

Chapter 14: Purchase – pre-contract searches and enquiries

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Aims of this Chapter

Once the buyer's conveyancer has received the contract package from the seller's conveyancer, they can start the work on their buyer client's transaction in earnest. This is a very important part of the transaction. We are still at the pre-contract stage at the point where the buyer's conveyancer will submit pre-contract searches, investigate the seller's title and raise enquiries. The purpose of this work is to advise the buyer client as to the issues relating to the property. The buyer can then take an informed decision as to whether or not they want to proceed with the purchase. Remember also that if there is a mortgage, the buyer's conveyancer will also be acting for the lender who is equally interested in ensuring that the title is sound and there are no concerns arising from the search results.

This chapter will cover:

- pre-contract searches
- the content of the property information form, and
- raising pre-contract enquiries.



Figure 14

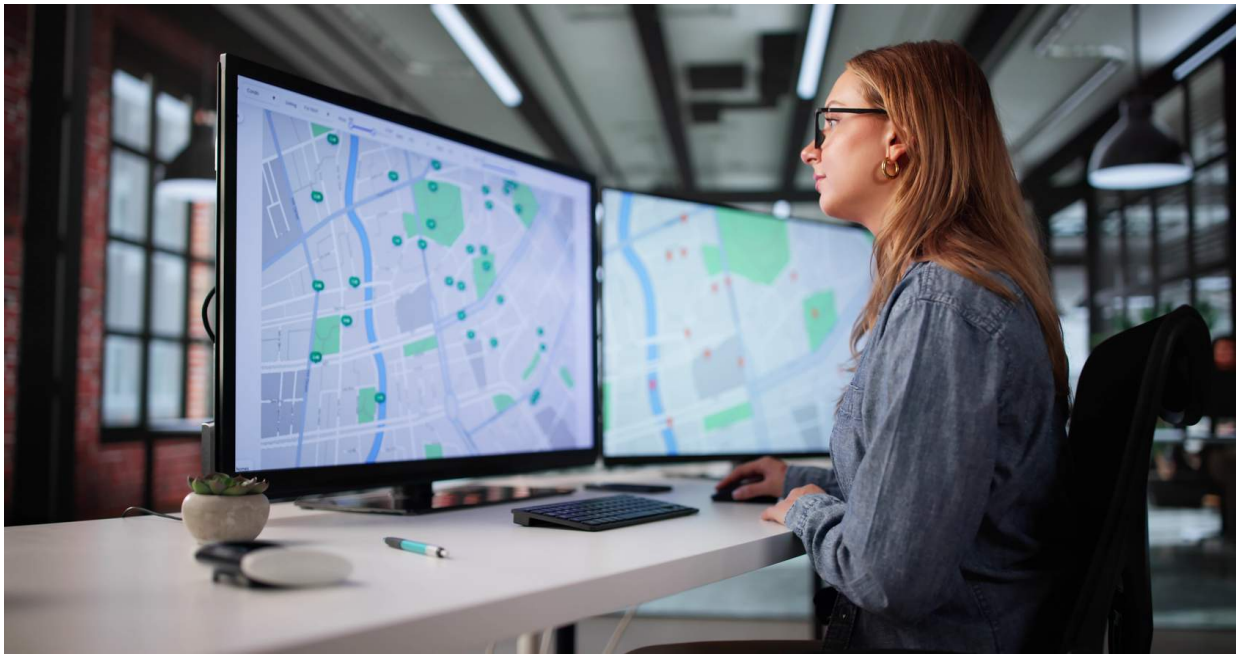
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14.1 Overview

Once the pre-contract package has been received from the seller's conveyancer, the buyer's conveyancer must make pre-contract searches and enquiries. The buyer's conveyancer is responsible for finding out as much as possible about the property before allowing a client to enter into a binding contract (which will be the case once contracts are exchanged). If any problems are revealed by the pre-contract searches and enquiries, these must be followed up. It may be possible to resolve any problems before exchange. If they cannot be resolved to the buyer's satisfaction, they can withdraw from the transaction at any point prior to exchange and look for another property. The seller has only a limited duty to disclose certain legal matters to the buyer, and does not have to disclose physical defects in the property. The buyer must therefore, through their conveyancer and their survey, make a variety of investigations prior to exchange of contracts. A conveyancer who fails to make a necessary search or enquiry may be liable in negligence if the buyer client suffers loss as a result.

The Protocol states that the buyer's conveyancer should notify the seller's conveyancer if there is going to be a delay in making the pre-contract searches and provide an indication as to why there is a delay and when it is likely the searches will be submitted.

Where the buyer is funding the purchase with the assistance of a mortgage loan, the UK Finance Mortgage Lenders' Handbook states that the buyer's conveyancer must make all usual and necessary searches which may be appropriate to the particular property, taking into account its locality and any other features of the transaction.



[CONTINUE](#)

14.2 Pre-contract searches

Table 14.2 shows the searches to be made by the buyer's conveyancer.

Pre-contract searches
Local search – LLC1 and CON 29
Additional enquiries of LA – CON 29O (if needed)
Drainage and water enquiries – CON 29DW
Coal mining search (if needed)
Environmental search (if needed)
Flood search (if needed)
Chancel repair liability search (if needed)

Any additional searches (if needed)

14.2.1 The local search – LLC1 and CON 29

The local search is the main pre-contract search.

It is made in two parts, on standard forms, which are submitted by post or DX to the local authority for the property being purchased, together with a fee. Fees vary between local authorities but are usually in the region of £100 to £150, although some local authorities do charge more.

Many local authorities now offer a direct electronic searches service. Details can be obtained from individual local authorities as to the methods they use, and the costs. Some local authorities, for instance, allow submission of local searches by email, with payment being made either online or by a cheque sent the same day in the post, and with results being returned by email. Some have an online portal or similar online facilities. In these instances, an alternative search order form may sometimes be used instead of the LLC1/CON 29 forms. Local searches can also be made via NLIS, other electronic search providers or commercial search companies.

The two parts of the local search are different in nature.

