

Law Society CON 29 Enquiries of local authority (2016)

If you are applying for an electronic search, you need only supply one copy of the form and plan. If you are submitting a paper-based search, the form and plan must be submitted in duplicate. Please type or use BLOCK LETTERS

A.

Local Authority Name and address

Local Land Charges Department
Colchester Borough Council/Com
PO Box 884, Colchester
Essex
CO1 1FR

Search No:

Signed:

On behalf of:

Local authority/private search company/member of the public (indicate as applicable).

Dated:

B.

Address of the land/property

UPRN(s):

Secondary name/number:

Primary name/number:

Street:

Locality/village:

Town:

Postcode: CO

C.

Other roadways, footways and footpaths in respect of which a reply at enquiries 2.1 and 3.6 required (Maximum 3 roads):

D.

Fees

£ _____ is enclosed/is paid by _____ transfer (delete as applicable)

Signed:

Dated:

Reference: _____

Telephone No: _____

Fax No: _____

E-Mail: _____

E.

Please reply to:

DX Address: _____

Notes

- Enter name and address of appropriate local authority. If the property is near a local authority boundary, consider raising certain enquiries (e.g. road schemes) with the adjoining local authority.
- Enter address and description of the property. Please give the UPRN(s) (Unique Property Reference Number) where known. **A duplicate plan is required for all searches submitted directly to a local authority.** The search may be returned if land/property cannot easily be identified.
- Enter name and/or mark on plan any other roadways, footways and footpaths abutting the property (in addition to those entered in Box B) to which a reply at enquiries 2.1 and 3.6 is required (subject to a maximum of 3 roads excluding any Box B road).
- Details of fees can be obtained from the local authority, your chosen NLIS Channel or search provider.
- Enter the name and address/DX address of the person or company lodging or conducting this enquiry.

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PLANNING & BUILDING REGULATIONS

1.1. Planning and building decisions and pending application

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

- a planning permission
- a listed building consent
- a conservation area consent
- a certificate of lawfulness of existing use or development
- a certificate of lawfulness of proposed use or development
- a certificate of lawfulness of proposed works for listed buildings
- a heritage partnership agreement
- a listed building consent order
- a local listed building consent order
- building regulations approval
- a building regulation completion certificate
- 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

- highways maintainable at public expense
- subject to adoption and, supported by a bond or bond waiver
- to be made up by a Local Authority who will reclaim the cost from the frontagers
- to be adopted by a Local Authority without reclaiming the cost from the frontagers

Public rights of way

- Is any public right of way which abuts on, or crosses the property, shown on a definitive map or revised definitive map?
- 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?
- 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?
- If so, please attach a plan showing the approximate route

OTHER MATTERS

Apart from 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 matters

- Is the property served by a sustainable urban drainage system (SuDS)?
- Are there SuDS features within the boundary of the property? If yes, is the owner responsible for maintenance?
- 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?

- the centre line of a new trunk road or special road specified in any order, draft order or scheme
- the centre line of a proposed alteration or improvement to an existing road involving construction of a subway, underpass, flyover, footbridge, elevated road or dual carriageway
- the outer limits of construction works for a proposed alteration or improvement to an existing road involving
 - construction of a roundabout (other than a mini roundabout) or
 - widening by construction of one or more additional traffic lanes
- the outer limits of:
 - construction of a new road to be built by a Local Authority
 - an approved alteration or improvement to an existing road involving construction of a subway, underpass, flyover, footbridge, elevated road or dual carriageway
 - construction of a roundabout (other than a mini roundabout) or widening by construction of one or more additional traffic lanes
- the centre line of the proposed route of a new road under proposals published for public consultation
- the outer limits of:
 - construction of a proposed alteration or improvement to an existing road involving construction of a subway, underpass, flyover, footbridge, elevated road or dual carriageway
 - construction of a roundabout (other than a mini roundabout)
 - widening by construction of one or more additional traffic lanes, under proposals published for public consultation

3.5. Nearby railway schemes

- Is the property (or will it be) within 200 metres of the centre line of a proposed railway, tramway, light railway or monorail?
- 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?

- permanent stopping up or diversion
- waiting or load restrictions
- one way driving
- Prohibition of driving
- pedestrianisation
- vehicle width or weight restriction
- traffic calming works including road humps
- residents parking controls
- minor road widening or improvements
- pedestrian crossings
- cycle tracks
- 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 a response to any other enquiry in this form?

