

# **Small Landholdings in Scotland: Piloting a new land register**

## **Project Report**

**March 2020**



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The Grassmillees Land Register can be found in the supporting file that accompanies this publication.

## 1. Introduction and Context

1.1. In 2018, Dr Tindley was commissioned by the Scottish Government's Directorate for Sustainable Land Use and Rural Policy to undertake a study into a specific type of landholding tenure called Small Landholdings [SLHs], with a view to providing a narrative into how SLHs were established, how their ownership has changed over time and to identify the potential to establish an administrative state register for this type of land tenure. The full report and research summary can be read at:

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

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

### Aims and Objectives

1.2. The purpose of the project was to pilot the establishment of a new land register for SLHs. The first stage (described above) examined whether there was enough archival evidence to underpin a new register: the conclusion of that research was that there was.

1.3. Aims: The project's principal aim was therefore to undertake a pilot register of one small landholding scheme, to test the viability, opportunities and restrictions of establishing a cadastral land register for this type of holding. Additionally, it utilised the expertise and knowledge of current SLHs on the Grassmillees (Ayrshire) scheme to build a collaborative and participatory methodology.

1.4. Objectives:

(1) to research and write a land register for one small landholding as a pilot for a nation-wide register; and

(2) to write a policy report and research briefing for the Scottish Government's Directorate for Sustainable Land Use and Rural Policy outlining the findings, research issues and future opportunities from the work.

1.5. Small landholdings are a unique and minority form of agricultural holding of which there are approximately 74 remaining, down from a peak figure of around 476 in c. 1936. This form of holding was created under the Small Landholders (Scotland) Act 1911, and developed in a number of interesting directions, driven by short term contemporary issues. For example, pressure on government to allocate land to ex-service landless labourers and small tenants during and after World War One or to support the initial years of the Forestry Commission. Contemporary small landholdings are by definition all outwith the crofting counties.

1.6. The Small Landholders (Scotland) Act 1911 came into operation in April 1912 via the creation of the Board of Agriculture for Scotland [BoAS] and the Scottish Land Court [SLC]. The BoAS was constituted and given powers to create new holdings on privately-owned land. It was composed of three executive officials: the chairman; an official in charge of agricultural education and improvement and – most relevant to this project – an official in charge of the Land division, with responsibility for creating small landholdings.

1.7. Schemes were established along the following principles. Firstly, a demand for small landholdings had to be established, usually in the form of applications from potential tenants or a suggestion by the BoAS itself, but occasionally volunteered by landowners or farm tenants. Secondly, some potentially available land had to be identified. Sub-commissioners of the BoAS were required to keep themselves informed of which tenanted farms were about to fall out of lease, to inspect these and report on their suitability for the creation of a scheme. If the report was positive, then negotiations would be opened with the relevant estate management. If the estate agreed in principle, there were two options:

(1) the settlement could proceed through agreement, in which case the estate had no right to subsequent compensation if the scheme failed; or

(2) if the estate had no objections but wished to protect their right to compensation, an unopposed compulsory order would be sought from the SLC.

Route (2) was by far the most common. Up to £200,000 per annum was available to the BoAS via the Agriculture (Scotland) Fund to support these activities. In current day values this represents £15.63 million per annum. However, this is only an approximate calculation due to the significant inflation and other distortions imposed by twentieth century financial conditions.

## **2. Methodology and Project management**

2.1. The research methodology consisted of:

- Detailed archival research on the pilot small landholding scheme (Grassmillees) in the records of the Scottish Office, Agriculture & Fisheries directorate in the National Records of Scotland in Edinburgh. These records are particularly strong on the 1911- c.1930s period. However there is limited availability of material after 1930;
- Access to the Scottish Government's archives in Ayr, in which their farm records series for Grassmillees are stored;
- Exploration of the archives of the Ballochmyle Estate near Mauchline, on which the SLH scheme is located, their land agency and legal firm;
- Current SLHs occupiers being contacted by the project leader and research assistant. They were then visited and interviewed to collate additional information (verbal; archival; visual) that they had on their individual small landholdings to supplement the archival picture.