14.2.1.1 LLC1 – local land charges search

Local authorities are required to keep a register of local land charges for their area. The register is in 12 parts and the standard form may request a search in all the registers (this is usual practice). Such charges may involve the buyer in financial expenditure, or may limit the use of the land.

For example, a financial charge may arise where the local authority has made up the roads in the vicinity of the property and seeks to recoup the costs of the work. There may be a charge to each property fronting such a road. If this arose, the buyer's conveyancer would normally deal with the problem either by requiring the seller to contract to pay off the charge or by agreeing a reduction in the contract price to reflect the charge, with the buyer then taking over the liability.

Other examples of charges include:

- smoke control zones (which restrict the burning of non-smokeless fuels in the designated area);
- tree preservation orders (TPOs) (which prevent specific trees, identified in the order, being cut down, lopped, topped, uprooted, wilfully damaged or destroyed without the written consent of the local planning authority);
- some compulsory purchase orders (e.g. where the local authority is requiring certain land to be sold to it, so that it can widen a road); and
- various planning entries (e.g. planning consents).



Link to Practice

The buyer's conveyancer must discuss any entries with the client to see whether they are going to be problematic.

For example, if the buyer client wants to cut down certain trees in order to build an extension or swimming pool in the garden, there might be a problem if the trees are subject to a TPO. The buyer's conveyancer would have to ask the seller's conveyancer for a copy of the TPO so they could check the location of the protected trees and assess with the client whether they were affected by the order. If they were so affected the buyer would either have to obtain the consent of the local authority to cut down the trees or alter their plans for the works. If these planned works were

particularly important to them, and they could not obtain the required consent, they might even decide not to proceed with the purchase.

If a search application is sent directly to a local authority, it is called an official search. Official searches can also be made via electronic search providers.

If an official search is made, the result is given in the form of a certificate.

If a local land charge is not disclosed on an official certificate, it is still binding. If a buyer suffers loss due to the existence of a local land charge that was not revealed on an official search certificate obtained prior to exchange of contracts (because it was not registered or because the council has made an error when producing the certificate), the buyer is entitled to claim compensation from the council.

It is also possible to make personal local searches (as opposed to official ones) via commercial search companies. These searches are made by private search agents who have access to the local authority's data. In a transaction where an official search is not made, it will be necessary for the conveyancer to check that personal searches are acceptable to any mortgage lender. Some lenders will not accept personal searches, or state that they will only do so at the conveyancer's own risk.



Personal searches are more acceptable than they used to be, because there is now regulation of personal search providers via the Search Code, which includes insurance requirements, competence testing and an independent complaints scheme.

TAKEOVER OF LOCAL LAND CHARGES REGISTERS AND LOCAL LAND CHARGES (LLC1) SEARCHES BY HMLR

At present, most local land charges registers and most local land charges searches are dealt with by the relevant local authorities. However, this is changing as HMLR is gradually taking over the local land charges register and local land charges searches from local authorities. Once the changes are complete, HMLR will be the sole registering authority for local land charges and will maintain the local land charges register. All LLC1 searches will then be made at HMLR rather than being sent to the relevant local authority. This changeover has been taking place on a phased basis, however, since it is a huge project for all the various local authority registers to be consolidated into a single register.



Activity

Follow the link below and look at the number of local authorities whose LLC1 data has been transferred to HMLR. Is your local authority included yet?

 **GOV.UK**



Local Land Charges Programme

Every local authority in England and Wales, with the exception of county councils, is required to hold a local land charges register that records obligations affecting properties within their administrative area. Under the Infrastructure Act 2015 responsibility for the 331 registers was transferred to HM Land Registry in a phased approach.

There are over 300 local authority registers so, as seen earlier, nearly all LLC1 searches are currently made to the relevant local authority. However, this will change as time passes. HMLR says that full migration from local authorities to the Land Registry could take up to seven years.

This therefore remains an ongoing development and practitioners will need to check where to make the LLC1 part of the local search.

It must be stressed that this only affects LLC1 searches and that the CON29 enquiries will continue to be dealt with by local authorities. Where the local authority's local land charges searches have been taken over by HMLR, the two parts of the search will therefore become split between HMLR (LLC1) and local authority (CON29) (see later), each with a separate fee. Refer to form LLC1 at the end of this chapter (**14.9**).



Link to Practice

As a practical point, where searches are made through an online search provider, this may make little difference to the ordering of the searches as the provider will source them from the relevant place.

Where the Land Registry's new LLC1 service is to be used, this can be accessed through the portal, Business Gateway or on [the Land Registry's website](#).

The service contains a screening search of the local authority involved to check whether it is within the new scheme. Official local land charges searches from the Land Registry are digitally signed and Land Registry guaranteed. Unlimited repeat searches are allowed for a six-month period without further charge so a conveyancer could, for instance, re-check the register at a later

date for any new charges. The service allows users to download an official local land charges search for a standard fee of £15.

14.2.1.2 CON 29 – enquiries of the local authority

There are two forms:

1. **CON 29** which contains **standard enquiries** of the local authority, and
2. **CON 290** which contains **optional enquiries** of the local authority.

These enquiries are usually sent in duplicate with form LLC1 to the relevant local authority or HMLR.

A plan must be attached if necessary and the fee must be sent. The conveyancer will complete the forms with the correct details including the address of the property. The CON 29 and CON 290 forms enquire into matters that are not registered as local land charges, but which may affect the buyer's decision to purchase the property.

The form of standard enquiries is to be submitted in every case. If there are additional enquiries, the optional enquiries form must be sent as well.

The **standard enquiries** are those considered to be relevant to every transaction, for example:

- Whether the roads serving the property are maintained at the public expense (i.e. the highway status). The CON 29 form contains space for the conveyancer to state up to three other roads which they wish to be checked in addition to the road on which the property is situated (e.g. a road to the rear of the property which is not mentioned in the property address).

