INTRODUCTION

I am a director of Know Edge Ltd, an Edinburgh based, independent management consulting company specialising in land policy, land administration and the application of geospatial information. I am a prominent consultant in Land Information Management and have worked extensively with the United Nations, EU and World Bank on land policy/land reform programmes to strengthen security of tenure and support economic reforms in Eastern and Central Europe, Africa, Middle-East and the Far-East. I have supported Kenya and am currently supporting the Albanian and Kuwait governments in the formulation and implementation of their National Land Policies. I am an advocate of good land governance that facilitates the allocation of rights to use the land in a way that ensures sustainable development, providing optimum social and economic benefit, not only for the present but also for future generations, without damaging the environment.

LAND REFORM (SCOTLAND) BILL (2015) – CALL FOR EVIDENCE

I welcome the opportunity to submit evidence to assist the work of the Rural Affairs, Climate Change and Environment Committee.

Part 2 The Scottish Land Commission

a) Need for national land policy framework

Land Administration Systems provide the infrastructure for implementing land policies and land management strategies in support of sustainable development. This infrastructure includes the institutional arrangements, a legal framework, processes, standards, land information, management and dissemination systems, and technologies required to support allocation, land markets, valuation, control of uses, and development of interests in land. Land Administration Systems are dynamic and evolve to reflect the people-to-land relationships, to adopt new technologies and to manage a wider and richer set of land information. The Registers of Scotland provide the land tenure element of Scotland’s Land Administration System.

Land management underpins the distribution and management of a key asset of any society namely its land. For western democracies, with their highly geared economies, land management is a key activity of both government and the private sector. Land management, and especially the central land administration component, aim to deliver efficient land markets and effective management of the use of land in support of economic, social, and environmental sustainability. The land management paradigm (1), as illustrated in Figure 1, allows everyone to understand the role of the land administration functions (land tenure, land value, land use, and land development) and how land administration institutions relate to the historical circumstances of a country and its policy decisions. The Land Administration System is the fundamental infrastructure that underpins and integrates the land tenure, land value, land use and land development functions of land administration to support an efficient land market that fully demonstrates sustainable development. Land Administration Systems are just a means of implementing land policies.
There is no single source of land policy or National Land Policy – rather, the policies on land in Scotland are located in numerous sources such as national development policies, land use strategies, laws and regulations and even as the result of administrative practices. Also, there are numerous policies across the government directorates and agencies that touch on land, such as policies on housing, education, natural heritage, economic development, etc. This patchwork of land policies makes it problematic for these land policies to collectively align and effectively support the vision for Scotland and ensure that land effectively supports Scotland’s future needs. A National Land Policy is essential to guide the future of Scottish land institutions, including the land reform agenda.

**Recommendation:**
- The strategic plan of the Land Commission should be extended to include the formulation of a National Land Policy for Scotland.

b) **Requirement for open access to land information through a National Land Information Service**

The management of information about land is highly inefficient. Information about land is currently captured, maintained and managed independently by the custodians of land without the adoption of national data and procedural standards. This has resulted in land information being incomplete, inconsistent, inaccessible and not shared and used across Government and beyond. For example, there is no definitive inventory of state and public land and the geographic access to land ownership is limited to land within the Land Register.

Transparency is a fundamental characteristic of good land governance that encourages engagement with citizens over land issues and is proven to reduce corruption and the mis-
use of land. I believe that all government organisations involved with land, including the Registers of Scotland, should be totally transparent and expose, free of charge, as much of their land information to the public as possible.

I would also recommend that this land information becomes an integral part of the wider ‘open data’ initiative being advocated by open government. The opening up of governmental data, free for re-use, is being justified on economic grounds (2) (3) (4) since access to these data will have major benefits for citizens, businesses, and society and for the governments themselves. Some of the benefits include:

- **New businesses can be built on the back of this data**: Data is an essential raw material and can be integrated into a wide range of new information products and services, which build on new possibilities to analyse and visualise data from different sources. Opportunities for re-use have multiplied in recent years as technological developments have spurred advances in data production as well as data analysis, processing and exploitation. Facilitating re-use of this raw data will create jobs and thus stimulate growth.

- **Greater Transparency**: Open data is a powerful instrument to increase transparency in public administration, improving the visibility of previously inaccessible information, informing citizens and business about policies, public spending and outcomes.

- **Evidence-based policy making and administrative efficiency**: the availability of robust public data will lead to better evidence-based policy making at all levels of government, resulting in better public services.

A National Land Policy and associated Land Reform Policy must be evidence based. This will only happen if Scotland creates a National Land Information Service that provides ease of access to a holistic set of interoperable land information about Scotland.

**Recommendations:**

- The function of the Land Commission is extended to include responsibility and oversight of the creation of a National Land Information Service.

**Part 3 Information about Control of Land**

Transparency is a fundamental characteristic of good land governance (5) that encourages engagement with citizens over land issues and is proven to reduce corruption and the misuse of land.

**Recommendations:**

- All offshore companies owning land and property in Scotland must be registered in the EU.
- Open access is provided to information on the beneficial owners of land and property in Scotland.

**REFERENCES**

(1) Deininger, K., Selod H. and Burns, A., (2011). The Land Governance Assessment


Robin McLaren
Director
Know Edge Ltd