



The James  
**Hutton**  
**Institute**

# Understanding community access to land data

Scotland's Land Reform Futures project, Rural Futures theme

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Tarland Community Garden. Photograph by Annie McKee

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## Acknowledgements

We are grateful to the representatives of rural community groups who gave freely of their time to contribute to this research. We also thank the Scotland's Land Reform Futures Stakeholder Advisory Group for their advice during the development of the methodology and case study selection process. This research has been supported by the Scottish Government's [Strategic Research Programme 2022 to 2027](#).

## Context

The Scottish Government Rural and Environment Science and Analytical Services (RESAS) division funds the [Strategic Research Programme 2022 to 2027](#) to advance the evidence base in the development of rural affairs, food and environment policies.

One of the themes (Theme E) of the [Strategic Research Programme 2022 to 2027](#) is on Rural Futures. This theme has three research topics: rural communities, rural economy, and land reform. There are two projects within each topic led by Scotland's Rural College (SRUC) and James Hutton Institute (JHI). This publication sits within a series of publications as part of this theme.

Within the land reform topic, the two projects are:

- 1) Impacts of land-based financial support mechanisms on land values, landownership diversification and land use outcomes (led by SRUC)
- 2) Scotland's Land Reform Futures (led by Hutton)

This current research, on rural community experiences of engaging with land data, aims to understand the opportunities and barriers of accessing and engaging with the data required to fulfil the potential of the Scottish land reform legislation. It will provide an evidence base for understanding how to empower communities to engage with land-use decision-making and pursue community land-based activities.

Previous publications from this project are published on the project website, via: <https://www.hutton.ac.uk/research/projects/scotlands-land-reform-futures>

Future publications will include a report on the social, technical and institutional feasibility studies addressing issues of transparency and integration of land data.

## Highlights

### ***Why was the research needed?***

This research was needed to identify routes to improve the transparency of data that may support community land-based activities, empowerment, and engagement in land-based decision-making.

### ***What did we do?***

We identified a small sample of case study communities that had received support from the Scottish Land Fund, had pursued a range of different land-based activities and represented a diversity of rural Scottish geographical contexts. We interviewed eight representatives of community organisations located across rural Scotland.

### ***What did we learn?***

The most significant issue faced by rural communities was that of land availability and access.

Rural communities faced challenges around where landownership was not clearly defined. Other key challenges relating to land data included:

1. A lack of transparency regarding land user rights;
2. A lack of expertise in gathering and interpreting land data;
3. A lack of communication or miscommunication between communities and landowners;
4. A lack of information regarding utility connections; and
5. Delayed or protracted legal processes.

Such challenges were addressed through: the availability of funding and establishment of partnerships; the identification of suitable land through community networks and local knowledge; local consultation events; ongoing engagement with individual landowners; the identification and use of free mapping software.

The community representatives indicated that their future requirements for land data would be determined by community development plans. The interviewees reiterated that community development is influenced largely by land availability and relationships with private landowners.

### ***What do we recommend based on research evidence?***

1. Clear communication between different community groups, landowners, land managers, and utility companies.
2. Valuing local knowledge as a source of land data.
3. Encourage use of the Register of Controlling Interests as a source of valuable information.
4. Supporting community access to land information that is freely available online.
5. Use the proposed land management plans for large landholdings proposed in

the 'Land Reform in a Net Zero Nation' consultation document (Scottish Government, 2022), as a key mechanism for community engagement in land-use decision-making.

### ***Next steps***

Next steps for this research include further scoping discussions with key supporting organisations. A further report will integrate the social, technical and institutional feasibility studies in land data.