- Whether there are plans to build new roads nearby.
- Whether certain public rights of way affect the property.
- Whether there are any road proposals (e.g. for widening or road humps).
- Whether there have been any planning decisions (granted, pending or refused) in respect of the property.
- Whether any planning enforcement notices have been served in respect of a breach of planning control.
- Whether the property is in a conservation area.
- Whether there are any proposals for a railway, light railway or monorail within the local authority boundary.
- Whether the community infrastructure levy (CIL) will affect the property. The CIL may have to be paid in certain cases and in certain local authority areas where a person develops land, for instance builds a new house or adds a substantial extension. CIL is a planning charge designed to help local authorities pay for new infrastructure for their areas. Most new development which creates net additional floor space of 100 m² or more, or creates a new dwelling, is potentially liable for CIL, but there are some reliefs and exemptions. Not all local authorities have decided to charge CIL.
- Whether the property being purchased has been designated as an asset of community value (ACV). ACVs are properties such as pubs and village halls, which have been designated by a prescribed process as being of value to a particular community. This gives the community a right to bid to buy the asset when it is sold (e.g. so that the pub can be run by the villagers), which can delay a sale.
- Whether the local authority is taking action to require the clean-up of environmental contamination of the property.

A full list is set out on the back of the form.

CON 29O contains **optional enquiries** which will be selected and paid for according to the circumstances of the transaction, for example:

- Whether the property is within a National Park.
- Whether the property is within an Urban Development Area.
- Whether the property, or any land which abuts the property, is registered as common land or a town or village green. This enquiry would be relevant for instances where the land adjoins a village green or common, where the land is in a rural location, where the land is newly built on or yet to be built on or where it is suspected that the access to the property might be over a village green or common land.

The general significance of all enquiries is to alert the buyer to any problems they will encounter with the proposed use of the property, or any extra financial commitment they may expect. In practice, conveyancers will be aware of the significance of all the questions, but this is beyond the scope of the unit.

The CON 29 answers do not result in an official certificate and, essentially, compensation is payable only where the local authority has been negligent in its provision of the replies. Refer to forms CON 29 (**14.10**) and CON 29O (**14.11**) at the end of this chapter.



Link to Practice 

It is important to remember that a local land charges search is specific to the property to which it relates and that only a few of the CON 29 enquiries ask about the locality in which the property is situated.

If a buyer needs more information – for instance, concerning road proposals outside the enquiry limit – further enquiries must be made, as the standard search and enquiries will not cover this. Several commercial search companies offer products that search more widely (e.g. for planning applications a further distance away from the property). In all cases the conveyancer should ensure that the client understands the limitations of the searches and enquiries.

CONTINUE

14.2.2 CON 29DW – standard drainage and water enquiries

This additional search must be made in every transaction because a local authority search does not cover most questions about drainage and water.

The form should be submitted (usually with a location plan) to the appropriate water service company for the area of the property, as well as submitting the main CON 29 enquiries to the local authority. It can be sent by post or DX, and some companies have direct online search facilities. CON 29DW enquiries can also be submitted via electronic search providers. A fee is charged for the water and drainage search, which varies from one water company to another.



The water and drainage enquiries cover such matters as:

- whether the property is connected to a public sewer;
- whether the property is connected to surface water drainage;
- whether there is a public sewer within a defined distance of the property;
- whether the property is connected to the mains water supply;
- whether there is a water meter;
- whether the water is hard or soft; and
- who bills the property for sewerage and water services.

A full list of questions is on the back of the form. Refer to form CON 29DW at the end of this chapter (14.12).



Link to Practice

As with the local authority searches, the search results must be discussed with the client, and any problems highlighted. For instance, if there is a private drainage system, there may be additional maintenance expenses, and the conveyancer will need to check that the property has the necessary rights to use the system (e.g. some of the pipes may pass through another person's land).

CONTINUE

14.2.3 Physical inspection

The buyer should be advised to inspect the property before exchange and report any obvious problems. There are several reasons for this, for instance, to check:

- for any physical defects (the buyer will also have been advised to have a survey);
- whether there appear to be any occupiers other than the seller (the buyer's conveyancer will also make written enquiries about occupiers);
- whether there appear to be any problems with the boundaries to the property (Are they as expected by the buyer, for example, or does there seem to be a problem?);

- that any fixtures and fittings the buyer has agreed to buy are actually at the property.

CONTINUE

14.2.4 Environmental searches

In many cases it will be necessary to undertake an environmental search, to check for any environmental hazards that might affect the property (e.g. factories discharging hazardous substances) that might involve the owner in future expenditure or that might pose health risks.



It could be, for instance, that the land was used for industrial purposes in the past (e.g. a gas company might have been on the site) and that this use has contaminated the land. In certain circumstances, not considered in this unit, landowners can be held responsible for the costs of cleaning up contaminated land.



Activity

The Law Society has published a Practice Note on contaminated land and the latest version is dated 28 January 2020.

This can be viewed on the Law Society's website linked below.

The practice note stresses that conveyancers must be aware of the issue of land contamination and should consider whether it is an issue in the conveyancing transaction. It states that conveyancers should check from local search results whether the land has been designated by the local authority as contaminated and, if so, make all necessary further searches and enquiries. Where the land has not been designated as contaminated (the usual case), if it appears that there might be contamination (e.g. the property has been built on former industrial land), the conveyancer should make all necessary further enquiries, including searches.

 **LAW SOCIETY**

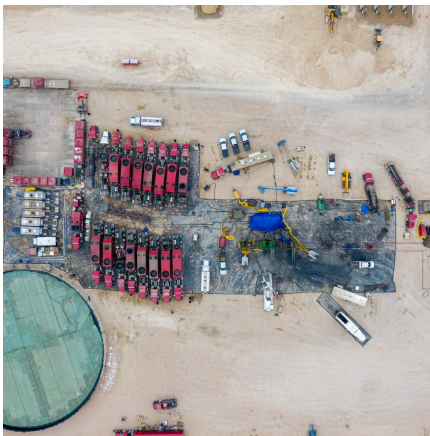
Contaminated land

This practice note explains what specialist information and assistance your client may need if contaminated land is an issue.

