

**Dunvegan Community Trust**  
**Cruachan Wood and Cnoc nan Craobh**

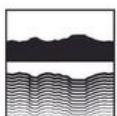
**Feasibility Study Draft Report v1.7**

**12 April 2024**

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DCT  
SC052078



**DUNVEGAN  
COMMUNITY  
TRUST**

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## I Summary

Dunvegan Community Trust SCIO (DCT) is a Scottish Charitable Incorporated Organisation with community membership established to distribute windfarm community benefit funds and to pursue projects to further community development and regeneration.

DCT is considering the acquisition of two woodland areas at Orbst: Cruachan Wood and Cnoc nan Craobh (also known locally as Bluebell Hill), which are both currently owned by Highlands and Islands Enterprise (HIE), as it believed that bringing these woods into community ownership could contribute to social and environmental sustainability and regeneration.

Cruachan Wood extends to 8.7ha. Over the last 20 years it has been felled and restocked in two tranches and is comprised predominantly of native broadleaves and naturally regenerating conifers, with significant areas affected by invasive species, notably salmonberry and gorse. There is no active woodland management or provision for public access. DCT seeks to address the lack of availability of affordable land within the community and considers Cruachan Wood as a potential site for the development of woodland crofts (without statutory house plots) and separate house plots, with the rural housing burden attached.

Cnoc nan Craobh is approximately ~0.6ha and comprises open mature woodland on a small hill with a mix of mature and younger broadleaves. There is some bracken, bramble and a small area of salmonberry. It is a beautiful spot of special significance to the community, and an established local destination for walks and outdoor recreation served by some simple recreation provision. DCT is keen to preserve the nature of the wood whilst considering potential enhancements and use by e.g. forest school.

DCT has commissioned a feasibility study and business plan to assist in the development of the project. Key elements include a review of the potential to develop woodland crofts and house plots and an area of communal woodland, delivering on amenity and educational aspirations; and to provide detailed consideration of costs, income and available funding for the acquisition and subsequent management and development of the sites.

This plan once completed will fulfil several functions:

- It will describe the community's objectives and assesses the feasibility of a range of projects and activities which might deliver those objectives
- It will lay out and cost the community's preferred plans, and identify next steps for delivery;
- It will support DCT's fundraising for the costs of acquisition and subsequent management and development of the wood.

This first stage report contains detailed descriptions of the local community area and the two woodlands, an outline of relevant national and regional policy and a background briefing on woodland crofts. It contains development and management proposals for the two woods to meet DCT's objectives to develop woodland crofts and enhance public amenity, with options presented for sites for housing and sub-division into two crofts at Cruachan Wood and for enhancements to recreation provision at Cnoc nan Craobh.

The final report will confirm and cost DCT's preferred options and will be informed by the results of community consultation and discussion with stakeholders. It will be used to support DCT's asset transfer request to HIE and the funding bid to the Scottish Land Fund if the project progresses.

## 2 Dunvegan and Orbost

Dunvegan is located on the north-west coast of the island of Skye at the southern end of Loch Dunvegan. The village itself has a population of 386<sup>1</sup> and is the third largest settlement on the island after Portree and Broadford.

Dunvegan Community Council<sup>2</sup> covers 100km<sup>2</sup> and has a population of 622.<sup>3</sup> The Community Council area includes the neighbouring townships of Horneval and Uiginish, Claigan to the north and Harlosh, Feorlig, Vatten, Roag, Herebost, Greep and Orbost, to the south (see Map 1 on following page).

Main road connections to Dunvegan are the A863 to Sligachan and thence via the A87 to Broadford and the mainland and the A850 via Edinbane which joins the A87 Portree-Uig road 5km north of Portree. Dunvegan Castle, the seat of Clan MacLeod, is located 1.5km north of the village, and is a major tourist attraction.<sup>4</sup>

Bun-sgoil Dhùn Bheagain (Dunvegan Primary School)<sup>5</sup> has a roll of 45 and falls within the catchment of Portree High School. The school serves the former catchments of Borrodale Primary School (Glendale) which closed in 2007 and Struan Primary School which was mothballed in 2022. The school also serves as the Gaelic Medium primary for a larger catchment covering much of north-west Skye.

Orbost is 5km south of Dunvegan, approximately 1km from the shore of Loch Bharcasaig. Orbost is accessible by two minor roads, both in poor repair, which meet at the NW corner of Cnoc nan Craobh.

### 2.1 Community area issues

The Dunvegan area faces many of the challenges prevalent throughout the Highlands and Islands: a scarcity of affordable housing and land, a very limited private rental market and a high proportion of the housing stock used as short-term lets or second homes. These factors have contributed to an ongoing decline in the population of working age people and led to short staffing in private, public and third sectors in the area, with consequent impacts on community cohesion.

Local employment is dominated by tourism, which brings issues around seasonality, skills development potential and sustainability, particularly in terms of the long-term retention of young people within the community. The lack of local and available affordable housing provides an extra challenge in terms of attracting and retaining staff for local businesses already struggling with the impact and aftermath of Brexit and the COVID-19 pandemic.

Whilst these complex and systemic issues cannot be solved by a single initiative, DCT believes that bringing Cruachan Woodland and Cnoc nan Craobh into community ownership will contribute to addressing several elements of the problems facing the area and help further social and environmental sustainability and regeneration.

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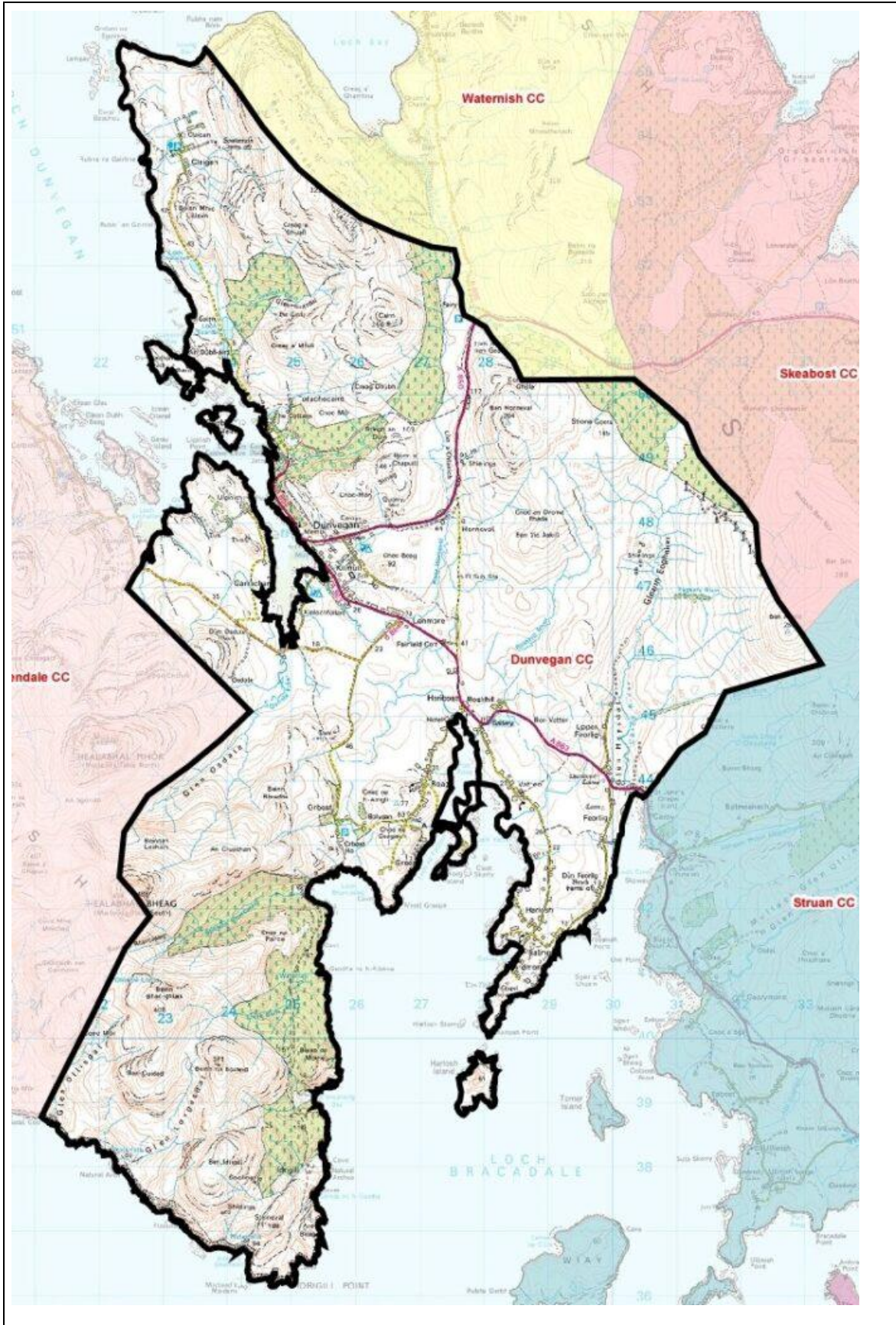
<sup>1</sup> 2011 census

<sup>2</sup> <https://www.facebook.com/p/Dunvegan-Community-Council-100064881630362/>

<sup>3</sup> Figures from 2011 census; Community Council data from 2022 is not yet available.

<sup>4</sup> <https://www.dunvegancastle.com/>

<sup>5</sup> <https://www.dunveganprimaryschool.com/>



Map 1: Dunvegan Community Council area<sup>6</sup>

<sup>6</sup> [https://www.highland.gov.uk/info/772/politicians\\_elections\\_and\\_democracy/364/community\\_councils](https://www.highland.gov.uk/info/772/politicians_elections_and_democracy/364/community_councils)

## 2.2 Landownership and land use

The majority of the Dunvegan Community Council area is part of the Dunvegan and Glen Brittle estate (16,215ha) owned by Hugh MacLeod.<sup>7</sup> There is significant public ownership: the Claigan estate (755ha) is owned by Scottish Ministers whilst the 2,477ha Orbost Estate is owned by Highlands and Islands Enterprise. A small portion of the Dunvegan CC area overlaps with the Glendale Farm Estate which is owned in common.

Land use is dominated by crofting agriculture, predominantly rough grazing, with small areas of improved grassland fringing the sea lochs.

There are conifer plantations including Orbost Forest (acquired by HIE from the then Forestry Commission in 1997), Healaval and Claigan Forest north east of Dunvegan and at Suardal to the north of Dunvegan, but very little native woodland.

There are publicly accessible woodlands at Dunvegan Castle, accessible from the Castle carpark, the Church of Scotland Carpark at Lochside, and a path on Portree road (known as the 2 churches walk). Felling is scheduled to remove infected larch.

### 2.2.1 Outdoor recreation

The Highlands and Islands have experienced rapid growth of visitor numbers in recent years: reflecting growing leisure time, especially for the more affluent sections of society, increased demand for outdoor recreation, a trend towards “staycations” during the COVID-19 pandemic and the popularity of partly or fully self-contained vans and motorhomes.

Whilst tourism is a significant component of the local economy, the inadequate infrastructure for the growing demand brings significant disbenefits for rural communities. The issues arising from the North Coast 500 route are the most high-profile example but similar impacts have been felt elsewhere, including Skye and the Western Isles.

Dunvegan receives high numbers of visitors due to Dunvegan Castle and Coral Beach and its proximity to Nest Point, but the Orbost area has so far been somewhat immune to the negative effects of over-tourism. However, the Duirinish peninsula has one of Britain's most dramatic sections of coastline, featuring 300m high cliffs and beautiful coral sand beaches, whilst the interior landscape is dominated by the curious, flat-topped Macleod's Tables, so it seems inevitable that visitor numbers will grow.

The Walkhighlands website lists several walks in the local area<sup>8</sup> including three routes which start and/or finish in or around Orbost:

- Macleod's Tables: both can be visited by a largely pathless moorland circuit of 11km starting and finishing from the road just north of Cruachan Wood;
- Macleod's Maidens: these impressive sea stacks can be reached by a fairly strenuous 17km out-and-back walk to Idrigill Point at the southern tip of the Duirinish peninsula;
- Ramasaig to Orbost: this 22.5km route is claimed by many guidebook writers to be the most dramatic cliff-top walk in Britain.

