



## MINOR PROPERTY SALES

### Position

This document describes how Forestry and Land Scotland (FLS) will handle requests from neighbours wishing to acquire a small part of the national forests and land (NFL) such as to correct title or boundary anomalies.

Typically, such areas of land will be small both in extent and relative to the size of the property adjoining the NFL.

There is a presumption against sale unless it is considered to be materially beneficial to the management of the NFL.

If there is known interest from more than one party in acquiring an area that FLS is willing to sell, it is unlikely that we will be able to negotiate a sale directly with one party. In such cases, the land may be more widely marketed to ensure fair and open opportunity for all interested parties.

Enquiries to acquire other permanent rights over the NFL, such as vehicular access and servitudes (e.g. to facilitate water pipes or other utility infrastructure) will be considered on a case by case basis with particular attention to the potential impact on the management of the NFL. Please note that there will be a presumption against granting rights for new private water supplies unless it can clearly be demonstrated that there is no alternative means of providing a potable water supply. In general, FLS will encourage the installation of borehole supplies on third party land or connection to the public water main.

### Policy

FLS manages the NFL in accordance with the guidance contained in the [Scottish Public Finance Manual](#), particularly that relating to [Property acquisition, disposal and management](#).

We will act reasonably in dealing with all requests received but will only progress those cases that clearly present benefits in the management of the NFL or where there is a strong case for action in line with Scottish Government guidance. FLS is most likely to progress cases where:

1. there is a discrepancy between the physical boundary and our registered title and it would be beneficial to regularise the position;
- and
2. it can be accommodated without potential impairment of the operational management of the national forests and land.

If there appears to have been deliberate encroachment onto the NFL by the current or previous owners of adjoining property there will be a presumption that the encroachment will be bought to an end and any physical boundaries reinstated.

## Surplus Property

FLS carries out periodic reviews of its property holdings to identify those which are considered surplus to operational requirements. These assets may then be offered for sale which, in accordance with the SPFM, will be on the open market. Such sales are listed at <https://forestryandland.gov.scot/business-and-services/buy-land-or-buildings/current-sales>.

Please be aware that we are unable to maintain a register of parties potentially interested in acquiring property.

## Title Registration

FLS has recently completed the registration of the NFL with Registers of Scotland . Prior to making any request under this Guidance it is suggested that the legal boundaries of the relevant properties are researched using the [search facility](#) available for the Register.

## Community Asset Transfer Scheme

The principles above do not apply to enquiries received from community bodies eligible, under the Community Empowerment Act 2015, to make requests to take control of publicly owned assets. Such requests are dealt with through the Community Asset Transfer Scheme. <https://forestryandland.gov.scot/what-we-do/communities/community-asset-transfer-scheme>

## Enquiries

Enquiries and requests should be made in writing or via e-mail and submitted with the relevant information, maps and photos to the [local Area Land Agent](#). The Area Land Agent will then confirm whether the land is in FLS ownership and, on due consideration, whether or not the request will be taken forward.

If we decide to progress with your request then the Area Land Agent will set out the basis for this, including costs and an anticipated timescale.

## Timetable

FLS will act reasonably in dealing with all requests as efficiently as possible. However, there may be times when our existing business activities need to be prioritised and requests cannot be progressed as quickly as usual. Upon receiving a request we will keep you informed of progress and updates to the expected timescales.

## Fees

If a sale is progressed, it will be the responsibility of the purchaser to pay all professional and legal fees and costs incurred by FLS. The fee basis for each transaction shall be made clear at the outset (either as a guide or the maximum figure that can be expected) and will be payable whether or not the purchase progresses to completion. FLS will seek to obtain a fee undertaking prior to progressing negotiations.

## Valuation

Once we have received a fee undertaking we will instruct a firm of surveyors to act on our behalf and negotiate terms.

The basis of valuation shall be the market value of the property (in accordance with the Royal Institution of Chartered Surveyors (RICS) Valuation Global Standards - the "Red Book"<sup>1</sup>) and shall reflect any "special value" or "marriage value" arising from benefits which the additional land or rights might provide to any adjoining property.

The Glossary at Part 2 to the "Red Book" provides the following definitions which may be relevant to the circumstances:-

'Special purchaser'	A particular buyer for whom a particular asset has a special value because of advantages arising from its ownership that would not be available to other buyers in a market.
'Special value'	An amount that reflects particular attributes of an asset that are only of value to a special purchaser.
'Marriage value'	An additional element of value created by the combination of two or more assets or interests where the combined value is more than the sum of the separate values.

In accordance with Scottish Government policy we retain the right to apply [standard securities](#), which provide the security holder with certain rights or other [burdens](#) on land with development potential. These will be recorded by means of a standard security, secured on the title of the property as recorded at Registers of Scotland.

Where the future use of the land requires planning consent then it shall be necessary to demonstrate such use is in accordance with the appropriate planning policy before the proposal progresses. If there is any doubt in this regard then appropriate enquiries should be made with the relevant local planning authority.

<sup>1</sup>[RICS Valuation – Global Standards 2017](#) and [RICS Valuation – Global Standards 2017: UK national supplement](#)

## Agreement of terms

The terms proposed by our agents will be passed to us for approval or otherwise. Dependent on individual circumstances these terms may include such as restrictions on future uses, a clawback on development and a right of pre-emption should the land be sold in future. If approved the matter will progress with instructions to our solicitors to conclude the transaction.

## Further information

For general, non-site specific, enquiries in relation to this document please contact Acquisitions and Disposals at Forestry and Land Scotland, Great Glen House, Leachkin Road, Inverness, IV3 8NW, [enquiries@forestryandland.gov.scot](mailto:enquiries@forestryandland.gov.scot).

**Forestry and Land Scotland**  
**Estate Development, Acquisitions and Disposals**  
**March 2022**