

Institution: Newcastle University		
Unit of Assessment: 28 History		
Title of case study: Informing Landscape Decision-Making Frameworks in Scotland		
Period when the underpinning research was undertaken: 2016-2019		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Annie Tindley	Role(s) (e.g. job title): Professor of British and Irish Rural History	Period(s) employed by submitting HEI: 1 September 2016-present
Period when the claimed impact occurred: 2017-2019		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact <p>Historical research by Professor Annie Tindley has helped to inform the contentious political debate around land reform and management in Scotland by establishing accurate parameters and making recommendations for positive changes. This project focused on a specific judicial landholding model, Small Landholdings [SLHs], creating a land register in a pilot location but with national implications, to underpin accurate and informed decision-making, and provide a test case for policy change. The main beneficiaries of the project are the Scottish Government, specifically the Rural and Environmental Science and Analytical Service Division and current SLHs.</p>		
2. Underpinning research <p>This impact is underpinned by Tindley's body of published research, which consists of interdisciplinary but fundamentally historical work on Scottish land ownership, reform and management from the mid-eighteenth century to the present day (PUB1, PUB 3, PUB 4 and PUB5). Her work examines agricultural revolution, land management policy and legislative land reform, principally through the prism of private landowners. She has also examined state and community land ownership, and comparative and transnational perspectives (PUB2 and PUB3).</p> <p>This body of work is underpinned by an in-depth knowledge of the archival materials – mostly voluminous, neglected and often in private hands – of both the stage agencies which administered land policy in Scotland (the Crofters Commission; the Board of Agriculture for Scotland; the Scottish Land Court) and privately-owned landed estates. Tindley has developed a research interest in comparative and transnational approaches to land ownership, particularly between Britain and its nineteenth and twentieth century colonial territories. She has published one article in <i>Historical Research</i> on transnational methodologies in relation to land ownership (PUB2) and is also co-editor and contributor to a major new volume on land reform (defined here as 'measures that modify or change the arrangements governing the possession and use of land in Scotland in the public interest': Land Reform Review Group, 2014), in Scotland (PUB1) and another on land management (PUB3). Following the Land Reform (Scotland) Act 2016, PUB1 offers a comprehensive analysis of the history, developing framework and impact of Scottish land reform. This volume brought together leading researchers and commentators working in law, history and policy to analyse the past, present and future of Scottish land reform and covered how Scotland's land is regulated, used and managed; why and how this has come to pass; and makes some suggestions as to the future of land reform. It offered a holistic approach to land reform in Scotland, drew on case studies of land policies in the UK, mainland Europe and the USA to allow comparison and contextualisation of Scottish land reform with other models</p>		

and examined the significance of right to property on the land reform process, and looks at how it is now being used as an impetus for economic and social rights reform.

In 2016, Tindley began research on another, much more contemporary form of land ownership: community land ownership. She was funded by the Scottish Universities Insight Institute (GRANT1) for a collaborative project with Community Land Scotland [CLS], the Scottish Government and Highlands and Islands Enterprise [HIE] to develop a set of assessment criteria for community landowners (a body of land owners formalised and supported since the 2003 & 2016 Land Reform (Scotland) Acts), by which they could judge their progress and success. It first captured and described the current model that is community land owning, its features and values, and how it functions. It then developed a rigorous set of criteria for the appraisal of the economic, environmental and political/cultural performance of community-owned land.

3. References to the research

All of the research outputs listed here are 2* quality and above, having been through a rigorous peer-review process (publications/competitive funding) and are reference points for further research beyond the original institution. They are available on request where no link is available.

PUB1. *Land Reform in Scotland: historical, legal and policy perspectives*, co-edited with M. Combe and J. Glass (Edinburgh University Press, 2020).

PUB2. 'All the arts of a radical agitation': transnational perspectives on British and Irish landowners and estates, 1800-1921,' *Historical Research*, 91:254 (2018).

PUB3. *The Land Agent, 1700-1920*, co-edited with L. Rees and C. Reilly, (Edinburgh University Press, 2018).