The latter two routes pass Bharcasaig beach, with its volcanic black sand, which is a notable destination in its own right. The beach, at the head of Loch Bharcasaig, is ~1.5km from Orbost via a good track.

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<sup>7</sup> Information from <https://whooownsscotland.org.uk/>

<sup>8</sup> <https://www.walkhighlands.co.uk/skye/dunvegan.shtml>



There is no formal visitor provision in Orbost and the nearest public toilets are in Dunvegan. There is informal parking at Orbost Farm (highlighted on Ordnance Survey 1:50,000 and 1:25,000 mapping), however, there are inherent risks of accidents or inconvenient parking at this site by an active farmyard, especially if visitor numbers increase.

The private estate road to Loch Bharcasaig and the footpath to Idrigill Point and MacLeod's Maidens are designated as part of a core path (SL28.04).<sup>9</sup>

DCT has broader aspirations for recreation provision, including the establishment of a residents' e-bike scheme, and the community acquisition of the two woods provides a potential opportunity to help shape future recreation in the local area to minimise disbenefits to the local community.

### **2.3 Regional demographics and economy**

The population of the Highland Council area shows a small increase between 2011 and 2021, however, this masks several important regional trends, including:

- Significant population growth in Inverness and the surrounding Inner Moray Firth area;
- Significant population loss in e.g. rural Caithness and Sutherland;
- Broadly stable population totals but ageing populations elsewhere, including Lochaber, Skye and Wester Ross.

The HIE area profile for Lochaber, Skye and Wester Ross,<sup>10</sup> published in 2020, showed that the top 3 employment sectors were:

- accommodation & food services (25.0% of total employment),
- wholesale and retail (12.8%) and
- human health and social work (12.5%).

which collectively accounted for around 10,000 jobs across the area. Jobs in agriculture, forestry and fishing comprised just 5% of the total.

The accommodation & food services sector was particularly hard hit by COVID-19, and the rates of economic activity and employment, previously higher than the HIE area or Scottish averages, were significantly reduced in 2020/21. Notably, small and medium-sized enterprises (SME) account for a higher share of private sector employment (74.4%) than the HIE area (67.6%) or Scotland (50.6%) and the self-employment rate 22.9% is much higher than for the HIE area (11.6%) or Scotland (8.4%).

### **2.4 Local Demographics**

The population density of the Dunvegan Community Council area is 6.2/km<sup>2</sup>, which is lower than that of Highland Council (~9/km<sup>2</sup>) and the population is notably older than the Highland or Scottish averages, particularly with respect to the proportion over 45 years old.

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<sup>9</sup> [https://www.highland.gov.uk/downloads/file/1188/map\\_6\\_-\\_ramasaig\\_to\\_lorgill\\_roag\\_and\\_orbost\\_to\\_idrigill](https://www.highland.gov.uk/downloads/file/1188/map_6_-_ramasaig_to_lorgill_roag_and_orbost_to_idrigill)

<sup>10</sup> <https://www.hie.co.uk/research-and-reports/our-reports/2020/november/03/highlands-and-islands-area-profiles-2020/>

	Under 16	16 to 64	65 and over	45 and over
Dunvegan	16%	63%	22%	55%
Highland	18%	64%	19%	49%
Scotland	17%	66%	17%	44%

Table 1: 2011 Census data for Dunvegan CC, Highland Council and Scotland

#### 2.4.1 Scottish Index of Multiple Deprivation

In the Scottish Index of Multiple Deprivation,<sup>11</sup> the Dunvegan Community Council area is covered by two large rural data zones which also include the Glendale CC area to the west, much of Waternish CC to the north-east and some of Struan CC to the south-east.

Orbost is within data zone S01010685 which ranked 2,627,<sup>12</sup> in the 4<sup>th</sup> decile overall, whilst the majority of the DCC area is within data zone S01010684, which ranked 3,613, in the 6<sup>th</sup> decile. There is considerable variation in the scores for component elements: notably that data zone S01010685 is in the third decile for housing, whilst data zone S01010684 is in the 7<sup>th</sup> decile; both areas are in the lowest 1% for geographic access.

Data Zone	Overall	Income	Employ't	Health	Education	Housing	Access	Crime
S01010684	6	7	8	8	6	7	1	6
S01010685	4	6	6	6	5	3	1	9

Table 2: SIMD components 2020

Care is need when interpreting SIMD results for rural data zones, given their size and the number and variety of communities aggregated therein.

The SIMD also provides numbers of working age, income deprived and employment deprived people in each data zone.

Data Zone	Total Population	Working Age	Income Deprived	Employment Deprived
S01010684	771	438	42	18
S01010685	580	352	51	25

Table 3: Employment figures from SIMD 2020

#### 2.4.2 Small Area Populations Estimates

Small area population estimates from the National Registers of Scotland (NROS)<sup>13</sup> for the two data zones show a population which is gradually rising but ageing rapidly.

Estimates for both data zones show falls in the 0-24 and 45-64 age groups, and large increases in the 65-74 and over 75 age groups. The population of the 25-44 age group has fallen in data zone S01010684 but grown substantially in data zone S01010685.

Both data zones are in the 10% lowest across Scotland for the proportion of 0-24 year olds, and data zone S01010684 is in the 10% highest for the proportion of those aged 65 and over.

<sup>11</sup> <https://simd.scot>

<sup>12</sup> Where 1 is the most deprived and 6,976 the least deprived.

<sup>13</sup> <https://scotland.shinyapps.io/nrs-small-area-population-estimates/>

Age Group	2011	2021	Change	% change	% of total
0 to 24	139	131	-8	-6%	17%
25 to 44	119	115	-4	-3%	15%
45 to 64	307	275	-32	-10%	36%
65 to 74	128	143	15	12%	18%
75+	73	109	36	49%	14%
Total	766	773			

**Table 4: Age breakdown of data zone S01010684**

Age Group	2011	2021	Change	% change	% of total
0 to 24	116	90	-26	-22%	14%
25 to 44	92	134	42	46%	21%
45 to 64	253	226	-27	-11%	35%
65 to 74	85	123	38	45%	19%
75+	61	74	13	21%	11%
Total	607	647			

**Table 5: Age breakdown of data zone S01010685**

Age Group	2011	2021	Change	% change	% of total
0 to 24	255	221	-34	-13%	16%
25 to 44	211	249	38	18%	18%
45 to 64	560	501	-59	-11%	35%
65 to 74	213	266	53	25%	19%
75+	134	183	49	37%	13%
Total	1373	1420	47	3%	

**Table 6: Age breakdown of combined data zones**

## 2.5 Housing

The chronic lack of affordable housing is the single most important issue for many rural communities. In addition to its negative social and demographic impacts, the housing shortage is a major constraint on the economic development of rural Scotland.

The Skye and Lochalsh Business Housing Needs Survey<sup>14</sup> commissioned by HIE, Lochalsh & Skye Housing Association, SkyeConnect and Highland Council in 2022 reported that between 1,300 and 1,700 vacancies were unfilled due to the lack of accommodation, that 65% of businesses expected recruitment of permanent posts to get harder and that 58% expect the situation to worsen in relation to seasonal posts.

In many areas an absolute shortage of habitable housing is greatly exacerbated by the increasing numbers of second homes and long-term empty properties, which push up prices and reduce the availability of permanent homes to local people.

A raft of fiscal and legislative measures is needed to address this issue, but in the short term the most immediate solution is to build more housing, especially where it can be retained as affordable to benefit the community

Planning policy has tended to focus on large scale housing creation in already growing settlements, however there is a clear need for small scale provision in smaller settlements, and small, community-led housing providers have been central to enabling such provision.<sup>15</sup>

	1 bed b'low	1 Bed ground floor flat	1 bed upper floor flat	1 bed house	2 bed b'low	2 bed house	2 bed ground floor flat	3 bed house	3 bed ground floor flat	4 bed house
<b>Number on housing register who have requested</b>	65	51	42	62	11	11	2	4	0	3
<b>Number of units housings partners have</b>	4	1	1	1	3	17	2	16	1	1
<b>Number of units re-let in 2022/23</b>	2	0	0	0	1	0	0	1	0	0

**Table 7: Dunvegan Area Housing Prospectus statistics**

Figures from the Highland Council Housing Prospectus reveal the scale of unmet demand in the Dunvegan area. It is important to note that these figures only include people who are on the register; it is widely understood there are those who don't register as they feel they have any chance, and doesn't capture those who have left and can't move home.

Almost all the affordable housing in the Dunvegan CC area is in Dunvegan itself, with two units (Cruachan Cottages, owned by Lochalsh & Skye Housing Association) in Orbst and virtually no provision in other townships. Additionally, there is very little provision in neighbouring community council areas, so the stock in Dunvegan serves much of NW Skye.

<sup>14</sup> <https://www.56degreeinsight.com/our-latest-blogs/skye-housing-impacts>

<sup>15</sup> E.g. <https://www.arisaigcommunitytrust.org.uk/community-housing-project/>

Figures from the Scottish Assessors website, suggests that only about 10% of houses in Dunvegan CC area are registered for Non-Domestic Rates (NDR) as self-catering businesses, whereas in Glendale 23% of houses are registered for NDRs.

## **2.6 Dunvegan Community Trust**

Dunvegan Community Trust was initially established in 2009 as an unincorporated association and registered charity<sup>16</sup> with the primary aim of distributing the Community Benefit Fund generated by the Ben Aketil Windfarm. Funding has been available to constituted, not-for-profit groups that operate in the Dunvegan area, and over £250,000 has been distributed since the fund was established.

In 2022 DCT successfully applied to establish a new SCIO<sup>17</sup> (Scottish Charitable Incorporated Organisation), to enable the Trust to run a wider range of more ambitious and progressive projects, including the acquisition and development of land and buildings.

### **2.6.1 DCT purposes**

DCT SCIO's constitution states that the organisation has been formed for the public benefit of the community of Dunvegan and that its main purpose is consistent with furthering the achievement of sustainable development. The charitable purposes are:

- The advancement of education.
- The advancement of community development.
- The advancement of heritage and culture.
- The provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the people of Dunvegan.

### **2.6.2 DCT community area and membership**

The constitution states that the community of Dunvegan is defined as the community council area of Dunvegan Community Council.

Ordinary membership is open to those individuals aged 16 and over who:

- a) are resident in the community;
- b) are entitled to vote at a local government election in a polling district that includes the community or part of it; and
- c) support the purposes.

Individuals who are not eligible to vote in a local government election in a polling district that includes the community or part of it and groups wherever located who support the purposes may become Associate Members. Associate Members are not eligible to stand for election to the Board and cannot vote at General Meetings.

Individuals who are aged between 12 and 15 and support the purposes may become Junior Members. They are not eligible to vote at General Meetings or to become a Charity Trustee.

DCT is managed by a Board of Trustees: the minimum number of Trustees is three, the maximum is eight. The Board comprises:

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<sup>16</sup> <https://www.oscr.org.uk/about-charities/search-the-register/charity-details?number=SC040318>

<sup>17</sup> <https://www.oscr.org.uk/about-charities/search-the-register/charity-details?number=SC052078>

- up to five individuals (who must themselves be Ordinary Members) elected by the Ordinary Members
- up to 1 individual appointed by Dunvegan Community Council
- up to 2 individuals co-opted to ensure a spread of skills and experience within the Board.

The Board appoint a Chairperson, and if desired a Vice-Chairperson, (both of whom must be Ordinary Members), from the Charity Trustees.

As of March 2024, DCT has 97 Ordinary Members, 19 Associate Members and 2 Junior Members. The Trust Board currently comprises 6 Trustees<sup>18</sup>

### **2.6.3 DCT staffing**

DCT has two members of staff, both engaged as self-employed contractors: a Development Officer (15 hours a week) and an Admin officer (7 hours a week). These posts are funded by the windfarm community benefit funds, which gives more security than if they were financed through short term funding bids.

The development officer's role involves liaising with individuals and groups within the community and driving current projects up to the point of handover to a Project Manager when applicable. This can involve planning community consultation, applying for funding, putting out invitations to tender and liaising with consultants, partners, funders and other relevant bodies. It also includes looking ahead and planning for future opportunities planning, in a way which is sustainable and based on the capacity of the organisation and the committee.

