

# The State of Crofting in Camuscross

*A Report by Iain MacKinnon & Susan Walker*



**“Thèid dùthchas an aghaidh nan creag”**

*(Kinship withstands the rocks - Gaelic proverb)*

***August 2009***

# Contents

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<b>1. Introduction</b>	<b>3</b>
<b>2. Historical Context</b>	<b>5</b>
• <i>Sleat</i>	
• <i>Camuscross</i>	
<b>3. The State of Crofting in Camuscross – Past &amp; Present</b>	<b>7</b>
• <i>The Past</i>	
• <i>Factors which encouraged the rise in Crofting in Camuscross</i>	
• <i>The present state of crofting in comparison with the past</i>	
• <i>Agricultural use of crofts in 2009</i>	
• <i>Housing and its occupancy</i>	
<b>4. Factors that encouraged the rise of crofting</b>	<b>14</b>
• <i>Reletting by the estate</i>	
• <i>Return of absentees</i>	
• <i>More crofters become active</i>	
• <i>Young crofters</i>	
<b>5. Problems</b>	<b>16</b>
• <i>Apportionments</i>	
• <i>Bought crofts: Owner non-occupiers</i>	
• <i>Absentee tenants</i>	
• <i>Croft access</i>	
• <i>Key Agencies</i>	
<b>6. The Frustrations</b>	<b>24</b>
<b>7. The Achievements</b>	<b>25</b>
• <i>Township Development Scheme</i>	
• <i>Rural Stewardship Scheme</i>	
• <i>Partnership working between crofters</i>	
• <i>The Honesty Box</i>	
• <i>Affordable house sites</i>	
• <i>A community Herd?</i>	
<b>9. The Value and values of crofting</b>	<b>28</b>
• <i>Why previous attempts to legislate have struggled</i>	
• <i>Cultivate crofting, cut carbon and cultivate community</i>	
<b>10. Conclusion</b>	<b>30</b>
<i>Appendix I The Purpose of the Report</i>	<b>33</b>
<i>Appendix II Note on how the report was compiled</i>	<b>34</b>
<i>Appendix III Sources</i>	<b>35</b>



# 1. Introduction

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Stimulated in part by the current debate on the draft Crofting Reform Bill, this report has been drawn up with input from crofters in Camuscross, a crofting township in the parish of Sleat in the south of the Isle of Skye, to exemplify some of the problems and opportunities facing a Highlands and Islands township which is seeking to use crofting to become more agriculturally and culturally active.

Crofting is a hereditary system of land holding given legislative recognition through the Crofting Act of 1886 and it has been practised in Camuscross for around 200 years. Crofters have security of tenure on the land in perpetuity and in return for this the legislation requires that they meet certain regulatory conditions, including that they reside on or near the croft and that they take measures to control harmful weeds.

For most of the last 200 years, even through periods of great hardship, there was a lively and active agriculturally based community in the township. Agriculture itself, however, is only part of the story. The human ecologist Frank Fraser Darling who provided the UK government with a comprehensive record of life in the crofting areas in his ‘Highland Survey’ of the 1950s emphasised the “egalitarian” nature of crofting communities, adding that “a croft is not a farm” and is as much a social as an agricultural unit.

In Camuscross we believe that by supporting and encouraging crofting agriculture, the government is playing an important role in ensuring the continuation of what remains of the place-based, largely self sufficient and socially inclusive way of life that once characterised the crofting areas.



*Helping with the potato planting on a neighbour's croft, Spring 2009*

This way of life is not only important historically and culturally, as acknowledged by successive governments, but, when viewed within the context of the many challenges which face us in the 21<sup>st</sup> century, demonstrates itself to be a system with increasing relevance, socially and ecologically for the present and the future.

The report 'The State of Crofting in Camuscross' gives a comprehensive description of crofting activity in the township and gives a series of grounded examples of regulatory issues in the township regarding the protection of croft land for which the Crofters Commission has responsibility.

Among its findings, the report shows that in the 39-croft township:

- the owners or tenants of almost one third of the township's crofts are absentees
- three-fifths of the township's crofts show signs of agricultural neglect
- slovenly decrofting procedures have left one family without direct vehicular access to their croft
- one croft has been absentee occupied for three generations
- the Crofters Commission has replaced one absentee tenant in the township with another, despite local interest in the croft
- houses built on apportionments in the township are being used as holiday homes
- one absentee, who has never lived in the village and has no family connection to it, has been using their croft as a holiday home business for more than 20 years –taking around £50,000 gross annually on it. This croft and two holiday letting houses is now on the market for offers over £590,000



*Hay and turnips on a productive croft, beside an absentee croft choked with bracken*



## 2. Historical context

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### 2.1 Sleat



Although in the 1950s Frank Fraser Darling could still describe community life in Sleat as “intensely sociable”, he acknowledged the devastating effect of population loss on the area.

In 1951 there were 623 people in the parish, one-fifth of the total population a century earlier. By 1971 that number had fallen to just 450. The following year saw the arrival of a new progressive landlord in Sleat and consequently the beginnings of the Gaelic college Sabhal Mor Ostaig which has become the area’s major employer. Since then the population decline has been reversed. In 2001 there were 780 people in Sleat and the continued expansion of Sabhal Mor, and the area’s popularity as a retirement destination, means there are likely to be well over 800 people living in Sleat at present. Around 16.5 per cent of those people are over 65.

### 2.2 Camuscross

Camuscross’ story reflects the general picture for Sleat. According to the census figures, in Camuscross in 1901 there were around 150 people.

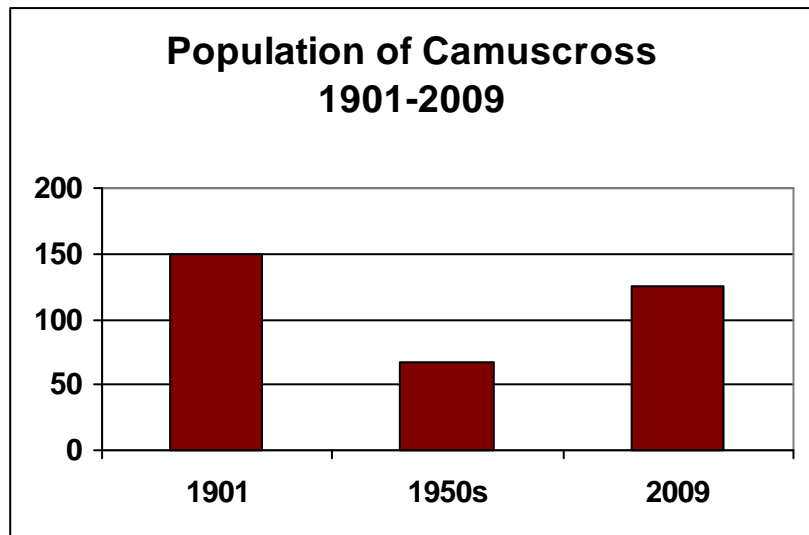


*Camuscross1907 Upper road crofts showing potatoes, corn, hay*

By the mid 1950s that number had fallen to just 67 – made up of 50 adults and 17 children.

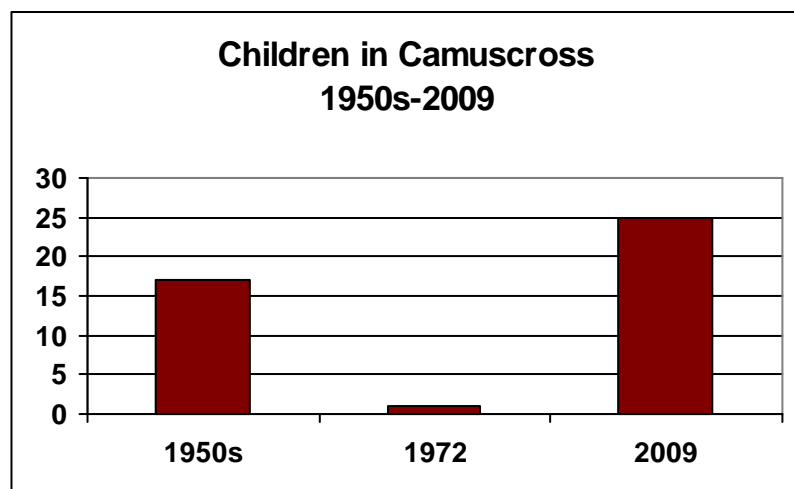
The decline continued over the next twenty years. One local man remembers that when he moved back to Camuscross in 1972 there was only one child the place.

He says that Camuscross was mainly “spinsters, bachelors and couples with grown up children who had moved away”.

