Community led projects and activities.

An Overview

Introduction

Scotland's National Forest & Lands consists of forests, woods, open land and other property. It is managed on behalf of the Scottish Ministers by the Agency Forestry and Land Scotland, in line with the Scottish Government’s Forestry Strategy. Forestry and Land Scotland recognises the value to local communities and communities of interest in planning and carrying out projects and activities, both through what can be achieved and because involvement can strengthen communities. Our staff have experience working with communities and we actively engage with local communities and be open to work in partnership if resources allow.

Who should read this?

This guide is intended as an overview for communities. It provides an overview of our decision making processes, the schemes and guidance that support them, and where we can help you achieve your goal. It also provides advice on what you’ll need in place to carry out your activities, and the need to make sure your plans complement our goals, are funded, and consider other forest users interests. This guide will be of most use to community groups who have not worked with us before.

About this Guide

**Part 1: Our Commitment** sets out our commitment to working with communities.

**Part 2: Getting Involved** sets out how we can work with you and how your community can use Scotland’s forests and lands for community activities and projects

**Part 3: Carrying Out a Project** sets out some of the key considerations for carrying out activities which involve a longer term project or have an impact on Scotland’s forests and lands.

Part 1: Our Commitment

1.1 What’s our commitment?

Our commitment to communities is set out in our [Corporate Plan 2019 - 2022](https://forestryandland.gov.scot/images/corporate/corporate-plan/FLS-Corporate-Plan-2019-2022-v2.pdf)

* Continuing to engage communities in decisions relating to the management of the national forests and land

and

* Continuing to support community empowerment by enabling communities to make use of the national forests and land to benefit their communities

We’ll do this by:

* Consulting you on our plans for the land we manage e.g. [land management plans](http://scotland.forestry.gov.uk/managing/plans-and-strategies) ; *and*
* Helping you carry out activities on land we manage, to benefit your community and others, when we can.

1.2 What do we mean by community?

Communities can be groups of people in the same local area, or groups of people with a common interest, who are not necessarily local. The main criterion is that your organisation is a [community controlled body](http://www.gov.scot/Publications/2017/01/2888/5) The Community Empowerment (Scotland) Act 2015 provides as definition of a community controlled body – it does not have to be incorporated, but should have a written constitution, which must include a statement of the body’s aims and purposes, including the promotion of a benefit for that community.

1.3 How can you get in touch?

If you have identified a suitable piece of land contacting your local [office](http://scotland.forestry.gov.uk/managing/who-manages/forest-districts) is the best place to start. Staff can give you more information about the area you are interested in and whether its suitable for your activity.

If you have a general enquiry about community activities on the National Forest Estate and have not yet identified a suitable piece of land, you can contact our National Communities Team by emailing fls.communities@forestryandland.gov.scot

1.4 Measuring our performance

From time to time we will seek feedback on our performance. We will commit to publishing the feedback together with a response on how we will respond to lessons learned on how we can improve our practice.

1.5 Our Staff

To support our staff to work with you we will:

* Continue to train and support our own staff to improve how we work with others; *and*
* Work with other organisations to provide relevant advice and support.

While all our staff have a role in working with local communities, some key specialist staff will be able to help you plan and develop your proposals:

**Community engagement staff** - Most of our local  [Offices](http://scotland.forestry.gov.uk/managing/who-manages/forest-districts) have a lead contact who works with communities. This member of our team is likely to be the primary contact for your project.

**Estates development team** – Specialist advisors on legal and commercial aspects, if applicable, such as the appropriate agreements for management of land, forest, buildings or [renewables project](http://scotland.forestry.gov.uk/managing/work-on-scotlands-national-forest-estate/renewable-energy/community-benefits)s. Key members of this team are our **Area Land Agents**.

**National Communities Team** – Support local staff by managing the Community Asset Transfer Scheme and ensuring we are up to date on new developments and our work remains consistent with the aims of Scottish Government.

Part 2: Getting Involved

2.1 How can we work with you?

The ways we can work with you depend on how you want to use the Estate, and some activities may not need any formal agreement. If your activity is a project with longer timescales or impacts on the Estate, you may need some form of agreement, as set out below. We’ll always try to accommodate your activity. Sometimes there may be a good reason why we can’t give permission. When this happens we’ll always give a full explanation and discuss this with you.

Activities on the Estate generally fall into one or three broad categories:

Activities covered by the [Scottish Outdoor Access Code](http://www.outdooraccess-scotland.com/) (SOAC): you have the right of responsible access on the land we manage, so many activities don’t need our formal permission (see Section 2.3).

