

**COMMITTEE OF INQUIRY INTO CROFTING
WRITTEN SUBMISSION FROM STÒRAS UIBHIST**

**COMMUNITY OWNERSHIP, MANAGEMENT, AND DEVELOPMENT OF
SOUTH UIST ESTATES**

SUMMARY

- **Community land ownership of crofting estates is a new reality.**
- **Without powers over land use and land management community economic and social development is likely to be a ‘dead letter’.**
- **Stòras Uibhist believes that crofting is the ‘bed rock’ land use system to be applied in South Uist Estates**
- **Stòras Uibhist wishes to have the powers to encourage crofter diversification within South Uist Estate.**
- **Stòras Uibhist believes that crofting land use is not absolute in all instances particularly on common land.**
- **Stòras Uibhist believes that in order for community self-determination and development to be realised in the manner that the community wishes, powers over land use, land management, and land development ought to be ceded by Scottish Ministers to democratically accountable community owners.**
- **In the interim period before transfer of powers, Stòras Uibhist believes that the Crofters Commission must deal with chronic problems of absenteeism particularly in reference to the new community owned Estates.**
- **With regard to community land owners, the Crofters Commission’s role would be as a forum for appeal against a decision of the Community owner.**

Background

The process of working towards the community purchase, management, and development of South Uist Estates began in the Spring of 2003. The South Uist Steering Group and, subsequently, the community company, Stòras Uibhist, spent over three years identifying individual development projects within the context of the overall project which was the purchase, management, and development of South Uist Estates. Both of these groups built on the work of the Uist 2000 group which was set up to examine the possibilities of sustainable economic development in the aftermath of cut-backs at the MOD.

A great deal of time and effort, along with a considerable amount of expertise, had gone into the costing of the whole project and into identifying a ‘staged approach’ to economic and social development within the Estate area. Although this work had been carried out principally by the community representatives on the Steering Group and by elected Directors of the Community Company, it had also involved considerable input from officials from a variety of agencies.

The proposal for the community to own, manage, and develop the Estate received the overwhelming endorsement of the community and received a parallel endorsement from the members of the crofting community who were consulted in a similar manner to the community.

A funding package was agreed with HIE Community Land Unit, BIG Lottery, and arrangements were put in place to cover cash flow for the new owner with the Royal Bank of Scotland.

In December 2006 the community company Sealladh na Beinne Moire assumed ownership of South Uist Estates Ltd. and all associated and subsidiary companies on behalf of the local community, who can become members of the new company. The membership of Sealladh na Beinne Moire elected a board of directors for the company, by secret ballot before the purchase took place, and the company now manages the estate area under the trading name of Stòras Uibhist. The fact that 93% of the land assets of South Uist Estates was under crofting tenure prompted the sale of the Estate by its owners and, indeed, proved to be the strongest bargaining counter in the negotiations which resulted in the sale price being significantly lower than the owner's valuation and also significantly lower than the valuation of the community.

Although the sale was by mutual agreement, it was prompted by the awareness amongst both parties of several factors, both 'negative' and 'positive', which meant that the Estate had to be sold as one unit. Amongst these was the awareness that land reform legislation could lead to the fragmentation of the Estate into much smaller units with detrimental effects to the sporting integrity and development potential of the whole. Overwhelmingly, though, it was 'positive' factors that determined the nature of the sale - sustainable economic development for the whole community could only be built upon a viable Estate involving all of its component parts.

It is pertinent to note that whereas the previous owners would refer to South Uist Estates as a 'sporting' Estate, the new owners, Stòras Uibhist, refer to the Estate as a 'crofting' Estate with a variety of other assets, including 'sporting'. Stòras Uibhist see the crofting element of the Estate's business as being one of the core strands of its developmental aims. This is not simply because, to some extent at least, all of its intended major projects involve crofters and croft land but because the promotion and development of crofting itself lies at the heart of the community ownership and development of South Uist Estates.

STÒRAS UIBHIST – COMMUNITY OWNER AND MANAGER

The Directors of Stòras Uibhist were always aware that community ownership of the assets of South Uist Estates meant that, in the first instance, the Community Company took over the management of the existing assets of the Estate and inherited the privileges, burdens, and responsibilities of ownership in the traditional sense. In so far as this concerned crofting, the Directors have been acutely aware that 93% of the land area of

the Estate was under crofting tenure with 900 crofts and 550 crofting tenants and approximately 35 townships. The Directors were aware, given these facts, that they had a responsibility to bring the crofting element of the Estate's activities under effective administration within the current legislation and they have also sought to resolve chronic difficulties. Already this has had a marked effect on confidence within the crofting community. The Directors also brought the whole of the Estate's business under prudent financial administration. Both of these actions were considered by the Directors to be the initial priorities of the Company and were the necessary foundation to be put in place before individual developments could be contemplated.

