

Parish, Town and Community Council Land Ownership survey

April 2021

Customer Insight Team

Our ambition is to become the world's leading land registry for speed, simplicity and an open approach to data

Land owned by Councils:

- Respondents were mainly from **rural** areas and confirmed the **majority** of the land the council owned is **open land and fields** (playgrounds, parks, memorials etc) rather than buildings (community buildings, village halls).
- 2% of respondents said that they owned **no land at all**.
- 22% confirmed that land being **registered with HMLR** is the main way they know what land they own.

It may be more challenging to persuade Councils to lodge applications as they may not see the benefit in doing so:

- 85% said that they are either confident or very confident that the land, they believe the council owns, isn't owned by someone else.
- The majority of respondents are **not aware of any disputes** over the land in which the Council own.

There is also a lack of awareness of HM Land Registry:

- 40% of respondents have had **no personal experience with HM Land Registry**. Either using a solicitor, or other third party, or having never had any dealings at all.
- Only **1% have had regular contact with HM Land Registry** and frequently submitted applications.

Councils will require a lot of help and guidance when trying to register their land:

- Only a third of respondents said that they feel confident or very confident in preparing and lodging an application.
- Just under half of respondents confirmed that, being **unsure of how to make an application**, was a **barrier** to registration.
- Respondents felt that **help lodging applications** and a **point of contact** while the applications were being processed would make them **more likely to consider registering** their land.



Have help and guidance available for Councils wanting to make applications.

Ensure help and guidance is easily located and accessible.

Have a dedicated team or pool of people available that can deal with applications from pre lodgement to completion. Consider replicating something similar to the managed services model.

Consider a communication strategy on the benefits of registration and the risks of not registering including links to help and guidance and articles for One Voice Wales and the National Association of Local Councils.

Background and Methodology

In 2017 the Government published its Housing White Paper entitled '[Fixing our Broken Housing Market](#)', which contained a commitment to making land ownership more transparent and ensuring completion of the Land Register by 2030. The aim is that all publicly held land will be registered with HM Land Registry by 2025.

As of May 2019 around 86% of land in Wales and England by area was registered. Registration is obligatory when the ownership changes and that is adding about 1% a year to the register.

There are 365 local authorities, more than 400 other public bodies and just under 11,000 local councils that make up the definition of public bodies in England and Wales. Their land is included in the business objective to register all publicly owned land by 2025.

Local council is a universal term for community, neighbourhood, parish and town councils. These are the first tier of local government. Over 30% of England is parished.

In order to help achieve the aim to register all publicly owned land by 2025 HMLR need to understand the problems, issues and barriers local councils face.



A survey was designed using Snap survey software, and a link issued was issued to all Parish, Town and Community Councils via the National Association of Local Councils (NALC) and One Voice Wales (OVW) who are the national bodies for Councils in England and Wales respectively.

The survey was live from 19 January to 21 March 2021

1231 responses

Approx. 11% response rate.

This is a good response rate for an online survey with most only receiving a 2-3% response rate.

Representativeness



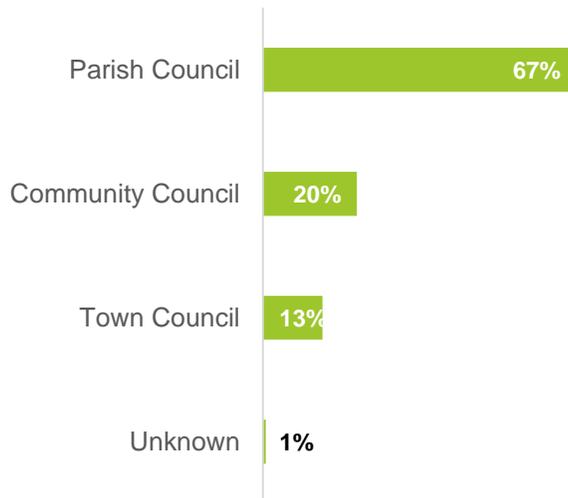
Two thirds of respondents identified themselves as representing a Parish Council.

Just under a third of respondents (26%) were located in Wales. The rest of the respondents were evenly spread over the England. However Greater London was not represented.

There were no statistical significances between the results by location and so this report combines the results for England and Wales.

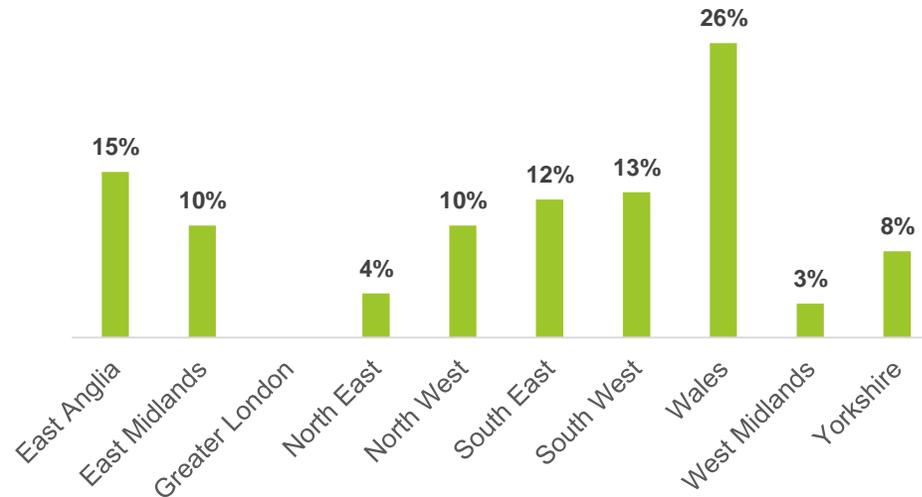
The majority (87%) confirmed that their area was mainly rural.

