

Crofting Commission Interim Policy Statement on Apportionments

February 2026

Policy context

Common grazings allow the traditional land use of stock grazing via shared management practices. Demand on grazing land has expanded beyond this traditional use and now includes other uses such as: renewable energy, peatland restoration, woodland, biodiversity enhancing activities, economic development, housing and new croft creation. However, despite these demands there are concerns about an overall decline in common grazing use.

Apportionments offer a way for shareholders to obtain land for their own exclusive use. This provides considerable opportunities for individuals, such as developing their business, creating housing and contributing to environmental benefits. This in turn can bring wider economic, social and environmental benefits to communities. These active uses support Scottish Government aims, including population retention in rural areas, creation of new housing and addressing both climate and biodiversity crises.

The collaborative nature of common grazings, with multiple shareholders and at least one owner, brings both benefits and challenges. Effective management and communication are key to ensuring successful and active use of this land. Apportionments can be a source of disagreement and the Commission recognises the importance of early and open communication between parties to encourage cooperation.

Policy aims

1. Apportionments will contribute to sustaining and increasing productive land use.
2. Collaboration between interested parties regarding apportionment applications at the pre application stage. This will contribute to open communication and effective communal working in crofting communities.

Policy principles

- Apportionments should be for one of the following reasons;
 - Cultivation: stock management
 - Cultivation: other types of cultivation
 - Cultivation: agricultural building (existing or proposed)
 - Site of an existing croft dwellinghouse
 - Site of a proposed croft dwellinghouse
 - Planting trees or use as woodlands for the exclusive use of the shareholder
 - Creation of *a crofting opportunity*¹ (subject to additional subsequent applications, which may include division, letting and assignation)

¹ This refers to the purpose of creating a crofting opportunity for someone. The apportionment would subsequently need to be divided from the rest of the croft and then assigned or let to another individual.

- Other uses will also be considered and should be detailed in the application
- The Commission will consider apportionment applications that fall under the category of ‘another purposeful use’². These applications will be considered in the usual way with the addition of ensuring the views of the landlord(s) (or owner(s) as appropriate) will be sought. They would *not* be issued with a condition restricting their use to the specified purpose that is stated on the application.
- Apportionments for another purposeful use may also be subject to a determination to review the apportionment after an appropriate time period to ensure the apportioned land is being put to a purposeful use.
- The Commission will typically support the creation of apportionments that contribute to one or more of the following:
 - Increase active use of grazings land
 - Assist individual shareholders with their stock management
 - Assist individual shareholders with their crofting business
 - Create a *crofting opportunity*³ (this will be subject to additional subsequent applications, which may include division, letting and assignation)
 - Apportionment of a share which is deemed to be a croft under section 3(5) of the 1993 Crofters (Scotland) Act
 - Provide economic or social benefits to the local community
 - Contribute to population retention
 - Support environmental aims such as carbon capture or enhancing biodiversity
- To ensure active use of crofts and common grazings, current and recent use of the common grazings will be taken into consideration. If the apportionment increases overall use this is favourable. Active use of common grazing and apportioned land will be considered in terms of the immediate future, as well as the sustainability and likelihood for continued active use in the longer term.
- The Commission will consider the rights of current shareholders, future shareholders, landowners and the crofting community.
- The Commission will typically grant an apportionment where it is evident that it will sustain or increase use of the land, where it is supported by the grazings committee and where there are no competent objections to it. Where there are competent objections to an apportionment the Commission will balance the opportunity for the applicant, against the rights of both current and future shareholders, in addition to consideration of the views of the owner and landlord, and any wider benefits.
- Where there is potential for other uses of the land which may have a considerable higher value than the agricultural value, so called ‘hope value’, which may be indicated in a local development plan, then this will be taken into consideration.
- Objective evidence will be sought as needed to make a fair decision on the application. This will normally include obtaining an area office report as standard.
- The Commission will normally issue apportionments with certain conditions as standard. These include:
 - The provision of appropriate fencing and gates for the apportionment, which should be erected within a fixed time period and maintained for the duration of the apportionment. The exceptions to this are when a fencing condition for some or all of the apportionment is not appropriate or required.

² Section 5C(2)(a)(ii) of the Crofters (Scotland) Act 1993, as amended by the Crofting Reform Act 2010.

³ This refers to the purpose of creating a crofting opportunity for someone. The apportionment would subsequently need to be divided from the rest of the croft and then assigned or let to another individual.

- That the apportionment will be used only for the intended use as stated in the application.
- Other conditions may be issued as appropriate.
- Apportionments may be issued with a review period as specified in the conditions. The addition of a review period will depend on the individual case and is likely to be added when an apportionment application receives objections. This will help ensure the apportionment use remains as intended and to provide fairness for objectors. This will usually be after an interval of 5 or 10 years.
- Requests for review of apportionments are encouraged by those who can raise a request for review (grazing committee, owner and the apportionment holder) and have a concern about the use of the apportionment.
- Apportionments can be issued as termed if considered appropriate based on the intended use and circumstances of the case.
- Opportunities to modify an apportionment application after submission to the Commission will be limited to minor essential adjustments.
- Apportionments should be of a reasonable size that is fair to all shareholders. The area should be appropriate to the applicants souming or share entitlement (further guidance can be sought from the RPID local area office).
- Apportionments should not include all of the best agricultural land or all improved areas on the common grazings, enabling fairness to all shareholders.
- Apportionments typically should not include shared (now or previously) facilities, fanks, bull parks or agricultural buildings.
- Apportionments should not include land under shared management agreements (such as AECS).
- Apportionments should not cut off the rest of the common grazing from the nearest or most convenient public road or access point.
- Apportionments should not cut off access for contiguous crofts or properties.
- Where the proposed apportionment is contiguous with a croft (other than the applicants croft), the Commission will consider this as part of the application process. The applicant should preferably discuss their plans for an apportionment application with the crofter of any croft contiguous to the proposed area, in advance of submitting their application.
- Applicants should discuss their intention to apply for an apportionment with any interested parties in advance of making their application and take account of any concerns. This should include the grazings committee and landlord, and may also include shareholders and neighbouring land holders.
- If the application is for 'another purposeful use' the applicant must indicate that they have the support of their landlord(s) (or owner(s) as appropriate) or at a minimum the applicant should have made landlord(s) (or owner(s) as appropriate) aware of their plans for the apportionment.
- If planning permission is a consideration for the apportionment, then details of this should be provided as part of the application.
- Where there are multiple shareholders interested in obtaining an apportionment, the Commission encourages discussion and consensus between shareholders regarding a fair and suitable allocation of land between parties.

What will success look like

- An increase in active land use on both apportionments and common grazings.

- Active management of grazing land and effective communal working in crofting communities. This will include open communication between all relevant parties in advance of any apportionment application.