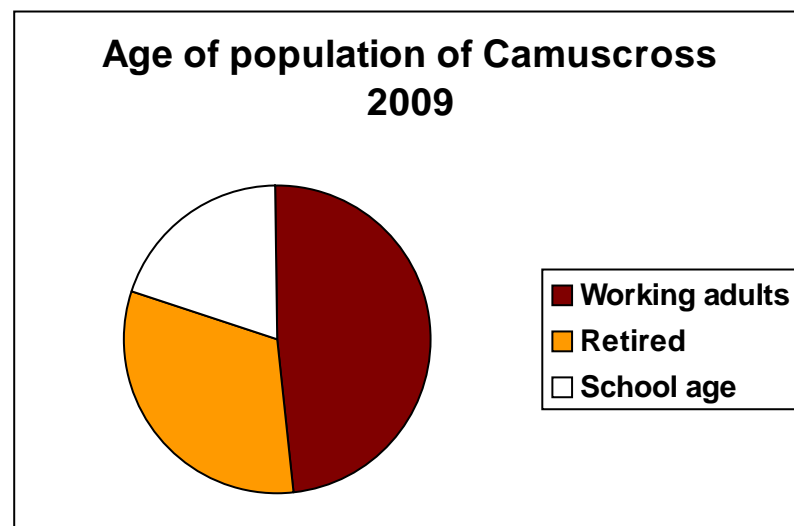


In that year Iain Noble bought the local estate and based himself in Eilean Iarmain, the village neighbouring Camuscross. He made it a policy to encourage the Gaelic language and way of life, which helped to begin a revitalisation of Camuscross.

Today there are 125 people living in Camuscross (including the wider area of Camuscross, Cruard and Barabhaig). Of those, 100 are adults and 25 are of school age and under. Around 40 per cent of the adult population are retired.



*Note: Although there is a high percentage of retired people, many of these are active, a number working their croft, keeping gardens, or involved in community organisations*



### 3. The state of crofting in Camuscross - past and present

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#### 3.1 The Past

The number of crofts in Camuscross and Cruard has fluctuated over the years but remained at a total of around 40. Almost all are between two to four acres in size and both the inbye land and common grazings is poor, with a lot of peaty, poor-draining soil. The common grazing is very small compared with other townships in the parish: the souming was traditionally two cows and followers per common grazings share (recently amended so that one of the cows can be replaced by five sheep). The crofts were deliberately created too small for people to live from: in common with crofters in most of the north west, Camuscross crofters have always had to find other employment, and that is still true today.

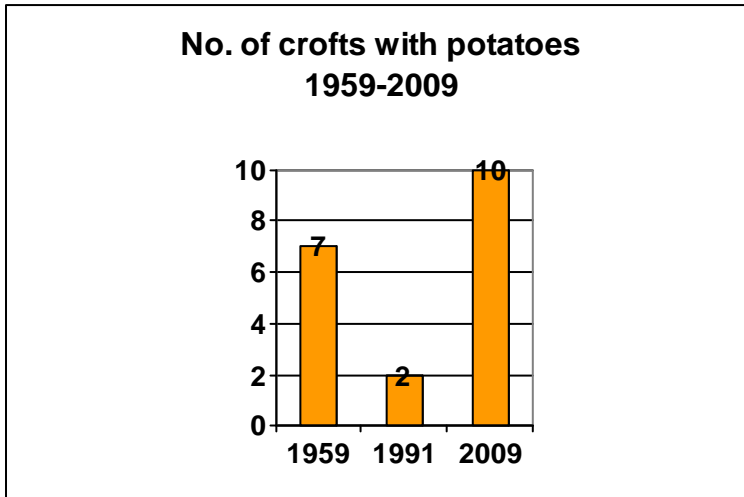
The general decline in crofting agriculture throughout the crofting counties has been well documented – most recently in a report compiled last year for the Scottish Agricultural College suggesting that in some parts of the Highlands and Islands sheep numbers in the last decade fell by as much as 60 per cent. Another study from 2008 found that: *'In terms of numbers the breeding flock in the Highlands and Islands continues to decline by some 60,000 ewes per annum and the suckler cow herd by around 3,000 cows per annum.'*

Again the story of Camuscross reflects that decline but in recent years there has been a resurgence of interest in both keeping livestock and growing crops (see the tables in section 3.2.). In 1959 there were 43 cattle and three goats in Camuscross. There were hens kept on 17 of the crofts. At that time, oats were still grown on many of the crofts, as well as potatoes. In the 19<sup>th</sup> century people were able to eat the oats grown in the township but by the end of the century, because of the smallness of their holdings, crofters had exhausted the ground to such a degree that the oats were only fit for animal fodder.



*Camuscross circa early 1900s*

### 3.2 *The present state of crofting in comparison with the past*

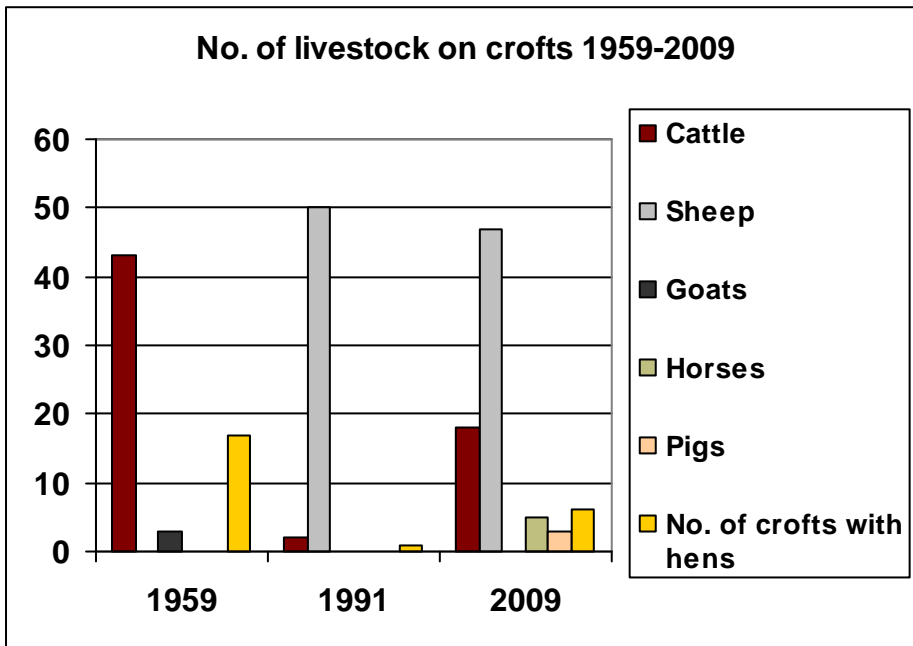


There are currently 39 crofts in Camuscross and Cruard, which are held by 33 crofters.

In 2009 there are 18 cattle and 47 sheep, five horses, three pigs, with hens and other poultry on six crofts. Some other crofters allow their in-bye land or grazings rights to be used by other crofters/farmers. This year potatoes have been planted on ten crofts (again a marked increase on previous years, although there is a big variation in the sizes of the areas planted),

hay and oats are cropped on two crofts and turnips on one and there are a growing number of vegetable patches, including one polytunnel and one greenhouse.

This resurgence in crofting in the last 20 years is the result of an older generation of crofters – a dwindling number of whom still worked their land – being joined and encouraged by returning natives, by sensitive and skilled incomers and by younger people from the village and from elsewhere who, perhaps sensing the spirit of the times, are keen to work the land.



*Note: Sheep numbers have increased by over 20 head over the last five years with the introduction of a flock of Hebridean sheep by a returning absentee family*

Having outlined the past and the present of our township, we would like to share more details of crofting activity in Camuscross in relation to some of the problems that the township faces in revitalising crofting.



