



Response form: consultation on moving Land Registry operations to the private sector

The consultation is available at: <http://www.gov.uk/government/consultations/land-registry-moving-operations-to-the-private-sector>

The closing date for responses is 26 May 2016.

Please return completed forms to:

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Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see [section 4](#) of the consultation for further information.

If you want information, including personal data, that you provide to be treated in confidence, please explain to us what information you would like to be treated as confidential and why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential

Comments:

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Questions

Name: Artemis Sofokleous

Organisation (if applicable): Historic England

Address: 1, Waterhouse Square, 138 - 142 Holborn, London EC1N 2ST

| | Respondent type |
|-------------------------------------|--|
| <input type="checkbox"/> | Business representative organisation/trade body |
| <input type="checkbox"/> | Central government |
| <input type="checkbox"/> | Charity or social enterprise |
| <input type="checkbox"/> | Individual |
| <input type="checkbox"/> | Large business (over 250 staff) |
| <input type="checkbox"/> | Legal representative |
| <input type="checkbox"/> | Local government |
| <input type="checkbox"/> | Medium business (50 to 250 staff) |
| <input type="checkbox"/> | Micro business (up to 9 staff) |
| <input type="checkbox"/> | Small business (10 to 49 staff) |
| <input type="checkbox"/> | Trade union or staff association |
| <input checked="" type="checkbox"/> | Other (please describe) Non-departmental public body |

1. Do you agree that the ownership of the Registers should remain in government?

Yes No Not sure

Comments:

Historic England does not have a view on the issue.

2. What steps should government take and what safeguards should it put in place to ensure continued and improved access to high-quality and reliable Land Registry data?

Comments:

Historic England has no view on the principle of this consultation, but has particular concern about the incorporation or future storage and availability of Local Land Charge information and any proposed restriction or cut off in the length of time for which data can be searched against. Although this was not specifically mentioned in the current 2016 consultation, it was suggested in the 2014 consultation which preceded it. The recommendations from that consultation were not implemented, but there remains a concern that they may well be on this occasion as part of the current consultation implementation. Historic England has had a productive meeting with the Land Registry on the point but still feels it appropriate to state our concern formally as it is critical that it is addressed.

We believe it is essential that relevant historic environment data, such as whether a building is listed or an archaeological site scheduled, are fully recorded as Local Land Charges (LLCs) on the Register. We would be extremely concerned if there was a cut-off of, for example of 15 years, for historic environment data because most of the historic environment designation records are older than that and have potentially an indefinite lifespan. There would therefore be an unacceptable risk that owners and prospective owners would not have accurate information on the piece of land in question.

Historic England is particularly concerned because the status of heritage assets such as scheduled monuments, listed buildings and conservation areas are all recorded as LLCs.* For example, if the year 2000 was chosen as a cut-off point for data:

a) 18,281 of the presently designated 19,904 scheduled monuments were designated before 2000,

b) 367,982 of the presently designated 375,875 listed building entries were designated before 2000,

c) There are over 10,036 conservation areas now and in 2000 there were approximately 8,500. Conservation areas have been estimated to contain over 1million households in total. In addition, some conservation areas have Article 4 Directions restricting some forms of Permitted Development, and these are also recorded as LLCs.

It is important that potential owners are alerted to the status of a heritage asset as this will affect the development potential of the property.

It is essential that owners are aware of the status of their property as executing unauthorised works to a scheduled monument or a listed building, or failing to obtain planning permission for demolition in a Conservation Area, carries the risk of criminal liability.

It is essential that the existence and extent of a conservation area is known so that owners are aware of the need to apply for consent for demolition of an unlisted building in the area and to notify the Local Authority of works to trees.

* Scheduled Monuments: see s. 1(9), Ancient Monuments and Archaeological Areas Act 1979

Listed Buildings: see s. 2 (2), Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Areas: see s. 69 (4), Planning (Listed Buildings and Conservation Areas) Act 1990

3. How could government use this opportunity to improve the quality and accessibility of data produced by Land Registry for all sectors of the economy?

Comments:

Historic England believes it is important that data from the Land Registry is available for relevant research and analysis to ensure that the historic environment is properly managed and that the Government's stated policy objective of protecting heritage is maintained. Any charges to access data need to be reasonable.

4. On what basis should government manage the relationship with a privately owned Land Registry to ensure Land Registry meets, as far as is reasonable, the data quality and availability requirements of all stakeholders?

Comments:

Historic England does not have a view on the issue.

5. Do you agree that the suggested safeguards should be included in any model?

Yes No Not sure

Comments:

Historic England does not have a view on the issue.

6. Are there any other safeguards that you think should be included?

Yes No Not sure

Comments:

Historic England does not have a view on the issue.

7. Do you agree with the preferred option?

Yes No Not sure

Comments:

Historic England does not have a view on the issue.

8. What are your reasons for your answer to question 7?

Comments:

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9. Do you think an alternative model would be better and why?

Yes No Not sure

Comments:

Historic England does not have a view on the issue.

10. Are there other key costs and benefits that you think we might have missed?

Yes No Not sure

Comments:

Historic England does not have a view on the issue.

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Comments:

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Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

BIS/15/165/RF

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

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