Are you representing a:



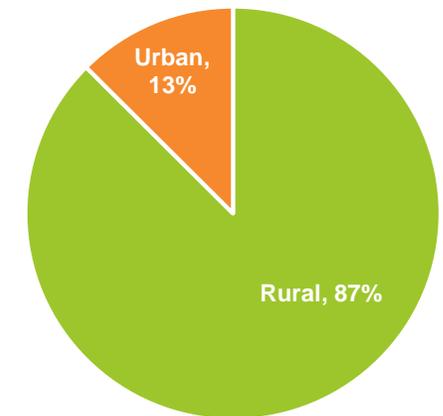
Base: 1231 respondents

Where is the Council located?



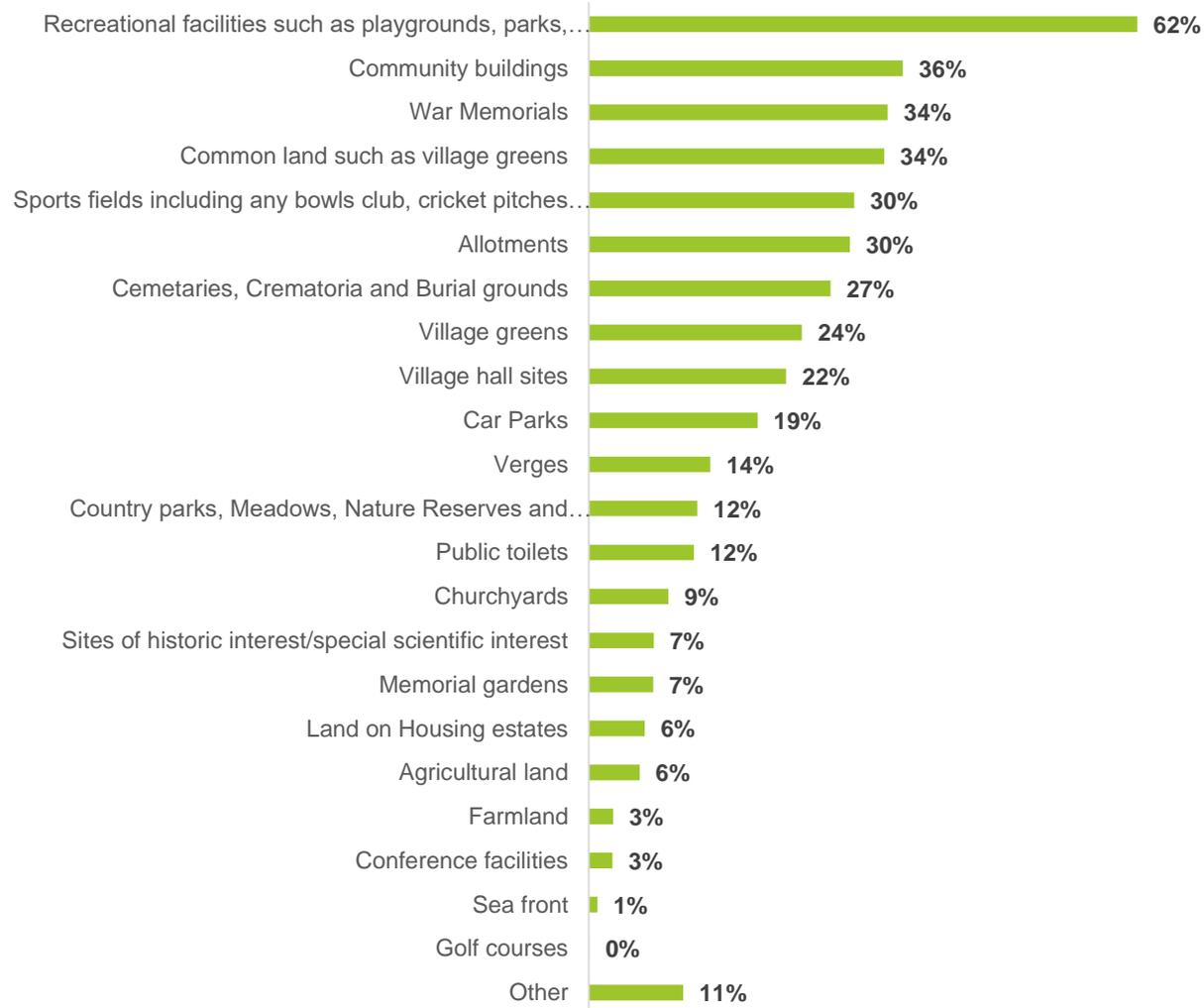
Base: 1231 respondents

Is the area mainly:



Base: 1231 respondents

What type of land is owned?