# 1 Introduction

## Research context and objectives

Increasing transparency of land data (i.e. including of ownership, capability, governance, etc.) is critical to the democratization of Scotland's land asset. The Land Register of Scotland currently covers 89.3% of Scotland's land mass (ROS, 2023), with a target to complete the land register by 2024, including improving digital accessibility (McKie, 2021). However, accessing the land register is not the only route (and may prove difficult) to accessing land data required by communities to undertake land-based activities. This research is part of suite of 'feasibility studies' that aim to understand the opportunities and barriers of accessing and engaging with the data required to fulfil the potential of the Scottish land reform legislation. This 'social feasibility study' aims to strengthen community-led land-based activities (e.g. renewable energy, community woodlands, affordable housing, service provision, etc.), supporting effective landownership diversification (e.g. through community rights to buy, compulsory sale of vacant and derelict land, etc.), and empowering communities in land use decision-making. It will support new understandings and indicators of community empowerment, and how access to and capacity to engage with landownership data can mobilise community land action (after MacKenzie, 2013; McKee et al., 2018).

This research has sought to understand how different rural communities have currently and historically engaged with land data to achieve land-based community activities. Such data could include information about land ownership, land tenure, land use, or land capability. Eight case study communities have been explored that cover a range of land-based community activities/land use outcomes, across a diversity of geographical contexts in rural Scotland. This research aims to understand the type and extent of data accessed and utilised by communities, and the potential to inform future land use decision-making (and permit greater community engagement) with alternative and enhanced data compilation and access options.

## 2 Methods

Semi-structured interviews have been undertaken with a purposive sample of representatives of eight communities of place located across rural Scotland. To identify case study communities, recipients of the Scottish Land Fund were categorised according to the Scottish Government's urban-rural classification, local authority area, when the community organisation received funding from the Scottish Land Fund, and progress achieved on the land-based activity. The recipient community organisations were also categorised according to the classification of 'community land-based activities' described by Roberts and McKee (2015), presented in Table 1 below.

*Table 1 Source: Roberts and McKee (2015: 10).*

**Table 1: Examples of community land-based activities**

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### **Infrastructure**

- Village halls and community centres
- Community shops
- Affordable housing
- Renewable energy installations
- Business centres
- Harbour improvements and developments
- Car parks
- Petrol stations

### **Access**

- Local paths
- Cycle paths

### **Enhancing the village environment**

- Community parks and play areas
- Community gardens and allotments
- Community recycling
- Sports pitches and facilities
- Community woodland

### **Heritage**

- Hosting music/ arts/drama festivals
  - Historical buildings
- 

A shortlist of potential case studies was identified that aimed to cover an example of each type of land-based activity, as well as rural diversity, and a range of different lengths of time that community organisations had been progressing their land-based activity. Representatives of these community organisations were contacted via publicly available contact details and invited to participate anonymously. Interviews were conducted online between January and March 2023, and typically lasted between 40 minutes and an hour. The interview guide and participant information sheet are provided in Appendix A. The interviews were digitally recorded and transcribed, to allow for thematic coding. The following section summarises the main themes emerging from these interviews regarding community use and access to land data, in the pursuit of community land-based activities.

### 3 Key Findings

Community representatives described a **range of land-based activities** undertaken by their community organisations, including both those for which they had been awarded Scottish Land Fund support, as well as other activities. These activities included:

- Slipways, piers, marinas, and other foreshore developments
- Carparks to manage tourism
- Community-led, affordable housing developments
- Roads, active travel paths, and boardwalks
- Renewable energy developments
- Community garden and amenity spaces
- Community woodlands
- Community hubs (including renovating existing buildings)

**Land for the community activity was identified** through Local Development Plans and due to local knowledge (i.e. recognising what land is productive agricultural land and what is not actively managed, or where a landowners' intentions for the land are clear). Land was also offered by landowners through direct contact with community organisations or put up for sale the open market. In order **to access land for these activities**, community organisations have purchased land from private and charitable landowners (some at discounted rate, or gifted), undertaken asset transfers from public landowners, or have leased land from individual and multiple landowners (e.g. in the context of path creation).

