

Law Society CON 29 Enquiries of Local Authority (2016)

PLANNING AND BUILDING REGULATIONS

1.1 Planning and building decisions and pending applications

Which of the following relation to the property have been granted, issued or refused or (where applicable) are the subject of pending applications or agreements?

- (a) a planning permission
- (b) a listed building consent
- (c) a conservation area consent
- (d) a certificate of lawfulness of existing use or development
- (e) a certificate of lawfulness of proposed use or development
- (f) a certificate of lawfulness of proposed works for listed buildings
- (g) a heritage partnership agreement
- (h) a listed building consent order
- (i) a local listed building consent order
- (j) building regulations approval
- (k) a building regulation completion certificate
- (l) any building regulations certificate or notice issued in respect of work carried out under a competent person self-certification scheme?

1.2 Planning designations and proposals

What designations of land use for the property, or the area, and what specific proposals for the property, are contained in any existing or proposed development plan?

ROADS AND PUBLIC RIGHTS OF WAY

Roadways, footways and footpaths

2.1 Which of the roads, footways and footpaths named in the application for this search (via boxes B and C) are:

- (a) highways maintainable at public expense
- (b) subject to adoption and, supported by a bond or bond waiver
- (c) to be made up by a local authority who will reclaim the cost from the frontagers
- (d) to be adopted by a local authority without reclaiming the cost from the frontagers

Public rights of way

- 2.2 Is any public right of way which abuts on, or crosses the property, shown on a definitive map or revised definitive map?
- 2.3 Are there any pending applications to record a public right of way that abuts, or crosses the property, on a definitive map or revised definitive map?
- 2.4 Are there any legal orders to stop up, divert, alter or create a public right of way which abuts, or crosses the property not yet implemented or shown on a definitive map?
- 2.5 If so, please attach a plan showing the approximate route.

OTHER MATTERS

Apart from the matters entered on the registers of local land charges, do any of the following matters apply to the property? If so, how can copies of relevant documents be obtained?

3.1 Land required for public purposes

Is the property included in land required for public purposes?

3.2 Land to be acquired for road works

Is the property included in land to be acquired for road works?

3.3 Drainage agreement and consents

- (a) Is the property served by a sustainable urban drainage system (SuDS)?
- (b) Are there SuDS features within the boundary of the property? If yes, is the owner responsible for maintenance?
- (c) If the property benefits from a SuDS for which there is a charge, who bills the property for the surface water drainage charge?

3.4 Nearby road schemes

Is the property (or will it be) within 200 metres of any of the following?

- (a) the centre line of a new trunk road or special road specified in any order, draft order or scheme
- (b) the centre line of a proposed alteration or improvement to an existing road involving construction of a subway, underpass, flyover, footbridge, elevated road, or duel carriageway
- (c) the outer limits of construction works for a proposed alteration or improvement to an existing road involving (i) construction of a roundabout (other than a mini roundabout) or (ii) widening by construction of one or more additional traffic lanes
- (d) the outer limits of (i) construction of a new road to be built by a local authority, (ii) an approved alteration or improvement to the existing road involving the construction of a subway, underpass, flyover, footbridge, elevated road, or duel carriage way or (iii) construction of a roundabout (over than a mini roundabout) or widening by construction of one or more additional traffic lanes
- (e) the centre line proposed route of a new road under proposals published for public consultation
- (f) the outer limits one (i) construction for a proposed alteration or improvement to an existing road involving of a subway, underpass, flyover, footbridge, elevated road, or duel carriage way, (ii) construction of a roundabout (over than a mini roundabout) or widening by construction of one or more additional traffic lanes, under proposals published for public consultation

3.5 Nearby railway schemes

- (a) Is the property (or will it be) within 200 metres of the centre line of a proposed railway, tramway, light railway or monorail?
- (b) Are there any proposals for a railway, tramway, light railway, or monorail within the Local Authority's boundary?

3.6 Traffic schemes

Has a local authority approved but not yet implemented any of the following for the roads, footways and footpaths which are named in boxes B and C and are within 200 metres of the boundaries of the property?

- (a) permanent stopping up or diversion
- (b) waiting or loading restrictions
- (c) one way driving
- (d) prohibition of driving
- (e) pedestrianisation
- (f) vehicle width or weight restriction
- (g) traffic calming works including road humps
- (h) residents parking controls
- (i) minor road widening or improvement
- (j) pedestrian crossings
- (k) cycle tracks
- (l) bridge building

3.7 Outstanding notices

Do any statutory notices which relate to the following matters subsist in relation to the property other than those revealed in response to any other enquiry in this form?