### 3.3 Agricultural use of crofts in 2009

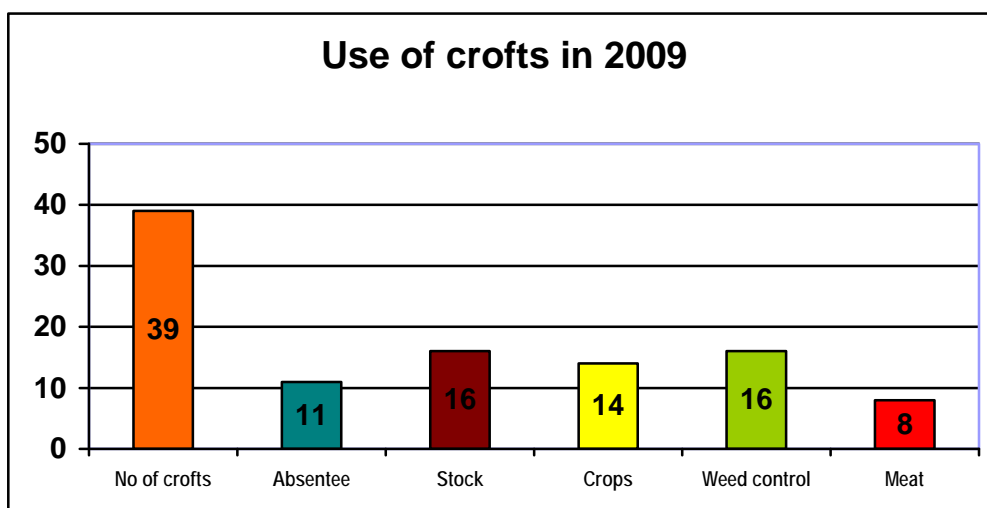
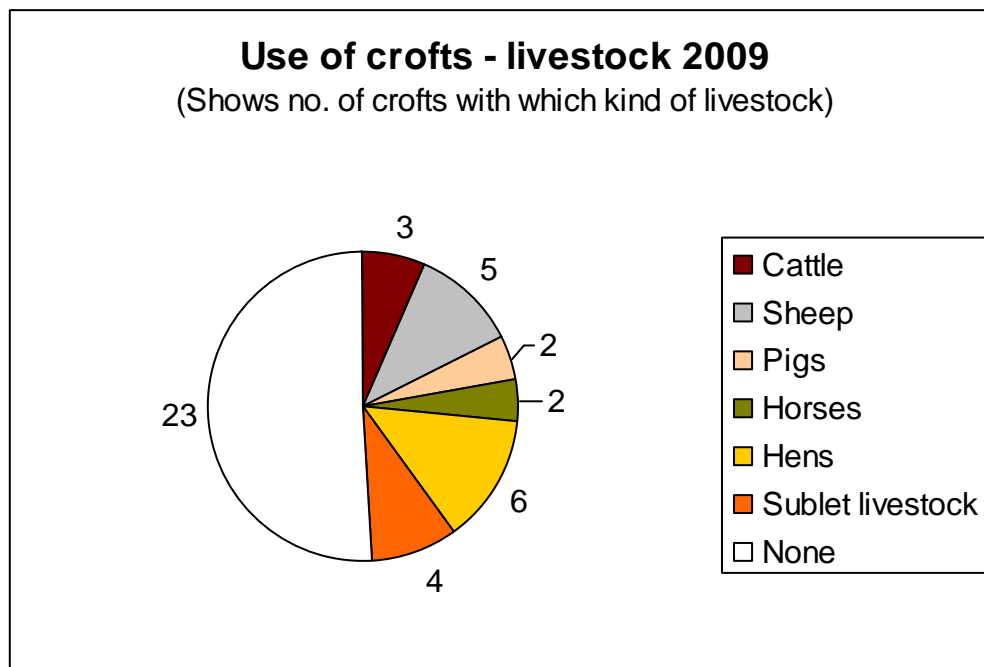
#### 3.3.1 Livestock

At present 16 of the crofts (41 per cent the total number of crofts in the village) have livestock or hens on them:

- eight crofters keep livestock. Of these: one keeps cattle, sheep and horses; one keeps sheep and cattle; one keeps cattle; two keep sheep; two keep pigs; one keeps horses.
- four crofters allow others to graze livestock on their croft or use their grazings share.
- six crofters keep hens.

Eight crofters produce their own meat: mutton, beef and pork, some of which is processed into black pudding, sausages and bacon.

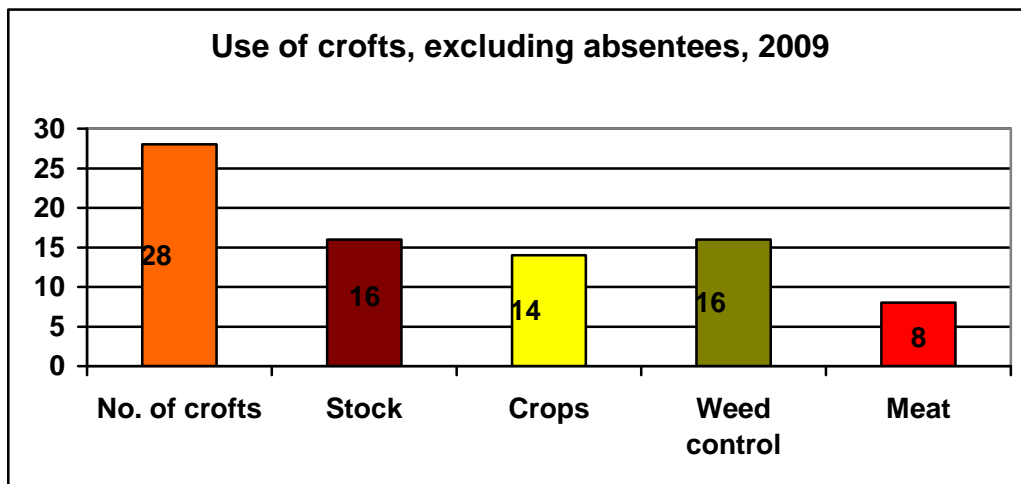
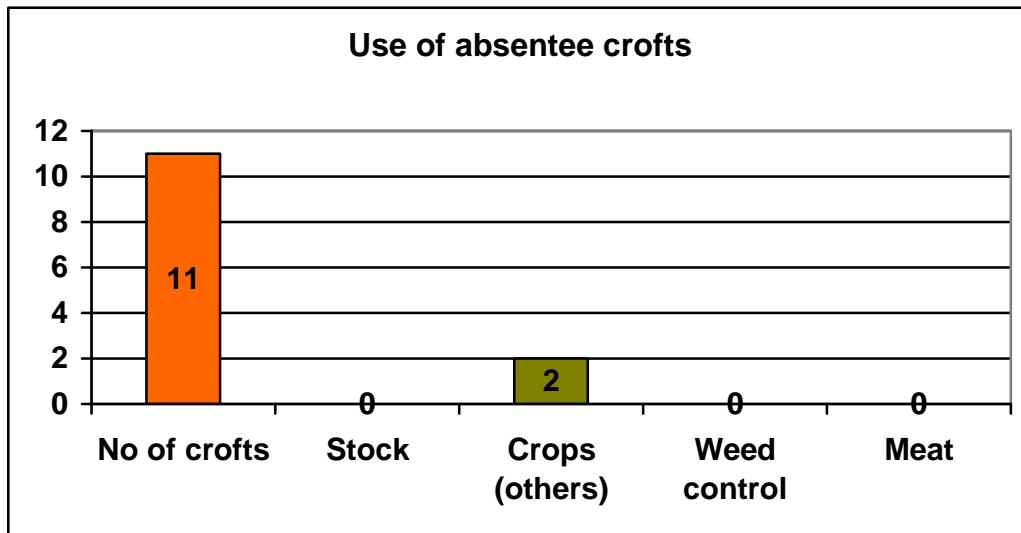
**Absentees:** Two absentee crofters offer their land to another (resident) crofter to graze livestock



### 3.3.2 Crops

Fourteen crofts (36 per cent) in total are used to produce crops to some extent, although there is a big variation in the areas and numbers of crops: Ten crofts (26 per cent) have potatoes or vegetables on them – from a tiny patch to one-fifth of an acre. Two crofts have other arable crops: turnips and corn. Two crofts are cut for hay and one for silage by the crofter; four crofts are used by a Duisdale crofter for silage.

*Absentees:* Two absentee crofts are cut for silage by others



**Biadh a thoirt do'n fhearain ma's tig an t-acras air;  
Fois a thoirt dha ma's fhàs e sgìth  
A ghart-ghlanadh ma's fhàs e salach:  
Comharran an deagh thuathanaich”**

*Feeding the land before it gets hungry,  
Giving it rest before it gets weary,  
And weeding it well before it gets dirty:  
The marks of a good husbandman*

### 3.3.3 Tractors

Nine working tractors are owned by seven crofters.