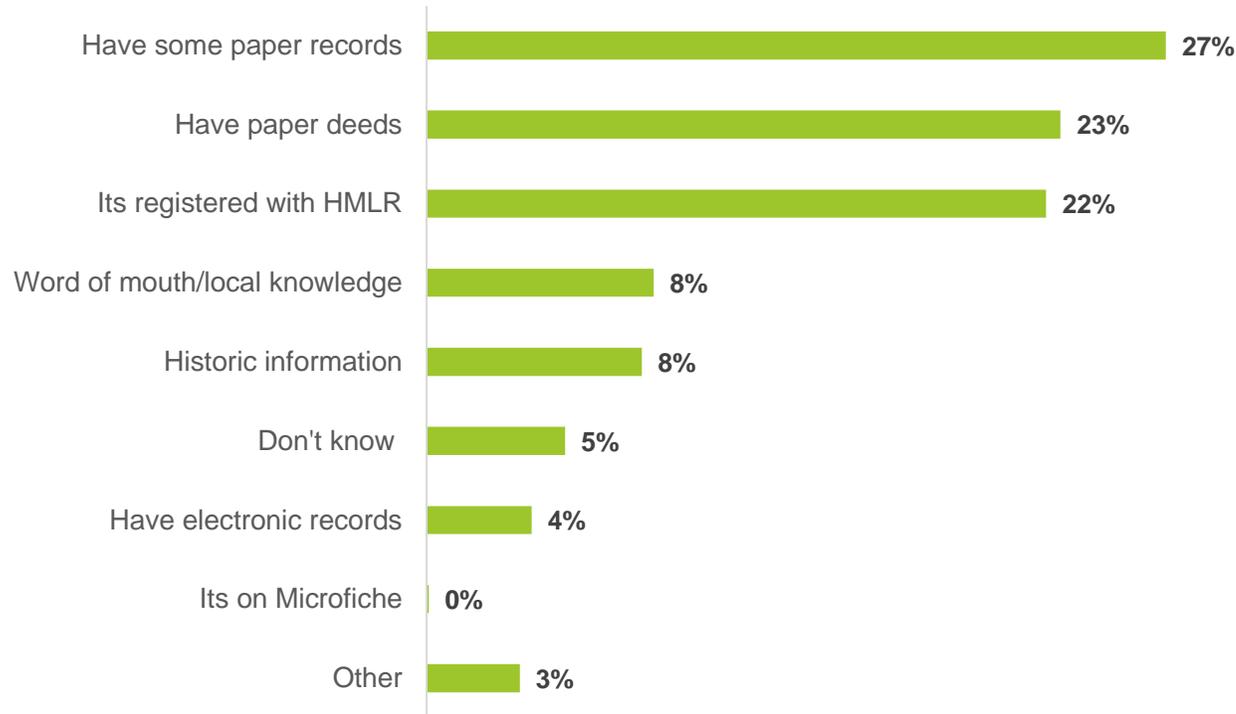
There is a mixture of land owned by the Councils but the majority is open land and fields rather than buildings.

Overall 2% of councils said that they owned no land at all.

11% of respondents (132 responses) answered other. This included:

- No land owned (22%, 29 responses)
- Bus Shelter/stop (12%, 15 responses)
- Riverbank, Stream, Lake or Pond (6%, 8 responses)
- Footpaths (5%, 7 responses)
- Woodland (4%, 5 responses)
- Phone boxes (2%, 3 responses)
- Hearse house (2%, 3 responses)
- Quarry (2%, 2 responses)
- Garages (2%, 2 responses)

How do you know what land you own? Main source



Base: 1160 respondents

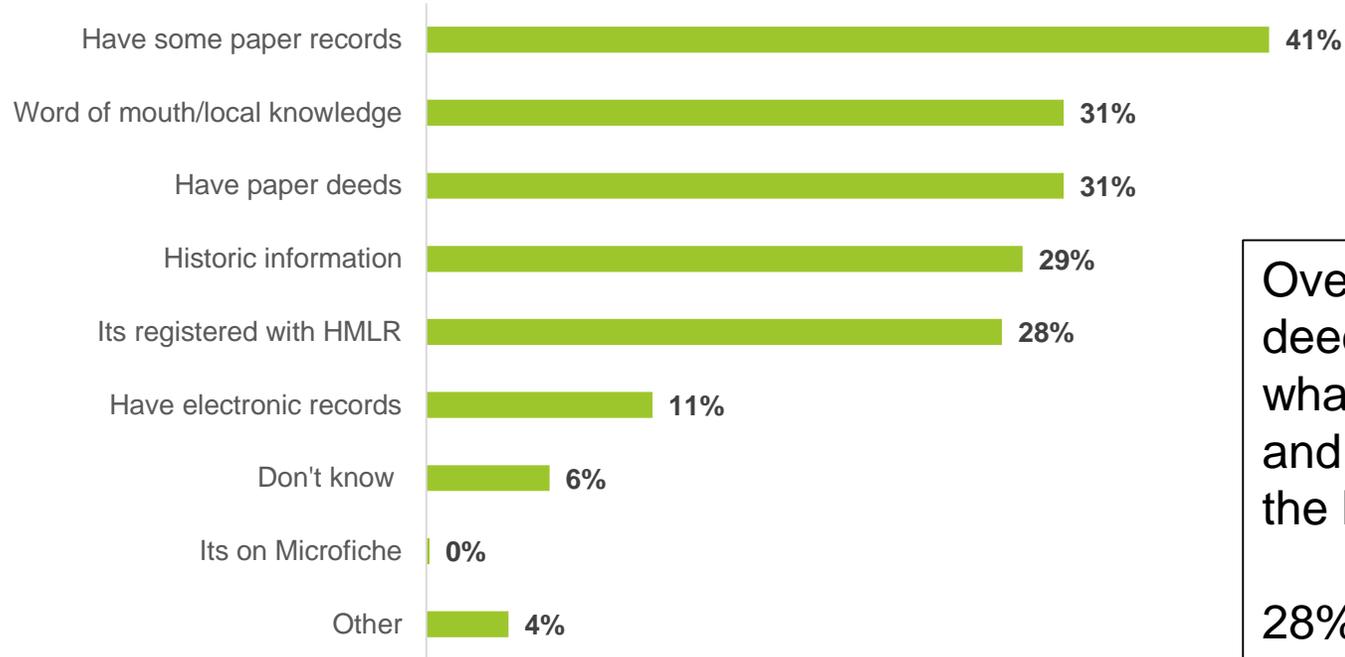
3% (34 respondents) commented other. These included:

- No land owned (71%)
- N/A (15%)
- Local Knowledge (9%)
- Village Greens register (9%)
- Charities commission (3%)
- Villages records (3%)
- Statutory Instrument information (3%)
- Historical Allotments register (3%)

Half of respondents confirmed that the main source of information, for knowing what land they own, is paper deeds with 27% saying they have some and a further 23% saying they have paper deeds for the land they own.