The **main types of land 'data' or sources of land information** that have been sought and used by the community organisations have included:

- Land registry searches to identify the landownership of particular sites (and confirm non-domino claims), including the Land Register and Register of Sasines.
- Topographical surveys and 'ground surveys' (i.e. to identify sub-soil geology, existence of sink holes, and peat), as well as other land investigations, including trial pits.
- 'Old' maps to identify historic land use and access (e.g. use of the Canmore website).
- 'Old' photographs (and comparing old and more recent photographs) to identify when land was created (e.g. built into the sea using building materials), and/or historic land uses.
- Feasibility studies to identify utility connections on site for development (e.g. water and electricity connections).

Interviewees explained that fulfilling land data needs (e.g. surveying) was undertaken

by appointing professional surveyors and other consultants. The key to accessing this data was therefore the funding available via the Scottish Land Fund (and other sources), and that without this support, the community organisations represented would not have been able to access the information necessary to progress their land-based activities. The interviewees described further challenges that related to land data access and use that impacted on the progress of community land-based activities.

### **Challenges in accessing land data for community land-based activities**

The interviewees described the difficulties that they had faced in accessing and utilising land data necessary to progress the community land-based activity. These challenges included:

Situations **where landownership was not clearly defined**, such as where the landowner did not have formal title to land sought by the community organisation (non-domino claim), or where boundary disputes arose. Community representatives described issues where landowners made claims to land that they did not clearly own, and/or responded negatively to community access to or use of land:

*“Then it also turned out that they didn’t own all of the land that they were trying to sell, I think this is quite common, the title deeds didn’t match up. So ...it delayed the project a lot and it was really complicated.”*

Related challenges arose where landownership was known, but it was not mapped in the Land Register because it had not changed ownership for generations (i.e. title was anticipated to be in the Register of Sasines), and the landowner had not undertaken voluntary registration. Ownerless land was also recognised as a challenge to communities not represented in this study.

A further key challenge was regarding **the transparency of land user rights**, in particular a lack of lack of transparency regarding crofting information, for example, whether land is part of common grazing which is not registered (and therefore not mapped). Another community representative described their uncertainty whether the land required for the community land-based activity will be leased in the near future to a tenant farmer.

Lack of knowledge, expertise, and capacity were recognised as challenges facing community organisations. In particular, **a lack of expertise in gathering and interpreting land data** and/or land management experience amongst voluntary boards, and the additional time required for volunteers to fulfil specialist tasks, was noted as a challenge, for example:

*“So, we could look at a database and it wouldn’t be meaningless, but it wouldn’t be helpful, we would have to find somebody to help us interpret.”*

Creating maps (e.g. for planning or applications to the Scottish Land Fund) requires



expertise and software that is typically unavailable or unaffordable to community organisations. The inability of community organisations to undertake their own mapping and access mapping layers (i.e. using GIS systems with multiple data sources) was described as a 'hindrance'. On the other hand, interviewees also described expertise in voluntary boards (e.g. directors who were also employed by local authority planning departments, public bodies, or with legal experience), which was drawn upon to overcome land data challenges.

This relates to the challenges that arise due to **a lack of communication or miscommunication between communities and landowners**. One community representative mentioned that landowners appeared 'nervous' to speak to the community, in case they committed to something that they could not deliver. This was considered an issue relating to timescales and alignment of different interests in a land transfer process. A further challenge recognised was regarding the order of events necessary to gather all land data necessary in order that the community organisation can demonstrate project viability. For example, one interviewee explained that Scottish Water would not engage with the community organisation until the site they were acquiring had planning permission, which inhibited the community organisation in applying for grant funding. Further challenges arose around **a lack of information regarding utility connections** (i.e. water and electricity), identified by feasibility studies. Delays and additional costs to community organisations arose where utility companies are using outdated or incorrect land information, for example:

*“So, [utility company] were working... You know, what he’s got on his laptop or his iPad or whatever is completely out of date and you kind of think ‘Well, if that’s the standard of record that these people are working from, it’s not great.’”*

Similarly (although moving away from issues solely of land data), a key challenge related to that of **delayed or protracted legal processes**, due to the need for negotiations between different solicitors, changes in personnel, an intermediary (e.g. a lawyer) failing to respond to community requests, conflict regarding which party should pay legal fees, and land valuation disputes. Such delays create uncertainty for community organisations regarding their planned land-based activity (e.g. how many affordable housing units they can build). Landowner knowledge (e.g. regarding land rights) and their willingness to engage in a process of land transfer (either sale or lease) can also add delay to community land-based activities.