2.2. SLHs were usually established as 'schemes', consisting of multiple individual units established and arranged concurrently, depending on the land and sites available. For instance, if the Board of Agriculture for Scotland purchased or was offered a large farm, they would divide that farm into smaller lots and assign small landholders to each unit. While the schemes could be quite small, perhaps two or

sometimes even a single small landholder, they were more commonly larger, from ten to fifteen units per scheme. The advantage was that the set-up costs in terms of access roads, providing water supplies, drainage etc were more economic. The smaller SLH units could be as little as 2 acres but on average were approximately 15 acres, but never more than 50.

2.3. This project spanned 8 months, with one postdoctoral research assistant working flexibly over that period. The project lead was in charge of the overall management and direction of the project, as well as directing and planning/supporting the activity of the research assistant.

### **3. Findings**

3.1. The first major finding of this project was that there is a strong archival and oral basis of knowledge with which to underpin the creation of a register for the Grassmillees Small Landholding scheme.

3.2. The starting point was the AF (Agricultural and Fisheries Department of the Scottish Office, as was) archival series, held and freely accessible to all in the National Records of Scotland in Edinburgh, which are particularly rich in information around the establishment of the scheme up until the 1930s, with some material reaching into the 1950s. There are fifteen administrative files on Grassmillees in the National Records of Scotland, each containing tens, sometimes hundreds of individual documents.

3.3. There was less archival material of direct use held either by the Scottish Government or the Ballochmyle Estate, but by interviewing the current SLHs occupiers at Grassmillees, many of the more recent (post-1945) changes could be documented. The project team have summaries of each of these collections and if interested parties would like to view these or receive any advice on accessing the archival records of the scheme, they should contact the Project Lead, Dr Annie Tindley on: [Annie.Tindley@newcastle.ac.uk](mailto:Annie.Tindley@newcastle.ac.uk).

3.4. There were also a number of historical maps associated with the scheme which could potentially be GIS tagged and overlaid to offer a cadastral view of the scheme.

3.5. Although overall the information gathered gives a fairly strong overall view, there are some individual holdings about which we know more than others, depending on the density of the archival record. This variation can be seen in the pilot register for the scheme which is published separately as a supporting document.

3.6. The project team has included the following headings in the pilot register for Grassmillees:

- Holding Number
- Current Tenant
- Previous Known Tenants

- Current Status
- Current Size (acres)
- Historic Size (acres)
- Historic Rent
- Archival Records
- Holding History
- General information - for example, the landowner, agent, past decisions.

#### **4. Conclusions and Recommendations**

4.1. This pilot project has 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 is possible, though with certain caveats.

- The archival record necessary to underpin a register is not evenly spread chronologically. Most of the available material relates only to the establishment of holdings and schemes, principally between 1911 and 1928.
- Information relating to the later histories and changes in tenancy and ownership arrangements for the schemes will need to be tracked through the papers of the estates that the schemes are situated on. The survival of or access to these materials is not guaranteed.
- Further information might also be gathered via existing small landholders, their records or oral knowledge of their landholdings. While this worked well at Grassmillees, it cannot be guaranteed elsewhere.
- The project team are mindful of the other registers that relate to land and leases in Scotland (such as the Land Register and the Crofting Register) which might be thought of as non-administrative. That is to say, they have property law and third-party consequences and are sensitive about what lessons can be drawn from them in relation to a potential SLH register

4.2. How much time/resource would be required to set up a national register?

Most of the work is laborious as none of the records have been digitised and accessing and navigating private estate records are all very time-consuming. Attempting to fill in gaps in information through oral history interviewing and working with the current small landholding community would be valuable on a number of levels – but will also take significant time, as this pilot project demonstrated.

This project team concludes that a small team of 1 lead academic, supported by an 18-month postdoctoral assistant would be the most efficient way to (re)establish a register. The resource cost would be approximately £65,000 over eighteen months (pro rata) of a postdoctoral researcher, plus approximately £10,000 travel/research expenses costs. In total, a resource of approximately £75,000 would be realistic.

## **APPENDICES**

The Grassmillees Register' can be found in the supporting file, that accompanies this publication.



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