

BOUNDARY ADJUSTMENTS AND SALE AND LEASE OF SMALL AREAS OF LAND

Background

This document describes Forestry Commission Scotland's (FCS) policy for dealing with direct requests from neighbours or other private interests wishing to acquire part of the National Forest Estate, for:

- boundary adjustments e.g. additional garden ground;
- sale or lease of small areas of land;
- vehicular access rights (excluding access for forestry and renewable purposes);
- servitudes for e.g. cables, pipes etc; and
- water supplies.

FCS Policy

We will act reasonably in dealing with these requests. However, because we get so many approaches and because we have limited resources, we can only progress those transactions that demonstrate a strong case for action in line with Scottish Government guidance. These will include:

1. Where the boundary between FCS and the neighbour is unclear (or where there are Title issues) and it would be of benefit to both parties to have the boundary clearly defined.
2. Where a sale would divest FCS of liabilities, a small area of land that is landlocked or land that is detached from our remaining estate.
3. Quasi compulsory purchase sales or Appropriation Orders to other Government Departments such as road widening schemes etc.
4. Where the transaction would be of significant benefit to FCS or the public interest, and which can be accommodated without significant impact on the National Forest Estate.

Water supplies

We will not agree to new water supplies that in our opinion will constrain us from managing the National Forest Estate. Instead, we will encourage interested parties to connect to the public water main and will assist with this process if the connection pipe can cross FCS land without significant impact.

Property and land sales guidance

Valuation

The basis of valuation shall be the market value of the property (in accordance with the Royal Institution of Chartered Surveyors (RICS) Appraisal and Valuation Standards - the "Red Book"), and shall reflect any "special value" arising from benefits which the additional land or rights provide to the property.

Fees

We shall expect the purchaser to reimburse all fees and costs incurred in transactions arising from a direct request. The fee basis for each transaction shall be made clear to the purchaser from the outset (either as a guide or the maximum figure a purchaser shall be expected to pay).

Land with development potential

We shall retain the right to apply standard securities or other burdens on land with development potential in accordance with Scottish Government procedures. Where the future use of the land requires planning consent, it shall be necessary to demonstrate such use is in accordance with the appropriate planning policy.

Timetable

We will deal with all approaches efficiently, regularly informing the purchaser of progress and of the expected timescale.

National Forest Land Scheme

These provisions do not apply to requests through the National Forest Land Scheme.

Further information

Initial enquiries either for land sale or confirmation of land ownership should be made in writing (or via e-mail) and submitted with the relevant maps and photos to the local Area Land Agent (<http://www.forestry.gov.uk/forestry/INFD-72JE5C>). The Area Land Agent will then confirm whether the land is in FCS ownership and whether or not the request can be taken forward.

If we are able to accommodate your request it is likely the Area Land Agent will instruct a firm of surveyors to agree provisional terms with you or your representatives. Once these have been provisionally agreed they will be passed to us for approval, and if approved, will be passed to our solicitors with instructions to conclude the transaction.

Property and land sales guidance

For all other enquiries in relation to this document please contact the Acquisition and Disposals team at Forestry Commission Scotland, 1 Highlander Way, Inverness. IV2 7GB, tel 0300 067 6000.

Forestry Commission Scotland
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