DCT may be able to manage some aspects of the project within existing staff capacity but it is likely that the croft and/or housing development aspects will require specific additional capacity, potentially funded through SLF post acquisition revenue grant.

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<sup>18</sup> Biographies of DCT Trustees will be included in an appendix to the final report

### 3 National and Regional Policy Background

Recent national policy statements provide overwhelming and unequivocal support for community ownership, management and development of woodland, including the establishment of woodland crofts, to deliver health and well-being benefits and contribute to local sustainable development.

However, some older policy statements are less helpful, being more focussed on the conservation of other species and habitats, whilst the practicalities of woodland croft establishment on the ground may be constrained by local planning requirements.

#### 3.1 National Performance Framework

The National Performance Framework<sup>19</sup> sets out eleven National Outcomes<sup>20</sup> which describe the kind of Scotland the Government aims to create. Several of these could be relevant to this project, including:

- live in communities that are inclusive, empowered, resilient and safe;
- value, enjoy, protect and enhance their environment;
- have thriving and innovative businesses, with quality jobs and fair work for everyone
- are healthy and active;
- tackle poverty by sharing opportunities, wealth and power more equally.

Progress against the outcomes is measured by national indicators, including:

- Community ownership,
- Visits to the outdoors,
- Physical activity,
- Satisfaction with housing.

#### 3.2 Land Reform and community asset ownership

The Scottish government has initiated a number of measures designed to improve Scotland's system of land ownership, use, rights and responsibilities, in order that our land may contribute to a fair and just society. These include publishing and promoting the Land Rights and Responsibilities Statement<sup>21</sup> and establishing the Scottish Land Commission to drive a programme of land reform spanning both urban and rural land, to create a Scotland where land is owned and used in ways that are fair, responsible and productive.<sup>22</sup>

Community ownership of land and assets is an important component of the broader land reform agenda and has been supported by providing financial assistance through the Scottish Land Fund<sup>23</sup> to help communities take ownership of land and buildings; and furthered by successive legislation including the Land Reform Acts of 2003<sup>24</sup> and 2016<sup>25</sup> and the Community Empowerment (Scotland) Act 2015,<sup>26</sup> which introduced Asset Transfer provisions designed

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<sup>19</sup> <https://nationalperformance.gov.scot/>

<sup>20</sup> <https://nationalperformance.gov.scot/national-outcomes/explore-national-outcomes>

<sup>21</sup> <https://www.gov.scot/publications/scottish-land-rights-responsibilities-statement-2022/>

<sup>22</sup> <https://www.landcommission.gov.scot/>

<sup>23</sup> <https://www.tnlcommunityfund.org.uk/funding/programmes/scottish-land-fund>

<sup>24</sup> <https://www.legislation.gov.uk/asp/2003/2/contents>

<sup>25</sup> <https://www.legislation.gov.uk/asp/2016/18/contents>

<sup>26</sup> <https://www.legislation.gov.uk/asp/2015/6/contents>

to enable eligible community bodies to take ownership of land and built assets from Scottish public authorities.

Communities from the Highlands and Islands have long been in the vanguard of the community land movement, following pioneering efforts at Assynt Crofters, Knoydart and Eigg, and boosted by the establishment of HIE's Community Land Unit in 1997/8.

Across Skye there are many community-based land and asset owners engaged in a wide range of large and small scale projects, including:

- Broadford and Strath Community Company<sup>27</sup> has delivered a wide range of projects including a campsite, public toilets, community garden and growing hub, heritage trails and outdoor learning.
- The Glendale Trust<sup>28</sup> has taken ownership of the disused Borrodale School and is looking to redevelop the site to take it into community use.
- Minginish Community Hall<sup>29</sup> acquired land to establish a new car park at the Fairy Pools and is working with the Communities Housing Trust to progress a community housing project.
- Sleat Community Trust<sup>30</sup> owns and manages a community shop and the 440ha Tormore forest, which hosts a 34kw hydro scheme and provides feedstock for the community woodfuel business.
- Staffin Community Trust's<sup>31</sup> projects include housing, health and business development at Taighean a' Chaiseil and the delivery of two phases of the Skye Ecomuseum project.

### 3.3 Forest and woodland policy

**Scotland's Forestry Strategy 2019–2029**<sup>32</sup> presents a long-term framework for the expansion and sustainable management of Scotland's forests and woodland. It lays out three objectives:

- Increase the contribution of forests and woodlands to Scotland's sustainable and inclusive economic growth;
- Improve the resilience of Scotland's forests and woodlands and increase their contribution to a healthy and high quality environment; and
- Increase the use of Scotland's forest and woodland resources to enable more people to improve their health, well-being and life chances.

and identifies six priorities for action, including:

- Enhancing the environmental benefits provided by forests and woodlands; and
- Engaging more people, communities and businesses in the creation, management and use of forests and woodlands.

Sustaining thriving rural communities is one of the key strategic drivers for forest policy. The strategy notes that rural areas in Scotland are facing problems of depopulation and that "Scotland's forests and woodlands can contribute to creating and sustaining thriving rural

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<sup>27</sup> <https://www.broadfordandstrath.org/>

<sup>28</sup> <https://theglendaletrust.org/>

<sup>29</sup> <https://minginishhall.co.uk/>

<sup>30</sup> <https://www.sleat.org.uk/>

<sup>31</sup> <https://skyeecomuseum.co.uk/why-staffin>

<sup>32</sup> <https://forestry.gov.scot/forestry-strategy>



communities by providing quality jobs and attractive environments, and by supporting the provision of affordable rural housing.”

Greater involvement of communities in decisions about forests and woodlands, as well as in direct management and ownership, is recognised as increasing communities’ control and influence over their local environments, leading to greater empowerment, whilst the role of forests and woodlands in supporting health and well-being by “providing spaces for people to exercise, relax, play and learn” is also noted.

The Scottish Government’s **policy on control of woodland removal**,<sup>33</sup> which dates from 2009,<sup>34</sup> provides policy direction for decisions on woodland removal in Scotland.

The policy notes the strong presumption in favour of protecting Scotland’s woodland resources, with a guiding principle being that “woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits” and that “in appropriate cases a proposal for compensatory planting may form part of this balance.”

Although the policy is intended to facilitate achievement of the Scottish Government’s woodland expansion ambition in a way that integrates with other policy drivers (including increasing sustainable economic growth and rural/community development), in practice it severely disadvantages social and economic outcomes vis-a-vis environmental projects.

Woodland removal which is considered to enhance priority species and habits is permissible without compensatory planting and has led to large-scale deforestation, however projects which contribute significantly to enhancing sustainable economic growth or rural/community development are generally expected to carry out compensatory planting, even if the woodland loss is below the deforestation thresholds set by Environmental Impact Regulations.<sup>35</sup>

The 2018 **Highland Forest and Woodland Strategy**<sup>36</sup> (HFWS) is one of a series of Supplementary Guidance documents prepared by The Highland Council to support the Highland-wide Local Development Plan. It is intended to guide the sustainable development and management of woodlands in Highland to benefit social, environmental and economic values. The strategy has eight themes, including:

- Encouraging community engagement and empowerment;
- Integrating with development and tourism;
- Strengthening connections with health, access and recreation and learning;

The “Community Empowerment” theme includes the following objectives:

- Continue to support asset transfer, community woodland ownership and management within Highland;
- Encourage and promote community led affordable housing within appropriate woodland settings as described in The Highlands Council’s Trees, Woodland & Development Supplementary Guidance;
- Support accessible access and recreational facilities, local employment, rural skills and community energy projects.
- Opportunities for the creation of new Woodland Crofts and woodland crofting communities should be identified in order to encourage a locally focused approach to forestry which delivers benefits to local and often remote communities.

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<sup>33</sup> <https://forestry.gov.scot/support-regulations/control-of-woodland-removal>

<sup>34</sup> Although the policy states it “will be reviewed after not more than 5 years” this has not yet happened.

<sup>35</sup> 0.5ha in National Scenic Areas, 1.0ha elsewhere.

<sup>36</sup> [https://www.highland.gov.uk/directory\\_record/712594/forest\\_and\\_woodland\\_strategy](https://www.highland.gov.uk/directory_record/712594/forest_and_woodland_strategy)

The “Development and Tourism” theme includes:

- Support sensitive development in woodlands in accordance with Scottish Planning Policy and Highland-wide Local Development Plan and Supplementary Guidance on Trees, Woodland and Development;
- Support opportunities for linking accessible and active outdoor access/recreation and tourism in and between Highland forests and woodlands, including hutting developments, mountain biking, walking and activities such as orienteering and eco-tourism.

The “Health and Well-being” theme includes:

- Promote the role of woodlands in providing a resource for physical activity close to where people live and work;
- Encourage and promote the use of Highland forests and woodlands for outdoor learning through Forest School and Highland OWL.<sup>37</sup>

### 3.3 Local development planning

The Dunvegan area is covered by the Highland Council’s **West Highland and Islands Local Development Plan** (2019)<sup>38</sup> the headline outcomes for which are grouped into 4 themes: growing communities, employment, connectivity and transport, and environment and heritage. Community ownership and management of Cruachan Wood and Cnoc nan Craobh could contribute to several aspects of this, including:

- developing affordable housing,
- community control of local resources, and
- safeguard the natural and cultural heritage.

Dunvegan is considered as part of the Wester Ross and Lochalsh sub-area. The plan identifies Dunvegan as a key service and employment centre for north west Skye, but notes that the permanent population of the village is declining, threatening the community's ability to sustain existing services.

The Highland Council’s **Trees, Woodland & Development Supplementary Guidance**,<sup>39</sup> was adopted in 2013. It places the onus on the applicant to demonstrate why there is a clear need to develop a wooded site, as opposed to an alternative unplanted site, and that accommodating development will not result in the woodland losing its essential character.

Although development proposals within existing woodland will only be supported on a suitable site where the development and the woodland will co-exist to provide mutual benefits, and where a clear and significant public benefit can be demonstrated, the policy states that Council will generally support development within existing woodland which is associated with the creation of woodland crofts where it helps to sustain and enhance rural communities.

The Highland Council has more recently (2021) adopted **Rural Housing Supplementary Guidance**<sup>40</sup> to provide detailed advice on acceptable locations for new house sites and advice

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<sup>37</sup> OWL = Outdoor and Woodland Learning

<sup>38</sup> [https://www.highland.gov.uk/downloads/file/21199/westplan\\_adopted\\_september\\_2019](https://www.highland.gov.uk/downloads/file/21199/westplan_adopted_september_2019)

<sup>39</sup> [https://www.highland.gov.uk/downloads/file/354/trees\\_woodlands\\_and\\_development\\_supplementary\\_guidanc](https://www.highland.gov.uk/downloads/file/354/trees_woodlands_and_development_supplementary_guidanc)

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<sup>40</sup> [https://www.highland.gov.uk/directory\\_record/683410/housing\\_in\\_the\\_countryside](https://www.highland.gov.uk/directory_record/683410/housing_in_the_countryside)

on the siting and design of new housing. This states that “the establishment of Woodland Crofts is an emerging land-use across Highlands and one the Council is keen to support.”

The following information must be submitted with a formal application for a croft house or a house on croft land:

- Croft registration information including: reference number(s); size of croft; access to common grazing or woodland;
- Information on the croft land quality and how this has influenced the siting of the proposed house;
- A Business Plan and/or a Woodland Management Plan where relevant;
- A Masterplan for the entire development area for new or significantly extended crofting townships.

The following information must be submitted with a formal planning application for the creation of a new Woodland Croft Township:

- Business Plan, setting out how the Community will control/manage the woodland crofts (including intended tenancy conditions). There will be no expectation of a full time income from operating the croft;
- Masterplan for the entire development area, outlining the siting, density and layout and associated infrastructure and services;
- Woodland Management Plan to UK Forestry Standard (covering the whole area, not individual crofts);
- Ecological Reports (Birds, Squirrels, Bats and Badgers).

