

Scottish Land Commission Student Award 2020

Municipal Forests vs Community Woodlands – Three case studies in Le Mans (France) and Inverness (Scotland)

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Introduction

The COVID-19 crisis has shown that we need green spaces more than ever. In France, they were shut down over the first lockdown whilst in the UK, it was forbidden to sit on a bench in a park.

Wellbeing is a new factor when considering urban green spaces as it is commonly acknowledged that connecting with nature and the outdoors helps recovery from mental health issues (Bertram and Rehdanz 2015). With the global pandemic likely to have a disastrous effect on our mental lives (Pierce et al. 2020), the case for urban woodland has never been more important.

It is also widely recognised that green spaces in urban areas help to lower the temperature during heatwaves. This is going to be crucial as every year we now see record breaking temperatures across the globe (Aram et al. 2019, Monteiro et al. 2019).

But do people in cities in town fully appreciate their green spaces? On the continent, communes can own them whilst in Scotland, there is the right to roam. But can local communities fully benefit from them?

This report was written as a result of a project undertaken thanks to the funding of the Scottish Land Commission Student Award during the year 2020. It aims to explore the participation and use by the public of urban forests comparing two systems, communal forest ownership in France and community woodland in Scotland, drawing on interviews with key people involved in forest management and/or ownership in France and Scotland.

1. L'Arche de La Nature (Le Mans, France): A forest for the many

1.1 What is a municipal forest?

France has three levels of local democracy: regions, departments, and communes. They all fall under the category of 'territorial collectivities' (*collectivités territoriales*). It has 18 regions, 94 departments and 36,782 communes. Each of them has different competencies and a local council elected every six years. Communes are the smallest level of democracy and each is presided over by a mayor. They can be grouped to associate with each other on specific competencies, the grouping being called *intercommunalité*.

A municipal forest (*forêt communale*) is a forest owned by a commune or territorial collectivity. There are around 11,000 municipalities that own a forest in France which represents in metropolitan France 2.9 million hectares (around 5% of the total of its surface). They are managed by foresters from the French forestry service, *l'Office National des Forêts* (ONF) hired by the communes and must abide by the Forest regime rules, ensuring a sustainable management of the forest. The French state gives a compensatory payment to partially pay for the management of those woodlands.

1.2 History of L'Arche de la Nature

This forest was first bought in 1974 by the *Communauté Urbaine* (CU) of Le Mans Metropole with the intention of enhancing local greenspaces for the community. It was then extended in 1997 to improve visitors' experience, as well as to prevent the construction of a golf course on a floodplain. They are now looking at buying the last remaining parts of adjacent derelict and available land. It is located in the South of Le Mans and sits within three different communes: Changé, Yvre-l'Évêque and Le Mans.

L'Arche de la Nature is now a 450ha site with 300ha of forests. It is owned and managed by the CU of Le Mans, which encompasses 19 communes. Its competencies are planning, water, roads and cycle paths, waste and council houses.

The councillors of a CU (*conseillers communautaires*) are elected through the municipal elections of each commune. In Le Mans Metropole, there are 58 councillors for 210,000 inhabitants with an annual budget of €476m (in 2020) covering an area of 207 km². The funding comes primarily from local taxation and a grant from the national government.

L'Arche de la Nature is also part of the European Network Europarc, which also includes the Loch Lomond & Trossachs forest park and the Cairngorms National Park.



Figure 1: Visitor's map of L'Arche de la Nature ©Arche de la Nature

1.3 A success story

Over the years, the area has become indispensable to the local population, as it welcomes 500,000 visitors per year, including 18,000 children from all the schools of the CU and beyond the region. This success is down to the almost unlimited amount of activities developed over the years to welcome the public.

The site has three major pillars: *la Maison de la forêt* (the house of forest), *la Maison de la prairie* (the house of the meadow) and *la Maison de l'eau* (the house of water). They all welcome the public all year and offer multiple facilities such as a museum of forest, two cafés run by a social enterprise with local organic produce, an educational farm where people can see animals and learn about them as well an educational garden, an arboretum, and a trail of remarkable trees.

The activities you can do – from barbecues, playing disc golf, walking, jogging, mountain biking, archery, orienteering, kayaking – are almost endless. It is also possible to rent extra all terrain wheels for wheelchair users to facilitate the use the forest tracks.

Every year, major outdoor events are organised and are now some of the key calendar highlights of the city, along with the famous 24-hour car race, such as the Woodland Festival, Apple Festival, and Easter Hunt. They all take place on Sundays and can draw up to 12,000 people over an afternoon. There is also a plethora of partnerships with local charities and media to organise 10k runs, concerts, and much more.

Despite the abundance of activities listed above, the atmosphere remains simple and convivial. The main objective is not to make it a commercial place but accessible to everyone. The cost of such a success represents less than 3% of the total budget (€476m) of the CU. Every new expense is validated by the Council of Le Mans Metropole.

