

Agricultural Policy Coordination and Rural Development Research Programme Research Findings No. 11

Ownership of Land Holdings in Rural Scotland

Environmental Resources Management

Consultations undertaken by the Land Reform Policy Group between 1998 and 2000 suggested that a new database containing information on land ownership in rural areas may make it easier for the public to find out who owns particular areas of land. This research was commissioned to explore these issues in depth, looking at the nature and extent of the need for information on ownership of rural land holdings among the key groups involved with land use and its management in rural areas, and suggesting ways of meeting such needs.

Main Findings

- The study showed that there are already a considerable number of existing sources of information on rural land holdings, as well as a range of organisations who collect or hold land ownership data.
- The principal and authoritative systems are the non-map based Register of Sasines and the map-based Land Register of Scotland which are maintained and updated by the Registers of Scotland in Edinburgh. The latter has been progressively established since 1982 by entering new property transactions but will take many years to achieve wide coverage in rural areas because of the slow rate at which property changes hands.
- The types of demand for information ranged from regular and practised users of specific information on land (eg conveyancing solicitors) through to groups or individuals with an occasional requirement to know about land ownership but with limited awareness of, and familiarity with, existing information systems.
- For groups with limited experience of obtaining land ownership information, raising awareness and providing advice on access to existing information would be more useful than developing a new information system.
- Production of a booklet to raise awareness of existing information sources and access to them was identified as the most resource-effective means of assisting those information users who have the greatest difficulty in accessing what they need today.

The Research Study

Existing Information Sources

The study reviewed existing sources of information on rural land holdings in Scotland, including:

- The Register of Sasines, a historical paper based record of title deeds maintained by the Registers of Scotland;
- The Land Register of Scotland, a map-based register of interests in land established by the Land Registration (Scotland) Act 1979 and currently being expanded to cover all of Scotland by 2003, although it is only updated upon transactions of property;
- Registers Direct, a digital system which will shortly make all Sasines and Land Register records available to on-line subscribers via the internet;
- ScotLIS, another electronic system (being piloted) which attempts to bring together information on property and land, including a link to Registers Direct;
- the Highland Council Database which is a GIS based record of land holdings over 100 hectares in the Highlands set up in 1995 and updated twice per year;
- Argyll and Bute Council Database, which is similar to the Highland system, but has not been maintained since its establishment in 1998;
- Local Valuation Rolls and Council Tax Valuation Lists which provide names and addresses of occupiers of properties; and
- a range of other less comprehensive records held by public and private organisations, to which public access is often restricted.

User Groups

Four categories of users of information on land ownership were identified:

- *Professional Organisations* such as lawyers, land agents and surveyors who already know who owns the land they are interested in, but require authoritative information on boundaries, duties, burdens and rights etc for specific parcels of land. Their needs arise on a regular basis and organisations in this group know where to access information and obtain it without difficulty from existing sources, usually the Register of Sasines or the Land Register. They would benefit from

speeding up of the Land Register and concurrent digitisation onto Registers Direct, however there does not appear to be a particularly strong demand for this.

- *Developers, Utilities and Agencies* including private companies, developers, utilities, and government agencies. These organisations usually require information on who owns tracts of land which might be in multiple ownership, eg for acquisition or development planning, or for reasons of designation or management. The information they require may not always need to be definitive in legal terms but clear definition of boundaries is important. These organisations are regular users of information on land with the experience and resources to obtain it from existing systems but they have frequent difficulties in obtaining accurate, complete and timely information. They would have the most to gain from speeding up and digitisation of the Land Register and would generally be able and willing to pay a commercial price for it.
- *Community Organisations* need information on land ownership for a variety of reasons eg land management, community right to buy, permission for events etc. For this group the main problem is lack of knowledge of existing systems and of the expertise and resources to access them. Their need for information is infrequent and the knowledge and skills needed do not therefore develop over time. They would be best aided by providing easy-to-access information about what to do and where to go for land ownership details.
- *Researchers* includes organisations and individuals such as academics, some NGOs and public agencies who may wish to know about patterns of ownership for policy making, research or even market research purposes. The information needs of these groups tends to be disparate and difficult to predict and it is unlikely that any one system or solution would significantly benefit them.

All of these groups typically experience some difficulties in obtaining the information they need on land ownership. With or without a new information system, the study has showed that there appears to be a significant variation in the level of awareness of information on land holdings and how to access it across the sample surveyed. It seems that for a great number of organisations and individuals with limited

awareness, what is important is helping them to understand that information is publicly available, where it may be accessed and who is able to help in this process.