Community Crofting (including Woodland Crofts) schemes will also be required to conform to the criteria for Community-Led Housing:

- The Community Housing Trust proposing the scheme will be required to demonstrate that they have a robust and sustainable business model in place recognised by an appropriate body, which includes future succession planning/long-term management;
- Community housing schemes should include a mixed tenure of owner occupation, shared ownership, mid-market and social rent;
- The new houses are of an exceptionally high-quality building design and energy performance standard. With the use of 'modern methods of construction', sustainable design and passive housing standards being strongly supported;
- At least 75% of the properties to include burdens on the property titles to retain the homes in local ownership and be recognised as affordable.

### **3.4 Crofting**

The Crofting Commission<sup>41</sup> is the regulatory body for crofting. The Commission does not have the power to initiate the creation of new crofts, which must be by application from:

- The owner of any land in the crofting counties or in an area outside the crofting counties designated where new crofts can be created, or
- The tenant of a non-croft holding in an area outside the crofting counties which has been designated where new crofts can be created.

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<sup>41</sup> <https://www.crofting.scotland.gov.uk/>

Applications for new crofts can be approved where the Commission consider it is in the public interest, and there would be social and economic benefits. As a guideline, in order to be sustainable, the Commission generally look for any land constituted as a new croft to be a minimum of 3 hectares in extent. Applicants are also required to register the croft with the Keeper of the Registers of Scotland.<sup>42</sup>

The Scottish Government's National Development Plan for Crofting<sup>43</sup> also provides support for the creation of new crofts, including new woodland crofts.

## 4 Woodland Crofts

### 4.1 Introduction

The Woodland Crofts Partnership<sup>44</sup> (WCP) defines a woodland croft as “a registered croft with sufficient tree cover to be considered a woodland under UK forestry policy”. While it is useful to be able to distinguish woodland crofts from ‘traditional’ ones, and indeed from conventional models of forestry, it is important to note that this definition is descriptive rather than legal; in law a woodland croft is simply a croft like any other.

Accordingly, many of the benefits of woodland crofts to both crofters and their communities are similar to the benefits delivered by traditional crofting. For communities, these include retaining population, contributing to sensitive land management, providing economic opportunities and building resilience, including to emerging threats such as pandemics and climate change.

For individual crofters, a croft can provide a place to live and a site for a business, an opportunity to contribute to their household needs in food and fuel, and crucially, security of tenure. Crofting provides a regulated framework which provides certainty as to the rights and responsibilities of all parties involved.

Woodland crofts themselves provide access to woodland for the crofter, to manage in support of their lifestyles and/or livelihoods. This is a significant and rare opportunity, given the concentration of forest ownership in Scotland, in contrast with the situation in most other countries. There are also minimal opportunities to lease woodland, and taken together these factors mean that woodland management is currently a minority, generally professional, activity. As a result, the “forest culture” common in many parts of the world has largely died out here; woodland crofting provides an opportunity to revive it.

Crofting is regulated by the Crofting Commission according to crofting law, which involves a combination of rights and responsibilities for crofters. As well as the security of tenure mentioned already, other rights include the right of succession, the right to a fair rent and the right to compensation for improvements. Key responsibilities include the requirement to reside on or with 32km of the croft, to cultivate the croft or put it to other “purposeful use”, and an obligation not to misuse or neglect the croft. Importantly, cultivation is defined to include “the planting of trees and use of the land as woodlands” thereby enabling woodland crofts and other forms of crofter forestry.

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<sup>42</sup> <https://www.ros.gov.uk/our-registers/crofting-register>

<sup>43</sup> <https://www.gov.scot/publications/national-development-plan-crofting/>

<sup>44</sup> An informal partnership between the Scottish Crofting Federation, the Community Woodlands Association, the Communities Housing Trust and Woodland Trust Scotland which seeks to promote & develop woodland crofting <https://woodlandcrofts.org/>

The woodland aspects of a woodland croft are regulated by Scottish Forestry, just like any other woodland; there is nothing unique about a woodland croft in this respect. Forestry regulation is based on a system of grants and licences, and includes a presumption against woodland removal; new or existing woodlands cannot generally be converted to another land use. It is use of the land that is important here, not the presence of (mature) trees, so both a newly planted site and a harvested area are both “woodland” despite having no trees on them.

## 4.2 Options

Crofting originated as a leasehold system of tenure, but since a right to buy was introduced in 1976 crofters can now be either tenants or owner-occupier crofters. Currently, the majority (a little over 70%) of crofters are still tenants, with the remainder owner-occupiers. Previously, there were significant differences in the obligations which applied to each, but more recent legislation has served to equalise the position such that owner-occupiers are generally subject to the same responsibilities as tenants regarding residency, and management of the croft.

This means a community landowner looking to create new crofts can consider either letting them or selling them to owner-occupier crofters, depending on a variety of factors. However, whichever is chosen, community landowners are likely to want to be able to control the occupation and use of the croft, in order to avoid many of the problems which have undermined crofting more generally. These include absenteeism, neglect of crofts, and speculation on croft land.

In this respect, letting the croft is perhaps the more straightforward. Although croft tenants have strong rights, it is now possible to withhold or modify some of these from new tenancies, including the right to buy and the right to assign, without needing approval from the Crofting Commission or the Land Court. This means that if a tenancy is surrendered the community can re-allocate it to someone else that meets their criteria, and the public and community investment in the croft is protected. A tenancy is also likely to be more affordable, although payment of an “entry fee” is typical.

Owner-occupied crofts require a different approach to retaining community control of occupancy. The method used in affordable housing is to apply a Rural Housing Burden<sup>45</sup> (RHB) to the house or plot, and it is believed that this approach can also be applied to the whole of the croft, as is being developed for new crofts in Lower Ardoch Forest in Glengarry. The RHB is a title condition giving the rural housing body<sup>46</sup> in whose favour it is a right of pre-emption, meaning that they can buy the property on the event of its resale. Importantly, the Burden can include terms relating to price, which both allows for the introduction of an initial discount on market value, and the maintenance of that discount, preserving affordability.

Generally speaking, a croft tenancy will be the more affordable option of the two and therefore likely to be more accessible to local budgets. It is also the simpler model. Meanwhile even when a discount is offered, the owner-occupied croft will require a purchaser to have a degree of capital behind them and may thus be more appropriate to “external” applicants. From the community perspective, the tenancy will provide a smaller, but annual income, whilst sale of a croft to an owner-occupier will provide a one-off lump sum which may be useful to generate match-funding for the project.

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<sup>45</sup> <https://www.chtrust.co.uk/rural-housing-burden1.html>

<sup>46</sup> A Rural Housing Burden can only be in favour of a rural housing body designated by the Scottish Government; if a community landowner does not have or wish to gain this status, it is possible to nominate an existing rural housing body to fulfil this function (with their agreement)

### 4.3 Croft Housing

A key consideration in deciding which tenure option(s) to progress is croft housing. The opportunity to live on the croft is a key benefit for the crofter, and the provision of housing on crofts has undoubtedly been an important contributor to the retention of population, sustaining communities. As such both crofter and community landowner will want to see croft housing provided in some way.

Such housing can be delivered in a number of different ways. The traditional model on a tenanted croft was either for the landlord to provide the house as a landlord's improvement, or for the tenant to build their own house, as a tenant's improvement (an "improvement" meaning the house is an integral part of the croft like other infrastructure and cannot be separated from it). In recent times neither route has been employed very often, largely due to the difficulty of raising finance.

On an owner-occupied croft, responsibility for financing and building the house falls to the crofter. This is much simpler for the community, but can still be a challenge for the crofter in terms of raising finance.

Both tenants and owner-occupier crofters are potentially eligible for the Croft House Grant (CHG)<sup>47</sup>. However, even if secured this does not cover the full costs of construction so crofters will require to source additional finance. If they do not have their own savings, commercial finance may be hard to raise as lenders will generally not fund against land under crofting tenure<sup>48</sup>. The typical solution is to build on non-croft land, either by decrofting the plot or using land which is not part of the croft.

It is understood that DCT is interested in developing "woodland crofts (without statutory house plots), & separate house plots with the Rural Housing Burden attached". This is one approach to delivering croft housing which improves the chances of raising finance for construction. However it is important to note that *any* constraint on the title – such as a RHB - limits the availability of funding to perhaps just 2 or 3 lenders, and where the RHB or other agreements serve to tie the house to the croft this may restrict options further. Therefore it is recommended that DCT remain open to alternative models of croft house provision as work is underway elsewhere which may provide new solutions.

In particular, providing housing as a landlord's improvement is a particularly simple and powerful way to deliver the required safeguards over occupancy and use. That this approach should currently be unfunded, despite the clear public benefits, is the subject of a report to the Scottish Land Commission being progressed by the Woodland Croft Partnership and the Communities Housing Trust (CHT) which aims to raise the profile of the issue and ultimately secure funding for the model. In addition, the delivery of housing by owner-occupier crofters on a croft subject to a whole-croft RHB is being developed in Glengarry and lessons from this should be available in coming months.

### 4.4 Process

The process of creating a new woodland croft is straightforward and involves application to the Crofting Commission by the owner of the land. The application form is relatively simple and asks, amongst other things, for the reason the croft is being created and what "socio-economic or public interest benefits" are anticipated to arise as a result.

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<sup>47</sup> [Croft House Grant \(ruralpayments.org\)](http://ruralpayments.org)

<sup>48</sup> [News | HSPC](#)

It also asks whether the croft will be let according to the statutory conditions listed in the crofting acts. If these have been varied then prior approval from the Land Court may be required, although some changes (such as withholding right to buy) can simply be notified to the Commission (who in any event will require a copy of any proposal to vary the conditions of let).

A map of the proposed holding is required, which is perhaps the most demanding part of the process as it must be drawn to sufficiently high standards that it can form the basis of the registration of the croft by Registers of Scotland (a process which happens in parallel to the croft creation).

Once the croft is approved, it can be let to a tenant or sold to an owner-occupier depending on the new landlord's intentions. The former case will involve another application to the Commission, to approve the let to the tenant who should have been chosen (for community-owned crofts) through an open application process (see 4.6). Once signed, the lease must be registered with Registers of Scotland within 3 months.

Sale to an owner-occupier involves the normal conveyancing process, but the incoming crofter must notify the Commission that they are the new owner-occupier. The restrictions on occupancy and use that may form part of the lease in the case of a tenanted croft, in the latter case will be required to be included in the RHB and associated personal bond, to protect the community interest.

Public notification is an important part of the process with most applications requiring to be publicly advertised to allow the wider crofting community the opportunity to comment.

#### **4.5 Experience to date**

Woodland crofts have attracted great interest from both community landowners who see the benefits for their communities, and individuals looking to take on a woodland croft. Although the definition of a woodland croft given in 4.1 could apply to a pre-existing one, the big impetus for new woodland crofts came with the Crofting Reform (Scotland) Act 2007 which introduced the ability for landowners to create new crofts. Coupled with the increasing availability of state-owned forests to purchase by communities via asset transfer, this has led to a number of them exploring the possibility.

To date 25 new woodland crofts have been created, in Dervaig (north-west Mull), Tiroran (south-west Mull), and Tighnabruaich. Land for a further 6 has been acquired by CHT & Glengarry Community Woodlands in Lower Ardoch Forest mentioned earlier, and development there is ongoing. A number of other communities are actively exploring the potential to create new woodland crofts, including in Morvern and Lochalsh.

In some respects, the numbers are not great, particularly considering that demand outstrips supply more than tenfold. However, this is almost entirely the result of the responsibility for woodland crofts delivery having been largely placed on community groups, who have many other demands on their time and resources.

In terms of demand, the WCP maintains a register of interest that currently includes well over 300 names. This is likely to be only a subset of true demand, as many will not be aware of the register's existence. Social media following gives an indication of wider interest: the woodland crofts twitter account currently has over 2,300 followers whilst a grassroots Facebook group set up by woodland crofters (and would-be woodland crofters) themselves has gained nearly 900 members in 2 years.

## 4.6 Croft allocation policy<sup>49</sup>

The selection of new crofters is one of the most important, and potentially sensitive, parts of any woodland crofts project. The process needs to be open and transparent, and while there is flexibility for local variation, when public funding is involved there are certain requirements which should be followed. The objective of the selection process will be to choose the most appropriate applicants fairly, whose plans for the croft will most benefit the community and the wider public, as well as themselves. Selection of suitable tenants will go a long way to ensuring that the aims and objectives of a woodland crofts project are met.

