

Minute of WHT AGM Friday 1st June 2012

1) Apologies

Cllr C Macdonald
Cllr P Maclean
Mary Macdonald
Robert Macleod

2) Members Present

3) Approval of 2011 Minutes

Proposed Finlay Macleennan
Seconded Margaret Macleod

4) Chairman's Welcome & Report

This has been a busy second year which has seen West Harris Trust become established in the community and progress with the developments identified prior to purchase, and developed in our first operational year. The Trust has ambitious plans for sustainability and development.

Trust Activities:

As you will hear from our Development Manager, Duncan Macpherson, the Trust has been working on several development opportunities. We have encountered challenges with the projects. This is related to the difficult financial climate that has impacted on our plans to provide affordable housing sites and there have also been challenges with regard to Grid Connection that has delayed the Hydro project, we continue to work through those issues and hope to see progress in the coming year.

The Trust has also identified a site for small business units on a site the Trust is to resume from crofting for community benefit after being offered the area by a crofter.

We have also supported the Parent Council in efforts to retain the School, although we have yet to hear the outcome of the Judicial review, we remain hopeful that it will stay open.

We have had good support from Highlands and Islands Enterprise who have formally recognised West Harris as an "Account Managed Community" this effectively means that development opportunities identified in our development plan approved by HIE can be funded more easily through HIE's assistance Programme. This is a significant achievement that will help us greatly in the years ahead when developing our projects.

Land and Housing

The Trust continues to maintain that good affordable housing is the key to the future of West Harris. We are committed to finding a solution to this problem. In addition to the affordable house sites already available the Trust hopes to develop shared equity housing; there appears to be a strong interest in this model of providing housing, especially for young families, who find it impossible to secure mortgage finance in the current climate.

The Trust continues to manage the day to day running of the estates and we hope that our management of assignments, sales and disposals has been as efficient , if not more efficient than when owned by the Government.

On that note I would like to highlight a couple of changes in legislation that will now impact on the sale of house sites and land: The Crofting Reform Act 2010 has changed significantly the regulation of Crofting. The Government took the view that the Crofter's Commission protected the Crofter's rights over that of the Crofting System itself, the new legislation puts more emphasis on protecting Crofting, and in fact the Commission is now called the "Crofting Commission"

Main Changes

A crofter has the absolute right to buy what is called the "Statutory House Site" this is effectively the croft house, only one site per croft can be classified as the Statutory House Site (as defined by the Crofting Commission). The sale of a statutory house site continues as before without the need for advertisements in the press or consultations with grazings committees or landlord.

Under the previous legislation a crofter could buy a site and immediately sell on to a third party in what was known as a "nominee sale". The 2010 Act has closed the nominee sale loophole and nominee sales can now only be considered to a member of a crofters' family (as defined by the Crofting Commission) . In addition to this the 2010 Act has increased the Clawback period applicable from the 5 years effective previously to 10 years. This means that any onward sale within this period will automatically trigger the clawback and half of the market value of the site will revert to the land owner. It is important to note that this will apply even if the site is sold below market value or gifted to a third party. In order to sell a crofter also has to de-croft; this process is governed by the Crofting Commission and the 2010 Act has changed the criteria, in that the Commission have to agree that the proposed purpose for decrofting is appropriate. The Trust will be consulted in the de-crofting process but the decision is taken by the Crofting Commission. The regulation on apportionments has also changed in that apportionments granted are fixed term for 15 years.

These are significant changes that affect the way house sites are sold, crofts assigned and apportionments granted. The Trust has agreed a policy taking into account the changes

brought about by the Crofting Reform Act of 2010. The policy will be applied to all sales by Anderson Macarthur acting on behalf of the Trust; the policy is available to anyone on the website or from the Trust office by request. I'd also urge you to contact the Trust in the first instance if you are considering purchasing a site or assigning a tenancy. If you are planning an apportionment I'd advise crofters to speak first to their Grazings committee and also the Crofting Commission. The Trust will be guided by the grazings committees on apportionment decisions.

One final change that will affect crofters is the requirement to register all crofts with the Registers of Scotland; the timetable for this change has not yet been published but it is expected within the next year. This registration will cost crofters as all crofts and common grazings will have to be mapped. It may be that the Trust can work with Grazings Committees to carry out a community mapping exercise in order to minimise costs. We will keep you informed of this once we know how this part of the legislation is to be implemented.

Conclusion

The trust has had a productive and I would say successful year and I would like to express thanks on behalf of the Board to Duncan for his work over the year and also to thank Ceit Wool who carried out the community survey on behalf of the Trust. This was a very useful exercise and we have gleaned a lot of useful information about the area that will help greatly in our efforts to secure funding from various organisations. Thank you all for being so co-operative with Ceit for this survey.

Finally I'd like to thank my fellow directors for their input to the Trust's activities over the last year.

5) Commercial Development Managers Report

The directors continued to make the development of a sustainable Trust and a sustainable community their top priority. To that end key projects have been:

Gleann Dubhlinn Hydro

An indicative offer of loan was received from the Co-op bank but moving to a firm offer was delayed by the unanticipated review of the Feed-in tariff scheme by the UK government. The Trust's ability to take this project forward quickly will become clear over the next few months once the government announces the outcome of its review and discussions over grid connection issues are completed.

Housing

Following the first round of applications for sites offers were made to 5 families. While some are progressing plans others have sadly found that they cannot get the funds they require from the banks in the current economic situation and have had to withdraw. However there have been further enquiries and in addition to the sale of plots the Trust is

now working with Tighean Innse Gall to develop plans for rented and shared ownership housing.

Business units

The Trust is developing plans to build business units/office space in 2014. A site survey of a number of locations was carried out and further feasibility work is planned for 2012. Adverts in the local press have brought expressions of interest from a number of potential users and discussions will take place in 2012 to develop firm proposals. The intention would be to incorporate the Trust office into any new space and give it a permanent home.

HIE Account Management

The Trust was successful in applying to Highlands & Islands Enterprise to be “account managed”. This means that HIE can plan in advance to fund significant agreed projects rather than deal with speculative applications on a one-off basis. HIE has agreed to support the Trust in developing the business units outlined above, pontoons and campsite improvements. It is also willing to fund a graduate placement to help develop projects and it is hoped to have a graduate in place in summer 2012.

Land Management

Several sites have been identified as having the potential for future woodland schemes, either led by the Trust or grazings committees. The Trust was pleased that Horgabost & Seilebost common grazings were accepted into SRDP land management schemes. The Trust reached an agreement on fisheries with Borve Lodge estate enabling all Trust members to fish free of charge on WHT and Borve Lodge owned lochs. Rough shooting potential was surveyed and limited shooting took place. The Trust developed links with the John Muir Trust to assist with conservation management, including plans for JMT volunteers to assist in the future.

6) 2012 Membership Fee

Agreed no fee to be collected this year

7) Annual Accounts

The accounts to December 2012 were presented by the Secretary and approved

8) Election of Directors

Two directors had stood down Murdo Mackay and Mairi Macleod, three directors were nominated, Murdo Mackay, Norman Iain Mackay and Donald Iain Maclellan, with no other nominations all three were elected.

9) Election of Auditors

CIB Services were re-elected

10) AOCB

The Trust was presented with a cheque for £1952.56 from the school reunion committee

The meeting ended with musical entertainment from Kate Macleod on keyboard and Rachel Campbell on accordion, followed by songs from Donald Macdonald, Margaret Macleod, David Mackenzie and guest Councillor D J Macrae

There then followed a jubilee tea