The option of attempting to draw together existing sources of information on land ownership (eg local and national, public and private) received support in the survey and consultations. Difficulties raised in more detailed discussions included problems of confidentiality of data held by many of the organisations who have databases, whether the information held in the disparate systems could provide a comprehensive picture of land ownership, how it would be kept up to date, who would establish and it and how it would be funded.

Options for Improving Information

The study suggested three possible options to address the information requirements identified by the research findings.

The first option, *Education and Awareness Raising*, comprised the development of an information booklet describing current sources of information on land ownership, means of accessing information and where to get further advice. The information presented in the booklet could also be available on a web page, either specifically developed as a new internet site or as part of an existing site such as the Scottish Executive's. Providing this option would require a relatively modest financial investment (of up to £20,000) and would be of most assistance to the wide range of community organisations and individuals who are not regular users of information on land.

The second option involves *Acceleration of the Map-Based Land Register* through compulsory registration of land holdings. Significant resources would be required for the introduction of the legislation necessary to achieve this, as well as research staff in the Registers of Scotland to undertake the registration, and legal transaction costs associated with this option. The Registers have indicated that up to £80 million would be required over the 15-20 year period predicted to be required to enhance the Register. Digitisation of the records would add additional costs although the comprehensive system which resulted would clearly benefit a range of professional, commercial and non-governmental organisations.

The final option involves *Extending the Highland Database to all of Rural Scotland* to provide a non-authoritative but relatively comprehensive system at a substantially lower cost than the second option and its variants. A new database, specified along the lines of the model developed in Highland is estimated to cost up to £2 million, with maintenance costs of around £100,000 per annum to keep the system up to date. The database would be of use to a range of potential organisations including developers, NGOs and community organisations though its utility would depend on its availability, restrictions on use of the data obtained and the level of detail and accuracy of the system. The size of holdings covered is a particular constraint because reducing it below the threshold of 100 ha used in the Highland Database would lead to an exponential increase in cost as the number of holdings and difficulty in establishing ownership increased.

Discussion

None of the options reviewed provides a quick or cheap solution to the identified needs of all the different information user groups, primarily due to the diversity of users and their requirements. The first option offers the potential for rapid benefits to non-specialist and infrequent community users by improving awareness and accessibility of land ownership information.

A Scotland-wide database would be a cheaper and quicker option than formal registration but clearly not a substitute for a comprehensive Land Register. Some organisations favour this as an interim solution in advance of completion of the Land Register. However, the utility which would be gained by the collective users of a new database is difficult to estimate as it appears that a system with insufficient detail in terms of holdings size would not be useful to the majority of respondents. This presents a risk of limited benefit to potential users despite moderately high set up and maintenance costs.

Cost aside, acceleration of the map-based Land Register offers the most definitive, authoritative and widely beneficial system in the longer term. Since the Land Register will eventually become a comprehensive system (whether its completion is speeded up or not), the decision appears to rest with an acceptable trade-off between the rate of acceleration of the Registers and the cost.

An intermediate level of acceleration between the current transaction-based process and rapid compulsory registration would significantly increase the rate at which the Land Register was completed, but need not entail the large resource requirement associated with drafting new legislation, training staff, and researching and preparing land certificates. Such an option might involve voluntary registration by landowners and use of incentives to encourage registration. The rate at which map-based coverage would be increased would be in proportion to the resources applied up to the level of the £80 million estimated for compulsory registration.

About the Research Study

The study was undertaken between November 2000 and July 2001 by Environmental Resources Management with support from Burness and Robin Callander. An initial period of document and literature review and consultations was used to define the key issues for the study. A postal questionnaire was then designed and sent to a sample of over 150 rural agencies, organisations and individuals with interests in, or uses for, information on rural land holdings. Analysis of survey results provided an emerging picture of information users and their needs and issues, which was developed and examined further through a programme of public consultation involving workshops and interviews.

If you wish further copies of this Research Findings or have any enquiries about the work of the Central Research Unit, please contact us at:

Scottish Executive Central Research Unit
2J
Victoria Quay
EDINBURGH
EH6 6QQ
Tel: 0131 244 7560
Email: cru.admin@scotland.gov.uk
Web site: www.scotland.gov.uk/cru

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