A further 22% say that their main source is that the land is registered with HMLR.

How do you know what land you own? Any other sources



Base: 1231 respondents

4% (42 respondents) commented other. These included:

- No land owned (36%)
- N/A (10%)
- Council/Parish Council (17%)
- Minutes (5%)
- Local solicitor (5%)
- Parish mapping system (2%)
- Knowledge of seller (2%)
- Housing Association (2%)
- Charities Commission (2%)

Over half of respondents confirmed that paper deeds are also an additional source of knowing what the council owns. 41% said they have some and a further 31% said they have paper deeds for the land they own.

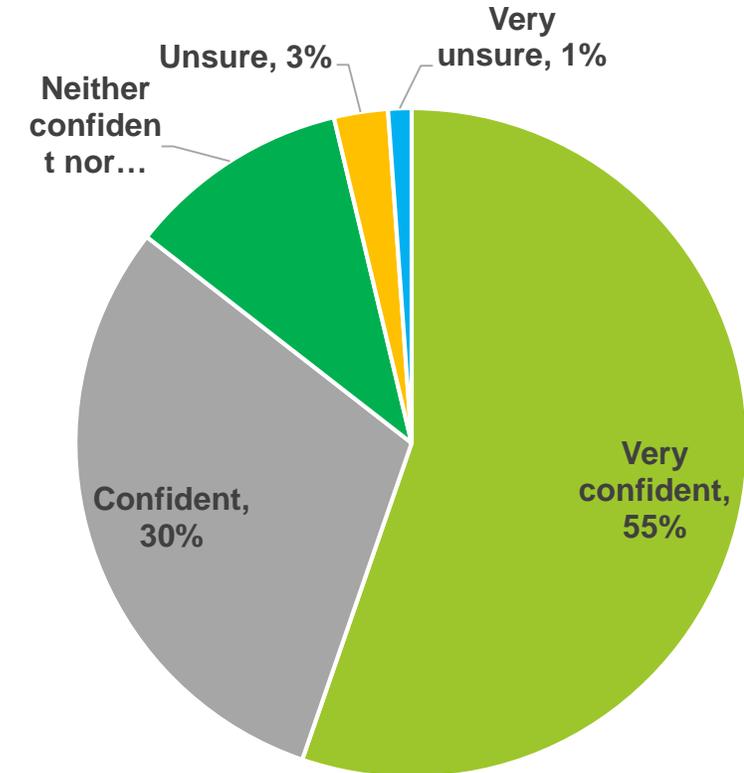
28% confirmed that land registered with HMLR is a further source.

Nearly a third of respondents confirmed that word of mouth is an additional source of information.

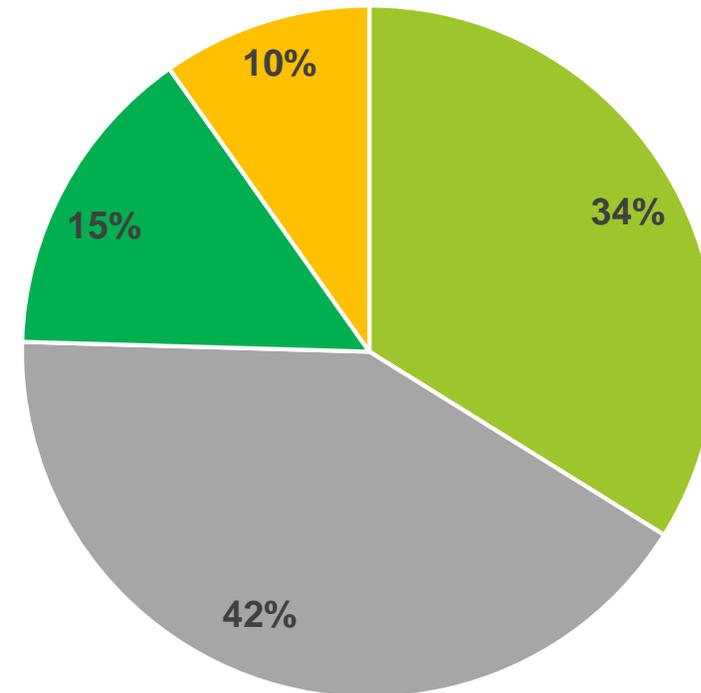


Confidence levels are high with 85% saying they are either confident or very confident that the land, they believe the council owns, isn't owned by someone else.

How confident are you that, the land you believe the council owns, is not owned by someone else



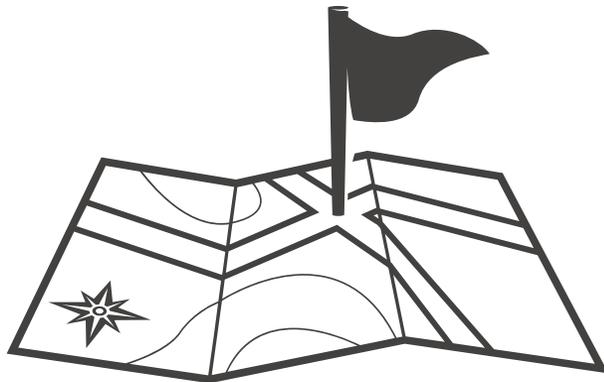
Do you hold any indicative plans for the land owned by the Council?



