

Land Register Completion Consultation

Response by Community Land Advisory Service

Introduction

CLAS is a third sector advisory service established in Scotland in 2011 to implement a recommendation of the Scottish Government's Grow Your Own Working Group. Our function is to work with community groups and landowners (both public sector and private) to broker, and to overcome technical obstacles to, community use of land for growing projects. Where a community group identifies a potentially suitable site, often the first problem is to establish who the owner is. There is a commonly held view within the community sector that it is difficult to establish who owns land. Not everyone in this sector is even aware of the existence of Registers of Scotland and the Land and Sasine registers. Those who seek information from the registers find in particular the Register of Sasines confusing, and the costs involved are also an issue for voluntary groups.

We support the idea of completion of the Land Register of Scotland within ten years. In this response we argue that Keeper-induced registration of derelict and urban vacant land should be a high priority.

Question 9: Should other elements be included in the pilot (of KIR) and what should these be?

The pilot should also include Keeper induced registration of derelict and urban vacant land for the reasons discussed below. This should be done on a joined up basis with one or more local authorities, making use of the information that it/they are in any event required collated about such land. North Lanarkshire may be a good pilot area.

Question 10: Do you agree with the proposed approach to completion?

Again for the reasons discussed below, Keeper induced registration of derelict and urban vacant land should be a higher priority, with more of such sites being registered sooner than under the plan proposed in paragraph 39 of the consultation document.

Discussion

We consider that Keeper induced registration of derelict and urban vacant land should be a priority, whether that land be owned by the public sector or privately owned.

Scottish Government consider remediation and re-use of such land a priority. In the current National Planning Framework (NPF3)¹, they say –

“Most of Scotland’s vacant and derelict land lies in and around our cities, and in particular in west central Scotland. Planning has an important role to play in finding new and beneficial uses for previously used land including, in the right circumstances, “green” end uses. A planned approach will

¹ <http://www.scotland.gov.uk/Publications/2014/06/3539/6>

continue to deliver development in the parts of our city regions where there is a continuing need for regeneration.²

“In the coming years we want to see a step change in environmental quality, especially in places with long-standing disadvantages from a legacy of past industrial activity. Vacant and derelict land is a continuing challenge ...³”

“For the next five years, our strategy continues to prioritise environmental improvements in the central belt with Central Scotland Green Network (CSGN) now helping to make this area more attractive to investors and residents. Remediation of derelict land ... should be a priority for the CSGN Trust and others during the lifetime of NPF3.⁴”

In our experience, local communities often have beneficial ideas for vacant and derelict sites in their area. Growing projects such as community gardens, orchards and woodlands deliver both social and environmental benefits. Ideas for other uses which encourage sport and outdoor recreation are also common and again beneficial.

However it is also our experience that community groups find establishing who owns such sites to be a problem. One aspect of this is that the search and copy deed fees which RoS are obliged to charge are a disincentive to community groups making enquiries of RoS. This is particularly the case because the ownership question usually arises right at the start of a proposed project, before the community group has become formally constituted and had the opportunity to apply for grants or otherwise fundraise. Another aspect is the difficulty that lay people have in understanding Sasine deeds.

This would be much less of a problem if it were known that all vacant and derelict sites were registered in the Land Register; in that case the cost of a search and for obtaining copies of the title sheet and plan would be predictable and limited. At present, when at the outset it is not known whether title is in the Land Register or Register of Sasines, a community group has to embark on a search without any indication of the final cost, of whether the search will yield a result and, if so, whether they will be able to make sense of the result.

The fact that the search cost would be known and fixed would also assist the argument that a fund should be established (whether with public money, charitable funds or a mixture) to assist community groups with the cost of landownership searches in relation to vacant and derelict land. That proposition is likely to be more attractive to potential funders if the question of how much an individual search costs could be answered with a number and not “how long is a bit of string.”

As RoS may be aware, Glasgow City Council have for some time been running a successful, award-winning “Stalled Spaces” project⁵ to promote community use of vacant and derelict sites around the city. Scottish Government hope to roll this approach out across Scotland and Architecture + Design Scotland have recently been tasked with taking this forward.⁶

² Paragraph 2.21

³ Paragraph 4.12

⁴ Paragraph 4.13

⁵ <http://www.glasgow.gov.uk/stalledspaces>

⁶ <http://www.ads.org.uk/access/features/stalled-spaces-scotland>

The Glasgow project requires that the community group enter into a written agreement with the landowner, but the Council actively assist with identifying the owner of the site. Council officials involved in the project have access to Registers Direct and have the necessary interpretive skills and mapping tools and skills. The Council absorbs the costs of investigating title itself and does not pass these on to the community group. Glasgow City Council is in a position to do this as it is one of only four local authorities in Scotland which receives ring-fenced funding to address vacant and derelict sites. Prioritising registration of vacant and derelict land throughout Scotland in the Land Register will assist in advancing the stalled spaces agenda by helping to ensure that complexity and cost of ownership searches are not barriers to agreements for community land use.

We consider that registration of vacant and derelict sites should normally be afforded higher priority than registration of public sector land. For the reasons discussed above, early inclusion of all vacant and derelict sites in the Land Register will support beneficial use of those sites and align with Scottish Government's policies. Conversely, we don't see any particular benefit to prioritising first registration of, for example, the City Chambers in Edinburgh; it is already common knowledge that building belongs to the City Council, and it is unlikely to be transacted with or become surplus to requirements in the medium term.