For other activities and projects you may need to arrange a [permission](http://scotland.forestry.gov.uk/managing/get-involved/permissions-and-permits) or an agreement with us. Often this can be arranged directly with the local Forest District office.

If your community’s project is best delivered through a lease or ownership, we would manage this with you through our [Community Asset Transfer Scheme](http://www.forestry.gov.uk/) (see Section 2.5).

2.3 The Scottish Outdoor Access Code (SOAC)

[The Scottish Outdoor Access Code](http://www.outdooraccess-scotland.com/) (SOAC) sets out in detail your rights of responsible access and good practice for a wide range of activities.

SOAC has some specific guidance for forests and woodlands, e.g. being aware when forest operations are being carried out and how to avoid having an impact on the environment. You should check any signs that have been put up in the forest to make you aware of actions or precautions you should take.

If you are planning a community activity, you should also contact your local office beforehand to check whether there are any activities that might affect your plans. The Estate hosts people with many interests - planning ahead is crucial to avoid problems between groups wanting to use the same area of forest.

SOAC also sets out what is not covered by the right of responsible access:

*“Access rights do not extend to:*

* *Being on or crossing land for the purpose of doing anything which is an offence, such as theft, breach of the peace, nuisance, poaching, allowing a dog to worry livestock, dropping litter, polluting water or disturbing certain wild birds, animals and plants;*
* *Hunting, shooting or fishing;*
* *Any form of motorised recreation or passage (except by people with a disability using a vehicle or vessel adapted for their use);*
* *Anyone responsible for a dog which is not under proper control; or*
* *Anyone taking away anything from the land for a commercial purpose.”*

The Scottish Natural Heritage publication [“Outdoor events in Scotland: guidance for organisers and land managers”](http://www.snh.org.uk/pdfs/SOAC/Outdoor%20Events%20in%20Scotland.pdf) gives more advice on when you’re likely to need permission to enter land. If you answer **yes,** to any of the following, you should contact us to discuss your plans. Will your project or activity:

* *Likely to need new or temporary facilities and services;*
* *Likely to unreasonably hinder land management operations;*
* *Likely to unreasonably interfere with other people’s enjoyment; or*
* *Likely to unreasonably affect the environment.*

2.2 Permissions and agreement

Decisions on projects which are shorter term one-off activities with little long term legacies will probably be handled by our local office. Please get in touch as early as possible to allow time to discuss and understand both your project and any impact it may have on us managing the Estate.

We will confirm whether your activity can go ahead as soon as possible. The time we take to decide varies by project type and scale. We’ll tell you how long decisions are likely to take. The key criteria we use to consider projects are:

* Is the activity in the public interest (e.g. compatible with managing the wider estate and will not have a negative impact on other users); see Annex 1, Public Interest.
* Can it be carried out safely and competently (e.g. compliance with legal responsibilities such as health and safety, environmental protection legislation and are suitable management arrangements in place)?
* For certain sporting activities we have reached [master](http://scotland.forestry.gov.uk/managing/get-involved/permissions-and-permits) agreements with governing bodies on timescales both to reach a decision and the time to complete an agreement.

The types of arrangements we recommend depend on the activity, the duration of the project and if you want exclusive rights over a specific area of forest. We also have [permissions and master agreements](http://scotland.forestry.gov.uk/managing/get-involved/permissions-and-permits) with some national organisations, largely covering sports and events. We will discuss this with you to agree the best option on a case by case basis.

We’ll explain how we’ll manage any agreement and how we’ll keep in touch during the project. We need you to inform us in advance of any changes you need to make to your plans. Changes may mean we have to review and amend existing arrangements, for example, if you want to alter your project duration, or change the type of activity. Each agreement will describe how to resolve issues and/or how to end the agreement if either party fails to meet the terms, or the project comes to an end.

2.3 Community Asset Transfer Scheme

If your project requires exclusive use and/or long term or permanent transfer of part of the Estate, you will usually need to lease or buy the land to carry out your project. Eligible community bodies can now make a statutory request to buy, lease or for rights to use land under the Community Empowerment (Scotland) Act 2015. Our [Community Asset Transfer Scheme](http://scotland.forestry.gov.uk/managing/get-involved/community-asset-transfer-scheme) (CATS) sets out how we will process, evaluate and make a decision on asset transfer requests, in compliance with the Act.

The CATS guidance is online [here](http://www.forestry.gov.uk/CATS), along with links to other useful sources of information, advice and support. You can contact the local Forest District office or email fls.communities@forestryandland.gov.scot to get more information and advice on developing a request. Once you have developed and submitted an Asset Transfer Request to CATS, we must inform you our decision within 6 months.