- We hold plans for all of the land owned
- We have some plans for the land owned
- No, we don't have any plans
- Don't know

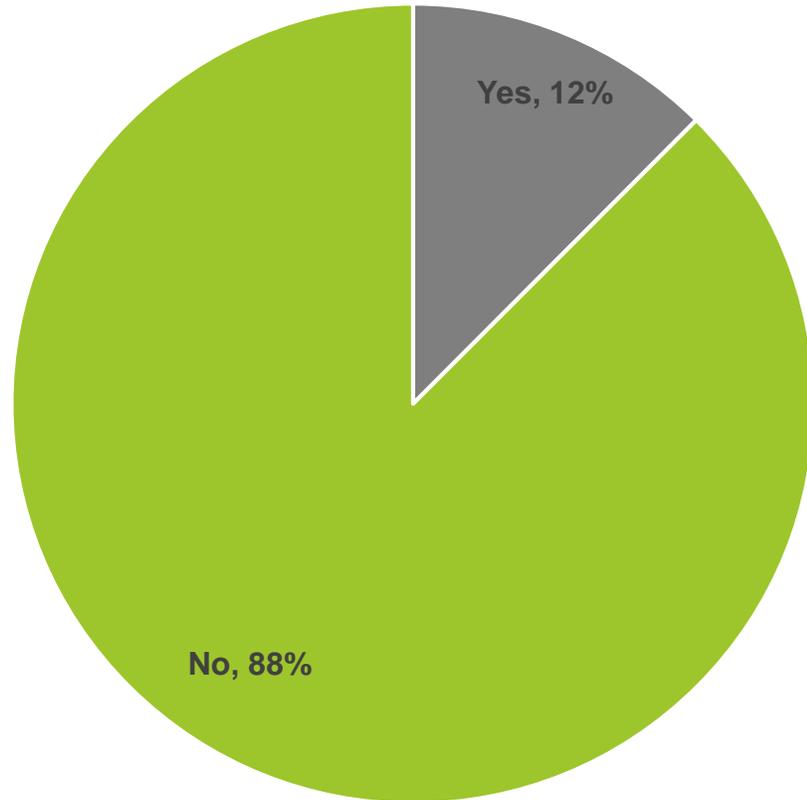
Three quarters of respondents hold plans for all or part of the land owned by the Council.

Less than a fifth of respondents didn't hold any plans.



Have there been any disputes?

The majority of respondents are not aware of any disputes over the land in which the Council own.



Comments received from respondents who had been involved in a dispute included:

- Ownership unclear or land registered to another party
- Boundary disputes
- Disputes involving open spaces, including parks, recreation areas and village greens
- Access
- Adverse possession
- Encroached land
- Maintenance
- Historical
- Leases
- Land grab



What, if any, experience have you had with HM Land Registry?



Base: 1204 respondents

Answers for other included:

- Making applications and using services
- Have experience as a solicitor
- A representative, other than a solicitor, has been used in dealings with HM Land Registry
- Followed a HM Land Registry training session

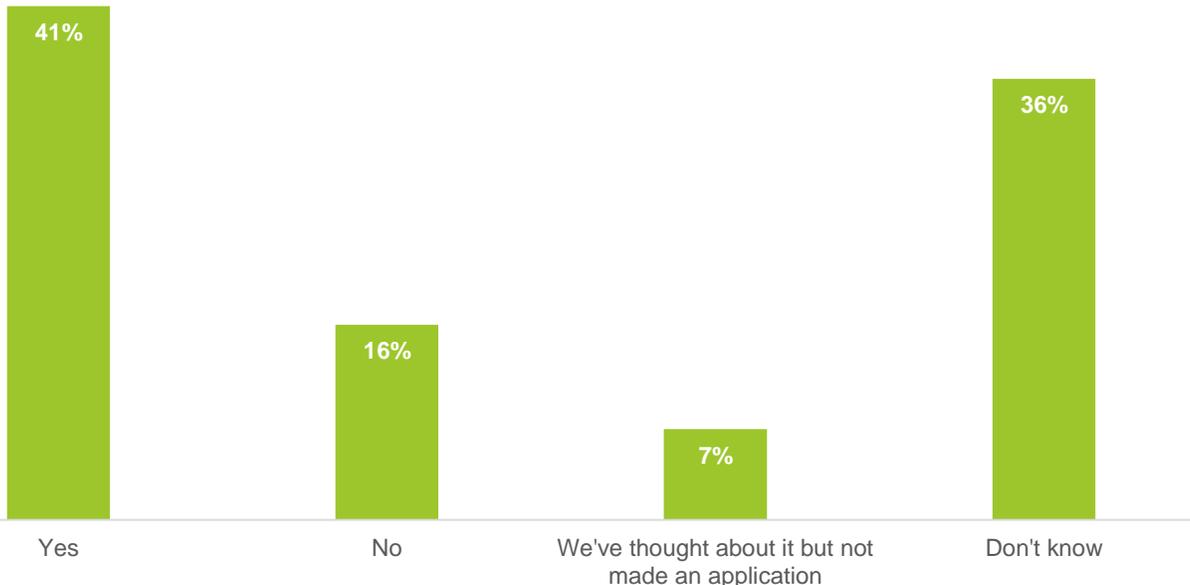
Two fifth's of respondents have had no personal experience with HM Land Registry. Either using a solicitor, or other third party, or having never had any dealings at all.

Only 1% have had regular contact with HM Land Registry and frequently submitted applications.

Two fifths of councils have tried to register the land they own and, of these, 80% of the applications were successful.

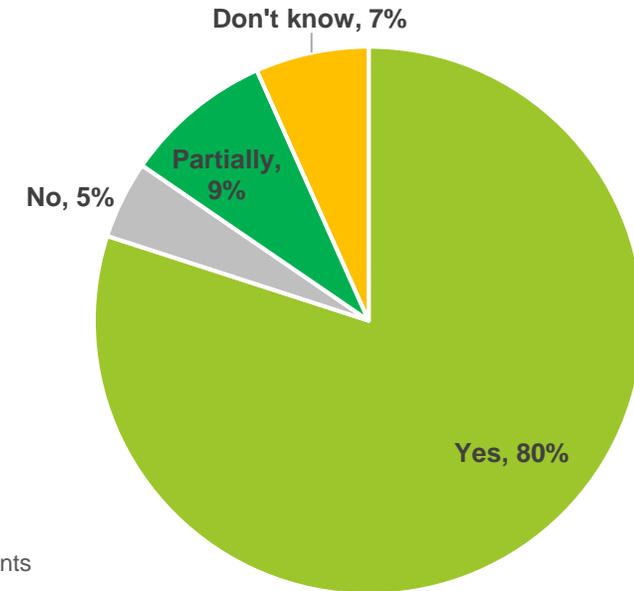
The main reason applications were unsuccessful was lack of or insufficient evidence lodged in support of their application.