The advantage of having bought that land through Le Mans Metropole is that it benefits from an important communication network. Regularly, news and events are advertised through the post via brochures as well as street hoardings and on the tram.

The transport network, as it is managed by the CU, is varied and is interconnected to encourage a better use of the area with a tram stop, multiple buses and secured cycle paths leading to it.

The wood is frequently used and whenever a wildfire started, the fire brigade was always alerted quite quickly by members of the public.

The site is managed by a team of 38 members, including six people to maintain the woodland on a daily basis, while the management plan of the forest is designed by an agent of the ONF who is hired externally. One 'Conseiller Communautaire' is dedicated to it. Two people are employed full time to maintain the property of the place.

It has now become the place to go for a Sunday walk or run for everyone. Although the people do not own it, they indirectly own it through the *Communauté Urbaine* and it is maintained via their tax.



Figure 2 : Remarkable tree – Veteran Sessile Oak in L'Arche de la Nature, Le Mans



Figure 3 : Carriage pulled by Percheron horses for a tour around the forest

2. Community Woodlands (Inverness, Scotland): Reclaiming the land

2.1 What is a community woodland?

Community ownership is a rather unique concept in Europe. A community woodland group gathers citizens who are willing to take on the management and, in some cases ownership, of a forest.

In Scotland, community ownership represents 2.9% of the total land area and there are 200 community woodland groups in Scotland, involved in or responsible for the management of a forest.

It was enacted in 2003 with the first Land Reform Act (2003), empowering communities through the Community Right to Buy, which was enforced in 2004. This allows communities to register an interest in buying a property or a land and be recorded on the Registers of Scotland.

Being on the Register allows them then to buy when an owner decides to sell. The other major improvement of this piece of legislation was the Right to Roam and the creation of the Scottish Outdoor Access Code allowing everyone to roam freely on Scottish land. These mechanisms helped the development of more than a hundred community woodlands, but their complexity was criticised by some.

A few years later, it led to the creation of, the Community Empowerment Act (2015). The latter enables the State to be more proactive in the redistribution of the land through sales and facilitates the process for communities to acquire public land. They can indeed now request the transfer of assets from a local authority, Scottish Ministers, and public bodies. It also allows communities to request the purchase of a derelict land, even if the owner is not willing to sell, if the project is in the public interest and furthers sustainable development.

One of the potential reasons explaining why such a concept emerged in the last 25 years, is that the level of local democracy is significantly different than on the continent, with a much smaller representation per citizen with a ratio per electorate of 1:4270 in Scotland against 1:125 in France (Bort, Mcalpine, and Morgan 2012). The land ownership pattern is also highly concentrated, and most of the forests are owned by big estates or investors bringing the average size of private forest to 232 ha in Scotland against 3.7ha in France or 2.5ha in Belgium (Wightman 2012).

In Scotland, there is only one level of local democracy. There are 32 Councils electing 1227 councillors, chosen every five years. Community Councils are the smallest level of representation however, although they must be consulted by law for planning, they have no effective power. Besides, it is entirely voluntary and does not often represents the diversity of the population.

In Scotland, it is the Community Woodland Association, established in 2003 that represents Scotland's community woodlands groups. A series of schemes were put in place from 2004 onwards to facilitate the lease or the buyout of woodlands by local communities, such as the National Forest Land Scheme in 2004 or the Community Asset Transfer Scheme (CAT).

Highlands and Island Enterprise, a public body set up to sustain the local economic growth and support communities, set up the Community Land Unit (CLU) in 1999 through which they could provide substantial financial help for community buyers.

2.2 Culduthel Woods: When common sense meets loopholes



profits going into the Scottish Consolidated Fund (the Scottish Governments main account).

Figure 4 Culduthel wood, Inverness - urban woodland

As highlighted in the Scottish Land Commission report on International Experience of Community, Communal, and Municipal Ownership, there is no normal community ownership, each country has their own specificity (Mc Morran et al. 2020).

Culduthel Community Group has a singular story as it is in the middle of a legal process to acquire the woodland since it is currently ownerless. The woods were owned by a house building company who built houses in the 1990s. They kept the woodland registered in a separate company that they had set up on purpose.

After realising they would not get any extra planning permission, they dissolved the company. At this moment, the land fell to the Crown. However, the Queens and Lord Treasurer's Remembrancer (QLTR) which represents the Crown in Scotland, gets a first right refusal to the property and can sell valuable property on the open market with the profits going into the Scottish Consolidated Fund (the Scottish Governments main account). In the case of Culduthel woods, the QLTR disclaimed the Crown interest in 2014 considering that the woodland had no market value, leaving the property ownerless.