Part 3: Carrying out a project.

If you are carrying out a longer term project or a project which will have an impact on the forests and land we manage, for example temporary infrastructure or needs exclusive use of an area, there are common elements whatever the scale of the project you want to carry out. The sort of information you will need is set out in Section 3.1.

If you need access to help plan your project, for example a feasibility study which may include vehicle access, or use of machinery, a permit will be required, which can be arranged with your local Forest District.

We also have a number of key considerations which we need to take into account to ensure activities are carried out safely and are in the public interest. These are set out in Section 3.2.

**1. Community organisation and structure, capacity and support**

**3. Planning, community & wider stakeholder support**

**2. Information about the land building or asset you are interested in**

**4. Funding for capital if required, and for ongoing maintenance and running costs**

Your [local forest office](http://scotland.forestry.gov.uk/managing/who-manages/forest-districts) will be happy to provide you information that Forestry and Land Scotland holds about the area you are interested in for your project or activity. Another useful start point is our [Register](http://forestry.maps.arcgis.com/apps/webappviewer/index.html?id=37418beb0d7a41d8a0b7d7966fc1b717) of Land which provides information on the National Forest Estate.

You will need to demonstrate a level of community support and involvement of other stakeholders, where appropriate. The [Scottish Standards for Community Engagement](http://www.scdc.org.uk/what/national-standards/) provide some helpful advice and case studies. If your project involves planning permission or change of use you will also need to provide evidence of discussions with the relevant planning authorities.

If you are sourcing funding for your project it is likely the funder will require information on initial set up and ongoing running costs. The detail required will depend on the nature of the project but will usefully be set out in a business plan. The [DTAS](http://www.dtascommunityownership.org.uk/resources/finances/business-plan-template) Community Ownership Support Service is a useful source of advice and information.

How should you be organised as a community group and what are the current skills and capacity you have available to manage your project? You should have a written constitution and if you are planning to lease or buy land or buildings you will need to be incorporated. The [Scottish Council for Voluntary Organisations](http://www.scvo.org.uk/) (SCVO) has some useful advice on setting up a community body.

3.2 Key Considerations

* Health and Safety

Forestry and Land Scotland has a legal and moral duty to make sure that those using and working on the land it manages and those using the woods, do so in a safe environment.

This means you’ll need to make proper arrangements to manage and deliver your activity’s health and safety issues. A useful publication that explains these responsibilities is “[Managing visitor safety in the countryside](http://vscg.co.uk/publications/managing-visitor-safety-in-the-countryside)”. As a responsible land manager we’ll need to know you can carry out your activity competently. For example, that could mean checking you have the right training, or if your event requires exclusive use to allow you to manage spectators safely, you will need to apply for closure of the area from the Local Authority (also known as a [Section 11](http://www.gov.scot/Publications/2005/02/20645/51836)).

* Associated costs

As a public body we have to balance the cost of supporting your project with what we offer to Scotland’s wider public, so we may need to recover some costs through one-off or staged fees. If you’re planning a one-off short term event or project, and it can take place as part of your responsible access to the countryside (as set out in the Scottish Outdoor Access Code), it is unlikely that we’d need to recover any costs. However, if your project or event requires commitment of staff time, guaranteed access and exclusive use of a site at a specific time, then some charge is likely.

If your project is more complex and involves the transfer of some or all land management responsibilities, there are costs you need to plan for. These could include feasibility study, Land Agency fees, map preparation, and 50% of valuation costs if ownership or lease of the forest is being considered, but will be advised case by case.

* Public interest

Supporting projects in the public interest is one of our key considerations. Community activity can be in the public interest in a number of ways such as complementing existing plans or activities, delivering a wide range of public benefits and/or representing a social group (e.g. e.g. defined in the Equalities Act 2010) whose use of the Estate NFE is limited.

In all cases, we expect community groups who want to carry out activities on the Estate to be open to everyone and speak for their community. We will consider whether a project is in the public interest on a case-by-case basis. The information below gives some examples of evidence you may be asked to provide to make sure your project is in the public interest:

* Your proposal provides added benefit to the public (e.g. supports Scottish Government and FES policies);
* Dependent on the activity and duration we may need to check the benefits aren’t just for those in your organisation but are shared with the wider community;
* Your organisation won’t benefit to the disadvantage of the wider community/ public, the wider environment, or economy;
* Your proposal avoids a disproportionate level of harm to private interests; *and*
* You have provided evidence of consultation with the local community and their support for your project.
* The public interest includes any sector of the public which we think would be affected by your project. This is to protect the interests of distinct communities and other groups.