It is important that communities follow the principles of equal opportunities, throughout the development and management of their projects, and especially in selecting beneficiaries (i.e. crofters). This is not to say that local needs and priorities cannot be reflected in any criteria set by the community to help in the selection of crofters; after all a successful project will be one that identifies and then meets local need. However, any criteria chosen must be reasonable and justifiable. Furthermore, if the criteria are scored to assist in comparing applicants, any weighting should be balanced so that no one criterion can dominate the others.

Some communities see woodland crofts as primarily an opportunity for their own existing residents, whilst others are keen to attract new families to maintain school rolls etc., and of course some are keen to do both. In the latter case care must be taken in choosing selection criteria, as it is unlikely that the skills & experience of “local” and “external” applicants will be the same. To avoid the risk that one group outcompetes the other and dominates approvals, consideration can be given to ring-fencing allocations, for example by keeping half the crofts for local applicants only, and half for all-comers.

More information on this subject and on woodland crofts generally can be found on the Woodland Crofts Partnership website, which includes further resources including guidance notes.<sup>50</sup>

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<sup>49</sup> A full Guidance note on this important topic is available on the Woodland Crofts Partnership website at <https://woodlandcrofts.org/wp-content/uploads/2015/03/Woodland-crofts-allocation-guidance-February-2015.pdf>

<sup>50</sup> <https://woodlandcrofts.org/>.



## 5 Cruachan Wood and Cnoc nan Craobh

Cruachan Wood and Cnoc nan Craobh lie just to the north of Orbost Farm. Map 2 (supplied separately) shows the main features.

Cruachan Wood extends to 8.7 hectares and has two distinct sections with different topologies and management histories. The boundary between them is made by a rough farm track giving access to the rough grazing land to the west. Both sections have been restocked relatively recently with a range of broadleaved species; there is considerable conifer regeneration and several invasive species are present.

The unclassified Orbost-Dunvegan road runs along the eastern boundary of the wood for approximately 600m. Most of the remaining boundary is with Orbost Farm and is a mix of rough moorland and improved grazing. There is a tourist business: “Skye Eco Bells”,<sup>51</sup> with four cabins and a canvas bell tent set within a small area of woodland to the north of Cnoc nan Craobh.

A single house “Ildrigill” has been built within Cruachan Wood: this site will be excluded from any community acquisition.

Cnoc nan Craobh covers 0.6ha and forms a small rounded hill bounded on two sides by minor roads. It contains open, mature broadleaved woodland and is well used for informal recreation.

An additional small plot of land, to the south-east of Cruachan Wood, which might also be included in a community acquisition, is described in section 5.4.

### 5.1 Ownership and past management

Both woodlands, along with almost all of the neighbouring land, are owned by Highland and Islands Enterprise (HIE) as part of the Orbost Estate.

Cruachan Wood is covered by the Orbost Long Term Forest Plan which was prepared for HIE by Tilhill in 2019. This (understandably) focuses on the much larger Orbost Forest to the south and has very few references to Cruachan Wood.

The northern portion of Cruachan Wood was clearfelled and restocked ~ 20 years ago, the southern part was felled and restocked ~ 10 years ago. There is no evidence of subsequent woodland management in either section.

The Scottish Forestry Map Viewer<sup>52</sup> has three relevant records for Cruachan Wood:

- Approval for clearfell and restock of most of the northern portion was granted in August 2001;
- Felling licence reference 030/80/10-11 covers the southern portion of the wood;
- The application for the Orbost Long Term Forest Plan, reference I6FGS07554, was approved in July 2019.

The Scottish Forestry Map Viewer does not have any records for Cnoc nan Craobh, which is not covered by the Orbost LTFP.

Whilst there is no evidence of recent tree management at Cnoc nan Craobh, there has been management for recreation (discussed in more detail in 5.3.3 below).

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<sup>51</sup> <https://www.facebook.com/skyeecobells/>

<sup>52</sup> <https://forestry.gov.scot/support-regulations/scottish-forestry-map-viewer>

## 5.2 Site information

### 5.2.1 Geology & soils

The British Geological survey map viewer<sup>53</sup> shows that as with most of north-west Skye, the site is underlain by bedrock from the Skye lava group, of basalt and microgabbro. This igneous bedrock was formed between 66 and 56 million years ago during the Palaeogene period.

There are superficial deposits of peat on the upper parts (north-west) of Cruachan Wood, and sedimentary deposits of Devensian Till on the lower ground to the south, formed much more recently during the Quaternary period.

Peaty areas constrain suitability for some tree species and show typical signs of waterlogging, with consequent negative impacts on tree growth. Elsewhere soil fertility is reasonably good, allowing a relatively wide range of species to thrive

### 5.2.2 Climate & exposure

Orbost has a mild, windy and moist climate, which is generally favourable to a wide range of tree species. The nearest Met Office recording station is at Prabost, ~18km to the north-east, where average annual rainfall is 1769mm.<sup>54</sup>

Adjacency to the sea reduces the extremes of temperature but the risk of severe storms has a significant impact on management. The expected impact of climate change is that the climate will remain wet and mild, but with an increased frequency of extreme weather events.

The risk of wind damage is a significant constraint to woodland management across much of Scotland. The average windiness of a site can be calculated using the DAMS<sup>55</sup> system. DAMS is based on location, elevation and topographic exposure, and gives a good representation of both the average wind speed and the frequency of strong winds at a site. Values of DAMS in Scotland typically range from below 10 (sheltered) to over 24 (very exposed).<sup>56</sup>

DAMS scores at Cruachan Wood range from 17 to 18, reflecting the regular experience of westerly gales. Such values would be a significant constraint to commercial timber crops but should not impact on native woodlands. There is however an ongoing risk of wind damage to mature trees along the roadside and at Cnoc nan Craobh.

### 5.2.3 Flora & fauna

No formal survey of flora or fauna was undertaken.<sup>57</sup>

The wood at Cnoc nan Craobh has a well-established canopy and appears to have a relatively open ground flora. There are very few places in the Cruachan Wood where a woodland canopy with associated ground flora has established.

The higher elevations of Cruachan Wood are dominated by heather and associated moorland species, but elsewhere the ground flora is largely dominated by several invasive species. There is very significant infestation of salmonberry (*Rubus spectabilis*), most notably in the southern portion of Cruachan Wood, where it covers >50% of the site. It is also very apparent along the lower slopes of the northern part of Cruachan Wood, and there is a relatively small area at Cnoc nan Craobh.

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<sup>53</sup> <https://geologyviewer.bgs.ac.uk/>

<sup>54</sup> <https://www.metoffice.gov.uk/research/climate/maps-and-data/uk-climate-averages/gf5wbt9v5>

<sup>55</sup> Detailed Aspect Method of Scoring.

<sup>56</sup> DAMS scores for Eden Court, Inverness and the top of MacLeod's Tables are 9 and 25 respectively

<sup>57</sup> Our site visit in early February was not well-timed for assessment of ground flora.

Salmonberry is not listed as a Species of Special Concern in Scotland, but it is a much bigger problem on the island of Ireland, where there is more experience of control measures. An information sheet from Mid-Ulster Council says:

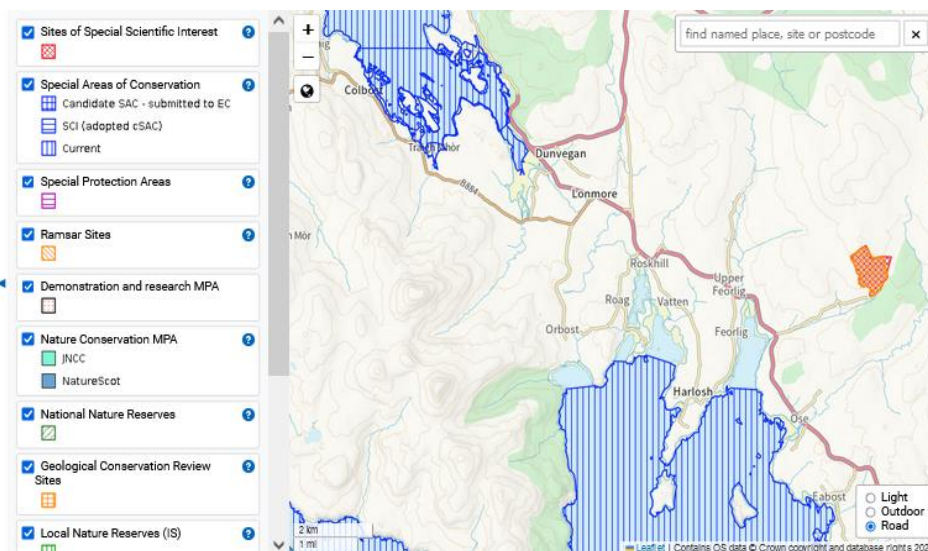
*“Cutting of Salmonberry encourages new and vigorous growth. Grubbing out will not kill it, and may transfer it to another site. Burning does not kill it. The most effective approach is likely to require the use of herbicides. In general, Triclopyr are usually regarded as most effective herbicides for woody species. However, glyphosate has been shown to be more effective on Salmonberry, and has less potential environmental impact.*

*It is not a safe or even practical proposition to spray tall dense stands that are above head height. The patch should be marked in summer, and re-visited in winter with a brush cutter and the winter canes cut to the ground. Cut canes can be left on site until they are clearly dried out and brittle. Cut stumps will regenerate vigorously the following year and can be treated from Mid- June onwards once the leaves have fully unfurled and present a dense canopy with a high leaf surface area to receive the spray. This is likely to be effective at killing the mature plant in a single season, but subsequent revisits the following early summer should check for new seedling establishment as well as for re- sprouting from the stumps. New seedlings and small plants are very easily killed with a single Glyphosate application. It may be prudent to allow any regeneration to grow on a bit before re-treating.”<sup>58</sup>*

There are patches of gorse at Cruachan Wood, most notably at the northern end of the wood. This presents a lesser obstacle to management or to expansion onto neighbouring ground than salmonberry. There are pockets of bracken on better drained soils, particularly at Cnoc nan Craobh but also in the northern portion of Cruachan Wood. There are also some areas of bramble at Cnoc nan Craobh.

Red deer are present and browsing is having a significant impact on trees in the upper parts of Cruachan Wood.

#### 5.2.4 Environmental designations



Map 3: screenshot from NatureScot Sitelink<sup>59</sup> showing environmental designated sites

<sup>58</sup> [Mid-Ulster Council Non-Native Invasive Species Control](#)

<sup>59</sup> <https://sitelink.nature.scot/home>

There are no statutory terrestrial environmental designations at or adjacent to the woodlands (or indeed anywhere on the Duirinish peninsula). The nearest terrestrial designated site is the An Cleireach Geological Site of Special Scientific Interest<sup>60</sup> approximately 7.5km to the east.

The southern portion of the DCT area is part of the Duirinish Wild Land Area.<sup>61</sup> Wild Land Areas are identified as nationally important in Scottish Planning Policy but are not a statutory designation.

Most of the waters around NW Skye are part of the Inner Hebrides and the Minches Special Area of Conservation,<sup>62</sup> although the northern portion of Loch Bharcasaig is excluded. It does not seem likely that any designated sites would be affected by any of the community's proposals for the woods.

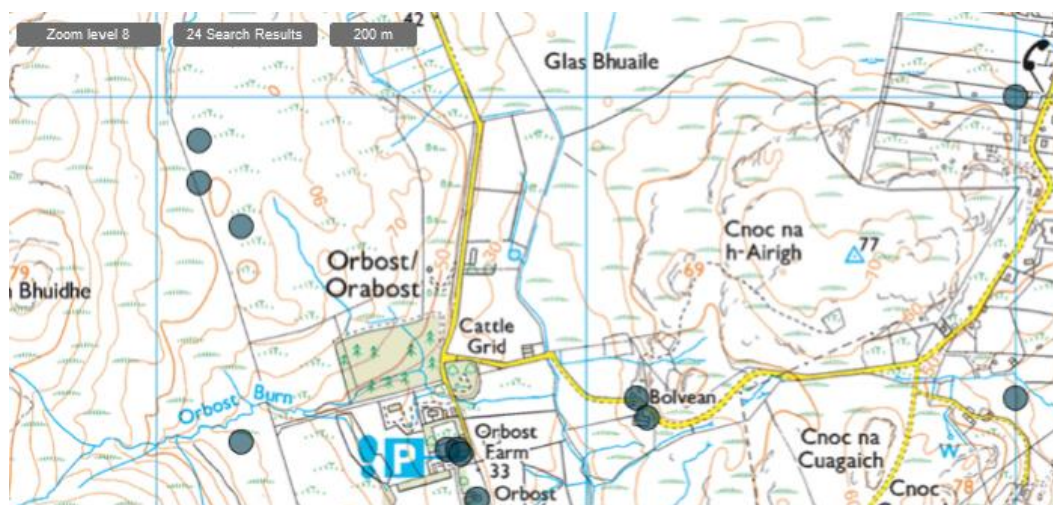
### 5.2.5 Historic environment

There are no designated heritage features on or adjacent to the woodlands.

