



The Forest of Birse Commonty

The area known as the Forest of Birse Commonty covers nearly all of the Forest of Birse and extends to over 3,500 ha. (9,000 acres). The Commonty has an unique pattern of legal rights and a long history of disputes. These have included physical conflict in the 17th century, Scotland's highest Court (Court of Session) in the 18th century and Britain's highest Court (House of Lords) in the 19th century. While the Commonty has not been in the courts this century, uncertainty still continued about who had what rights over the area.

Ancient Rights and Native Pinewoods

It has long been clear that one party owns the land of the Commonty (the Hon. Charles Pearson of Forest of Birse Estate); and that two parties own the sporting rights over the Commonty (Hon. Charles Pearson and the Nicol Brothers of Ballogie Estate). The issue has been, however, that an indeterminate number of other parties in the parish still shared or potentially shared other extensive ancient land use rights over the whole Commonty.

One important consequence of this situation was that there was no agreement over who could manage the native pinewoods spread across over 500 ha (1,250 acres) of the North Hill of the Commonty. The Finlets Pinewood on the Commonty and the contiguous Glen Ferrick Pinewood in Finzean form the most easterly and eleventh largest surviving relic Caledonian Pinewood in Scotland.

Historic Settlement

BCT, as its first main project, initiated a three stage process to try and resolve this situation. Firstly, the ancient Commonty rights would be vested in BCT to benefit the local community. Secondly, on the basis of these rights, BCT would reach an agreement with the owners of the solum and sporting rights over the management of the pinewoods. Thirdly, through this agreement, BCT would manage the pinewoods with funding from the Forestry Commission Woodland Grant Scheme and from the Millennium Commission through the Millennium Forest for Scotland (see box).

These proposals arose in the first instance from the willingness of the Farquharsons of Finzean and Cochran of Balfour in particular, to convey their acknowledged Commonty rights to BCT as a gift to the community to mark the Millennium. The proposals would also not have been possible without the willingness of the Hon. Charles Pearson and Nicol Brothers to try and achieve a satisfactory agreement.



Alison Farquharson, a BCT Trustee, and the Hon. Charles Pearson, owner of the Forest of Birse Estate, taking part in the document signing on the 19th January 1999 to conclude an historic settlement over the Forest of Birse Commonty.

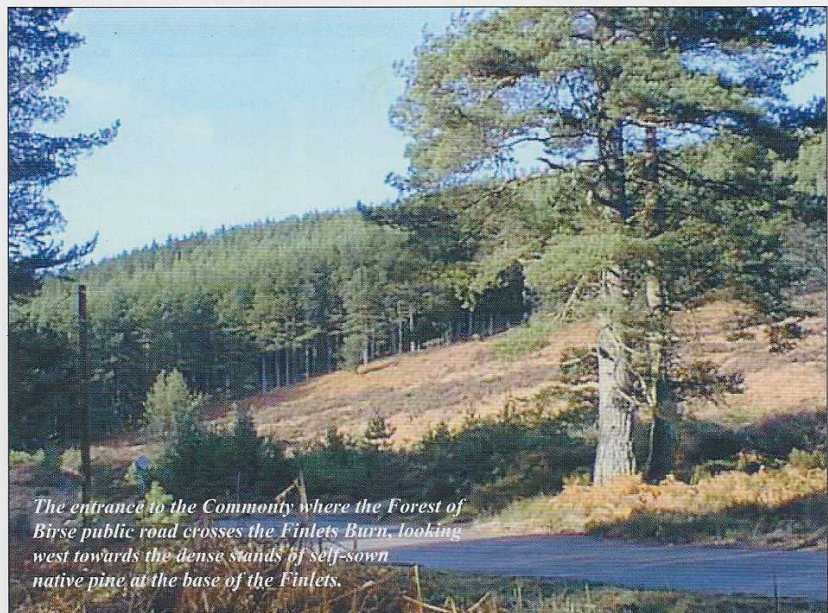
Delivering the three stage process was much more difficult than anyone imagined and therefore took much longer than expected - over 3 years. However, in the end and still in a spirit of local co-operation, BCT, the Hon. Charles Pearson and the Nicol Brothers reached an historic settlement over the Commonty. As a result, BCT with its

Millennium Forest

BCT's management and expansion of the Commonty pinewoods is the core of BCT's Millennium Forest Project. Other parts of the Project involve Finzean Sawmill, Finzean School Wood, Finzean Community Woods and the Corsedarder War Memorial site (see opposite page).

BCT's Millennium Forest Project is part of the Millennium Forest for Scotland (MFS), an initiative to celebrate the new millennium by restoring and regenerating Scotland's native woodlands. The MFS is supported by the Millennium Commission with funds from the National Lottery. While the MFS has 77 projects spread across Scotland, BCT's Millennium Forest Project is the only one in North-east Scotland.

Commonty rights and Forestry Commission and Millennium Forest funding, has now started to manage the Commonty pinewoods through the North Hill Agreement that BCT signed on 19th January 1999 with the Hon. Charles Pearson and Nicol Brothers as the owners of the solum and sporting rights.



The entrance to the Commonty where the Forest of Birse public road crosses the Finlets Burn, looking west towards the dense stands of self-sown native pine at the base of the Finlets.