Has the Council tried to register the land they own in the past?



Base: 1176 respondents

Was the application successful?



Base: 480 respondents

59 comments were received about reasons why the application was unsuccessful. These included: (Shown in order of mentions)

- Lack of or insufficient evidence
- HM Land Registry delays and application is still being processed
- Partly registered with possessory or qualified title
- No deeds or paper records
- Payment or cost related issues
- Claimed/registered/land grabbed by a 3rd party
- Disputes completed or still live
- Incorrect details
- Already registered
- Caution against FR registered
- Problems with Solicitors
- Not allowed by HMLR

Risk mitigation in unregistered land

How are Councils mitigating against the risk of their land being unregistered?

By burying their head in the sand!

Responses included: *(shown in order of mentions out of 144 comments)*

- Just started or planning to look at this, investigation is ongoing, currently taking legal advice and doing further research was the main response.
- No mitigation of risk.
- The Council don't own any land
- They have deeds, historic paperwork and parish records
- The land is already registered or is leased
- Unaware this was an issue
- Don't know
- The risk is considered minimal
- Their solicitor deals with that
- They want to register the land but cost and complexity is an issue
- Previous bad experience has put them off
- They have a risk management policy

I wasn't aware that there was any risk involved in not registering the land.

The war memorial is listed with Historic England.

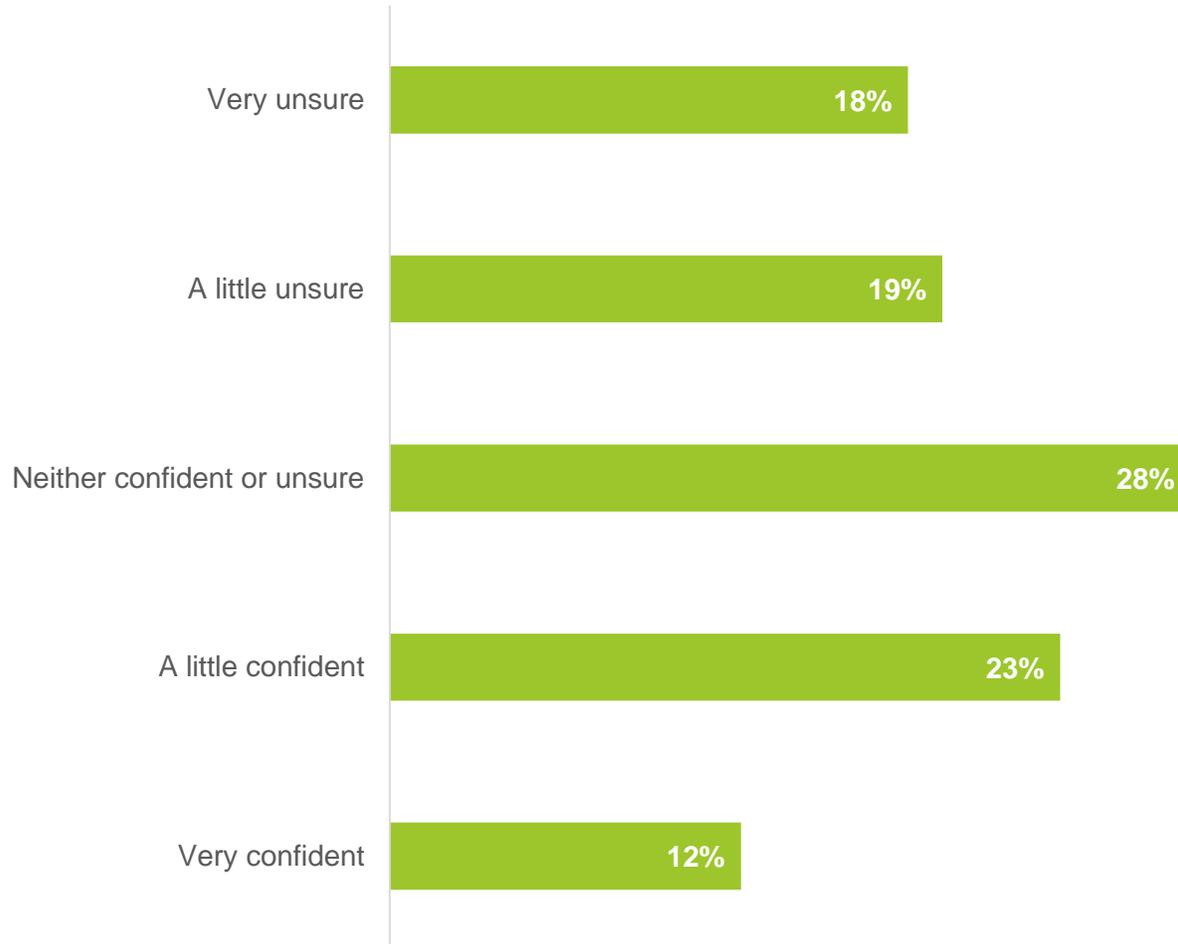
It's an action point at the moment, so we're working on it.

Recommendation:

Consider a communication strategy on the benefits of registration and the risks of not registering including links to help and guidance and articles for One Voice Wales and the National Association of Local Councils.

Preparing and lodging applications

How confident do you feel in preparing and lodging an application to register land?



