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Sent by email to [plocktondcc@yahoo.com](mailto:plocktondcc@yahoo.com)  
CC: Plockton Croft Township, Grazing Clerk

8 April 2021

Dear Mr McGhie

### **Plockton Croft township – Common Grazings in Plockton Village**

Thank you for your letter dated 06 April 2021 and for raising with us your concerns over the use of the common grazings.

In explaining the Trust's response to this matter it is worth setting out once more the legal position regarding the use of common grazings by crofters. Common grazings are recognised in statute as areas over which the relevant crofters have rights to graze their livestock. This is not a right with which the landlord and owner of the land can interfere.

In the case of the Plockton grazings the crofters entered into a voluntary moratorium not to use the parts of the grazings within the village for a period of 15 years. We understand that prior to that agreement, cattle grazed these areas freely within the village. However, as the village became busier over time, this became an ever-increasing point of contention and the crofters made the voluntary decision to waive their legal rights for a period of time. In the run up to the end of the moratorium the crofters stated to the Trust, and wider community, that they would be choosing to exercise their rights once more. The Trust's position was that we thought it unlikely that an animal could be permitted to graze these areas safely and we communicated this to the crofters. However, that was the extent of our influence at the time and in simple terms shareholders have adopted a different view on this matter. The voluntary moratorium period has now come to an end and the crofters have decided to exercise their legal rights once more. This is entirely within their legal rights and not a matter with which the

Trust can interfere. It is not correct to state that the Trust has agreed to this position. The Trust's agreement is simply not required by the crofters.

It may also be helpful to set out the position on the designation of areas of common grazings. The extent of the grazings is a matter of historic fact. It is not for the Trust to designate or undesignate any areas without the consent of the crofters. On some occasions the exact extent of the grazings can be difficult to ascertain as we must rely on historic evidence of usage. There is a formal register of crofts and grazings which is held by the Registers of Scotland but it is the case that most croft township Common Grazings in the country have not been formally registered. Crofting legislation dictates that land is either under crofting tenure or it is not so in that respect it is not in our gift to choose.

The Crofting Commission was charged to rectify this lack of map-based information and around 2015/16 a number of grazings were duly registered for the first time. The Trust actively encourages this process as the general lack of formal Common Grazings maps across all the crofting counties has been a long-standing problem. We liaised with the Crofting Commission and were encouraged to see that the first registration of the Balmacara townships was progressing well but unfortunately, the Commission's funding stream for this work ended in 2016. The programme has been in abeyance since that time. Without a formal registration the only other formal recourse to establish the exact extent of the grazings may be through an application to the Scottish Land Court. We would say, however, that the historic evidence which we hold of the extent of the grazings would suggest that the areas within the village do form part of the common grazings.

We accept that our influence does not always deliver the outcomes we would prefer. However, we have engaged with the community and the crofters throughout by attending meetings and focusing significant charitable resource on engaging with and responding to queries and concerns from all parties.

We remain open and willing to be part of the conversation as we appreciate the concerns of the crofters and community alike. We would be happy to jointly investigate the idea that Scottish Land Court be approached to determine the extent of the Common Grazings. We envision this will have a cost to be shared and would be best done with consensus from all parties. However, we cannot suggest that it is likely that this would result in the removal of cattle from the village areas. The court will not assess the benefits or otherwise of having cattle in the village. It will only look to the historic evidence to try to establish the extent of the grazings.

Yours sincerely



Clea Warner  
General Manager – Highlands & Islands  
**The National Trust for Scotland**