Since a Community Council cannot own the land, and as the Highland Council was not in a position to take on the woodland, a community group was set up to seek options for ownership. They now have 30 members including six Trustees.

These facts were not obvious at the beginning. The steering group had to use a £5000 public grant to fund a solicitor to understand the legal ownership situation of the woodland. The group at the time were not able to apply for funding as they had to have an official lawyer, making the situation extremely problematic.

The local Council accepted to do undertake some tree work to avoid the any potential accident.

This singular case study sets a precedent and could lead this issue to a policy level. Indeed, although this issue is addressed in the Good Stewardship of Land protocol by the Scottish

Land Commission (Scottish Land Commissioners 2020), there is still proper mechanism to think about in order to help the community groups stuck in the same situation.

They are hoping to soon acquire a set of provisional deeds.

Although they are hoping of acquiring a provisional set of deeds allowing them to apply for support grants, it has been a complex labyrinth of time consuming and legal and administrative burden.

They received £5,000 from the Community Council initiative of which they spent £1,500 on tree survey to help pursue Highland Council to do some tree safety work. They felled around 30 trees which needed urgent work done. Overall, the work was worth £18,000 to £20,000, highlighting that it could not have been done if the Council had not agreed to pay for it.

Going forward, as the cost of urban tree work is quite substantial. They had to add an extra £870 to tackle one tree which was missed by the survey. The community group now fully relies on volunteers and grant funding and they are waiting for the lockdown to be lifted to resume activities in the woods.

2.3 Aultnaskiach Dell: When the community safeguards their greenspace

Aultnaskiach Dell started off for an entirely different reason. The former owners wanted to safeguard the future of the woods and save it from potential development. They asked if locals were interested in organising a community buyout and a steering group was formed to evaluate the feasibility.

The group was cautious about their capacity and started to manage the woods under a lease agreement for a few years to experience the sustainability of it prior to acquire it. Indeed, with a sewage network underground, the presence of Dutch Elm disease and the steep slopes on each side of the burn, there were a few elements to take in account before getting more involved.



Figure 5: Public information in Aultnaskiach Dell Community Woodland, Inverness © Heloise Le Moal

After experiencing successful grant funding application and undertaking a few projects and fundraising, they acquired the woodland in 2018. Their main income is coming from the membership, the sale of wood fuel and a multitude of grants coming from the National

Lottery, the Forestry Commission Community Grant Fund, the Climate Change Fund, the Scotmid Community Grant scheme, to highlight a few.

The woodland has now been in community ownership for two years, and after numerous grant applications to fund initial maintenance work, they currently have 60 members, including eight trustees.

For the membership, those getting involved, it's a good experience. Some people have learnt new skills such as using a chainsaw or path maintenance. They recently added a new objective to their constitution, next to sustainable development and active citizenship which is an educational one. They have indeed started to work with local schools on various projects. They also forged partnerships with photographers and artists based in the WASP Inverness Art studio.

The group is quite well organised and share the tasks evenly however they are aware that they need to keep trying to get people involved to ensure the perennity of the woodland as it is more than a life-time project. Although they have a variety of trustees and members with a good gender balance, they are actively seeking new membership by organising events and leaflets distribution and they just launched a new website.

Conclusion

Community woodlands are a great example of active citizenship and empowerment which makes citizens actors and not only users of the land. This level of active participation is maybe what might be missing in a setup such as l'Arche's, albeit people can still get involved through the charities and partners organising events in the woods.

Both cases are success stories. In France, every single person interviewed was highly enthusiastic on the benefits to the area and grateful to the local authorities to have put that in place. With so many visitors coming every year, it is very unlikely that l'Arche will ever get sold. However, the threat of Climate Change is real and although the foresters of the estate are not worrying too much, it is yet real and will need to be monitored.