*Absentees*: no absentees have a working tractor

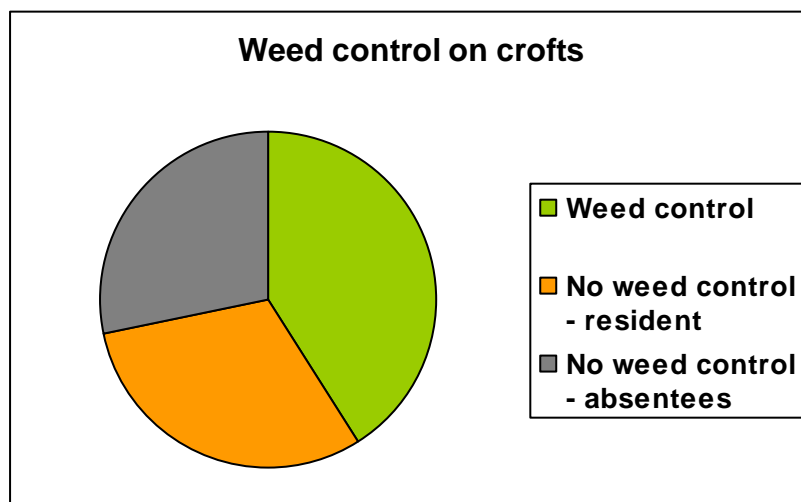


*Some of the Camuscross tractors at the Crofters Olympics, August 2008*

### 3.3.4 Weeds – rushes, Japanese knotweed, bracken, dockens, ragwort

On 16 crofts (41 per cent) some attempt is made to control weeds. On 23 crofts (59 per cent) no attempt is made to control weeds.

*Absentees*: On none of the 11 crofts held by the nine absentee crofters/owner-non-occupiers is any attempt made by them to control infestations of weeds. i.e. absentees are responsible for 48 per cent of the crofts where no attempt is made to control weeds.

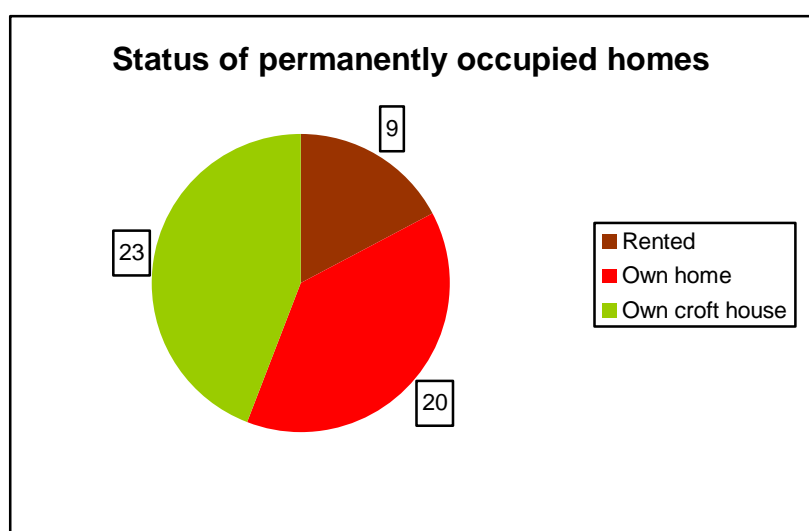
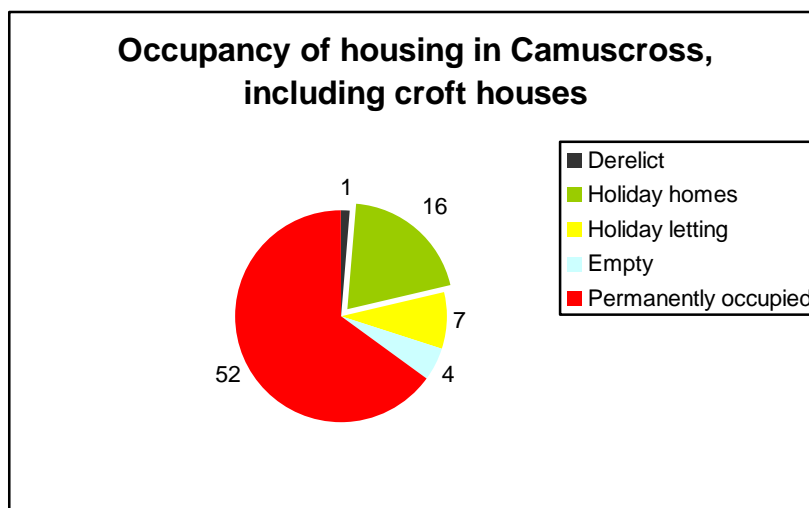




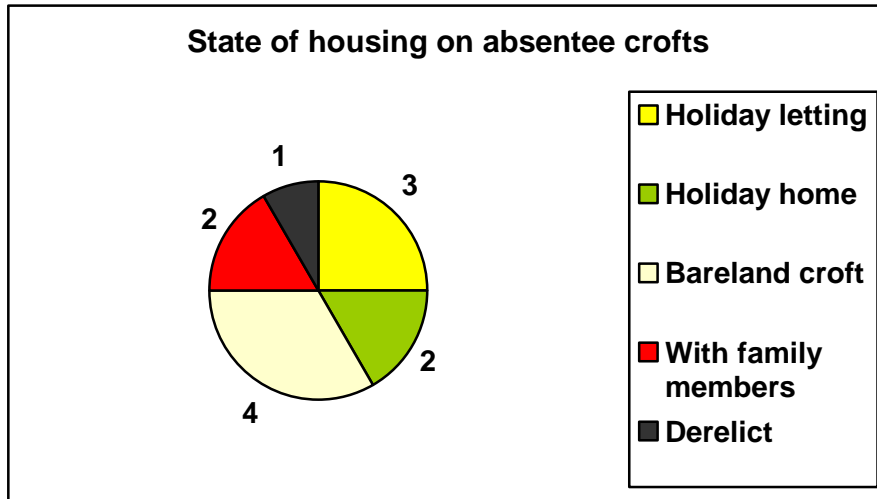
### 3.4 Housing and its occupancy

There are 80 houses in Camuscross, of which 27 are croft houses. Twenty three crofts are or will soon be lived on by the crofter: currently 21 are lived on by the crofter, and two have recently been tenanted and will be lived on once a croft house is built. Five crofts have no houses on them, i.e. are either bareland crofts or multiple occupancy crofts. As almost all of the land in Camuscross was once under crofting tenure (apart from Cruard garden ground and Baravaig) it is clear that a considerable area of in-bye land has been taken out of crofting for housing – although this has taken place over a number of decades.

**Absentees:** Eleven crofts (28 per cent) are held by nine absentee tenants or owner-non-occupiers. On these crofts, three of the croft houses are used for holiday letting, two of the croft houses are used as holiday homes, two crofts are lived on by family members, and four crofts have no house on them: two of them are multiple occupancy crofts, and two are bareland crofts, the croft house having been sold off by the crofter. One croft has a derelict house – this is the only derelict house in the village.



No. of households with an adult living with parents	6
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The total number of permanently occupied households is 52. Of these, nine are rented on long lets and six households have an adult living with parents. As two of the tenants of houses in long lets have recently taken over the tenancy of crofts and will build their own houses, the number of people in rented homes or living with parents who do not currently have a prospect of becoming a crofter or building their own home (thirteen) is close to the number of absentee bareland crofts or absentee croft homes which are holiday homes or derelict (ten).

**Houses in Camuscross, including croft houses, which are not permanently occupied**

Holiday homes (private)	16
Holiday letting – run by a resident	4
Holiday letting - run by an absentee crofter	3
Empty houses	4
Derelict houses	1
<b>Total</b>	<b>28</b>



*Derelict croft house*



*Two occupied croft houses and potato patch*

## 4. Factors which encouraged the rise of crofting in Camuscross

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### 4.1 *Reletting by the estate*

In 1990, an event took place which can be viewed as crucial to the resurgence of interest in crofting in Camuscross. Unusually, three crofts had been returned to the township's landlord, who decided to relet, not on the open market, but on the basis of who the landlord thought would make the best crofting tenants.

The estate used a questionnaire for prospective tenants that established whether they: had agricultural experience; were Gaelic speakers; had family connections to the township; or had young families. Three young families were chosen, two of which had previous agricultural experience, and one which had strong family connections and relatives in the township. Today the families are amongst the most active crofters in the place, with one keeping a milk cow and growing hay, corn, potatoes, turnips, vegetables and with a polytunnel; one with sheep, a cow and horses; and one has gradually become more active, having kept pigs, keeping hens, has bought a tractor and this year ploughed for potatoes.



*Making corn stooks, Autumn 2008*

### 4.2 *The return of absentees*

The reletting to three young families was followed by the return of two tenants whose families had been absentee for some years. The first tenant has built up a small flock of sheep, keeps various poultry, has a large patch of potatoes, and some vegetables.

The next tenant was encouraged to return by letters from the Crofters Commission asking him what his intentions for the croft were. When he decided to return, his daughter and her partner also came to the place. This croft is now lived on and worked by both generations and is stocked with cattle, Hebridean sheep, poultry, potatoes and vegetables.

