

Appendix C3: Identifying Landowners and other Stakeholders

Overview

Negotiating a canoe access agreement can only commence when the parties to the agreement are known. This is a major stumbling block for many voluntary clubs, since there is no central database of land and riparian ownership, meaning that information has to be built up over time. This is essentially about local knowledge, about 'keeping an ear to the ground', and about robust information recording systems. Most clubs contain people whose families have lived in the area for a long time and who know a great deal about who owns what. Further information can be obtained via 'on the ground' surveying of the area, noting any names and contact details placed on or near buildings, or in local papers. These often refer to businesses that occupy the premises or businesses that are responsible for site ownership, development and management (e.g. property developers or land regeneration companies). The occupier is not necessarily the owner; however, there is often a contact telephone number that can be followed up. It may be possible, therefore, to contact the owner of the identified property via the tenant of estate agent (NB. The estate agents or tenants will not usually disclose contact details of the owner but may be willing to forward any correspondence to them). Where only a name of a business or the building is found, searching the internet for possible leads can be useful. Searching can be done via www.yell.co.uk or www.scoot.co.uk for particular UK businesses. Search engines such as www.google.co.uk often result in links to documents where the name, telephone number or postcode have been recorded.

Finally, in some situations landowner details can be found through in-person communication with known landowners. This mostly applies to farms or family-run small businesses. Fishing clubs are also a good source of landowner information, although they are not always willing to release this type of information.

The important point here is that this is an on-going activity for all club members, so that the club can build up, over the years, an accurate picture of who owns which land adjacent to the rivers that they want to paddle and the fisheries and other tenants that use that land.

Planning Application Histories

In cases where local research fails to identify an owner, it is possible to obtain private landownership information through searching the database of planning applications held by the local planning authority. The records are accessible, either through the public library, the planning office or, increasingly, on-line, via the internet. The searching systems vary from one authority to another. However, it is often computer-based and self-guided. In some cases the searching facility may be less developed and a preliminary appointment will be necessary with the planning department. The pre-set software packages enable individuals to begin the search by a street name. Once the area of interest is found on the map it is easy to navigate, zoom in or out and move along the area of interest looking for particular properties that have planning application histories.

Depending on the system, the contact information can be included in the description of the identified property (together with information on the status of the application) or it can provide a reference number. The number then can be used to look up the contact details in printed files held at the same location. In some cases, further assistance can be requested from the members of staff.

The search of ownership details using the planning application records is a useful tool as this is a free service and the computer-based searching service is easy to perform. There are, however, certain limitations. The planning applications often only apply to developed areas and buildings (e.g. extension of residential property, erection of barn etc). There is no information held for sites free of any constructions (e.g. farms), hence ownership details can only be inferred and are not necessarily correct. Furthermore, the contact details refer to the applicant rather than the owner of the property (often an architect or building surveyor, or the installer of security or other systems). In these cases contacting the owner via the application may not be an efficient way and hence alternative ways of obtaining the information should be explored. Finally, a computer-facilitated and spatially-referenced search of planning applications is only available for relatively recent applications (dating approximately to the 1990s depending on the local authority). The paper search can be complicated if the address is unknown and may require additional assistance from council staff.

Land Registry Search

Where local information is not available, applications can be made to the Land Registry for details of properties entered on the Land Register. The registration of interests in land has been occurring gradually over the last few decades, as interests have been exchanged, usually through sale and purchase. Registration is uneven across the country, depending upon whether and when compulsory registration commenced. It tends to be more complete in urban areas, partly this is where most effort has been put, and partly because private houses are sold more frequently than farmland. However, the Land Registry is a good place to search for unidentified owners, especially if the proposed agreement passes through residential areas.

The Land Registry online search service (<http://www.landregisteronline.gov.uk>) is one method of obtaining both ownership details (from the "Title Register") and the corresponding land plans (called "Title Plan"). It is also possible to search the Land Charges Register to establish whether some rights (including riparian rights) have been separated from the principal property rights. To carry out an online search it is necessary to know the corresponding Title Number. However, you can search using the address (including the postcode). Such an initial search will provide a list of all title numbers associated with the identified postal address. Once the title number is known, the search can be continued by requesting an online purchase of either (or both) the title register and the title plan. Each online transaction costs £2 (i.e. £4 for both documents). Sometimes, however, one of the documents is not available online and a postal request of the document should be made. The request should be done via submitting a request for an Official Copy (OC1), the link to which is prompted automatically when online service for the particular document is not available.

If the land of interest refers to an undeveloped land or farmland which does not have an explicit postal address, a postal request is necessary using a SIM (Search of the

Index Map) service. Again, the form can be completed and submitted online. However it can be suggested that the form is downloaded (<http://www.landregistry.gov.uk/assets/library/documents/sim.pdf>) and the plan of the area of interest is attached. This will facilitate identification of the land. The form(s) should be posted to the corresponding Land Registry Office. The contact details can be found on <http://www.landregistry.gov.uk/regional/areas/>.