With regard to the effective administration of crofting, Stòras Uibhist is perceived by the crofting community on the Estate, on the one hand, as being a better 'landlord' than what went before but still a 'landlord' in the traditional sense while, on the other hand, there are expectations amongst members of the crofting community on the Estate that community ownership means that all problems can be resolved by the community company. In many instances the Directors have discovered that problems have been caused by the legacy of wrong decisions taken in the past which the Community Company is powerless to overturn. The apparent reluctance of the Crofters Commission to effectively administer all areas of its responsibilities is another cause of frustration to the Community Company. Finally, the effects of national legislation in crofting have been detrimental to the crofting community on the Estate and to the development of the Estate as an integrated unit.

The Directors of Stòras Uibhist observe that much of current crofting legislation grew out of a historical period of enmity between land owners and land users and consequently parts of it may be ill-suited to the nature of community ownership and, above all, ill-suited to the community's desire to develop its own assets. One of the dangers in community land ownership is that the Community Owner, albeit with Directors elected by the community, will be seen to be nothing other than a 'traditional' landowner - perhaps a more efficient administrator than what went before, but no more than that. Legislative rights, many of which were justly put in place, are and will increasingly become 'constraints' to community development leading to animosity and, indeed, ever increasing animosity between community owners, land users, and non land-using members of the community. Community owners would be likely to find themselves powerless to bring about necessary changes for community development benefit even although these may enjoy the support of the majority of the members of the community. In such a scenario, crofter 'engagement' and community 'engagement' in the developmental process is a 'dead letter' and development opportunities are lost.

THE COMMUNITY AS OWNER, MANAGER, AND DEVELOPER OF ITS OWN ASSETS

People form communities and communities have certain characteristics. They have an internal 'goal' – the well-being of all their members. They have a common life, shared values, and similar motives. They have a 'shared meaning' about things. The Community Company, which is legally the owner and manager of the community owned asset, is an

‘association’ whose sole aim is to promote and develop the ‘well-being’ of the community. The Community Owner must be democratically accountable to those who choose to become members of the Company but ‘democratic accountability’ does not mean that everyone gets what they want all of the time but rather that the predominant wishes of the members of the community are effected in a reasonable manner. As well as being an effective manager of community owned assets, it must be an effective developer of those assets.

Stòras Uibhist, as the community owner of South Uist Estates, considers that its role in relation to the Crofting Community and the Crofting Communities on the Estate is to manage crofting and to promote the development of crofting but it considers that it should be permitted to do this according to the local conditions that prevail within the Estate.

The Company believes that Crofting remains the ‘bed rock’ land use method for the Estate at present and in the future. This is not just for environmental and agricultural reasons but also for social reasons. Crofting has kept the people on the land.

The Company recognizes that crofting practices have changed and it also recognizes that there are many different elements which have led to the weakening of the Crofting Community and Crofting Communities within the Estate. Amongst these is absenteeism, the sale of croft tenancies on the ‘open’ or ‘private’ market, the holding of multiple tenancies in different parts of the Estate, the extreme use of family assignations, the individual purchase of croft land, unofficial land use arrangements between crofters and the reduction in the use of hill pasture.

Community ownership of the land is tied to Community Self Determination and to Community Development. Consequently, Stòras Uibhist believes that powers over land use arrangements should be given to democratically accountable community companies. Community land owners should be given the powers to veto the purchase of crofts on land owned by them, to veto the sale of croft tenancies, and to decide the appropriateness of croft assignations. They should be given the powers to develop crofting for the benefit of crofters. They should be given powers over the effective administration of township common lands and should be given powers to decide the effective use of common lands for community benefit. Likewise, they should be given powers over crofter diversification to enable crofters to enter the tourism market.

The current legislation in relation to crofting, coupled with an ineffective administrative structure has led to many of the abuses which presently afflict crofting. Community land ownership will not lead to community self determination and successful community development unless the community itself can decide what constitutes appropriate land use within its area.

Without having powers over land use and the development of the land assets, community land owners will almost certainly be thwarted in the realisation of their development

projects with the consequent effects in their attempts to reverse depopulation and decline and to create sustainable communities.

Special Status of Community Land Owners within the Crofting Counties

While it is clearly the case that the use of universally applicable legislation brought rights and benefits to crofters, it is now questionable whether such a system will benefit crofters, crofting, and communities within the crofting counties in the future given the variety of types of ownership that now exist. Stòras Uibhist believes that greater scope must be given to community landowners to develop crofting and appropriate land use. This can only be achieved by the conferral by Scottish ministers of special status to community landowners where it can be shown that the landowner is commercially competent and democratically accountable. Appeal against a decision of a community landowner by an individual crofter or a township can be made to Scottish ministers.

Interim Period

It is clear that before such a change could be made that the Crofters Commission would have to deal with the outstanding issues that they can deal with under current legislation and this especially in the case of community landowners. This is principally the problem of absenteeism. Crofts taken from absentees in the interim period should be returned to the Community landowner for redistribution.