PUB4. 'Re-writing the rulebook of Scottish landownership' full report, published at: <https://www.scottishinsight.ac.uk/Programmes/ThemedCall201516/RewritingtheRulebook/tabid/8167/Default.aspx>

PUB5. Project description and resources collected at: <https://www.scottishinsight.ac.uk/Programmes/ThemedCall201516/RewritingtheRulebook.aspx> and final report: 'Re-writing the rulebook of landownership: analysing and assessing the economics of community landownership, 2017' https://www.scottishinsight.ac.uk/Portals/80/ReportsandEvaluation/Programme%20report/Community%20Land%20Ownership_Summary%20Report.pdf?ver=2018-01-04-152158-970

GRANT1. GBP20,000 from the Scottish Universities Insight Institute knowledge exchange award 'Re-writing the rulebook of landownership: analysing and assessing the economics of community landownership' (1 January 2016 - 1 January 2017).

GRANT2. GBP9,800 from The Scottish Government (1 December 2017 - 31 July 2018) for Small Landholdings: land ownership and registration (RESAS/004/17).

4. Details of the impact

Land reform has been on the political agenda in Scotland since the 1870s and remains central in the 2020s. The Scottish context is particularly complicated by the presence of Small landholdings, a unique form of agricultural holding established in 1911 in one of the most advanced land reform measures of contemporary Europe. At their height in the 1930s, there were approximately 450 such holdings in Scotland; today approximately 74 remain. Their future is uncertain due to declining numbers, a lack of central oversight as to changes in tenure status and their relation to the Scottish Government's wider land reform programme. This has led to an acute need for certainty about their ongoing status and an investigation on the part of the Scottish Government into their ownership and management. While there is significant and easily accessible legislation and regulation available on other Scottish holding types such as crofts and farming tenancies,

small landholdings have not been legislated for since 1931. Consequently, data on small landholdings is relatively inaccessible, fragmented and dated.

Tindley's research addresses this lacuna by providing insight and narrative into how small landholdings (SLHs) were established and how their ownership has changed over time. This kind of information was specifically called for by the *Review of Legislation Governing Small Landholdings in Scotland* (2017). Historical research of the kind Tindley has undertaken is essential for the producing of an underpinning register of ownership. Without that register it is almost impossible for any reform of the SLH schemes to take place. The key beneficiaries of Tindley's research are therefore the Scottish government and current SLHs.

(i) Empowering communities

During the *Small Landholder Review* several small landholders, whose land was the subject of enquiry, raised concerns about changes to status of land or tenure type going unrecorded since at least the 1930s (March 2017: <http://www.gov.scot/Publications/2017/03/4234>). They felt there was a general lack of information on how ownership and the status of agricultural land that had formerly been designated as a small landholding had changed over time. Moreover, although the Scottish Government has a duty to ensure that vacant holdings are offered to adjacent or new small landholders, this is not something that they have sought to enforce. The Scottish Government now recognises that this pilot scheme helps them fulfil that duty (IMP3).

The report (IMP1) and pilot scheme (IMP2) by Tindley has provided the principal point of reference for tenants of SLH themselves to understand their holdings. This includes accurate boundaries, any changes made over time to their holdings and why, and any rights to land assets associated with their holdings (minerals, game, other resources). It also simplifies planning and approval processes in relation to the holdings. Lastly, and most importantly, it will provide the basis for future land reform measures such as Right to Buy and access the provisions of the 2015 Community Empowerment Act and the 2016 Land Reform (Scotland) Act. The SLHs who took part in the project at Grassmillees, Ayrshire noted that without a central land register for the scheme, progressing policy or reform was difficult, or almost impossible (IMP4). The register that has been established as part of the pilot is recognised by the SLHs as being useful as a readily accessible form to assist in any legal issues that would need specific evidencing such as boundaries or tenure type; likewise, a list of the available archival records to carry out further research where necessary (IMP2).