Only a third of respondents said that they feel confident or very confident in preparing and lodging an application.

Just under half of respondents confirmed that, being unsure of how to make an application, was a barrier to registration.

Town councils see time as a more statistically significant barrier than either Parish or Community councils.

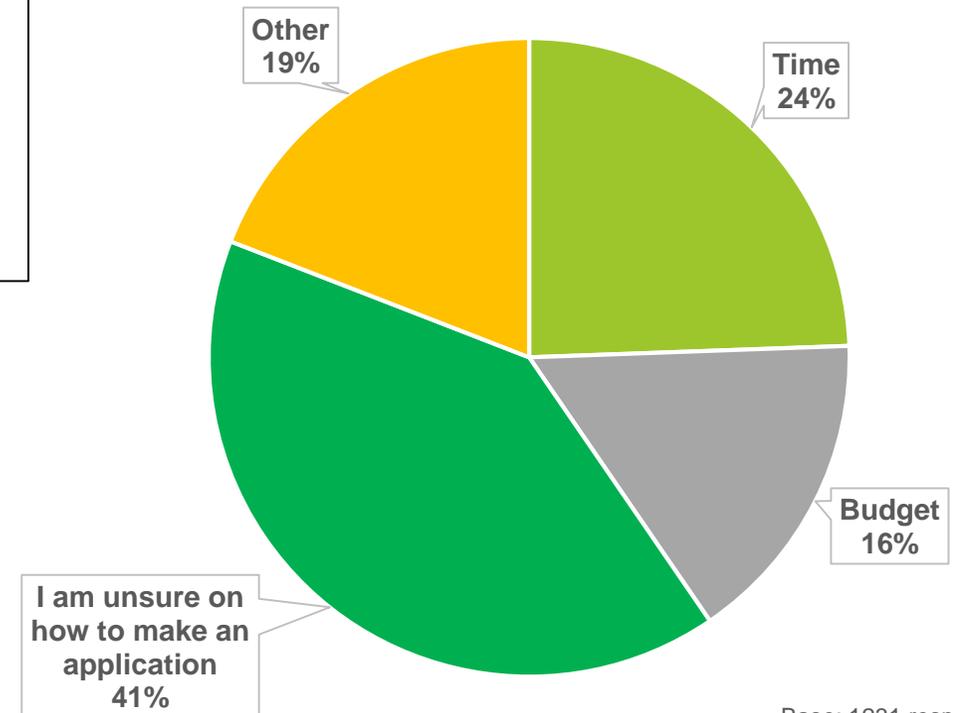
The majority of answers for the other category were: (shown in order of mentions)

- The land is already registered
- There are no barriers and
- The Council does not own land.

Other answers included:

- They are not sure what to do or who is responsible
- Missing or insufficient documentation
- Its not a priority
- Not sure what land they own or if it is already registered
- Their solicitor deals with it
- Its too complex
- There are delays at HMLR
- It's a new role and they need to understand more about it first
- Previous applications were unsuccessful
- The land is leased
- Covid

Are there any barriers, preventing the council from registering their land?



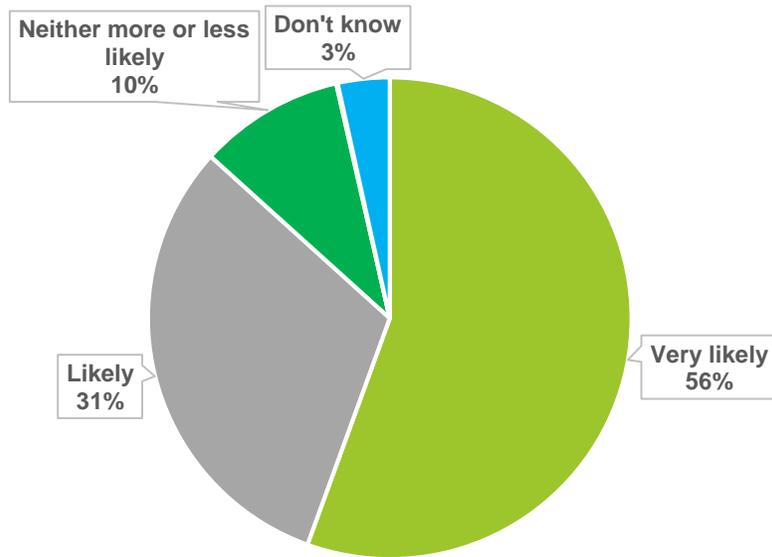
Base: 1231 respondents

Recommendations:

- Have some help and guidance available for Councils wanting to make applications.
- Ensure help and guidance is easily located and accessible

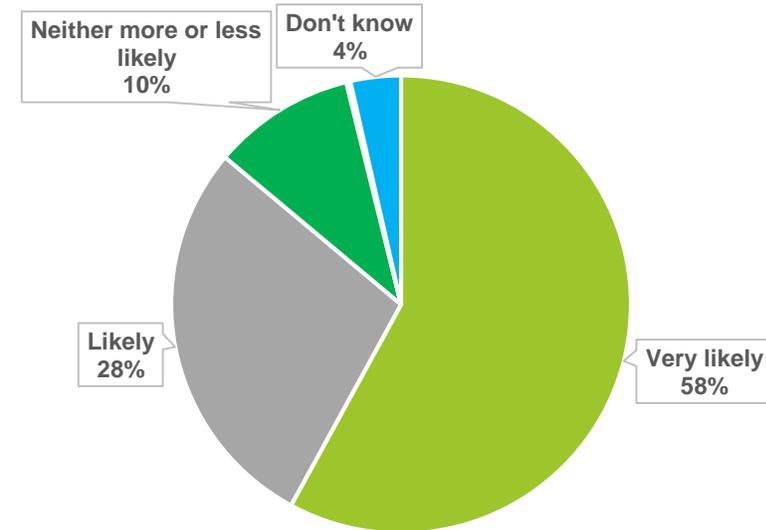
Would any of the following make you more likely to consider registering the land:

