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Information
Sheet 2

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Usually you will be starting from one of two points. You may have found an existing woodland or piece of land that is for sale, under threat, or just looks like a good opportunity, or you may be a group of people who like the concept of a community woodland, but haven't a specific site in mind.

If you have found somewhere that you may be able to buy or is under threat, you are likely to have to act quickly. Go straight to Sheets 1 (Getting Established) and 8 (Fundraising)!

Looking for a site

You can either look for an existing area of woodland, or a treeless area on which to design and plant your own woodland (and extend Scotland's woodland cover!)

It is worth pointing out that it is possible to separate the ownership of the trees from the ownership of the land (known as solum). This means that it may be possible to purchase forest land more cheaply by buying only the solum. The tree crop remains the property of the existing owner until it is harvested.

If you do not have sufficient knowledge of the surrounding land and its owners, you should contact land agents who operate in your area to ask them to notify you of any pending opportunities. Woodlands are generally sold through

land agents. Some cover local areas and others operate nationally (see Resources section and yellow pages). Ask to be put on their mailing lists so you can keep up to date with what is on the market. Large conifer plantations feature most commonly, although smaller mixed and broadleaved woodlands appear from time to time. It would also be worth looking at a local map to identify some areas that look as if they might be suitable.

Forest Enterprise undertakes regular reviews of its land holdings. Any woodland areas deemed as "surplus to the delivery of their objectives" are put on the market. There are not as many of these as there used to be, and they include small areas and those which are difficult to manage. Land for sale is advertised as widely as possible, through local newspapers and local councils. Forest Enterprise usually

gives local communities as much chance as possible to be aware of opportunities and organise themselves to make a bid. If there has been no local interest, then the land is

advertised in the Estates Gazette and a sign put up on the site.

Local authorities provide an interesting possibility, since they often own land, including woodlands. Some local authorities may look favourably on an initiative coming from a local



community woodland group. One council spokesperson said that, if a community group submitted a proposal for a piece of woodland, which stood up to the scrutiny of the council and the Forestry Commission, they would be happy for the group to take over and manage the woodland. If handing it over to the community group saved the Council money, they might even be able to contribute towards the management costs.

Area woodland organisations, such as Central Scotland Countryside Trust, Highland Birchwoods, East Ayrshire Woodlands, North Highland Forest Trust and Scottish Native Woods might be able to help you, as they often have good local contacts (see Resources section).

Searching for owners

If you have found somewhere that looks interesting, or suitable for your aims, but don't know anything of the ownership it may be possible to find out about the ownership through your local authority or the Registers of Scotland.

There are two registers of land and title in Scotland. The Register of Sasines provides written descriptions of title deeds for land (and buildings) which have been registered, including sellers, buyers and the prices paid. The Land Register provides

a map-based property description, including title, plan, ownership and conditions. The Land Register is slowly taking over from the Register of Sasines.

Entering into negotiations on a specific site

Approaching the owner directly is worth a try. It is a good idea to do some quiet research before doing this. Is it part of a much larger holding? Does it have any



woodland allow the owner to rationalise the rest of their holding? And, importantly, what kind of a person is the owner?

The more information you have before you approach the owner, the better position you will be in to negotiate the kind of arrangement that you want. You will need to be able to present yourselves as adequately competent, professional and representative of your community. Having the backing of the local community council, or other respected local group might help – it is often an advantage if you are clearly acting on behalf of a wider community.

Commercial forests are often owned by groups of private investors. Signs in the wood or felling contractors will usually identify the company that manages the wood. The company may be unwilling to divulge the name of the owner, in which case enquiries can be made to the Registers of Scotland.

Registering an interest in a piece of land

development value (which may raise the price)? Does it have any wildlife designations? What has it been used for? How well is it managed? Does the woodland generate any income or is it a drain on the owner's resources? Would disposing of an area of

The Land Reform (Scotland) Bill 2001 proposes that if a local community group has registered an interest (with the Scottish Executive) in a piece of land, the owner is obliged to notify the community group if it is to be sold or transferred. This will allow the community

to exercise the right to buy the land at a price determined by an appointed valuer. The community group will have to demonstrate that it is representative of the whole community (by a majority vote or by having a large local membership). In order to do this it may be necessary to develop some kind of consensus, and provide clear documentation (see also Information Sheet 20 for advice on obtaining and demonstrating community support).

Buying land: what you need to know

Land is a complicated commodity – apart from the crop and the solum being possible separate entities, many areas of land also have separate

mineral, shooting, access, fishing and other rights. These are not necessarily sold with the land. If there are separate mineral rights, you obviously need to ensure that your woodland is not threatened with, say, future mineral extraction. There may also be wayleaves involved, for example power lines or pipes. If so, find out what your legal relationship would be with the respective owners of these.