READ MORE LAWSOCIETY

The market for environmental searches has grown rapidly, with various commercial companies offering search facilities for a fee. Many firms now regard an environmental search as standard, and it is regarded as best practice to do one in all cases.

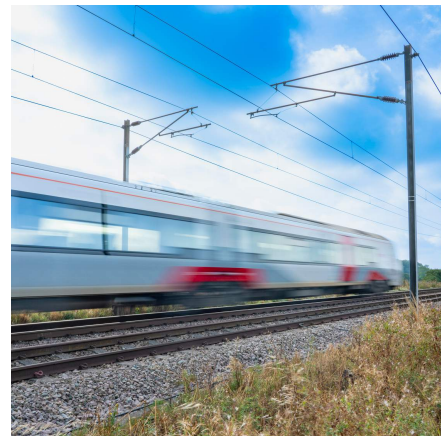
Some search products will also cover other types of environmental issues of concern such as:



fracking sites



solar or wind farms



railway projects such as Crossrail or HS2 (high-speed rail network)

These sorts of issues might impact the value or desirability of a property. For instance, a buyer might feel a nearby high-speed railway line would be noisy or that a wind farm might ruin a view.

There may also be information about subsidence risk in the environmental search report but this will depend on the search provider and the product ordered. If included, the risk rating will determine the level of threat which subsidence poses to a specific postcode. It is

reported by one search provider that subsidence, which is caused by soil shrinkage and movement, is becoming an increasing risk to property owners due to long dry spells of weather and climate change. The search provider indicated that subsidence affects as many properties in the UK on an annual basis as flooding and can result in a similar number of insurance claims per year. Subsidence can of course have an impact on the value of the property and affect its saleability as well as insurance premiums.

Some environmental search products will also cover flooding and, if flooding is covered adequately in the environmental search, a separate flood search will not be necessary.

Climate change – general note

On 19 April 2023, the Law Society published a new guidance note on climate change entitled “**Guidance on the Impact of Climate Change on Solicitors**”.

The Law Society states that it has produced guidance so that Law Society members can consider the way that they practise in the context of climate change.

- Part A sets out guidance for organisations on how to manage their business in a manner which is consistent with the transition to net zero.
- Of more significance for conveyancing transactions specifically, Part B provides guidance for solicitors on how physical and legal risks linked to climate change may be relevant to client advice.

The Law Society states that solicitors should **not** advise on climate change physical risks where these are outside their knowledge or qualification. Consideration should be given to whether technical or scientific expertise may be needed in addition to legal advice. Where climate change physical risks arise, the guidance states that they may be broadly relevant to the legal advice given to clients.

In a conveyancing context, physical climate change aspects may be relevant to issues such as flooding and unisurability. The Law Society advises solicitors to consider the following

factors in a domestic real estate context:

- physical risks (e.g. is the property on a flood plain?);
- will any risks affect the availability of available finance, now or in the future?;
- will any risks affect the insurance for the asset now or in the future?;
- will these risks affect value and marketability now or in the future?;
- will these risks mean the use of the property is restricted? The Law Society gives the example of climate change preventing further development of a property on a flood plain, or the imposition of onerous planning conditions to make the development flood proof.

This is a developing topic area, and the Law Society intends to publish sector-specific guidance in due course.

CONTINUE

14.3 Pre-contract searches – non-standard

There are some searches that a conveyancer will **not** need to do in every conveyancing transaction. These tend to be needed due to the geographical location of the property. Let's look at some of them.

14.3.1 Chancel repair liability search

Many firms routinely make a chancel repair liability search or recommend chancel insurance as an alternative to searching.

Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank [2003]

This arose from ***Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank [2003]***, in which owners of property were held liable to meet chancel repair liability levied by the parochial church council of the medieval Church of England church. After a series of legal battles, the Wallbanks were ordered to pay nearly £190,000 for repairs. Certain properties in certain risk parishes can be under a legal obligation to pay towards repairs to the chancel of a parish church. Many firms continue to make chancel searches.

14.3.2 Commons registration search

Queries concerning common land should generally be made when the buyer is purchasing land which has not yet been built on, which has been very recently built on, where the land is rural in character (or adjacent to such land), or where it is suspected that the access to the land is over a village green or common land (e.g. where the property is separated from the road by a grass verge).

Members of the public can use town and village greens for “**lawful sports and pastimes**” such as playing football or walking a dog. Registered common land is owned by someone (e.g. a council, a private individual or the National Trust), but members of the public usually have a right to roam and can use the land in specific ways such as for walking, climbing, bird watching and running.



There are also activities which are prohibited such as lighting a fire or holding a barbecue. It is also possible for people to have rights of common such as rights to graze animals or to fish on the land.

The commons register (under the **Commons Registration Act 1965** and the **Commons Act 2006**) contains registrations of common land, village greens and rights of common. These would prevent a landowner from building on the land. It would also be relevant for someone buying property to know about the use of any affected land.

The commons registration search is made by requesting a reply to optional enquiry number 22 (Common land and town or village green) on form CON290 (Optional enquiries of the local authority). There is a copy of this form at section **14.11** of the course book.

14.3.3 Coal mining search

A coal mining search is required where a property is in an affected area (i.e. a coal mining area where there may be current or past coal workings). The Coal Authority holds and maintains the national coal mining database and also licenses its data to approved coal mining report search providers.

The conveyancer will need to ascertain whether the property the client intends to purchase is located in an affected area. Refer to form CON 29M at the end of this chapter **(14.13)**.



Activity

The Coal Authority has an online checker and interactive map on its website which give guidance as to whether a coal mining search is required.

These facilities can be accessed from the link below. Follow the link to see if there are any localities near you that are affected.



Find out if a property is affected by coal mining

Search by postcode to check if a property is built over an old coal mine - find out if you need a coal mining report, what it covers, other reports available, fees

[READ MORE GOV.UK](#)

The search is made on a standard form, CON 29M (for domestic property). The form can be sent by post or DX to the Coal Authority or reports can be ordered from the Coal Authority by telephone or via its online reports service. CON 29M searches can also be ordered through NLIS or from commercial search providers who have been licensed to provide the CON 29M information.