Help from HM Land Registry in preparing and lodging your application



Base: 1039 respondents

A dedicated team or person at HM Land Registry to liaise with while your application is being processed



Base: 1044 respondents

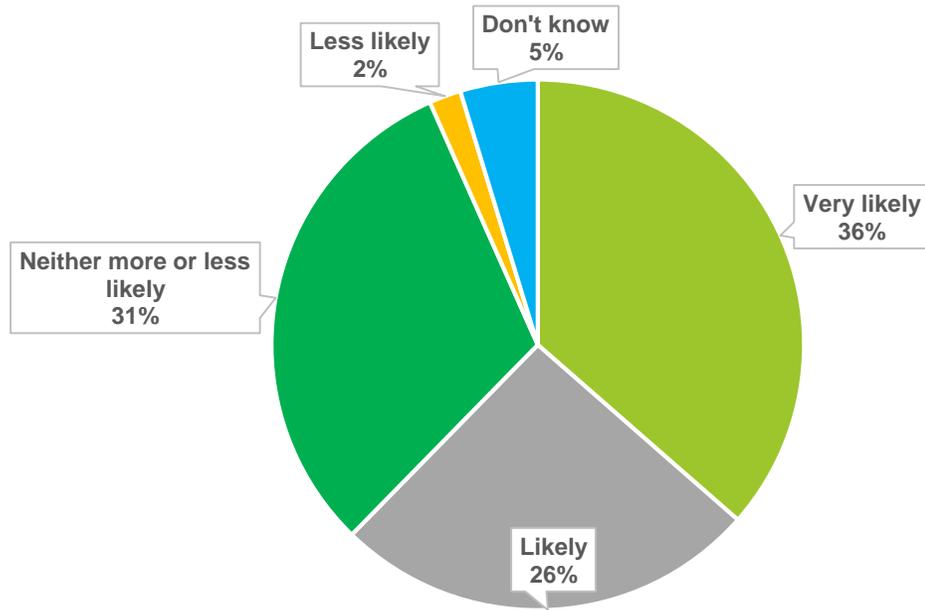
Respondents felt that help lodging applications and a liaison point while the applications were being processed would make them more likely to consider registering their land.

Recommendation:

Have a dedicated team or pool of people available that could deal with the applications from pre lodgement to completion. Consider replicating something similar to the managed services model.

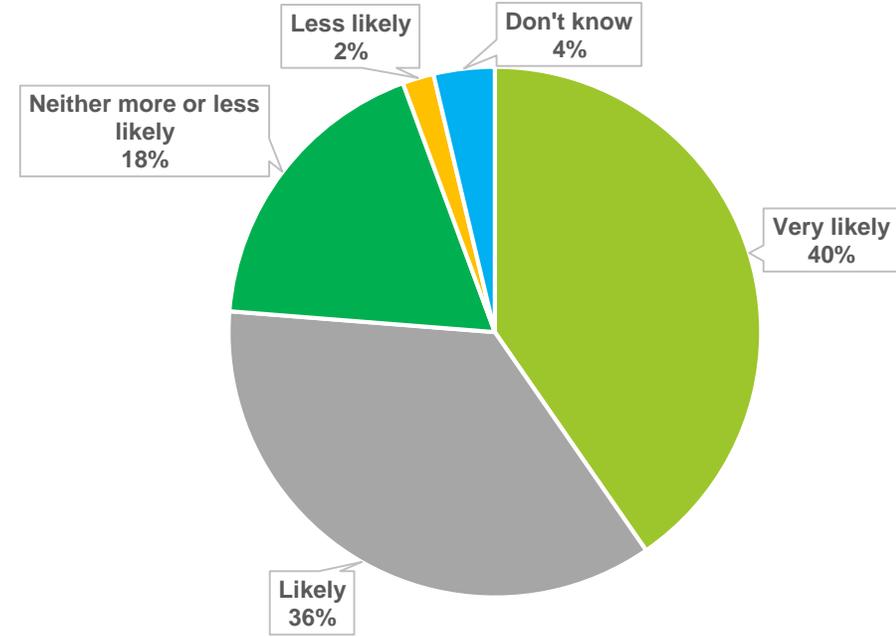
Would any of the following make you more likely to consider registering the land:

Decreased fee



Base: 979 respondents

Materials and guides online



Base: 998 respondents

Although decreasing the fee would make Councils more likely to lodge their applications it would have less of an impact than offering them help. Materials and online help would be a good way to initiate registration with the additional help for lodging being available if and when required.

Any other comments?

Doing this will displace other work that is more important to communities. Non registration of land was always a risk when introducing the system and the onus should be on government to cover the cost and time needed to do it.

Clearer forms and process. The paperwork involved and communications received to date is confusing and intimidating for a non-specialist.

Is there anything else, not already mentioned, that would make you more likely to make an application?

189 comments were received to this. These included: *(Shown in order of mentions)*

- Clearer processes, Guidance, terminology and support from HM Land Registry
- Its too complex- make HM Land Registry processes easier and remove barriers and delays
- Need to know the benefits to registering and the consequences of not registering
- Need to employ a solicitor to do the work
- Need an easy way to check if land is registered and who owns it
- Need more resources

An easy search facility to find out the current status of land in our possession.

Assurances that we wouldn't be making the matter worse.

Being able to undertake most or all of the application without having to employ a solicitor.

Clarification on what you need to register, e.g. war memorials? old springs?

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Our ambition: To become the world's leading land registry for speed, simplicity and an open approach to data

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Our mission: Your land and property rights: guaranteed and protected

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We give assurance

We have integrity

Insert additional info

We drive innovation

We are professional