The nearest sites recorded on Canmore, the national record of the historic environment maintained by Historic Environment Scotland, are around Orbost Farm:

- 276070<sup>63</sup> - the farmhouse
- 276071<sup>64</sup> - the steading square, and
- 276069<sup>65</sup> - the walled garden of Orbost House

It does not seem likely that any of these sites would be affected by any of the community's proposals for the woods.



Map 4: screenshot from HES Canmore map search<sup>66</sup> showing all records in the Orbost area.

<sup>60</sup> <https://sitelink.nature.scot/site/56>

<sup>61</sup> <https://www.nature.scot/sites/default/files/2021-06/Wild%20land%20Description%20Duirinish-July-2016-22.pdf>

<sup>62</sup> <https://sitelink.nature.scot/site/10508>

<sup>63</sup> <https://canmore.org.uk/site/276070/skye-orbost-farm-farmhouse>

<sup>64</sup> <https://canmore.org.uk/site/276071/skye-orbost-farm-steading-square>

<sup>65</sup> <https://canmore.org.uk/site/276069/skye-orbost-house-walled-garden>

<sup>66</sup> <https://canmore.org.uk/map/about>

### 5.2.5 Ancient Woodland Inventory / Native Woodland Survey of Scotland

Most of the northern part of Cruachan Wood (all but a small area of peaty ground on the eastern fringe) is recorded on the Ancient Woodland Inventory<sup>67</sup> (AWI) as “long established of plantation origin” (LEPO).

Although there is no legislation specifically protecting ancient woodland, there is a strong presumption against removing ancient semi-natural woodland or plantations on ancient woodland sites.



**Map 5: Cruachan Wood on Ancient Woodland Inventory**

The northern part of Cruachan Wood is recorded on the Native Woodland Survey of Scotland<sup>68</sup> (NWSS) as “native woodland: upland birchwood”, albeit with a low canopy percentage of 30% and a nativeness percentage of 80%.

Cnoc nan Craobh and the southern portion of Cruachan Wood are both shown as woodland on current OS maps, but are not recorded on the Inventory. As the survey was launched in 2014 it is possible that the southern portion of Cruachan Wood, was not recorded as it only recently been restocked, however it is unclear why Cnoc nan Craobh was omitted.



**Map 6: Cruachan Wood on Native Woodland Survey of Scotland**

<sup>67</sup> <https://www.nature.scot/doc/guide-understanding-scottish-ancient-woodland-inventory-awi>

<sup>68</sup> <https://forestry.gov.scot/forests-environment/biodiversity/native-woodlands/native-woodland-survey-of-scotland-nwss>

## 5.3 Woodland descriptions

### 5.3.1 Cruachan Wood north

The northern portion of Cruachan Wood forms a linear strip over 500m long north-south but rarely more than 100m east-west, with a generally easterly aspect, which features peaty moorland at upper elevations (max 75m above sea level) and steep slopes down to the roadside (min 40m above sea level). The wood is bounded by rough moorland grazing to the west and improved grassland to the north and across the road to the north east; across the road to the south east there is young woodland around the Skye Eco Bells holding.

The total area is ~5ha, of which ~4.2ha is to the north of the track which leads to Idrigill and ~0.8ha is to the south of this track.

Drainage is easterly: several small streams have cut steep and deeply incised mini-gorges into the slopes above the road, which make north-south travel through the wood challenging.

A wide range of broadleaves species are present, including downy birch, rowan, hazel, ash, oak, sycamore and willow, most of which appear to have been planted. There are also some naturally regenerated conifers, most notably Sitka spruce, with some lodgepole pine, larch and Lawson cypress.

There is considerable variability in growth rates and stocking density. These are generally better on the lower slopes, and to the south of the area, where soils are likely to be more fertile, although a woodland canopy and ecosystem has only really developed in a small area immediately south of the house.

Growth rates and stocking density are both very poor in the north western part of the wood, reflecting poor soils, high exposure and heavy browsing pressure from deer. There is considerable infestation of salmonberry on the lower slopes and significant areas of gorse at higher elevations, notably at the north end of the block.

There is a narrow strip of land between the boundary fence and the road, which includes an old boundary dyke, and holds ~40 mature ash and sycamore trees. These might offer a timber and firewood resource but are also a liability, not least because the ash trees are showing symptoms of Chalara ash dieback (see 5.5.4 below) and will probably need felling for public safety.

### 5.3.2 Cruachan Wood south

The southern portion of Cruachan Wood is a rectangular block, approximately 230m by 150m, mostly south and south-east facing, with more moderate slopes. This area covers ~3.6ha.

The minor road to Orbst Farm runs along the eastern boundary, to the north is rough moorland grazing and there is improved grassland to the west. To the south-east there is a small area of open scrub and woodland, the western section is owned by Lochalsh and Skye Housing Association, the eastern part by HIE: this latter plot is discussed in more detail in section 5.4 below.

A burn runs through the southern part of this block, entering at the south-west corner and wood, existing to the south-east. Surface water and silt were evident in some areas in the south-east during a site visit (early February) but it was unclear whether this was a recent or seasonal issue reflecting a particularly wet winter.

The southern block was clearfelled and restocked more recently (2014) than the northern portion, and this is apparent in the earlier stage of establishment of the young trees. Stocking

density seems low across the site and the upper elevations in the north west are largely bare of trees. Felling debris is evident from aerial imagery.

There is very considerable infestation of salmonberry and gorse is also widely present: these make effective site inspection on the ground very difficult.

It appears that a narrower range of broadleaves species was used (or at least, has survived) than in the northern restock, and the woodland is predominantly comprised of downy birch and willow with alder, rowan and ash. Sitka regeneration is also widely evident.

### **5.3.3 Cnoc nan Craobh**

Cnoc nan Craobh is a small rounded hill, gently sloping and roughly square in shape, rising no more than 10m above the surrounding land, which is lowest to the east and south (just below 30m above sea level).

It is bounded to the north and west by minor roads, by improved grassland to the east and by open scrub woodland to the south. There is no obvious surface drainage, the burn noted in section 5.3.2 above crosses under the public road just beyond the south-west corner of the wood and runs through the scrub woodland to the south.

Tree cover comprises open, broadleaved woodland, with mature sycamore, ash and oak, with single spruce and pine trees, and some younger (~20 years old?) specimens, including aspen. The canopy is considerably more open in the southern part of the wood. As noted previously bracken, brambles and small areas of salmonberry are present but much of the wood is easily accessible.

Public access to the wood is through gates at the south-west corner, from where a well-made footpath curls around the south side of the hill to a small, roughly heart-shaped area at the summit where mowing has produced a grassy sward. There is a park bench, in a poor state of repair, and other evidence of informal use, including swings and cargo nets.

There are seven mature roadside trees outside the fence: 3 sycamore and 4 ash. As with those in the north part of Cruachan Wood their inclusion in the acquisition area would need to be confirmed and there are potential public safety liabilities to be addressed.

## **5.4 Additional plot for potential acquisition**

To the south-east of Cruachan Wood there is a small area of open scrub and woodland, the western section is owned by Lochalsh and Skye Housing Association, the eastern part by HIE. These plots are heavily infested with salmonberry and now look broadly similar to the main body of Cruachan Wood, however, they were not previously planted with conifers and then restocked after harvesting: tree and scrub cover has established through natural colonisation.

Acquisition of the HIE plot might facilitate access for housing and also provide an opportunity to develop recreation infrastructure such as car parking and a compost toilet.

## **5.5 Other issues and constraints**

### **5.5.1 “Idrigill”**

A single house has been built within the northern portion of the wood; it belongs to one of the tenants of the smallholdings created by HIE following its purchase of the Orbest estate.

The house and surrounding land (undemarcated on the ground) will be excluded from the community acquisition.

Electricity is provided via a buried cable from a transformer on a pole in the field opposite (in Holding C - Eco Bells) which is on a spur from the line to Orbost House.

Water is from the main in Holding C, this and the telephone line are in the same trench as the electricity cable.

Existing properties in Orbost are served by a public water supply which comes from Dunvegan via the Glendale road.

### **5.5.2 Access rights**

As noted previously, a rough farm track bisects the wood giving access to the rough grazing land to the west. The farm tenant has a right of access on this track, which is in poor condition and appears vulnerable to wash-out.

HIE has confirmed that a similar servitude will shortly be in place for a company called Cornerstone who are installing a telecoms mast on the estate. They plan to use the area of land to the west of the northern part of Cruachan Wood to store material for the mast site and will take access over the track.

The house "Idrigill" in the northern block of Cruachan Wood is served by an access track which runs steeply up through the wood from the public road: the householders have access rights over this track but do not own it.

### **5.5.3 Fencing responsibilities**

The woodlands are bounded by stock fences of varying age and robustness. Fencing responsibilities on shared boundaries with Orbost Farm would need to be confirmed prior to community acquisition.

### **5.5.4 Chalara**

Chalara ash dieback is a highly destructive disease of ash trees (*Fraxinus* species) caused by a fungus named *Hymenoscyphus fraxineus*, which is present in most parts of the United Kingdom. It has been recorded in neighbouring grid squares to the west and south east.<sup>69</sup>

Initial symptoms include blackening and wilting of leaves and shoots in mid- to late summer. Most infected leaves are shed prematurely by the tree, but in some cases the infection progresses from the leaves and into the twigs, branches and eventually the trunk, causing dark lesions, or cankers, to form in the bark. The lesions can eventually girdle the whole trunk, cutting off the tree's supply of fluid and nutrients from the roots, or can dry out and crack open as the tree grows around the damage.

Local spread of up to tens of miles can be caused by the wind blowing spores of the fungus. Spread over longer distances is most likely due to the movement of diseased ash plants or seeds, the importation and inland movement of which is prohibited. Movement of logs or unsawn wood from infected trees might also be a pathway for the disease, although this is considered to be a low risk.

The mature ash trees by the roadside are a significant public safety liability and consideration should be given to (subject to confirmation of infection) requiring HIE to organise their felling prior to acquisition.

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<sup>69</sup> See <https://www.forestresearch.gov.uk/tools-and-resources/fthr/pest-and-disease-resources/ash-dieback-hymenoscyphus-fraxineus/> for more detailed information, distribution records, etc.



### 5.5.5 *Phytophthora ramorum*

*Phytophthora ramorum* is a highly destructive, algae-like organism called a water mould. It causes extensive damage and death to more than 150 plant species, including some forest species, most notably in the UK larch trees (*Larix* spp).<sup>70</sup>

Skye (along with most of Scotland) is in Scottish Forestry's Priority Action Zone. *P. ramorum* was been identified in Orbst Forest in 2017. The Long Term Forest Plan records that "a Statutory Plant Health Notice<sup>71</sup> (SPHN) was issued requiring the felling of larch within part of Cpt I. These trees were felled under felling licence FLA03018 in 2018. This has informed the Phase I felling plan which will see all mature larch felled."

The SPHN did not cover Cruachan Wood and it is unknown whether the (very few) larch trees present are infected. Any larch trees in the area acquired by the community should be monitored for signs of infection: if present this must be reported to Forest Research and the trees felled.

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<sup>70</sup> See <https://www.forestresearch.gov.uk/tools-and-resources/fthr/pest-and-disease-resources/ramorum-disease-phytophthora-ramorum/> for more information.

<sup>71</sup> SPHN number STH17\_1498

## **6 Development and Management Proposals**

The two woods are very distinct in character and accessibility and lend themselves to very different management strategies.