Both of these tenant families brought with them an enthusiasm for crofting and the ability to inspire and involve others; the first annually enlists help from neighbours in planting and lifting the potatoes, creating an enjoyable community event which raises the profile of crofting in the township, and has also been crucial to a revived interest in black pudding making. The second family has brought a great enthusiasm for different potato varieties, traditional livestock breeds and considerable knowledge of and skills in food processing and cooking and has encouraged other families to learn skills such as sausage-making and bacon curing. They have also pioneered the idea of co-operative ownership of stock, enabling crofters who do not own stock, or those outwith crofting to become involved.



*Two generations lifting potatoes*



### ***4.3 More crofters become active***

Growing activity among other crofters in the township is a marker of this general rise in interest in crofting. One crofter who has kept sheep for many years has recently bought a tractor, and now plants potatoes and grows other vegetables and regularly tops his fields to keep rushes at bay; one is increasing the size of the vegetable and potato garden each year; one keeps pigs, and allows neighbours to use his croft for pigs and potatoes; another keeps pigs, allows someone from outwith the village to use his croft and grazings share for cattle and this year has planted potatoes.

### ***4.4 Young crofters***

The two youngest crofters in the township have recently been assigned their crofts by older relatives to enable them to enter crofting. Both young couples intend to build houses on their crofts, and this year both cut peats; one already has a small patch of potatoes and vegetables and intends to keep livestock.

One of the younger people in the village who is most keen on crofting is, as yet, not able to be a crofter. He comes from a family without a croft, but regularly helps a neighbour with livestock and machinery work and keeps his pigs on a neighbour's croft and is very keen to own his own cattle. He has registered an interest with the Crofters Commission in acquiring the tenancy of a croft in Camuscross.



*Keen young prospective crofter with one of the Camuscross cows*

It is known that six other young people in the village, the majority of whom have a partner or family, are also keen to acquire the tenancy of a croft, if it were available and affordable. A young, active family with a crofting background who wanted a croft in Camuscross has now moved to another township. It is expected that there would also be demand from outwith the township, although interest has not been gauged.

## 5. The Problems

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**“Am fear a tha na thàmh, tha e na leth-trom air an fhearainn”**  
*He who is idle is a burden on the land*

**Fear a’ dol an àite fir, a’ fagail an fhearainn daor”**  
*Tenant replacing tenant leaves the land dear*

This critical section of the report outlines some of the challenging issues facing our community and crofting communities in general, namely:

- Absenteeism
- Neglect
- Speculation on croft land
- Access
- Apportionments
- Weaknesses within the regulatory system and bodies that have a duty of care to crofting.

We believe that grounding these issues (which can sometimes appear arcane) in real-life examples from our township will give readers a clearer understanding of them. Crucially, these examples show that the issues are often related. Our report shows that neglected crofts are often those of absentees and that access problems can arise when bureaucratic institutions with a duty of care to crofting fail to protect crofting interests.

While the issues raised here are by no means exhaustive of those facing crofting communities, what our research shows is the range, scale and interconnectedness of problems that are facing one small crofting community alone.

### ***Wider inhibitor to development***

*One wider problem that emerged strongly during the consultation process on this report is the need for an abattoir to serve the agricultural community of the Isle of Skye and neighbouring mainland communities. At present all animals have to be transported to Dingwall, 100 miles away, to be slaughtered, placing a considerable extra cost and time burden on crofters wishing to produce their own meat for consumption or sale. Until a solution is found to this problem, it will continue to inhibit any increase in meat production in the area.*

## **5.1 Apportionments**

### **5.1.1 The Problem:**

Four apportionments have been approved on the common grazings, one full (agricultural) apportionment, three for housing. Two of the three housing apportionments have been taken out of crofting and are now holiday homes.

The house on one housing apportionment was used for holiday letting from the start and was then sold on as a holiday house at a price considerably beyond the means of local people.

### **5.1.2 Why it is a problem:**

- The hill grazing is held in common, with the management of the land decided by a committee of elected shareholders. On a hill grazing as small as in Camuscross, the shareholders are reluctant to let land out of agricultural use, but have been willing to do so when they thought it was to provide a house for a local crofter.
- Because of this sense that the grazing land ‘belongs’ to all shareholders in common, if a private individual takes the land out of crofting and makes a financial gain by selling it on, it is felt to be unjust.
- As a result of these cases, the grazings committee is likely to be much more reluctant to look favourably on an apportionment for a private house, even if the case appears to show genuine need – such as a crofter who cannot get access to build on their croft.

### **5.1.3 Who is responsible:**

The Legislative System

The Grazings Committee

The Individual Crofter

### **5.1.4 The Remedy:**

- Legislative change is needed to prevent misuse of housing apportionments in this way. At the very least, an occupancy requirement could be attached to any house built on an apportionment, which is linked to a housing burden, to allow the grazings committee and the landlord to benefit from the value of the house plot if the house is sold out of crofting (i.e. not to the incoming crofter).
- The Grazings Committee could be encouraged to become more confident about expressing its opinion if it is not happy with a situation
- The Individual Crofter should be encouraged to think about the consequences of their actions for the future of crofting and the community in their township



## **5.2 Bought Crofts: Owner-Non-occupiers**

This section contains two separate examples. One focuses on the problem of speculation, the other on the problem of neglect. In both cases the owners of these bought crofts are long-term absentees. Although the examples here focus on ‘owner-non-occupiers’ it is important to note that the problems of speculation and neglect apply to tenanted as well as to bought crofts.

### **5.2.1 SPECULATION – The Problem:**

One croft was split in two and one half of the croft has had an owner-non-occupier for more than 25 years. The croft house was used for holiday letting; a second house was built on the croft also for holiday letting; both houses and one acre of “croft land” have now been put on the open market at offers over or £590,000 for both houses and the land; the seller is not willing to sell the croft land separately. The selling agent makes no mention of the legal responsibilities attached to croft land in the advertising.

### **5.2.2 Why is it a problem?**

- Arable land is a precious resource which should only be built on for genuine reasons, and when there is no other choice of house site.
- An already very small croft was allowed to have a second house built on it for the specific purpose of holiday letting when the original croft house was already being used for this purpose by the absentee owner-occupier.
- According to the selling agent, the two houses are bringing in an annual gross income of almost £50,000. Not only is this money not being spent locally, the business is in direct competition with local businesses, including those of crofters, who have diversified into holiday letting.
- The local crofting community only heard about the sale by chance; the Crofters Commission was unaware of the sale; it seems that when a croft has been bought, although technically still covered by crofting legislation, it can change hands with no checks or controls; in effect, this small piece of land in Camuscross has entered the free market and is no longer a croft.
- The new owner is likely to have no understanding of the legal responsibilities of owning land covered by crofting legislation, or the (supposed) requirement to either occupy the croft, or put in a tenant.

### **5.2.3 Who is Responsible:**

The System

The Crofters Commission

The Individual Crofter (owner-non-occupier)

### **5.2.4 The Remedy:**

- A legally enforceable requirement that all selling agents must make clear, using specified wording, what the legal responsibilities are for any prospective purchaser of owner-occupied crofts.
- The Crofters Commission must make use of their existing statutory powers to deal quickly and effectively with blatant cases of speculative absenteeism, particularly those which damage the local community.
- The Individual Crofter should be encouraged to think about the consequences of their actions for the future of crofting and the community.

### **5.2.5 NEGLECT – The Problem:**

One croft and croft house has been empty (apart from one short tenancy in the house when the house was already below tolerable standard) for approximately 40 years. The house is now derelict. The garden and croft is also infested with Japanese knotweed.

### **5.2.6 Why it is a problem:**

- The house has now deteriorated to such an extent that it is dangerous, and is an eyesore, in the centre of the village, detracting from the amenity and value of surrounding properties.
- Although 20 years ago the house could have been made habitable with some work, it is now beyond repair – a home has been lost to the local community.
- The Japanese knotweed is threatening to spread to neighbouring gardens and crofts and will make building or croft work with machinery unlikely or very difficult. There are prohibitions against development on land where there is knotweed because of the risk of spread.
- There are no fences on the croft.
- The fact that the Crofters Commission has presided over such damage and neglect to a croft house, buildings and land over such a long period, erodes crofters' belief that it cares about crofting.

### **5.2.7 Who is Responsible:**

The Crofters Commission

The Landlord

The Individual Crofter

### **5.2.8 The Remedy**

- The Crofters Commission must make use of their existing statutory powers to deal quickly and effectively with blatant cases of absenteeism, particularly those which result in serious deterioration of the buildings and land, and which adversely affect the local community, and where the Grazings Committee has asked for action.
- The Landlord should support an active Grazings Committee in their efforts to put pressure on the Crofters Commission to deal with absenteeism, especially where the state of buildings on an absentee croft is having a detrimental effect on the surrounding area
- The Individual Crofter should be encouraged to think about the consequences of their actions for the future of crofting and the community.

