

Common Grazing Dilemmas - No 9



Farm
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Service

In this series, we look at some different dilemmas facing Common Grazings and some ideas for resolution.

The Common Grazing is considering renewables

There are a few options for this type of development on Common Grazings.

Perhaps the most obvious is the section 50B of the crofting act, "Use of common grazing for other purposeful use". This allows a crofter to propose to the grazings committee that part of the grazings is used for something other than grazing or woodland. It is new and so far, little used process.

More commonly the crofters have worked in conjunction with the landlord using section 19A "Schemes for development" to take forward a renewable project. This entails the landlord making an application to the Land Court specifying the physical and financial details of the project. The act includes a requirement that the crofters benefit to an equivalent amount as they would have if the land being utilised had been resumed.

Some of the renewable projects already in place have used section 5(3) to restrict the tenant's rights by agreement with the Crofting Commission and the Land Court to provide protection for the project in the future. Without the agreement being approved it is unlikely to be binding on successive tenants.

There are probably other informal arrangements and agreements in place which are effectively contracts between landlords, tenants and developers but their security on croft land may be questionable.

For some developers only resumption of the land under section 20 is considered secure enough for them to invest. This would be led by the landlord in the usual manner.

The complexity of these developments arises from the number of parties concerned, landlord, developers, planners, environmentalists, grid controllers and whether all or only some of the shareholders support the proposal.

If you have further questions about how to manage your own Common Grazings, visit our [common grazings page](#) on www.FAS.Scot or call our advice line on 0300 323 0161 or email advice@fas.scot