The search will reveal, amongst other things, whether there are any past, current or future underground or surface coal mining activities affecting the property, whether there are any mine shafts, whether there is any coal mining subsidence, and whether there have been any claims for subsidence and mine gas emissions.

One commercial provider states in its literature that around one quarter of all residential transactions require a CON 29M report.

The Coal Authority has re-designed its CON29M mining report, and the updated version was launched on 5 April 2023.

The new form of report aims to make mining information clearer for conveyancers and their clients. New features include:

- a clearer and more up to date format;
- a professional opinion about current and potential mining risks;
- a glossary of key terms used in the report;
- direct links to follow-on reports which may be obtained for more detailed information.

If you are interested, you can read more about this at:

 **MINING REMEDIATION AUTHORITY**



CON29M coal mining report : The Mining Remediation Authority

Our Coal Authority official CON29M is the industry leading coal mining report for the conveyancing and property markets.

READ MORE MINING REMEDIATION AUTHORITY

CONTINUE

14.3.4 Other specialist searches including flood searches

Further searches may be made according to the circumstances of the transaction. Full details of all possible searches are not considered here, but the following searches may be relevant.

1. Other mining searches —

Other types of mining may affect a property apart from coal mining. This will depend on the location of the property. Such searches may include those for tin mining (e.g. in Cornwall, Devon and Somerset). Buyers' conveyancers should always consider the exact location of the purchase property and make any necessary searches so they are aware of all potential matters and risks which might affect the particular property.

2. Cheshire brine searches —

The CON 29M coal mining report used to cover certain matters related to brine workings (salt workings) in Cheshire but this issue is now covered by a separate search rather than CON 29M.

Where a Cheshire brine search is relevant to a transaction, it must be obtained from the Cheshire Brine Subsidence Compensation Board's supplier which is Groundsure. The search is known as the Cheshire Salt Search. It provides information about whether brine extraction workings affect a property being purchased in Cheshire. Some areas of Cheshire are at an increased risk of subsidence due to the presence of brine and previous mining activities. Additionally, some previous compensation

pay-outs mean that some properties are not eligible for compensation in the event of further damage being identified. The salt search provides information on how these matters affect a given property in Cheshire.

Individual CON 29M and Cheshire Salt Search reports are rarely required for the same property. The Cheshire Brine Compensation District and coalfield areas are distinctly separate, apart from a very small overlap area of about 18km², containing about 250 postcodes. If a property is located in this small overlap area, it will be necessary to do both a CON 29M and a Cheshire Salt Search.

3. Flood searches —

Flood searches are becoming increasingly important, as there is growing appreciation that flooding may be caused not only by traditional hazards such as nearby rivers, but also by such hazards as thawing snow and saturated ground water. Conveyancers are increasingly taking the view that a flood search should be made. The result (depending on the provider) can cover river, coastal, surface water and ground water flood risk data, details of flood defences and details of flood risk insurability. These searches are available from various search providers.

The Environment Agency predicts that flooding will continue to be a growing risk to British property. Aside from the physical damage of floods to a property, it may also be difficult to obtain a mortgage, arrange suitable insurance or sell a property which is in a flood-risk area. This also affects the value of the property.

Conveyancers are not qualified to give advice on flood risk or interpret technical flood reports but they must carry out flood searches where relevant, to identify any potential issues. For example, it is important to ensure that clients can obtain acceptable insurance on the property they are buying before entering into a binding contract.



Link to Practice

The Law Society's Practice Note on flood risk provides conveyancers with information to help clients investigate flooding issues, including the terms on which insurance cover is available prior to them entering into a purchase contract.

This gives important advice on the issue of flooding, including the prevalence of flood risk, insurance for residential and commercial

properties, the impact on the Law Society Conveyancing Protocol, flood searches, flood maps and indicators, inspections, surveys and valuations. It stresses that conveyancers should liaise with clients in relation to any flood searches or investigations which may be appropriate. These may have to be assessed in conjunction with a client's surveyor.

The practice note is available to view on the [Law Society's website](#). Other sources of information may complement a flood search (e.g. there is information about flood risk on HMLR's website).

CONTINUE

14.3.5 Search of the index map (SIM)

This search is made if the conveyancer wishes to check whether the land is registered or not.

There are additional reasons for making a SIM search in unregistered transactions but they are not considered in this unit, which is confined to registered transactions.

It is possible for a SIM search to be useful in a registered land transaction in certain defined circumstances. For instance, if official copies of the register stated that there was a right of way over a roadway, but did not identify the owner of the roadway, a SIM search might be used in relation to the roadway land to see whether it was registered. If it was registered, the conveyancer would then have the title number and could apply for official copies of the register to the roadway land to see who the owner was. This would not of course help if the SIM search revealed that the roadway land was unregistered.

CONTINUE

14.4 How to carry out these searches

14.4.1 Making searches through the National Land Information Service (NLIS)

The NLIS is another development which links with the increasing use of electronic resources and moves towards e-conveyancing. It is a government approved and regulated electronic land and property searches portal, managed by Land Data, a community interest company. The service aims to provide essential conveyancing information, particularly searches, through a “**one-stop shop**” of online facilities, thus saving time and money. It links a number of information providers together via the internet, including the Land Registry, local authorities and utility companies. The system operates through a central hub, and access to the information is provided through licensed commercial channels. The current channels are SearchFlow, Globalx, Big Property Data, Index Property Information, poweredby pie and Thames Water Property Searches. The conveyancer orders searches online through their preferred channel and the channel then forwards the request to the hub, together with payment authority. The hub then sends the order and payment to the appropriate data provider (e.g. the Land Registry, the Coal Authority or the water company). The results are then returned to the hub, from the hub back to the channel and ultimately to the conveyancer.

Examples of services available through NLIS are:

- local authority searches;
- drainage and water enquiries;

- coal mining searches;
- flood searches;
- chancel repair liability searches;
- environmental searches; and
- a wide range of HMLR searches.