Furthermore, a key challenge described by the interviewees was regarding **land availability** (either privately-owned or croft land), which was considered **more significant than issues of land information** (e.g. identifying ownership):

*“I guess our problem up here primarily hasn’t been lack of data around land, it’s simply been lack of availability of land. Which is a whole other question.”*

Examples arose where landowners were unwilling to sell due to ongoing inheritance processes, and where a private landowner refused to lease land for an active travel

path, which meant the route of the path had to be extended to avoid their land and required new legal agreements. Others described the challenge of ensuring ongoing land access for the community activity on land owned by private owners, and the difficulty of getting all private landowning trustees to sign legal documents. Interviewees explained that they relied on landowner decision-making, whether or not their land-based activity would be successful:

*“I think we’re very much beholden to the landowners in what we can do, we’re working to benefit the community and hopefully make the community a better place but it’s very much, it’s [also]...to keep the landowners happy.”*

Where one landowner maybe supportive, it was not always confirmed that neighbouring landowners would have similar objectives and be willing to engage with a community organisation if their activity required additional land access.

### **Overcoming challenges**

The representatives of community organisations interviewed also described the factors that helped to overcome some of the challenges they faced in pursuit of their community land-based activity. These included:

- The **availability of funding** (e.g. the Scottish Land Fund) and **establishment of partnerships** (e.g. between community, private, and third sector organisations); these factors were described as critical to accessing and using land data, and the successful outcome of the community land-based activity.
- The identification of suitable land through **community networks and local knowledge**, due to the small scale of the communities represented in this study. It was noted that landownership is typically known due to local knowledge (e.g. within community history groups) and experience from previous community land-based activities.
- Boundary disputes were overcome through **local consultation events** on the topic of community land acquisition, as well as **ongoing engagement with individual landowners** to resolve boundary issues.
- The **identification and use of free mapping software** (e.g. ‘Parish Online’), which supported community organisations in the submission of professional maps for planning and other applications (e.g. regarding housing developments, forestry, etc.). Such software should also permit community organisations to make changes to maps or plans produced by professionals (e.g. architects), or to update community land use plans, making such plans ‘live’ rather than ‘snapshots’. It was noted that some local authorities also provide free basic mapping software, and examples arose where interviewees had previously used mapping software they could access through their employers.
- It is anticipated that **the Register of Controlling Interests** will provide a key role in resolving issues of ownerless land, or difficulties that arise when

landownership is not contained in the Land Register.

### **Support for community land-based activities**

In order to achieve successful outcomes, community organisations relied on support from different individuals, funders, and organisations. This support included:

- **Positive community-landowner engagement**, and support from landowners and land managers for the intended community land-based activities (e.g. willing to sell or lease land to the community).
- The role of the **Scottish Land Fund** in providing information and funding for legal support.
- **Signposting organisations** (e.g. DTAS, HIE) that provide information regarding community right-to-buy legislation or options such as participation requests. DTAS also provides funds to community trusts that can be used for specialist legal fees (e.g. to cover the costs of a marine land solicitor to negotiate on behalf of the community organisation and do land registry searches).
- A **trusted and known solicitor** acting for the community organisation, which was considered 'invaluable'.
- Experience and knowledge shared from key individuals in the **local authority**.
- **Local advisors** (e.g. other community members or groups), for example, providing advice on issues relating to crofting.
- A volunteer **archaeologist** that could undertake surveying on behalf of the community organisation.
- Advice from **Glasgow University law students**.

Finally, through participating in this research project, interviewees realised that they could also contact **a research institute** (e.g. the James Hutton Institute) or a **University** for support in accessing land data.