- building works
- environment
- health and safety
- housing
- highways
- public health
- flood and coastal erosion risk management

3.8. Contravention of building regulations

Has a Local Authority authorised in relation to the property and 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?

- an enforcement notice
- a stop notice
- a listed building enforcement notice
- a breach of condition notice
- a planning contravention notice
- another notice relating to breach of planning control
- a listed building repairs notice
- in the case of a listed building deliberately allowed to fall into disrepair, a compulsory purchase order with a direction for minimum compensation
- a building preservation notice
- a direction restricting permitted development
- an order revoking or modifying planning permission
- an order requiring discontinuance of use or alteration or removal of building or works
- a tree preservation order
- proceedings to enforce a planning agreement or planning Contribution

3.10. Community infrastructure levy (CIL)

- Is there a CIL charging schedule?
- 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:-
 - a liability notice?
 - a notice of chargeable development?
 - a demand notice?
 - a default liability notice?
 - an assumption of liability notice?
 - a commencement notice?
- Has any demand notice been suspended?
- Has the Local Authority received full or part payment of any CIL liability?
- Has the Local Authority received any appeal against any of the above?
- Has a decision been taken to apply for a liability order?
- Has a liability order been granted?
- Have any other enforcement measures been taken?

3.11. Conservation area

Do the following apply in relation to the property?

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

3.12. Compulsory purchase

Has any enforceable 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 contaminated land notice
- in relation to a register maintained under section 78R of the Environmental Protection Act 1990
 - a decision to make an entry
 - an entry

3.14. Radon gas

Do records indicate that the property is in a "Radon Affected Area" as identified by Public Health England or Public Health Wales?

3.15. Assets of Community Value

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

NOTES

- 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.
- The replies will be given in the belief that they are in accordance with information presently available to the officers of the replying Local Authority, but none of the local authorities or their officers accepts 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.
- This Form should be read in conjunction with the guidance notes available separately.
- Area means any area in which the property is located.
- 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.
- Where relevant, the source department for copy documents should be provided.

Law Society CON 290 Optional Enquiries of local authority (2016)

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PO Box 884, Colchester
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CO1 1FR

Search No:

Signed:

On behalf of:

Local authority/private search company/ member of the public (indicate as appropriate).

Dated:

B.

Address of the land/property

UPRN(s):

Secondary name/number:

Primary name/number:

Street:

Locality/village:

Town:

Postcode:

C.

Optional enquiries (please tick as required)

- 4. Road proposals by private bodies
- 5. Advertisements
- 6. Completion Notices
- 7. Parks and countryside
- 8. Pipelines
- 9. Houses in Multiple Occupation
- 10. Noise Abatement
- 11. Urban Development Areas
- 12. Enterprise Zones, Local Development Orders and BIDs
- 13. Inner urban improvement areas
- 14. Simplified planning zones
- 15. Land maintenance notices
- 16. Mineral consultation and safeguarding areas
- 17. Hazardous substance consents
- 18. Environmental and pollution notices
- 19. Food safety notices
- 20. Hedgerow notices
- 21. Flood Defence and Land Drainage consents
- 22. Common Land and Town or Village Green

D.

Fees

£ _____ is enclosed/is paid by _____ transfer (delete as applicable)

Signed:

Dated:

Reference:

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Fax No:

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Notes

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ROAD PROPOSALS BY PRIVATE BODIES

4. What proposals by others have been approved or are the subject of pending applications, the limits of construction of which are adjoining or adjacent to the property for-
- the construction of a new road, or
 - the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road, dual carriageway, the construction of a roundabout (other than a mini roundabout) or the widening of an existing road by the construction of one or more additional traffic lanes?

ADVERTISEMENTS

Entries in the register

- 5.1. Please list any entries in the register of applications, directions and decisions relating to consent for the display of advertisements
- 5.2. If there are any entries, where can that register be inspected?

Notices, proceedings and orders

- 5.3. Except as shown in the official certificate of search:
- Has any notice been given by the Secretary of State or served in respect of a direction or proposed direction restricting deemed consent for any class of advertisement?
 - Has the local authority resolved to serve a notice requiring the display of any advertisement to be discontinued?
 - If a discontinuance notice has been served, has it been complied with to the satisfaction of the local authority?
 - Has the local authority resolved to serve any other notice or proceedings relating to a contravention of the control of advertisements?
 - Has the local authority resolved to make an order for the special control of advertisements for the area?