There are other electronic search providers, and firms tend to have their own favourite. Whichever method is used, the basic search is the same.

CONTINUE

14.5 Pre-contract enquiries

14.5.1 The property information form (PIF)

All forms of pre-contract enquiries deal with similar issues. This is supplemented by the fittings and contents form, TA10. There are other forms of pre-contract enquiries which are broadly similar in scope.

The following material provides a summary of some of the main issues covered in the 4th edition of the PIF – the wording of the questions, and further examples of issues covered, can be seen from the forms themselves.

1. Boundaries —

The buyer will want to know who owns the boundaries to the property, and who maintains them (e.g. who maintains the back fence?).

2. Disputes and complaints —

The buyer will need to know whether there have been any disputes or complaints affecting the property (e.g. between neighbours). For instance, it may be that the seller has been disputing the

position of a boundary fence with a next-door neighbour, or that the seller has had to complain about noise from a neighbouring property.

3. Notices —

The buyer will want to know whether the seller has sent or received any notices or correspondence relating to the property, and have copies of them. Examples are notices from government departments or between neighbours (e.g. a notice from the local planning authority stating that an extension to the property does not comply with planning regulations).

4. Planning issues —

The buyer's conveyancer must ensure that all necessary consents are in place, both for the original building of the property and any later building works or alterations, improvements and extensions (e.g. a loft conversion, an extension to the house or replacement windows). The seller will be asked to supply copies of relevant planning permissions and Building Regulations approvals. If it appears that any necessary consents have not been obtained, this must be followed up, as there may be a risk of enforcement action by the local authority.

5. Guarantees —

The buyer will want to check whether there are any guarantees or warranties affecting the property. There may, for instance, be guarantees relating to work carried out at the property (e.g. a new drive, electrical rewiring, central heating installation or a new damp course).

If the property is less than 10 years old, the buyer's conveyancer will want to see whether there is a National House Building Council (NHBC) guarantee (or its equivalent). This is an insurance policy that protects the home, for the first 10 years of its life, against certain defects in the property.

6. Insurance —

The buyer will want information about insurance (e.g. whether any insurance taken out by the seller has been subject to high excesses or unusual conditions, or whether insurance has ever been

refused). The form also asks whether the seller has ever made any buildings insurance claims.

7. Environmental matters —

The buyer will want to know about:

- (a) Whether the property has ever been flooded and, if so, what type of flooding it was (e.g. surface water, groundwater, coastal or river flooding).
- (b) The EPC.
- (c) Whether there is an existing Green Deal plan.
- (d) Whether the property has been tested for radon gas (radon is a naturally occurring radioactive gas found in the ground and some parts of England and Wales are more adversely affected by it than others. If the test result is above the recommended level, remedial action may be necessary. This may consist of measures such as adding ventilation bricks or a small pump in the loft to blow in air).
- (e) Whether the property is affected by Japanese knotweed (an invasive and aggressive plant which can cause property damage).

Japanese knotweed can spread very quickly and can cause damage to drains, roads, driveways and buildings. The owner of the property has a legal duty to address the problem where knotweed is established. In the light of this, it is now possible to obtain a Japanese knotweed indemnity policy which offers protection to buyers and lenders where knotweed is discovered at a residential property. The policy will cover the cost of obtaining a survey report from a knotweed specialist, treatment costs to eradicate the problem, repair costs for damage caused by the plant and legal expenses to defend any claim from a third party affected by the spread of the knotweed, such as a neighbour. Form TA6 asks whether the property is affected by Japanese knotweed and, if so, whether there is a Japanese knotweed management and treatment plan in place. It also asks the seller to supply a copy of any insurance cover linked to such a plan.

8. Rights and informal arrangements —

The buyer will want to know whether any rights or informal arrangements exist (e.g. shared driveways) and whether there is a liability to contribute to their maintenance (e.g. to contribute to the maintenance of a shared pathway or a shared drain). The buyer's conveyancer will also want to know

whether any services cross neighbouring properties, as they will need to check that the appropriate rights of way exist for the services to run over or under property belonging to others.

9. Parking —

The buyer will want to know what parking arrangements exist at the property.

10. Other charges —

The buyer will want to know about any other charges (e.g. for the use of a private drainage system).

11. Occupiers —

It is essential that the buyer's conveyancer asks about any persons other than the seller who are living at the property. If there is anyone over the age of 17, there are additional pre-contract considerations. Examples would be an adult son, a parent, or a non-owning spouse or civil partner of the seller. Question 11 of form TA6 asks whether anyone apart from the seller, aged 17 or over, lives at the property.

A non-owning occupier may have some form of legal or equitable interest in the property. The danger for a buyer is that they might be bound by the rights of an occupier, who might also refuse to leave on completion. If the occupier has an interest in the land, and is also in occupation, they will (subject to specified exceptions) have an overriding interest which will be capable of binding a buyer.

If non-owning occupiers are revealed, the buyer's conveyancer must deal with them at the pre-contract stage. The usual method of dealing with this is to ensure that the occupier signs special condition 7 of the contract to release any rights they might have, and promising to vacate the property on completion (see [Chapter 13](#)).

12. Services —

The buyer will want information about the services at the property (e.g. central heating, electrical

wiring, drainage and sewerage).

13. Connection to utilities and services —

The buyer will want to know which are connected, together with information as to the provider (e.g. form TA6 asks about electricity, gas, mains water, mains sewerage, telephone and cable).

14. Transactional information —

The buyer will want to know whether the seller has a related transaction, whether the seller has any special requirements about a moving date, whether they will remove all rubbish from the property, whether keys and alarm codes will be left with the agents and so on.



Activity

The Law Society has published explanatory notes to form TA6. These are intended to provide background reference material which may sometimes be useful to sellers when completing the form, and occasionally useful to buyers when reading the answers.

The Law Society has suggested that conveyancers may find it useful to provide clients with a link to these explanatory notes.

Follow the link below and read the notes.