## **5.3 Absentee tenants**

### **5.3.1 The Problem:**

There are 11 crofts held by nine absentee tenants or owner non-occupiers. In this section we will give two examples of the challenges that crofters face because of absenteeism in Camuscross.

*We have also made clear in section 4.2 the value that a returning absentee with family connections can bring to a township, and suggest ways (below) that these absentees can be encouraged to return and their land kept in good heart while they are absent.*

**5.3.1.1** One croft had an absentee tenant for more than 40 years. In the mid 1990s the Crofters Commission made an attempt to take action on absentees in Camuscross and as a result the croft was sublet to a local crofter twice. After that, the Commission continued to write intermittently and the absentee tenant put the croft and house on the market at a price considerably above what any local person could pay. Against the wishes of the Grazings Committee, and despite the fact that a very suitable local tenant was interested in a tenancy of the bareland croft (to the extent of asking the advice of a digger contractor who said it would be possible to put in an access to it), the Crofters Commission approved the assignation to someone from central England. This approved tenant planned, to the scepticism of the local Grazings Committee and other crofters, to build riding stables on the poor, three acre croft.

Ironically, while the Commission would not allow the croft to be split off from the croft house because it said there was no vehicular access, it allowed a five year plan from the proposed tenant from England for riding stables that required the crofter to have vehicular access to the croft. Since this couple took over the house in early summer 2008 and the tenancy of the croft in November 2008, the croft has remained unused by the tenant and the house is being advertised on the internet for holiday letting.

As a result of not listening to local opinion, the unintended result is that the Crofters Commission has been responsible for replacing an absentee crofter with family connections to Camuscross, with an absentee crofter with no family connections to the place.

**5.3.1.2** One croft has had three generations of absentee tenants. The house is used as a holiday house by the family. The croft is neglected, unworked, infested with rushes, bracken and ragwort and put to no purposeful use. A shed on the croft is close to collapse.

### **5.3.2 Why it is a problem:**

- Absentee tenants cannot or do not work or care for their croft effectively, with the result that their land often becomes rank and infested in weeds, which then spread seeds to neighbouring crofts which might be being worked; or fences or buildings are not maintained. It will take many years of effort for any incoming crofter to bring the land back into heart and rebuild buildings and fences.
- Absentee tenants contribute very little to the community: they cannot serve on the Grazings Committee or help with township development projects; they do not spend their money in the local community and cannot take part in community events.
- The croft house of an absentee tenant may sit empty while local people live in rented accommodation or have to stay with relatives
- If an absentee tenant uses their house for holiday letting, the profit is not spent in the community and the business is in direct competition with other crofters or local people.

- When the Grazings Committee is asked to comment on proposed non-family assignments, their response is based on the five year plan of the proposed tenant. If the assignment is approved, but the tenant subsequently fails to adhere to their five year plan, and neither the Landlord, nor the Crofters Commission take any action, this further erodes the Grazings Committee and individual crofters' trust in the regulatory system.
- When absentee tenants with a family connection to a place are encouraged to return they can bring skills and enthusiasm to the area.

### **5.3.3 Responsible:**

The System

The Crofters Commission

The Landlord

The Grazings Committee

The Individual Crofter

### **5.3.4 The Remedy:**

- The new legislation proposes stronger action on absenteeism. These proposals, if sensitively but rigorously implemented, could help to resolve this problem. For example, making it easier for tenants and owner-occupiers with a family connection to a place who have good reason to be absent for a predetermined time to sub-let their crofts could allow them to retain their attachment to the community while ensuring that the land is worked and that someone in the community is able to work the land.
- Regardless of proposed new legislation, the Crofters Commission must make use of their existing statutory powers to deal quickly and effectively with blatant cases of absenteeism and neglect, *particularly when it has been asked to by the Grazings Committee, and in those cases where there is no family connection to the township.*
- The Crofters Commission and the Landlord must take greater responsibility for ensuring that five year plans of incoming crofters are adhered to, and action taken if they are not.
- The Grazings Committee already has the right to complain to the Commission if they believe that a crofter is in breach of the statutory conditions relating to the use or neglect of their holding. If they believe that it would be in the wider crofting interest to do so, Grazings Committees should be encouraged to make use of this right.
- The Individual Crofter should be encouraged to think about the consequences of their actions for the future of crofting and the community.



## **5.4 Croft Access**

### **5.4.1 The Problem:**

Within Camuscross, the Crofters Commission and the Landlord have allowed a number of decroftings of house and garden ground across the entire width of crofts, leaving no vehicular access to the croft. One of the most active crofters in Camuscross has worked his croft for 17 years through the goodwill of a neighbour, who was willing to allow the tractor to drive past his house and through his croft to gain access. Now that the croft has been taken over by someone else and the house and garden has been decrofted, the crofter will have to rely again on the goodwill of the new owner of the house and tenant of this croft in order to gain access to his own croft. If a permanent solution cannot be found, it could be that the croft will no longer be worked. Crofts with no access are likely to become more common as croft houses that have been decrofted are separated from the croft and sold on to non-crofters.

### **5.4.2 Why this is a problem:**

- It is almost impossible to work a croft well if it does not have vehicular access to it.
- If the original croft house has been decrofted, the loss of access also means that an incoming crofter must build any house or croft buildings on the hill grazings.

### **5.4.3 Who is responsible:**

The System  
The Crofters Commission  
The Landlord

### **5.4.4 The Remedy:**

- The introduction of legislation enabling the compulsory purchase of land would allow the Landlord or possibly another agency to 'recroft' land to create an access for a croft that had lost it.
- New legislation should require a crofter who is decrofting his house and garden ground to first establish a proper access to the croft before a decrofting can be allowed.
- The Crofters Commission and the Landlord must ensure that access to crofts is always preserved when decrofting of house and garden ground applications are considered.
- The Crofters Commission must ensure that their agents – officers of SGRPID – make on-the-ground checks, rather than desk-based assessments of any proposed access, to ensure that they are feasible.

## **5.5 Key agencies**

### **5.5.1 The Problem:**

We understand that when a recent planning application was made on a croft in Camuscross, Crofters Commission officials were not sent the application and were unaware that it had been approved until after the decision making process was over.

### **5.5.2 Why it is a problem:**

In 2005 there was a highly controversial case in Taynuilt where the Crofters Commission allowed an absentee owner-occupier to decroft his entire holding in order that it be turned into a luxury housing development. One of the arguments put forward by the then Crofters Commission chair for approving the decrofting was that the local council had already granted planning permission for the development and “it would be wrong for crofting legislation to be used to thwart planning decisions made by the democratically elected body”. A strong body of opinion, led by Ross, Skye and Inverness West MSP, John Farquhar Munro, argued for the Commission’s representations to be taken into account on any planning application involving croft land, thus closing the loophole exploited at Taynuilt. At the time the then government minister responsible for crofting, Rhona Brankin, replied: “I have had discussions with Malcolm Chisholm, who is the minister responsible for planning, with a view to having the Crofters Commission designated as a statutory consultee in the planning process. I understand that ministers aim to achieve that goal through secondary legislation under the Planning etc (Scotland) Bill.”

We understand that this secondary legislation was not implemented, and while in the case in Camuscross the development we have highlighted may not be a contentious one, it appears that the loophole exploited in Taynuilt is still open.

Inappropriate developments like the one in Taynuilt can cause great distress in crofting communities, and are also very harmful to the reputation of the Crofters Commission. It is essential that the Crofters Commission ensures it is included in the ‘key agency’ process (or, better yet, is made a statutory consultee on all planning applications on croft land) because if it fails to do so it will risk being implicated in other ‘Taynuilts’ and lose further credibility in the crofting communities.

### **5.5.3 Who is Responsible:**

The System  
The Crofters Commission

### **5.5.4 The Remedy:**

- It is vital that systems are put in place to ensure that the Crofters Commission can contribute meaningfully to planning applications on croft land and prevent abuses, such as that in Taynuilt, which undermine community and the crofters’ faith in the system.
- A scan of all relevant local authority planning applications (which are available on-line) on a monthly basis by a designated member of the Commission’s staff could help ensure there are no unintended holes in the regulatory net.

## 6. The Frustrations

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**“An rud anns an tèid dàil thèid dearmad”**  
*Delay brings neglect*

### *Engaging the Crofters Commission*

#### **6.1 Crofters’ Response**

In the last number of years crofters in Camuscross have begun to take action to resist the effective loss of land and community that are associated with the failure of the regulatory system to protect crofting. In 2008 the grazings committee decided to contact the Crofters Commission asking them to intervene to protect croft land in the township.