There are also hazards, which may not be mentioned in the sales particulars. In Central Scotland, for instance, there is a lot of former mining land, which has become wooded. It may contain overgrown plump-holes, adits or shafts that could present huge financial and insurance responsibilities. Former rubbish dumps may release toxic run-off or leachate.

Finally, buying land also brings responsibilities in terms of your neighbours, (such as shared fencing responsibilities) watercourses, wildlife, archaeological or geological designations on or adjacent to it. (These can be assets too – see Information Sheets 13 and 18).

Find out as much as you can about all the problems and responsibilities, and attendant costs before rushing in. Use a solicitor or other legal representative to be sure that everything is covered.

But don't be put off by all this - many groups have owned land for many years with no problems! If you are careful and diligent, most potential problems can be overcome.

For raising money to buy land see Information Sheet 8 (Fundraising).



Resources Section

Searching for owners

Registers of Scotland maintain Register of Sasines and the Land Register. They will take enquiries by mail, phone or email. The fee for a search is around £10 - they will let you know in advance if it is going to cost more than this. If you want to view the results online it is the same price.

Registers of Scotland, Customer Service Centre, Erskine House, 68 Queen Street, Edinburgh EH2 4NF. Tel: 0845 607 161/5

Customer Service Centre, 9 George Square, Glasgow G2 1DY. Tel: 0845 607 164
customer.services@ros.gov.uk
website: www.ros.gov.uk

Some **local authorities** and other organisations also have land ownership databases, including:

Argyll and Bute Council, Development & Environment Services, Kilmory, Lochgilphead, Argyll PA31 8RT.
Tel: 01546 604 225
www.argyll-bute.gov.uk

Highland Council, Planning and Development Department, Glenurquhart Road, Inverness IV3 5NX.
Tel: 01463 702 273
www.highland.gov.uk

The Crofters Commission, 4-6 Castle Wynd, Inverness IV2 3EQ. Tel: 01463 663 450

Land Agents

John Clegg & Co.
2 Rutland Square, Edinburgh EH1 2AS. Tel: 0131 229 8800
Fax: 0131 229 4827
edinburgh@johnclegg.co.uk

www.johnclegg.co.uk
Produce a monthly list of woodlands for sale.

B o r d e r s Consultants,
7-9 West Street, B e l f o r d , Northumberland NE70 7QA. Tel: 01668 213 693 Fax: 01668 213 555
Produce a regular list of woodlands for sale.

FPD Savilles, 46 Charlotte Square, Edinburgh EH2 4HQ.
Tel: 0131 247 3710

Bidwells, 5 Atholl Place, Perth PH1 5NE. Tel: 01738 630 666
Fax: 01738 627 264
www.bidwells.co.uk

Also check your yellow pages for local estate agents dealing with agricultural land.

Other organisations

Forest Enterprise, Estates Department, Silvan House, 231 Corstorphine Road, Edinburgh EH12 7AT. Tel: 0131 334 0303
www.forestry.gsi.gov.uk
Also provide a list of Forest Enterprise District offices.

The Community Land Unit (CLU), Taigh Fearna, Auchtertyre, Balmacara, Kyle IV40 8EG. Tel: 01520 722 988

Central Scotland Countryside Trust, Hillouseridge, Shottskirk Road, Shotts, Lanarkshire ML7 4JS.
Tel: 01501 822 015
Fax: 01501 823 919

Highland Birchwoods, Littleburn, Munloch, Ross & Cromarty IV8 8NN.
Tel: 01463 811 606

East Ayrshire Woodlands, Underwood Depot, Auchinleck Road, Cumnock KA18 1RS.
Tel: 01290 426 973
Fax: 01290 429 337
EastAyrshireWoodlands@east-ayrshire.gov.uk

North Highland Forest Trust, Alba House, Main Street, Golspie, Sutherland KW10 6TG.
Tel: 01408 633 986
Fax: 01408 634 342

Scottish Native Woods, 3 Kenmore Street, Aberfeldy, Perthshire PH15 2BL.
Tel: 01887 820 392
Fax: 01887 829 220

E c o - L o t s :
www.ecolots.co.uk

This is a website that provides free online advertising for sales, wants and events covering a wide range of rural products and services. Woodlands for sale are occasionally advertised - but you could also put in an advert saying that you are looking for one.

Magazines:
such as Farmers Weekly, Scottish Farmer, Estates Gazette.