They can be viewed for information purposes below.

 **LAWSOCIETY**

Transaction (TA) forms

Forms for solicitors and conveyancers to use in business and residential property sales.

READ MORE LAWSOCIETY

CONTINUE

14.6 Title investigation

The buyer's conveyancer will also investigate the buyer's title at this stage. Please refer to **Chapter 12** for detail. If there are any questions that the buyer's conveyancer has about the title, they will include them in their enquiries (below).



CONTINUE

14.7 Raising enquiries

The buyer's conveyancer will consider a number of pre-contract searches. The buyer's conveyancer must consider additional pre-contract matters by making pre-contract enquiries of the seller. They relate mainly to aspects of the property that the seller is not bound by law to disclose, but which might nevertheless affect the buyer's decision to buy the property.

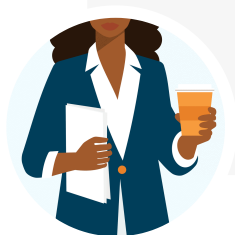
The buyer's conveyancer must evaluate the information provided as part of the pre-contract package or otherwise, and decide what additional queries, if any, need to be raised with the seller's conveyancer.

It may also be necessary to raise additional enquiries with the seller's conveyancer in order to clarify any of the answers previously provided (e.g. in the pre-contract package), or to resolve any problematic issues that have arisen, perhaps by way of requesting additional documentation or an amendment to the contract of sale.

The Protocol contains provisions about raising additional enquiries. It encourages the use of standard forms and discourages additional enquiries unless they are necessary in the circumstances. The Protocol states that the seller's conveyancer should generally answer additional enquiries, but that if inappropriate enquiries have been raised, the seller has no obligation to answer them. It further provides that the buyer's conveyancer should raise only those additional enquiries required to clarify issues arising from the documents submitted, or which are relevant to the title, existing or planned use, nature or location of the property or enquiries which the buyer has expressly requested. The Protocol states that the buyer's conveyancer should not raise any additional enquiries about the state and condition of the building unless arising out of conveyancing search results, the buyer's own enquiries or inspection or the surveyor's report. Further, the seller's conveyancer does not need to obtain

the seller's answers to any enquiry seeking opinion rather than fact. The Protocol states that "indiscriminate" use of standard additional enquiries may constitute a breach of the Protocol and, if such enquiries are submitted, the seller's conveyancer is under no obligation to answer them. This is an attempt to stop the practice adopted by some firms of sending a long list of "standard" additional enquiries, without consideration of whether they are applicable.

14.7.1 Evaluating information already provided



The buyer's conveyancer must collect together all information received to date, and evaluate what has been provided. They will then be able to see what information is missing, and what additional enquiries need to be made.



14.7.2 Evaluating information from the pre-contract package

It is usual for the pre-contract package to contain the Property Information Form and the Fittings and Contents Form (e.g. TA10). Again, if the package does not contain the information, or if it is incomplete or unclear, the buyer's conveyancer must ask additional pre-contract enquiries as relevant. The package may also contain supporting documents, such as guarantees and the Energy Performance Certificate.

14.7.3 Where the information has not yet been provided

It may be the case that certain pre-contract information has not yet been provided (e.g. if it has not been included as part of the pre-contract package). In this case, the buyer's conveyancer must request all necessary pre-contract information by making their own enquiries. They can do this either by asking for the TA forms to be supplied or by sending their firm's own form of pre-contract enquiries to the seller's conveyancer, requesting the information. The TA forms must be used with the Protocol, but non-Protocol users can choose whether to use TA forms or their own forms.

14.7.4 Replies to the enquiries

The seller and their conveyancer must take care with the truth and accuracy of replies to pre-contract enquiries. This is highlighted on page 2 of form TA6 which contains a warning that, if incomplete or incorrect information is given, the buyer may claim compensation or refuse to complete.

Replies to pre-contract enquiries are not terms of the contract, so incorrect replies will not give rise to an action for breach of contract, but liability could arise. We have seen that the seller may be liable under the **Misrepresentation Act 1967**. A misrepresentation exists where a seller or their agent (their conveyancer) makes a material false statement of fact

that induces the buyer to enter into the contract. The remedies depend on the category of misrepresentation.

The seller's conveyancer could, in some circumstances, be liable in negligence for incorrect replies.

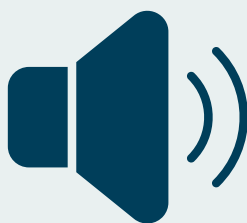
14.7.5 How to raise straightforward enquiries

It may be that the standard forms, and the replies on these forms, do not cover a particular issue. In this case, the buyer's conveyancer must draft an additional pre-contract enquiry and send it to the seller's conveyancer for a response. It is very important for the buyer's conveyancer to evaluate the response to check that the matter has now been satisfactorily explained. If this is not the case, then further enquiries must be made until the issue is resolved.

Additional pre-contract enquiries may be used to ask about a specific issue or to seek follow-up information or clarification. For example, if the replies on the Property Information Form indicate that the property has suffered from flooding but give no further detail, the buyer's conveyancer would draft an enquiry along the following lines:



We note that the reply to enquiry 7.1 indicates that the property has suffered from flooding but that no further information has been given. Please supply full details of each and every flooding incident together with the relevant dates. Please also specify any damage caused to the property as a result of each and every flooding incident.



Law Explained

In this recording, we are going to think about what is meant when we say a conveyancer will make a **“local search”** for a buyer client.



7:20

1x



Audio Transcript

In this recording, we are going to think about what is meant when we say a conveyancer will make a “local search” for a buyer client.

To put this in context, we are thinking about the pre-contract stage of the transaction, when the buyer’s conveyancer will have to make a range of pre-contract searches and enquiries in relation to the proposed purchase property. It is obviously important that these searches are made before exchange of contracts while the buyer is not yet committed to the purchase. In extreme cases, if severe issues arose from the pre-contract searches, the buyer could withdraw from the purchase. For example, if the searches showed that the property was at a very high risk of flooding, the buyer might be put off and decide not to proceed.