### **Future land data needs**

Community organisation representatives described their anticipated future land data needs, based on what they had planned as **future community land-based activities**. These activities included community-led affordable housing, which would require ground surveys to be undertaken by an external consultant, and renewable energy developments. The latter development was anticipated as reliant on private landowners providing land access and an ongoing positive relationship between community and landowner.

Identifying landownership was not considered critical – land access (i.e. through sale or lease) would be determined by the willingness of the landowner (or landowners) to engage with the community organisation in the pursuit of their land-based activity.

Nonetheless, a free, online, cadastral system<sup>1</sup>, that includes wider information about land availability and land rights, was described as a key solution to land data access challenges by one interviewee. It was suggested that if Registers of Scotland contained more information and was more 'user-friendly', this would make a 'huge difference to community groups'.

In many cases, however, **land availability was the paramount issue** (e.g. in contexts of landownership concentration or an unwilling seller), rather than land data availability. This quote describes the limitations of land data transparency in the pursuit of community empowerment:

*“So, the lack of transparency can be a huge barrier but making things more transparent doesn't automatically mean things are better, it's just that you have slightly more information at which you then can then move onto the next step of your battle, because fundamentally it's about accountability and power and control. And I think that's where sometimes we get slightly distracted by thinking that a tool to improve transparency will solve the problem. And it won't, it will just simply make the problem less of a problem, but the problem still exists because it's actually a different problem or the issues of transparency is buried, exists within a whole range of other challenges that the communities are trying to deal with.”*

This research also highlights the need for clear communication between different community groups, landowners, land managers, and utility companies, as well as valuing local knowledge as a source of land data.

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<sup>1</sup> This could provide detail on property boundaries, extent, value, and rights associated with properties, amongst other information.

## 4 Conclusions and recommendations

The interviews with representatives of community organisations that have completed processes of land acquisition and the development of land-based activities, shed light on land data needs and accessibility by non-specialists (i.e. community members engaging in landownership and management). The key challenges facing communities include issues of data integration<sup>2</sup>.

The requirement for large landholdings to publish and consult on land management plans, as proposed in the Scottish Government's Land Reform in a Net Zero Nation consultation (Scottish Government, 2022), could be a valuable opportunity to meet community land data needs and build local capacity. Such land management plans could align with other land data sources and be made available through digital or other local platforms. Critically, the development and consultation process of land management plans could act as a valuable forum for positive landowner-community engagement.

## 5 Next steps

A key next step for this study is to learn from the supporting organisations detailed above regarding their perspectives on community land data needs, as well as other stakeholder organisations, including the Scottish Land Commission.

Additional scoping discussions will be held, and a further report will be published on this topic.

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<sup>2</sup> This issue is considered further within the technical feasibility study underway in Scotland's Land Reform Futures project (Scottish Government Strategic Research Programme, 2022-2027).

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## Acronyms

ROS – Registers of Scotland

GIS – Geographical Information Systems

DTAS – Development Trusts Association Scotland

HIE – Highlands and Islands Enterprise

WP1 – Work Package 1

## Appendix A – Interview guide and participant information sheet

### Interview guide

Welcome and thanks to interviewee. Introduction to researcher and the project, including overview of purpose of interview within wider project aims. The project aims to explore how community representatives have currently and historically engaged with land data, to undertake land-based community activities. Community land-based activities might include affordable housing developments, paths, community centres and village halls, etc. Such engagements might include, for example, exploring data on land tenure during planning applications, registering interest in land or property, or applications for funding.

This interview will seek to gather the interviewees' experiences in seeking/working with land data (qualitative, quantitative, and spatial); the purpose and outcome of this exploration of land data; any challenges that they have experienced in accessing/interpreting the data that they needed; how they overcame challenges and whether they received any support (and from whom); what their likely future land data needs are and what would help them with regard to future land use decision-making.

### Interviewee background:

*[Take note of interviewee's age and employment status through introductory conversation.]* How long have you lived in X community and what brought you here? What is your role/roles? in the community?