#### **6.2 Timeline of request for action on absenteeism in Camuscross**

- Early 2008: The Camuscross Grazings Committee agreed to ask the Crofters Commission to take action on the growing number of absentees. No formal response to this letter was received.
- Summer 2008 The Grazings Clerk was advised by an officer of the Commission that no action would be taken on absenteeism until after the outcome of the Shucksmith enquiry had been known.
- Nov 2008 Two crofters met Drew Ratter, the Chairman of the Crofters Commission at a conference about local food and asked what the Commission’s position on absenteeism was. Drew offered to visit Camuscross to discuss the issue.
- Dec 2008 Meeting of Drew Ratter, Hugh MacIntosh and Angus MacHattie of the Crofters Commission with Camuscross Grazings Committee and others where various issues were discussed, principally absenteeism and neglect. The crofters were assured that the Commission could and would take action on absentees “where a community requested it”.
- May 2009 A crofter approached one of the Commissioners (at the meeting held to discuss the draft bill) to ask about the Camuscross request for action on absenteeism. The Commissioner said that a committee had been set up to take action on absenteeism, but it was not clear whether Camuscross was one of their likely targets for action.
- June 2009 An officer of the Commission spoke to some of the Camuscross crofters at a conference and indicated that there was an intention to take some action on both absenteeism and problems with access in Camuscross, although a timetable for when this will happen is not yet clear.

## 7. The Achievements

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Crofters have played a very important role in recent community developments in Camuscross. This gives a clear indication of the extent to which the crofting system can be a vital component in building vibrant and resilient rural communities, allowing them to find and develop solutions to their problems, and manage their assets for wider community benefit.

### 7.1 Township Development Scheme

This crofting improvement scheme was initiated by the Grazings Committee and funded through the Scottish Government. A new fank was built and a forestry and woodland regeneration scheme developed. Although the forestry scheme has not been a great success, because of predation by the landlord's deer, this was the first development project undertaken by people in Camuscross. However, the fank is a success, and is used by stock owners.



*Shearing in the new fank, summer 2008*

### 7.2 Rural Stewardship Scheme



*Crofters work together on the fence, Winter 2006-7*

Luckily the crofters were not disheartened by their first project and applied for another scheme under the Rural Stewardship programme. This scheme involved fencing around scrub trees to allow regeneration, which had the double benefit of allowing the use of a part of the hill grazing which was not being used because it was not fenced.



This project resulted in the resurgence of joint working between crofters, and a rediscovery of the social benefits of working side-by-side with your neighbours. Groups of crofters worked together to build a fence over the winter of 2006-7, and the project saw the first crofting activity which involved non-crofters; a muirburn in the spring of 2007 involved twenty two people, including those who brought out tea, and which turned into a memorable and social occasion.



*Muirburn on the common grazings: the team well-prepared with beaters*

### **7.3 Partnership Working between Crofters**

Partnership and communal work practises are being revived as a natural part of life in Camuscross, with groups of people working together on handling livestock, potato planting and lifting, and helping each other out when they see a need. Tractor and sausage-making machinery is jointly owned by two families and those with tractors regularly help those without.

There has been discussion about the idea of more joint potato planting next year, with some people keen to explore the idea of using three tractors and potato planters to form a cultivation team for those who want potatoes planted on their land in this way.



*Communal potato planting, spring 2009*

Informal crofting arrangements have developed between neighbours, such as a younger crofter working an older crofter's land, or one crofter using another croft for grazing.

## 7.4 *The Honesty Box*

Two crofting families set up an Honesty Box in the centre of the village, enabling crofters (and those with gardens) to sell eggs, honey and some vegetables. This allows non-crofters and visitors access to food produced in the township – and raises the profile of crofting.

It is fitting that the box being used once belonged to the grandfather of one of the returnee tenants whose family regularly stocks the box with produce from their croft.

## 7.5 *Affordable House Sites*

Camuscross Community Steering Group was formed as a result of crofters identifying a piece of hill grazing for affordable house sites, which had been cut off from the rest of the hill when the new road was built. The new group was formed to take the idea forward; it has since grown in strength and ambition, and is now a fully fledged and very successful community company - Camuscross & Duisdale Initiative – which is exploring a number of projects for community benefit. Eight of the nine directors come from crofting households.



*The Honesty Box, stocked with eggs*

## 7.6 *A Community Herd?*

As a result of the success of the increased partnership working, it was agreed to investigate the possibility of getting the let of a piece of land which is not in crofting tenure and is unused by the Landlord – who has recently agreed to lease the land.

The land and proposed scheme has yet to be assessed, however the thinking behind a community herd is that it could allow people without a croft and also non-active crofters to become partners in livestock ownership, helping to further raise the status and community benefit of local food production and crofting practises.



*Part of the Camuscross herd, Summer 2009*



## 8. The value and values of crofting

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### 8.1 *Why previous attempts to legislate have struggled*

In general, as responses to past and current crofting legislation have shown, crofting communities have been distrustful of repeated government plans to bring radical changes to their way of life. The fierce opposition in 2005 to the proposals in the previous Crofting Reform Bill is evidence that many crofters feared that the Scottish Executive intended to use legislation to take crofting towards an unregulated private landownership system which would serve to disintegrate the strong ties of community that still characterise many crofting townships.

Crofters' non-proprietary relationship to the land, and their determination to preserve that relationship, has shown an extraordinary resilience, despite operating over hundreds of years within an increasingly capitalist system.

Most crofters in Camuscross have not used their land for speculative housing developments – despite the financial incentive to do so.

An increasing number of crofters in Camuscross are agriculturally active – despite the lack of financial incentive to do so. These facts indicate and suggest that a surprisingly large number of crofters still remain faithful to this distinctive crofting ethos in spite of social norms which are at odds with it.

The Highland Free Church Professor of Theology, Donald Macleod, much of whose childhood was spent in a crofting township in the north of Lewis, has described the nature of life in the crofting areas as essentially communal. Such a way of life sits uneasily with the ethos of an individualistic consumer society. To decision makers based in Edinburgh it may sometimes appear as if crofters, in defence of what remains of their community based ethos, are being awkward or obstructive to plans which the decision-makers believe will advance crofters into a more individualistic and capital oriented mind-set and way of living.

What appears to Edinburgh based decision makers as obstructivism or conservatism is, at least in part, a response to this prolonged clash of values during the uneasy relationship that generations of crofters have had with government and its agency, the Crofters Commission, whose duty is to maintain and promote the crofting system.

Often government plans for crofting are perceived by crofters as emanating from outwith the crofting counties and designed to fulfil policy objectives that are not connected with, or even incompatible with, the crofting ethos.

As a result, crofters' responses can often seem overly critical to government officials and ministers who have to deal with them.

## ***8.2 Cultivate crofting, cut carbon and create community***

Awareness, and concern, is growing about the interrelated issues of food insecurity, climate change, food miles, carbon footprints, and the dominance of supermarket chains with a 'just-in-time' distribution system. There is also increasing awareness of the importance of locally and sustainably produced agriculture in helping to create a resilient food economy.

Crofting, if properly regulated, supported and encouraged, is a system ideally designed to play a part in the solutions to these problems and therefore to be ecologically and socially beneficial to our wider society. Crofting provides each crofter with a home and the ability to produce food for their own consumption or sale. It is an agriculture that is respectful to the land, to the environment and to a sense of place.

It is also about community. Crofting has in the past, and if supported and protected still can in the future, play a central role in retaining and encouraging vibrant, hard-working, enterprising and resilient rural communities. It is on the land that crofters come together, whether in gathering cattle, shearing sheep, planting potatoes or making hay. By doing so they maintain the distinctive sense of identity that crofting has in the Scottish psyche.

This is not a new argument. In 1954 the Taylor Report, which led to the founding of the Crofters Commission, concluded: "Crofting communities should be preserved because they embody a free and independent way of life which in a civilisation predominantly urban and industrial in character is worth preserving for its own intrinsic quality."

However, the Taylor Commission also concluded that there was not the talent within crofting communities to preserve and promote that way of life. As a result the Crofters Commission became an appointed body. Recognition that such talent does exist in crofting communities is the basis of the current proposals to democratise the Commission.

The evidence that such talent, and confidence, exists comes from many sources.

For example, in the crofting heartland of the Western Isles there has been, in the last decade, a transformation in the patterns of landownership. Some 70 per cent of the population now live on land that is publically or community owned. The amount of community owned land in the islands is inexorably rising as people from Lewis, Harris and Uist realise the potential of community ownership and empowerment.

In the words of the leading Scottish rural affairs academic, John Bryden, the Scottish Parliament has begun the process of creating 'a community centric land reform legislation'. In the social transformation such legislation is intended to create, it is crofting communities that are showing the confidence and the talent in leading the way.