Cnoc nan Craobh is a beautiful spot of special significance to the community, and is already an established local destination for walks and outdoor recreation. There is limited capacity (or community appetite) for development beyond relatively small scale works to enhance the recreation provision.

In contrast there is no existing public use of Cruachan Wood and there is very little potential in the short or medium term to develop this beyond possibly using it as a venue for some outdoor volunteering, e.g. controlling invasive species.

It is therefore recommended that public access and amenity activities be focussed on Cnoc nan Craobh, with woodland croft and housing development taking place at Cruachan Wood. Two options for housing plot sites and three options for subdivision of the remaining land into crofts are outlined in 6.1 and 6.2 below. Woodland management requirements are independent of the housing and croft layouts, and are contained in 6.3.

Options for enhancing recreational facilities, including small scale car parking provision to facilitate access to Cnoc nan Craobh, are contained in 6.4

### **6.1 Cruachan Wood: housing**

As discussed in section 4, DCT's preferred model is to develop woodland crofts (without statutory house plots) and separate house plots with the rural housing burden attached, in order to prevent profiteering and allow the community body to retain the power to approve future tenants.

There is no requirement that the two house sites should be adjacent, however, it is likely that such an arrangement would be beneficial from a planning and servicing perspective.

Two potential sites for house plots have been identified: the south-east corner of the wood and a small central area of relatively flat land between the farm access track and the road to the existing private house.

The main advantages and disadvantages of each are highlighted below; much more detailed work is needed to cost out the options.

#### **6.1.1 House plots option 1 (central)**

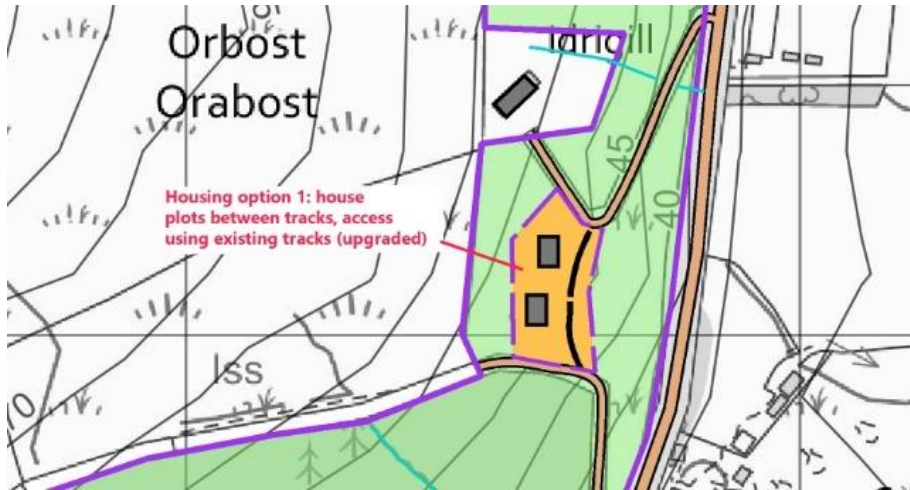
Under this option the two house plots would be provided on a small area of relatively flat land between the farm access track and the road to the existing private house in the wood.

This is a well-drained site, currently with developing woodland, although much is heavily infested with salmonberry.

There would be no need for additional road access, and each house would have direct access to the associated croft.

It may be possible to link services to those already supplying Idrigill.

It is likely to be a relatively constrained site and potentially difficult to access for construction.



**Map 7: Housing Option 1**

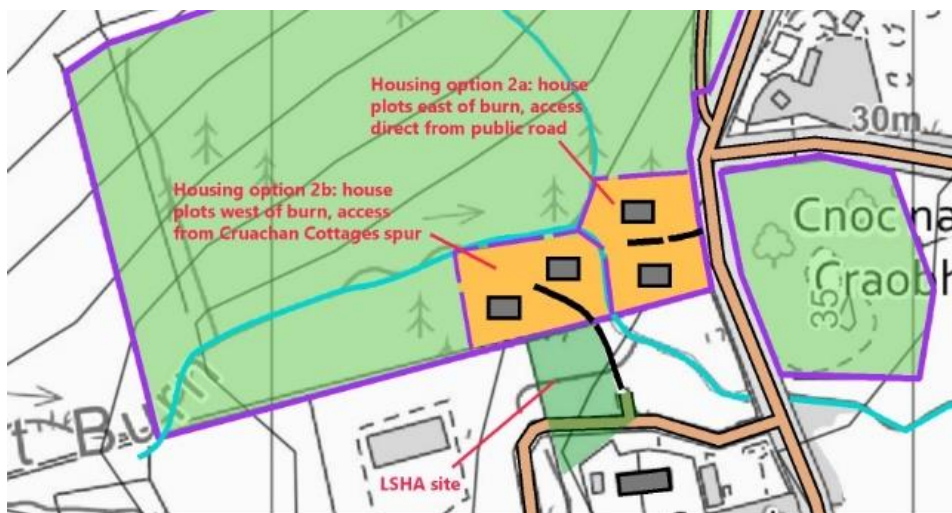
Note that the individual houses are drawn at 96m<sup>2</sup> and the highlighted housing plot area covers 0.2ha (i.e. 0.1ha per plot).

### **6.1.2 House plots option 2 (south east corner)**

Under this option the two house plots would be provided on the flat land in the south east corner of the wood. This could be either to the east of the burn (option 2a) or to the west (option 2b).

This site is potentially wet and comprises some young, developing woodland, which is heavily infested with salmonberry.

A new road access could be formed direct to the minor road (which would suit option 2a), alternately it might be possible to link to the existing spur road by Cruachan Cottages (which might better suit option 2b).



**Map 8: Housing Options 2a & 2b**

Note that the individual houses are drawn at 96m<sup>2</sup> and each highlighted housing option area covers 0.2ha (i.e. 0.1ha per plot).

Servicing is presumably possible using links from the services already supplying Cruachan Cottages and Orbost Farm.

The adjacency to the LSHA potential affordable housing site might enable some potential economies of scale.

It might also be possible to incorporate some additional parking provision as part of the development to support recreational enhancements at Cnoc nan Craobh.

Only one house would be adjacent to the associated croft.

### **6.1.3 Removal of woodland and compensatory planting**

Regardless of which housing site is selected there will be a need for some small-scale clearance of woodland. Although the area in question (0.2ha) is well below the EIA deforestation thresholds these proposals may well fall foul of the control of woodland removal policy and there may be a requirement for compensatory planting which will be difficult to deliver within the proposed acquisition area.

The house plots in housing option I are located in an area recorded in the Ancient Woodland Inventory which may add additional barriers to felling.

Unlike some other woodland croft proposals there is no opportunity here to locate croft housing within additional open space provided as part of the forest restructuring process to meet the requirements of the UK Forestry Standard.

## **6.2 Cruachan Wood: woodland crofts**

The total area of Cruachan Wood is 8.7ha, but if the intention is to use some of this for the creation of housing the area available for division into crofts will be somewhat smaller

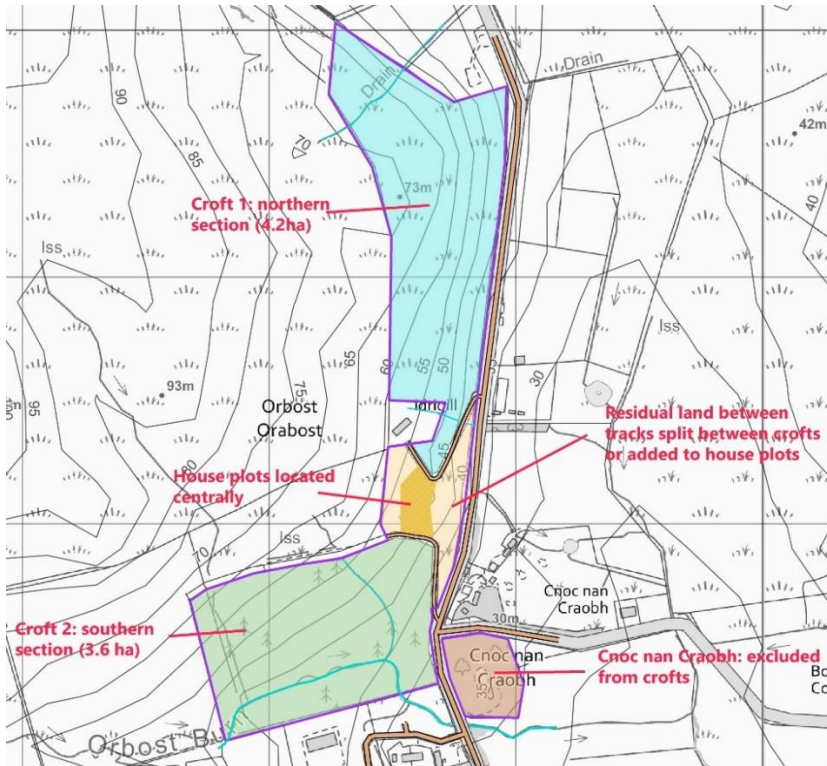
With the Crofting Commission guidance suggesting a minimum area of 3ha per croft, this suggests that there is only room for 2 crofts to be created here. Creating more crofts would mean that some or all would need to be below the minimum 3ha, and whilst this is not a statutory threshold, and it is possible to create smaller crofts, as demonstrated at Tiroran, this may add extra hurdles (and time) to the process. Additionally, while there are a few options for division into two crofts using existing features, it is more difficult to create three remotely balanced crofts the same way.

Three options for subdivision are suggested: these are intimately tied to the choice of location for housing. All have the same basic model of “Croft 1” to the north and “Croft 2” to the south.

Regardless of the option chosen, access for future land management is challenging, particularly for the northern croft, where the upper, western portion is very difficult to access from the lower ground by the road. Both crofts would benefit from rights of access for management purposes through the land tenanted by Orbost Farm, and it is recommended that this is included in any Asset Transfer request.

### **6.2.1 Croft option A**

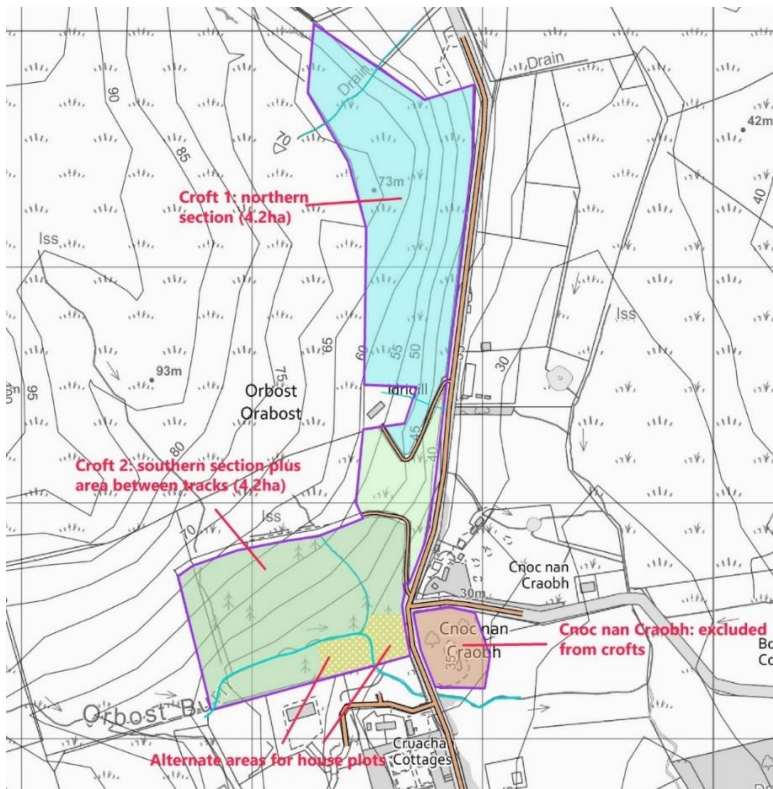
If the separate house plots are located centrally, between the two access tracks, then Croft 1 would comprise the land north of the Idrigill track (4.2ha), and Croft 2 the land south of the farm track (3.6ha), with the land between the tracks either split between the crofts or attached to the house plots.