### Community land-based activities

Please can you tell me about the kinds of land-based activities that your community is undertaking? When and how is/was land accessed for this activity?

### Experiences of using land data

*For each community land-based activity mentioned in section above:*

In the process of establishing/maintaining this community land-based activity, did you need to find out anything about the land? (E.g. landownership, land tenure, land use, land capability, etc.)

What kind of land data did you need to establish and progress this community activity? How did you identify and access that land data? Did you find what you were seeking?

Were there any challenges in accessing this land data?

How did the land data help you progress the community land-based activity?

Had it been available, what kind of data might have helped this community land-based activity?

### Future land data needs

What do you anticipate may be future land data needs for your community? Why? What would help you and your community with regard to future land use decision-making?

### Thanks and interviewee close

## Participant information sheet

### Project information

#### Understanding community access to land data



RESAS

**Timescale:** Autumn 2022 – Spring 2024

**Funding body:** Scottish Government, Rural and Environment Science and Analytical Services Division (RESAS)

**Version:** 10/10/2022

#### What is this project about?

This project will explore how different rural communities are currently and have historically engaged with land data to undertake land-based community activities (e.g. housing developments, paths, community gardens, etc.). Such data could include information about land ownership, land tenure, land use, or land capability. Engaging with land data may occur through planning applications, registering a community's interest in land or property, or funding applications for community land-based activities. Six to eight case study communities will be explored across Scotland, that have embarked on a range of different community-led land-based activities, and with different land use outcomes, to ensure a diversity of experience is captured. The project aims to identify solutions and policy recommendations to improve and enhance the transparency of land ownership and land use data, in order to support community-land based activities and effective landowner-community engagement.

This project is part of the five-year 'Scotland's Land Reform Futures' project (see: <https://www.hutton.ac.uk/research/projects/scotlands-land-reform-futures>), involving researchers at the James Hutton Institute and Scotland's Rural College.

#### How will information be gathered?

This research will draw on interviews with community members. Interviews will seek to gather your experiences of seeking or working with all types of land data; the purpose and outcome of this exploration of land data; any challenges that you have experienced in accessing/interpreting the data that you needed; how you overcame these challenges and whether you received any support (and from whom). Finally, the interview will ask about you and your community's likely future land data needs, and what would help with regard to future land use decision-making.

#### How will the interviews take place?

The interviews will take place in-person, or over the telephone or a video-conferencing platform (e.g. WebEx), and will last up to one hour. They will be video or audio recorded and transcribed.

#### Why should I take part?

You have been invited as you are a community representative, or a representative of a stakeholder group, based in rural Scotland. Your views and experiences of community access to land data would be a valuable contribution to this study. We will document the findings in a detailed report to the Scottish Government.

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#### **Do I have to take part?**

No, your participation is voluntary, and you can withdraw at any time. We do not anticipate any risks to you from your participation. Even if you agree to take part as an interviewee, you can choose not to answer a question(s), without having to give a reason. Following the interview, you will be invited to join an online focus group discussion to share and validate the key findings from the research. Participating in the focus group is entirely optional.

#### **Data confidentiality**

All data will be treated with full confidentiality and every effort will be made to ensure you are not directly identifiable within any publications. Data will be stored on restricted-access, password protected secure systems through the James Hutton Institute. Anonymised data may be shared with project team members at Scotland's Rural College (SRUC) for the purposes of analysis and reporting.

#### **What if I want to withdraw?**

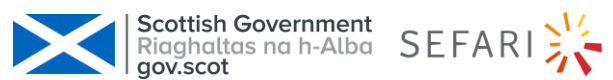
If you would like to withdraw your data at any point up until the publication of any outputs, please contact the researcher below.

#### **Who can I contact?**

If you have any questions at any time, please feel free to contact:  
Annie McKee ([annie.mckee@hutton.ac.uk](mailto:annie.mckee@hutton.ac.uk)) – Tel. 01224 395294

## Contact

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