- (a) building works
- (b) environment
- (c) health and safety
- (d) housing
- (e) highways
- (f) public health
- (g) flood and coastal erosion risk management

3.8 Contravention of building regulations

Has a local authority authorised in relation to the property any proceedings for the contravention of any provision contained in building regulations?

3.9 Notices, orders, directions and proceedings under Planning Acts

Do any of the following subsist in relation to the property, or has a local authority decided to issue, serve, make or commence any of the following?

- (a) an enforcement notice
- (b) a stop notice
- (c) a listed building enforcement notice
- (d) a breach of condition notice
- (e) a planning contravention notice
- (f) another notice relating to breach of planning control
- (g) a listed building repairs notice
- (h) in the case of a listed building deliberately allowed to fall into disrepair, a compulsory purchase order with a direction for minimum compensation
- (i) a building preservation notice
- (j) a direction restricting permitted development
- (k) an order revoking or modifying a planning permission
- (l) an order requiring discontinuance of use or alteration or removal of building or works
- (m) a tree preservation order
- (n) proceedings to enforce a planning agreement or planning contribution

3.10 Community infrastructure levy (CIL)

(a) Is there a CIL charging schedule?

(b) If yes, do any of the following subsist in relation to the property, or has a local authority decided to issue, serve, make or commence any of the following:-

- (i) a liability notice?
- (ii) a notice of chargeable development?
- (iii) a demand notice?
- (iv) a default liability notice?
- (v) an assumption of liability notice?
- (vi) a commencement notice?
- (c) Has any demand notice been suspended?
- (d) Has the Local Authority received full or part payment of any CIL liability?
- (e) Has the Local Authority received any appeal against any of the above?
- (f) Has a decision been taken to apply for a liability order?
- (g) Has a liability order been granted?
- (h) Have any other enforcement measures been taken?

3.11 Conservation area

Do any of the following apply in relation to the property?

- (a) the making of the area a conservation area before 31 August 1974
- (b) an unimplemented resolution to designate the area a Conservation Area

3.12 Compulsory purchase

Has any enforcement order or decision been made to compulsorily purchase or acquire the property?

3.13 Contaminated land

Do any of the following apply (including any relating to land adjacent to or adjoining the property which has been identified as contaminated land because it is in such a condition that harm or pollution of controlled waters might be caused on the property)?

- (a) a contaminated land notice
- (b) in relation to a register maintained under section 78R of the Environmental Protection Act 1990
 - (i) a decision to make an entry
 - (ii) an entry
- (c) consultation with the owner or occupier of the property conducted under section 78G(3) of the Environmental Protection Act 1990 before the service of a remediation notice

3.14 Radon gas

Do records indicate that the property is in a "Radon Affected Area" as identified by the Health Protection Agency?

3.15 Assets of Community Value

- (a) Has the property been nominated as an asset of community value? If so:-
 - (i) Is it listed as an asset of community value?
 - (ii) Was it excluded and placed on the "nominated but not listed" list?
 - (iii) Has the listing expired?
 - (iv) Is the Local Authority reviewing or proposing to review the listing?
 - (v) Are there any subsisting appeals against the listing?
- (b) If the property is listed:
 - (i) Has the Local Authority decided to apply to the Land Registry for an entry or cancellation of a restriction in respect of listed land affecting the property?
 - (ii) Has the Local Authority received a notice of disposal?
 - (iii) Has any community interest group requested to be treated as a bidder?

Notes:

1. References to the provisions of particular Acts of Parliament or Regulations include any provisions which they have replaced and also include existing or future amendments or re-enactments.
2. The replies will be given in the belief that they are in accordance with information presently available to officers of the replying local authority, but none of the local authorities or their officers accept legal responsibility for an incorrect reply, except for negligence. Any legal responsibility for negligence will be owed to the person who raised the enquiries and the person on whose behalf they were raised. It will also be owed to any other person who has knowledge (personally or through an agent) of the replies before the time when he purchases, takes a tenancy of, or lends money on the security of the property or (if earlier) the time when he becomes contractually bound to do so.
3. This form should be read in conjunction with the guidance notes available separately.
4. 'Area' means any area in which the property is located.
5. References to the Local Authority include any predecessor Local Authority and also any Local Authority committee, sub-committee or other body or person exercising powers delegated by the Local Authority and their 'approval' includes their decision to proceed. The replies given to certain enquiries cover knowledge and actions of both the District Local Authority and County Local Authority.
6. Where relevant, the source department for copy documents should be provided.