**Map 9: Croft option A**

### 6.2.2 Croft option B

If the separate houses plots are located in the south-east of Cruachan Wood, then Croft 1 would comprise the land north of the Idrigill track (4.2ha) and Croft 2 the remaining land south of the Idrigill track (4.2ha = 4.4ha minus 0.2ha taken for housing).



**Map 10: Croft option B**



Cruachan Wood generally comprises young and developing stands, with few options by way of silvicultural intervention in the short term.

In due course it will be possible to initiate thinning, to generate small volumes of woodfuel, although it should be noted that this is unlikely to ever produce a sufficient volume to enable crofts to be self-sufficient.

It may be desirable, as part of these thinning operations, to selectively fell conifers, to move the composition of woodland towards a higher proportion of broadleaves but this should not be done at the expense of woodland cover.

### **6.3.2 Management of roadside trees**

As per section 5.5.4 above, the mature ash trees by the roadside are a significant public safety liability and consideration should be given to (subject to confirmation of infection) requiring HIE to organise their felling prior to acquisition.

If this ground is included in the community acquisition and infected trees are not felled prior to croft establishment then subsequent felling will be a high priority. Forest Research considers that movement of logs from infected trees is a low risk for disease transmission, nonetheless it would be preferable for the wood to be used locally if possible.

The remaining sycamore trees would benefit from arboricultural inspection. Again, if this cannot be arranged prior to community acquisition then it should be a high priority post-acquisition.

### **6.3.3 Management of invasive species**

The woodland management plan should incorporate a programme to eradicate salmonberry from the site: this currently covers ~50% of the total area of Cruachan Wood and is a significant obstacle to access, as well as reducing biodiversity and presenting a threat of spread to neighbouring properties.

As per 5.2.3 above, control is a two-stage process involving cutting in winter and chemical treatment the following summer, with follow-up chemical treatment as required.

### **6.3.4 Access for land management**

The topology of the site makes access for management difficult and both crofts would benefit from rights of access for management across the farmland to the east.

Maintenance responsibilities with respect to access tracks will need to be negotiated and agreed both with crofters and with other users (farm tenant, residents and Cornerstone).

## **6.4 Cnoc nan Craobh: recreation and community use**

As noted above, public access to the wood is through two gates at the south-west corner, one from the adjacent woodland to the south, the other, more prominently, is direct from the road, and has a small welcome sign at the gate immediately by the road, which reads “Cnoc nan Craobh Accessible Path. Walkers and Wheelchairs Welcome. No Bikes Please”

From here a well-made footpath on ~75m curls around the south side of the hill to a roughly heart-shaped area of ~250m<sup>2</sup> at the top of the hill where mowing has produced a grassy sward. There is a single park bench, in a poor state of repair on the east side of this glade (opposite the path), and some other evidence of informal use, including swings and cargo nets.

### **6.4.1 Paths**

The existing path appears sound and will need only limited work to maintain the surface. Periodic “cleaning” will be needed to prevent encroachment from other vegetation and ensure that wheelchair and buggy access is maintained.

There is potential to create an additional circular path of ~220m which would circle the hill on the lower slopes. This could be to a similar specification as the existing path, which would maximise accessibility, or a simpler, largely unsurfaced route more akin to a well-established desire line. The latter option would be cheaper but might prove less accessible to some, especially in winter.

### **6.4.2 Entrance and signage**

The main gate into the wood (by the roadside) looks somewhat tired and could do with repair or replacement. The welcome sign has become detached and is propped up by a small rock. A new entrance sign could be installed: this should be fairly low-key, in keeping with the nature of the site and the extent of recreation provision. There is potential for small-scale interpretation, but only if there is something specific the community want to say.

### **6.4.3 Seating and the glade**

The existing park bench is in poor condition and should be replaced. There is potential for additional seating, which could just be plain benches, either around the perimeter of the glade or at good viewpoints alongside a new circular path. Regular mowing will be required to maintain the glade in its present form.

### **6.4.4 Shelter**

Experience from other community woodlands suggests that construction of a simple roofed shelter is one of the most effective means of increasing the recreational and community value of the wood, providing a focus for activity as well as a shelter for visitors, volunteers and forest school participants during poor weather.

There is a wide range of possible designs and specifications: a shelter at Cnoc nan Craobh would likely be towards the smaller / simpler end of the scale, and designed to minimise ongoing maintenance costs.

### **6.4.5 Compost toilet**

If increased accessibility and use of the woodland is to be encouraged, e.g. by school groups and by visitors of all ages, then consideration should be given to installation of a compost toilet. Various designs are available: the NatSol<sup>72</sup> has been installed at a number of other community woodlands, including Beechbrae and Evanton.

If the small additional plot on the other side of the road is included in the acquisition this could be an appropriate location for the toilet, adjacent to a new car parking area.

### **6.4.6 Art**

Several community woodland groups have developed their woodlands as venues for art installations & sculptures, including both ephemeral projects that use the natural resources or more permanent works. Possible options reflecting the local culture and heritage could

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<sup>72</sup> <https://natsol.co.uk/>



include a poetry trail<sup>73</sup> using new or existing poems or ballads of the local area; or an installation inspired by the Gaelic tree alphabet.<sup>74</sup>

#### **6.4.5 Car parking**

The lack of car parking space at Cnoc nan Craobh limits recreational access. Whilst the scale and nature of the wood mean that it would not be appropriate to increase footfall greatly, it is important that it is as accessible as possible to all in the community. In particular, if educational use for forest school is to be encouraged then a safe drop-off and pickup point for school transport is required.

There is no scope to create any car-parking within wood itself, but it might be possible to do so on adjacent land to the west, perhaps in conjunction with the development of access for the house sites (if it is decided that they will be located in this part of Cruachan Wood).

### **6.5 Cnoc nan Craobh: woodland management**

#### **6.5.1 Existing trees**

On the northern and western sides of the wood there are seven roadside trees outwith the boundary fence: three sycamore and four ash. The ash trees should be inspected for Chalara dieback in the summer, and an arboricultural survey of other mature trees would give the community confidence that they were not taking on significant liabilities.

Any trees felled following inspection should be replaced and there is potential to plant a small number of additional trees to increase structural and species diversity, especially in the southern half of the wood where there are much larger gaps in the canopy. Consideration should be given to planting trees in two or three small temporary fenced enclosures to protect saplings from deer.

Given the heterogeneous nature of the existing wood and lack of designation or recognition as native woodland the community has a relatively free hand with respect to species choice, which could include fruit trees (apple, cherry) as well as more obvious “forest” species.

#### **6.5.2 Invasive species**

There is a small patch of salmonberry to the south of the grassy central glade. This should be removed as soon as possible and every effort taken to ensure that salmonberry does not re-establish itself in the wood. Bramble and bracken are also present at Cnoc nan Craobh and should be monitored and if necessary tackled to ensure that they do not reduce amenity and access.

### **6.6 Volunteering**

Cnoc nan Craobh is currently maintained by a local resident. We understand that they may not be able to continue in this for much longer and there will be a need to organized future maintenance work to preserve the amenity of the wood.

DCT could establish a regular volunteer group to undertake practical management task in the woods: primarily at Cnoc nan Craobh where there are a range of suitable tasks including mowing, path maintenance and removal of salmonberry, but also potentially in Cruachan Wood, where significant work is needed to tackle salmonberry and gorse.

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<sup>73</sup> E.g. <https://www.corbenicpoetrypath.com/>

<sup>74</sup> <https://nswg.org.uk/the-gaelic-tree-spiral/>

## 7 Acquisition process and tenure options

Part 5 of the Community Empowerment (Scotland) Act 2015 gives eligible community bodies the right to make asset transfer requests (ATR) in relation to purchase, lease or other rights over land owned or managed by Scottish public authorities, including Highland & Islands Enterprise. The Scottish Government has produced guidance for both community bodies<sup>75</sup> and public bodies,<sup>76</sup> whilst HIE has produced its own guidance for community bodies.<sup>77</sup>

Key elements of the provisions are:

- Only an eligible community transfer body can make an ATR. Eligibility requirements differ according to whether the body wishes to use, occupy, lease or own the asset;
- ATRs can be made in relation to any land or building that is owned or leased by the public body;
- When making an ATR the community body must set out the reason for making the request, the benefits of the proposal, and the price it is prepared to pay (thus giving community bodies the opportunity to request a discount against market value, to reflect the additional community benefits that community ownership will deliver);
- Once the public body has received a competent ATR, it is not allowed to transfer the property to anyone else until the ATR process has been completed.

Public bodies must assess ATRs against a specified list of criteria and must agree to the request unless there are reasonable grounds for refusal. The criteria are:

- The reason for the request;
- Whether agreeing to the request will promote or improve:
  - Economic development,
  - Regeneration,
  - Public health,
  - Social wellbeing,
  - Environmental wellbeing.
- Whether agreeing to the request will reduce socio-economic inequalities;
- Benefits that might arise from alternative proposals regarding the asset;
- Any obligations that may prevent, restrict or otherwise affect the public body's ability to agree to the request.

It is not mandatory for public bodies to require that community body uses the formal processes set out in the asset transfer provisions: transfers of land (or rights to land) can take place by negotiation.

To date HIE has received and approved one ATR, from Unst Partnership Ltd (UP), to purchase a light industrial unit. UP, who were tenants of the unit which they used for office accommodation, sought to buy the unit in order to refurbish it, retain the office space and develop a second-hand shop and recycling enterprise. The request was agreed and the property transfer was completed in November 2018.

HIE has subsequently sold a number of properties to communities by negotiation.

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<sup>75</sup> <https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-community/>

<sup>76</sup> <https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-relevant/>

<sup>77</sup> [HIE asset transfer guidance](#)

## **7.1 Progress to date**

In 2019 Highland & Islands Enterprise proposed the sale of forestry properties comprising Cruachan Wood and Orbost Forest, a 603ha predominantly conifer forest located ~1km south west of Orbost.

DCT registered an interest in a community acquisition of these properties and following a successful Stage 1 application to the Scottish Land Fund commissioned a valuation and feasibility study for Orbost Forest and Cruachan Wood.

After considerable discussion and community consultation, DCT decided to pursue the much smaller acquisition of Cruachan Wood and Cnoc nan Craobh, which was considered both more manageable and potential more immediately impactful to the needs of the community.

## **7.2 Tenure options**

The asset transfer provisions cover purchase, lease and other rights over land owned or managed by Scottish public authorities.

The most appropriate option for community bodies will generally reflect their objectives and aspirations for the land: some projects require purchase, others can be delivered effectively under other tenures.

Community ownership brings more rights and responsibilities and is often essential to secure support from funders and investors, but in some situations it may be preferable for the community not to take on the full liability of ownership.

### **7.2.1 Cruachan Wood**

Establishment of woodland crofts in the crofting counties requires an application from the owner of the land, and development of housing sites almost certainly requires ownership to enable investment, so purchase is the only option to deliver the community's objectives at Cruachan Wood.

### **7.2.2 Cnoc nan Craobh**

The existing recreational provision has been created and maintained without formal rights of ownership or lease, so if DCT was only intending to manage the site as it is now then this would be possible under a lease or a management agreement.

Secure tenure (ownership or lease) is generally a prerequisite of grant aid. If DCT intends to seek funding for larger projects then community purchase would give greater security.

### **7.2.3 Rights of access**

As noted above the two crofts would benefit from rights of access for management purposed across the grazing land to the west of Cruachan Wood which is tenanted by Orbost Farm. DCT could submit an ATR for these rights (NB the individual crofters cannot use the AT provisions) or they could be agreed outwith the formal process.

### **7.2.4 Additional plot**

If the community wish to acquire the small (~0.25ha) area of scrub woodland to the south-east of Cruachan Wood to facilitate access to housing plots and for recreation infrastructure development this would be most effectively facilitated by ownership.

### **7.3 Additional Conditions**

DCT should request that HIE commission an arboricultural survey on the roadside trees and the mature trees at Cnoc nan Craobh, and carry out any necessary remedial work (including felling infected ash trees) prior to finalising the community acquisition.

### **7.4 Valuation and discount**

DCT has commissioned a valuation of the two woods to establish the current market value.

The asset transfer provisions allow DCT the opportunity to request a discount against the market value, to reflect the additional community benefits that community ownership will deliver.