COMPLETION NOTICES

6. Which of the planning permissions in force has the local authority resolved to terminate by means of a completion notice under s.94 of the Town & Country Planning Act 1990?

PARKS AND COUNTRYSIDE

Areas of Outstanding Natural Beauty

- 7.1. Has any order under s.82 of the Countryside and Rights of Way Act 2000 been made?

National Parks

- 7.2. Is the property within a National Park designated under s.7 of the National Parks and Access to the Countryside Act 1949?

PIPELINES

8. Has a map been deposited under s.35 of the Pipelines Act 1962, or Schedule 7 of the Gas Act 1986, showing a pipeline laid through, or within 100 feet (30.48 metres) of the property?

HOUSES IN MULTIPLE OCCUPATION

9. Is the property a house in multiple occupation, or is it designated or proposed to be designated for selective licensing of residential accommodation in accordance with the Housing Act 2004?

NOISE ABATEMENT

Noise Abatement Zone

- 10.1. Has the local authority made, or resolved to make, any noise abatement zone order under s.63 of the Control of Pollution Act 1974 for the area? **Entries in Register**
- 10.2. Has any entry been recorded in the Noise Level Register kept pursuant to s.64 of the Control of Pollution Act 1974?
- 10.3. If there is any entry, how can copies be obtained and where can that Register be inspected?

URBAN DEVELOPMENT AREAS

- 11.1. Is the area an urban development area designated under Part XVI of the Local Government, Planning and Land Act 1980?
- 11.2. If so, please state the name of the urban development corporation and the address of its principal office.

ENTERPRISE ZONES, LOCAL DEVELOPMENT ORDERS & BIDS

- 12.1. Is the area designated as an enterprise zone?
- 12.2. Is the area subject to a local development order?
- 12.3. Is the area a business improvement district (BID)?

INNER URBAN DEVELOPMENT AREAS

13. Has the local authority resolved to define the area as an improvement area under s.4 of the Inner Urban Areas Act 1978?

SIMPLIFIED PLANNING ZONES

- 14.1. Is the area a simplified planning zone adopted or approved pursuant to s.83 of the Town & Country Planning Act 1990?
- 14.2. Has the local authority approved any proposal for designating the area as a simplified planning zone?

LAND MAINTENANCE NOTICES

15. Has the local authority authorised the service of a maintenance notice under s.215 of the Town & Country Planning Act 1990?

MINERAL CONSULTATION AND SAFEGUARDING AREAS

16. Is the area a mineral consultation or mineral safeguarding area notified by the county planning authority under Schedule 1 para 7 of the Town & Country Planning Act 1990?

HAZARDOUS SUBSTANCE CONSENTS

- 17.1. Please list any entries in the Register kept pursuant to s.28 of the Planning (Hazardous Substances) Act 1990?
- 17.2. If there are any entries?
- How can copies of the entries be obtained?
 - Where can the Register be inspected?

ENVIRONMENTAL AND POLLUTION NOTICES

18. What outstanding statutory or informal notices have been issued by the local authority under the Environmental Protection Act 1990 or the Control of Pollution Act 1974? (This enquiry does not cover notices under Part IIA or Part III of the EPA, to which enquiries 3.7 or 3.13 apply).

FOOD SAFETY NOTICES

19. What outstanding statutory notices or informal notices have been issued by the local authority under the Food Safety Act 1990 or the Food Safety and Hygiene (England) Regulations 2013?

HEDGEROW NOTICES

- 20.1. Please list any entries in the record maintained under regulation 10 of the Hedgerows Regulations 1997.
- 20.2. If there are any entries:
- How can copies of the matters entered be obtained?
 - Where can the record be inspected?

FLOOD DEFENCE AND LAND DRAINAGE CONSENTS

21. Has any flood defence or land drainage consent relating to the property been given or refused, or (if applicable) is the subject of a pending application?

COMMON LAND AND TOWN OR VILLAGE GREEN

- 22.1. Is the property, or any land which abuts the property, registered common land or town or village green under the Commons Registration Act 1965 or the Commons Act 2006?
- 22.2. Is there any prescribed information about maps and statements, deposited under s.15A of the Commons Act 2006, in the register maintained under s.15B(1) of the Commons Act 2006 or under s.31A of the Highways Act 1980?
- 22.3. If there are any entries, how can copies of the matters registered be obtained and where can the register be inspected?

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