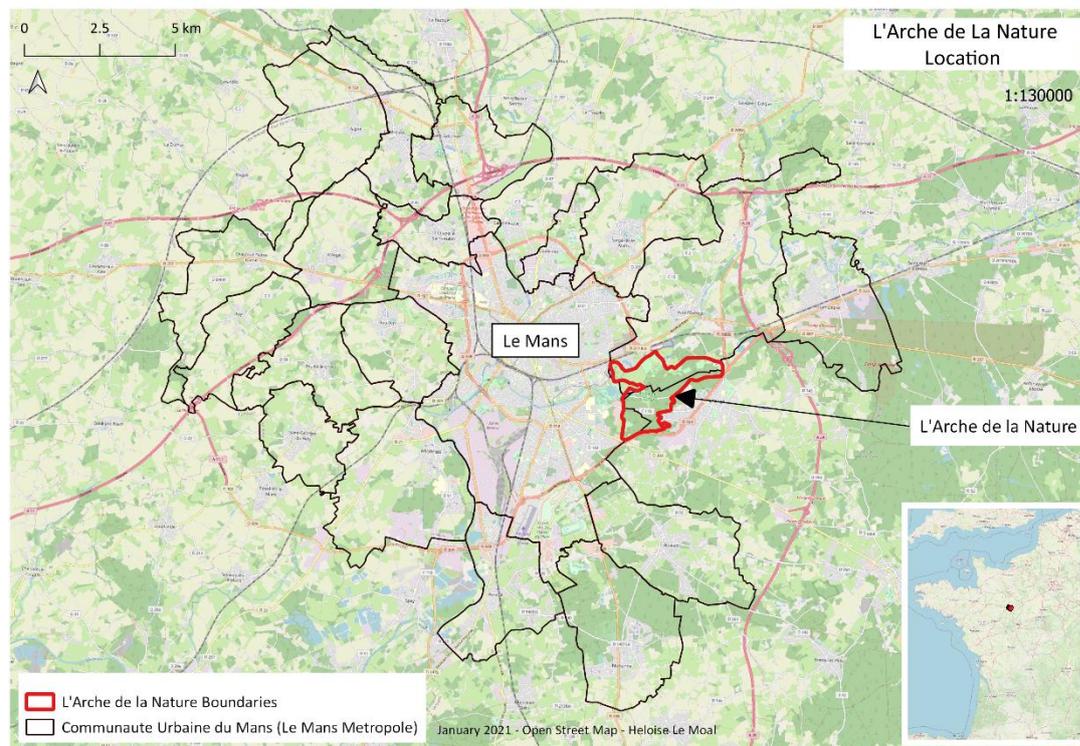
In Scotland, both groups have managed to get settled, however this unique ownership model, as empowering as it can be, relies exclusively on donations and grants and voluntary participation. What happens if they have to dissolve themselves? How is the future guaranteed? These are questions which will need looking at in the future development of the land reform.

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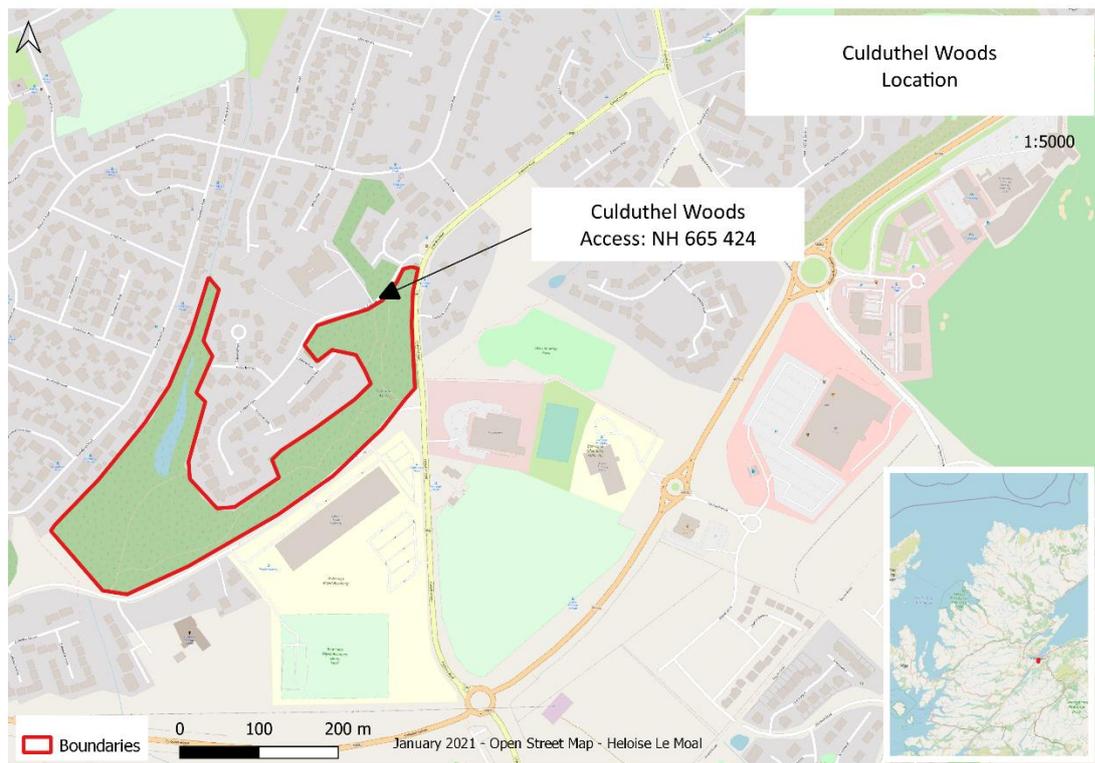
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Appendix

Appendix 1: L'arche de la Nature – location



Appendix 2: Culduthel – location



Appendix 3: Aultnaskiach Dell – location