This evidence is supported by reports from organisations ranging from the Carnegie Trust to DTZ Pineda which have found that the crofting areas contain both a strong sense of community and are engaged in some of the most inspiring rural development projects in the whole of the UK and Ireland.

The Highlands and Islands community groups that are contributing to these developments are often led by crofters – for example in our own area's group, the Camuscross and Duisdale Initiative, eight of the nine directors come from crofting households.



## 9. Conclusion

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Section Six of this report includes some detailed recommendations of changes to crofting regulation that we would like legislators to consider. However, many of the recommendations in Section Six would not require change to primary legislation.

Although this report is not a direct response to the current draft Crofting Reform Bill, this conclusion will offer two recommendations that pertain to the draft Bill's proposals, and in doing so it will also engage with some of the deeper issues foundational to the crofting way of life. It seeks to be part of a dialogue exploring new directions for crofting in light of wider social, food security and environmental issues, some of which we have touched on earlier in this report.

This report has outlined the range, scale and interconnectedness of regulatory problems that exist within one small crofting community. These are all practical examples of the disintegration of the crofting system and several of them add evidence to the claim that the rate of disintegration has increased in recent years.

The report also outlines examples of where the Crofters Commission has not intervened to fulfil its legislative requirement to support the crofting interest in Camuscross. External regulation, on its own, has proved unable to help this township preserve its crofting ethos. In Camuscross we are trying a new approach. Along with a wider community initiative group in which crofters are an integral part, the township's crofters are seeking to initiate and generate change from within.

The Grazings Committee has found the self confidence to approach the Crofters Commission and ask for change in order to free up land for potential young crofters and young people who want to make their lives here. The active crofters in the township are keen that abandoned and misused land is worked and made productive.

As our report has tried to make clear, in this township we have suffered, and are still suffering, examples of misuse of and capitalisation on croft land and common land. Each time this occurs it further weakens the sense, still prevailing among some crofters, that the land is more than merely a private economic resource. This indigenous understanding of stewardship of the land as a resource to be treasured for the livelihood of future generations sits uneasily with the prevailing short-term consumer mentality in our society.

However, as our society struggles to come to terms with the reality of ecological limits to growth, this understanding of the land as a place where a community of people make their lives in the long term is re-emerging as one which makes sense. For crofting townships where this sense of place and community is still felt to be important, it is essential that ways are found to support and protect it.



- One particular recommendation we would ask legislators to consider in the current legislative process is to remove the right to assign a croft tenancy to non-family members. Crofting began as a hereditary system of tenure and the provisions of 1886 only allowed the crofter to assign within the family. Removing the right to non-family assignments would remove at a stroke much of the free market in croft tenancies. In a situation where there is no family member willing or able to take on the croft tenancy, a non-family assignment could be decided by the Commission in consultation with the landlord and the local grazings committee (on the basis of agricultural experience and local connection).

Proposals such as this one will inevitably raise debate. However, as the report makes clear, inaction is no solution – inaction is leading to the steady erosion of the crofting system and of the communities it supports.

A properly regulated system is crucial. Although this report has shown examples of where the regulatory system has failed the crofting interest, we also show that a regulatory system can work when decision-makers (in the case of Camuscross it was the croft entrant policy decisions of the landlord in 1991) are genuinely concerned with intervening to maintain the crofting community's interest, rather than a narrow financial self-interest.

In the months ahead we need good leadership from our Scottish Parliament to reform the Crofters Commission into a decision making body with the crofting interest at its heart and the will to tackle the issues that need to be tackled if crofting communities, and the people who choose to be part of them, are to thrive.



*Crofters discussing the Golden Wonders on a joint potato planting day, Spring 2009*



One key to creating thriving crofting communities is to encourage local economic development. The case for root and branch reform of the agricultural support system has been overwhelmingly made by a series of authoritative reports. The only barrier to reform is now vested interest. Leadership from the Parliament and the Commission is essential to sweep that barrier away. More broadly, the proposal in the crofting reform bill that failed banks become the lender of choice to crofters has received no support at all.

- Rather than removing all developmental functions from the Commission we suggest that consideration is given to an elected Commission initiating (or becoming) a government sponsored credit union for crofters and others in the crofting counties. Local credit unions and farming co-operatives are features of the Irish rural economy that are proving remarkably resilient in spite of the country's massive financial difficulties (especially in its banking sector). Hand-in-hand with retaining croft grant schemes, the development and initial sponsorship of a crofting credit union to support economic activity in the peripheral Highlands and Islands would be an enterprising move by government in a time of financial austerity.

Whether it is given lending powers or not, an effective Crofters Commission will be essential if the potential benefits of crofting are to flow and spread. It appears at the moment that it has at least some of the powers required to help communities realise their potential but may lack the motivation to do so.

The energy Camuscross crofters are demonstrating within our township gives an exciting opportunity for the Scottish Government, the Crofters Commission, the landlords and development agencies to support and partner us in our regeneration plans, and to use us and other similar crofting townships as an indication of what might be possible if a supportive and sensitive regulatory framework, properly enforced and efficiently delivered, is put in place.

**“Cuir do mhuingean ‘s an talamh, cha d’ fhàg e falamh riamh thu”**  
*Put your trust in the earth, it never left you empty*



*Restart crofting...*



*.... and reap a rich harvest!*

## Appendix I

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### *The purpose of the report*

This report was prepared on a voluntary basis by two members of crofting families in Camuscross, to give details of some of the challenges our township faces and to support the Camuscross Grazings Committee's call for the Crofters Commission to take action on absenteeism and neglect on croft land in the township. It has also been timed to inform parliamentarians and other interested parties during the passage of the latest Crofting Reform Bill through the Scottish Parliament.

1. As regards the current legislative process, we hope that it will meet the following needs:

*(i) to provide clear and detailed information about the range, scale and interconnectedness of the issues that threaten the future viability of crofting.*

*(ii) to show how these issues are affecting a real crofting community – and to suggest, by describing their range, scale and interconnectedness in one community, the potential impact these issues may be having on the whole of the crofting areas.*

The report will show that in recent years Camuscross has become more vibrant as a crofting community. Yet the extent of the problems we face present some formidable obstacles to our future prospects, and we wonder - with some pessimism - about the situation in other crofting communities. It is clear that the scale of some of our problems has increased in recent years and because the pressure on the system seems to be increasing, it is imperative that the current crofting legislation does not become mired in party political dispute. Opposition to the previous Crofting Reform Bill (leading to its drastic last minute revision) was necessary to bring into stark relief the differing priorities of Government and crofters. Nearly five years have elapsed since then. As our report makes clear, the stress to the integrity of the crofting system has not slackened in that time.

If, in this latest reform process, our Scottish Parliament fails to bring about meaningful legislative change to support hard-pressed crofting communities it will be a failure for all the political parties. It will mean that our political system has undermined the efforts of communities like our own to retain the social, cultural and agricultural spirit of crofting.

2. As regards the wider crofting agenda we hope our report will meet the following needs that we have perceived:

*(i) to inspire the Crofters Commission into immediate practical action to support the active crofters of Camuscross and other similar townships.*

*(ii) to produce a report that fulfils (albeit on a local level) the Committee of Inquiry on Crofting's recommendation of a 'State of Crofting' report, in the hope that it may act as a template for other communities to present their cases to a wider audience.*

*(iii) to inspire and act as a template for the reformed Crofting Commission to compile its own wider 'State of Crofting' report which will allow it to focus its efforts on the issues that matter to crofters. It also suggests that if the Commission were committed to supporting a participatory and endogenous approach to crofting development this could have multiple benefits – creating 'The State of Crofting in Camuscross' report has also created an opportunity to raise awareness about crofting in our community as well as stimulating interest and debate.*



## Appendix II

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### *Note on how the report was compiled*

All facts and figures were collated by using local knowledge by people who work the land and take great interest in it, and checked by office bearers and committee members of the grazings committee.

The State of Crofting in Camuscross 2009 report was circulated to members of the grazings committee. The committee decided to make comments as individuals rather than as a committee. Seven members of the committee met to discuss the report and each member gave suggestions for changes or amendments. All committee members were either very supportive or broadly supportive of the report and suggested fairly minor changes.

At the grazings committee's request, the report was then circulated to all other resident crofters, asking for comment by a certain date.

#### **Response from other crofters:**

Two crofters praised the report

One crofter praised the report, with a few provisos, which he gave as a number of constructive suggestions for improvement of the contents, and which have been incorporated into the report.

One crofter was very critical of the need for the report, disagreed with a number of points and felt it an intrusion into crofters' private business.

No response was received from the other resident crofters.

#### **Therefore, of the 22 resident crofters:**

Ten crofters have said they support the report

One crofter has said they do not support the report

Eleven crofters have not expressed an opinion

## Appendix III

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