| Sheep | | Sheep | |
| Other (please specify) | | Other (please specify) | |

18 Does any part of the area applied for form part of a:

| Description | Responsible body | Yes/No |
|--|-----------------------------------|--------|
| National Nature Reserve (NNR) | Local Authority | |
| Special Area of Conservation (SAC) | NatureScot | |
| Special Site of Scientific Interest (SSSi) | NatureScot | |
| Special Protected Area (SPA) | NatureScot | |
| Listed Buildings Scotland (LBS) | Historic Environment Scotland | |
| Scheduled Ancient Monuments (SAMS) | Historic Environment Scotland | |
| National Scenic Area (NSA) | NatureScot | |
| Cairngorm National Park (CNP) | Cairngorm National Park Authority | |
| Loch Lomond & The Trossachs National Park | LLTTNP Authority | |
| Forestry schemes (SFGS/WGS) | Forestry Authority | |
| Agri-Environment Climate Scheme (AECS) | NatureScot | |
| Other (Please specify) | (Please specify) | |
| | | |
| | | |
| | | |

If **‘YES’** to any of the above you are required to provide

- (i) details of existing management agreements or schemes and
- (ii) evidence that you have contacted the responsible body about your proposal.

19 If the area applied for includes access to the remainder of the Common Grazing or other croft land, what arrangements are (or will be) in place to allow unrestricted access to the Common Grazing or croft land? Please include details of any proposed new access you intend to create.

APPLICANT/AGENT PLEASE SIGN THIS DECLARATION

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

- I have included a map of the proposed apportionment and I am aware that, should the application be approved, I will be required to enclose the apportionment with a stock proof fence within the timescale set out in the order (normally 2 years).
- I have enclosed all necessary documentation e.g. management agreement or details of lease/Title associated with my application.
- Purposeful Use Applications Only – I can confirm I have made the landlord aware of my plans for the apportionment and, where possible, I have provided a letter of support from my Landlord agreeing to the purposeful use proposed.
- Where I am a non-professional agent for the applicant, the applicant and I have separately completed and included a Mandate Agent Authorisation Form.
- I *have/have not included my application to register the croft.
- I have completed all questions and the declaration has been signed

23 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 application/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.

Signed

Date

Applicant/Agent

Signed

Date

Applicant/Agent

What Happens Next?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.
- Once the Commission are satisfied that all the necessary documentation has been provided and the associated map complies with Commission standards, we will write to you instructing you to advertise the application, At the same time we will provide the Grazing Committee with a copy of your application for comment.
- Our decision can be appealed to the Scottish Land Court within 42 days from the date we notify interested parties of our decision.

APPENDIX 1

Additional Applicant Details

Name of Organisation/Company (if applicable):

Surname:

Title:

Forename(s):

Date of Birth²:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

I hereby agree to this application being made

Signed (Applicant/Agent):

Date:

Additional Applicant Details

Name of Organisation/Company (if applicable):

Surname:

Title:

Forename(s):

Date of Birth¹:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

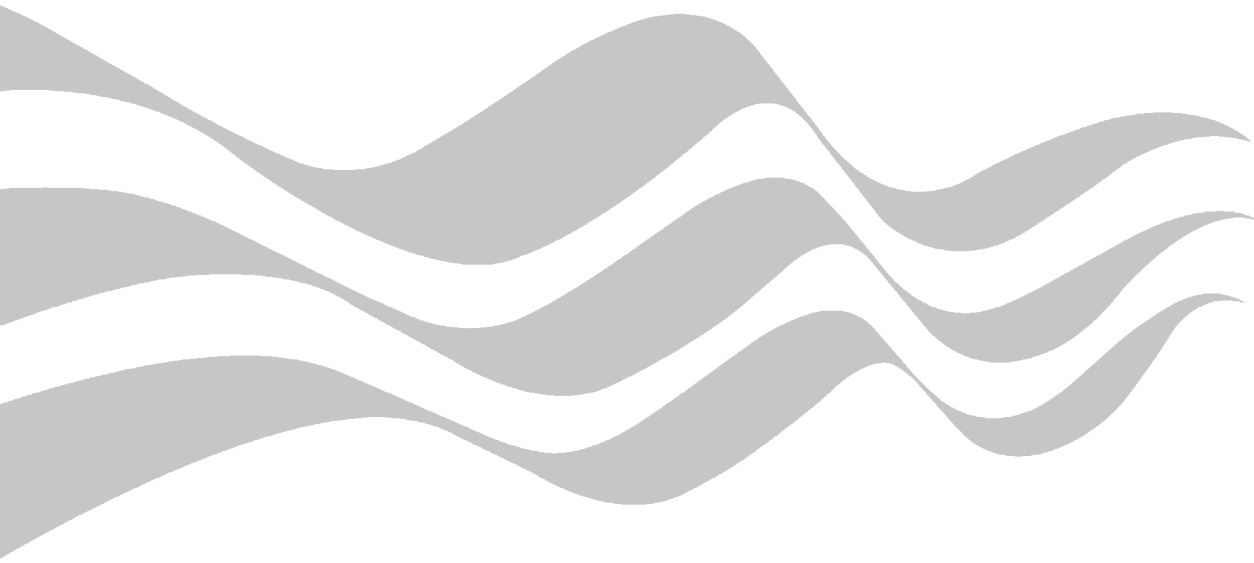
E-mail Address:

I hereby agree to this application being made

Signed (Applicant/Agent):

Date:

² Act was amended on 1 October 2011 to include the requirement that the age and date of birth of the tenant of each croft shall be entered in the Register.



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