Tindley's project has served not only to create a comprehensive legal aid to the current small landholders, but has worked to provide them with a register with which to significantly expand their existing knowledge. The majority of SLHs are a hard-to-reach community, mainly in the older demographic range and non-digital natives; they are often geographically far from the archives and government offices which hold their records. Through this project, they are now armed with a clearer understanding of the history and legal status of their SLHs and are now able to plan more effectively for decision-making for the future and dealing with Land Court and planning issues (IMP4). For example, in discussions with the Grassmillees SLHs, it was noted that: 'a clear record of the historic and current extent of the holdings and historic rent would be useful in a readily accessible form to assist in any legal issues that would need specific details and evidencing, likewise a list of the available archival records to carry out further research where necessary. One SLH, recalling one particular occasion, noted that she had been asked to provide some documentary evidence of a Land Court session on Holding 15, but that she did not have any evidence and did not have the time or training to access it herself. She noted that a Land Register with the basic historical detail of each individual holding would, therefore, be incredibly useful.' (IMP4). Lastly, the methodologies piloted by this project are wholly transferable and scalable to other SLH schemes across Scotland and before COVID-19 and Brexit priorities came to dominate, discussions were taking place in the Scottish Government about rolling it out nationally.

(ii) Informing landscape decision-making frameworks and influencing Governmental policy

The Scottish Government commissioned research by Tindley, based on her expertise, to examine the feasibility of (re)establishing an administrative register of all small landholdings. Following extensive archival research, Tindley wrote a full report and separate policy briefing for Scottish Government officials, MSPs serving on the Rural Affairs Committee, NGOs and charities involved in land and environmental issues and civil servants, as well as legal experts and academics from a wide range of disciplines (IMP1). The report recommended that a register should be established but with some caveats.

Building on this report, with the support of the Scottish Government the project moved to the second stage, which developed a full textual and map-based pilot register for a SLH scheme at Grassmillees in Ayrshire. This second phase of the project allowed Tindley to test the methodologies and troubleshoot the process. Her key recommendation was that the pilot offered both a feasibility study and proof of methodology in order to confirm that the (re)establishment of a land register for SLHs in Scotland was possible, with certain caveats. As a result, the Directorate for Sustainable Land Use and Rural Policy unit of the Scottish Government recognised the 'significant impact' of Tindley's 2018 report in helping them to 'gain further understanding of how this unique type of land management has progressed on specific locations over the last 110 years.' (IMP3). It also noted that, although it has had 'a duty to ensure that vacant holdings are offered to adjacent or new small landholders, this is not something that we have sought to enforce', adding that Tindley's project 'is a critical step to meeting this need and fulfilling this duty on the part of the Scottish Government.' (IMP3). Part of this duty was the opportunity for the Scottish Government to work directly with the Grassmillees small landholders and to step towards a more collaborative and co-productive approach (IMP3).

From the 1940s, Small Landholdings have been the 'Cinderella' tenancy type in Scotland: vital to their local communities and as a way of life in lowland rural Scotland but relatively ignored by policy-makers, Government and the wider public. Since 1999 and a new generation of land reform measures, their position and importance in Scottish Government agendas for community empowerment and encouraging a mixed economy of land holding and ownership types has increased and led to an acknowledgement that SLHs have a critical place in the debate. In order to achieve this, an accurate understanding of the history of SLH schemes from the 1910s to the 2020s was required and this work (1) established that recommendation and (2) carried out a pilot to test the archival and oral history methodologies required to achieve it. It forms the bedrock of future work to support and reform SLHs in Scotland, bringing them back into the centre of the land reform agenda.

5. Sources to corroborate the impact

IMP1: Full report and research summary: 'Small Landholdings: landownership and registration: 2018' <https://www2.gov.scot/Topics/farmingrural/Agriculture/agricultural-holdings/Small-Landholdings>

Full Report: <https://www2.gov.scot/Publications/2018/11/9663>

Research Summary: <https://www2.gov.scot/Publications/2018/11/3809>

IMP2: Full report and pilot land register: 'Small Landholdings in Scotland: piloting a new land register: 2020' https://data.ncl.ac.uk/articles/Grassmillees_Land_Register/12066114

IMP3: Evaluation statement from the Scottish Government on IMP1 and IMP2

IMP4: Summary evaluations of the Grassmillees SLHs

All sources of evidence are available on request.