There are various pre-contract searches. Some are made as standard practice in almost all residential freehold conveyancing transactions, whereas some are made only when the particular circumstances of the transaction render them relevant. One example of a standard search would be drainage and water enquiries. One example of a more specialised search would be a coal mining search, which would only be relevant where the property was located in an affected mining area.

The local search is relevant to all residential transactions and is made as standard practice.

It is very important, however, to appreciate that a “local search” is not simply a single search. This is a common misconception, as conveyancers often refer to making “the local search” when what they are actually doing is making several different searches under this label. Having said the local search is

made as standard practice, we'll see shortly that there is actually one specific part of a local search which is not always made.

You may wonder why all this matters. After all, surely there's no relevance to this provided the buyer's conveyancer studies the search results?

The reason is, that the various parts of the local search are all different. They're different in relation to the issues they cover (there is a limited amount of overlap, but basically, they ask about different things). They're also different in their legal nature and effect, and can differ in where they are made.

So, what are the different parts of the local search and how do they vary? Let's think about each part in turn.

The first part is the local land charges search. This search is made using Form LLC1 or a specific alternative form provided by the particular local authority. It asks the local authority about matters which are registered as local land charges. Only registered local land charges will be revealed, not other matters. Local land charges relate to issues which are relevant at a local level and which typically limit the owner's use of the land in some way, or which may involve the owner in financial expenditure.

One example of a local land charge is a tree preservation order, which would stop the landowner from doing certain work on any trees identified in the order (such as cutting them down) without the consent of the local authority. Further examples would be financial charges for making up roads, and planning permissions which had been granted in relation to the property.

The local land charges search is usually made with the local authority serving the property, which keeps the register of local land charges for its area.

The result of an official local land charges search (one made directly with the local authority) is given in the form of an official certificate digitally signed by an authorised officer. This has a specific legal effect. If the local authority fails to disclose a land charge, it is still binding but, if the buyer suffers loss, they are entitled to claim compensation from the local authority.

Sometimes, a local land charges search must be made with the Land Registry, which is gradually taking over the local land charges register, and local land charges searches, from local authorities. This is being done on a phased basis, so the conveyancer will need to check whether the particular local authority still deals with local land charges searches, or whether they must be made at the Land Registry. To put this in context, there are over 300 local authority registers to be transferred to the Land Registry and, as at May 2021, 17 had transferred, so there is still some way to go!

The results of official local land charges searches are digitally signed and guaranteed by the Land Registry.

The second part of the local search is called the CON29 Standard Enquiries of the Local Authority. These are standard enquiries, as they are made in all standard residential conveyancing transactions. The Land Registry does not deal with these, so they must be sent in all cases to the local authority. If

the local authority is also dealing with the local land charges search, the two parts of the local search (LLC1 and CON29) can be sent at the same time, with a combined fee.

The issues covered by these CON29 enquiries are different from the ones covered by the LLC1 search. The CON29 covers issues which are not registered as local land charges, but which are within the knowledge of the local authority and which may affect the property at a local level. Examples are whether the roads serving the property are maintained at public expense (in other words, whether they have been “adopted” by the local authority), whether there are plans to build new roads within a defined distance of the property, whether there are any planning enforcement issues and whether any public rights of way affect the property.

The legal effect of the CON29 enquiries is different from the LLC1. There is no official certificate issued by the local authority with regards to the replies, and basically, compensation can only be sought where the local authority has been negligent in its responses.

So, these two parts of the local search are made in all standard residential conveyancing transactions. There is however one further part to the local search which may be made according to the circumstances of the transaction.

This third part consists of optional enquiries of the local authority, using Form CON29O. These optional enquiries would be sent to the local authority at the same time as the CON29 standard enquiries, but only selected optional ones would be raised. The CON29O is a different form from the CON29, and contains a list of tick boxes, so that the buyer's conveyancer can choose the relevant questions they want answered. A separate fee will be charged by the local authority for answering each optional enquiry, so you only pay for what you want! Just as an example, Dorset Council currently charges £18 per optional question (they charge £37 for the LLC1 search and £96 for CON29 standard enquiries).

As you can imagine, these optional enquiries cover quite specialised issues. In standard residential conveyancing transactions, the enquiry most likely to be asked is Question 22. This asks whether the property, or any land which abuts the property, is registered as common land or a town and village green. Examples of other optional enquiries are whether there are any nearby road proposals by private bodies, whether the property is located within a National Park, whether certain pipelines are laid through the property and whether the property is located in an urban development area.

Although we have seen that the parts of the local search are different, and should be appreciated as such, it remains the case that the buyer's conveyancer must read all the results and put them together.

In the context of the transaction as a whole, the conveyancer will add all the information from the local search, to that obtained from the other pre-contract searches and pre-contract information. The buyer's conveyancer can then build up a more complete picture of the whole property and can decide what additional pre-contract enquiries, requisitions and investigations are necessary.

CONTINUE

Knowledge check

This knowledge check is a self-assessment to see how well you understood the content of this chapter and it does not count towards your course mark.

There are 2 questions in this knowledge check.

1. Which of the following topics will be covered by a local land charges search on form LLC1? (Select 2 correct answers)

- ☐ a. Tree preservation orders
- ☐ b. Smoke control zones
- ☐ c. Whether the roads serving the property are maintained at public expense
- ☐ d. Public rights of way affecting the property

SUBMIT



Complete the content above before moving on.

2. Which of the following searches are optional, depending on the location of the property? (Select 2 correct answers)

☐

a. Cheshire Brine search

☐

b. Coal mining search

☐

c. Enquiries of the local authority

☐

d. Local land charges search

SUBMIT



Complete the content above before moving on.

14.8 Chapter summary

(1) The buyer's conveyancer must evaluate all information provided together with all the contents of the pre-contract package, and decide whether any additional pre-contract searches and enquiries need to be made.

(2) The pre-contract searches made on behalf of the buyer in most transactions:

- (a) local search;
- (b) drainage search;
- (c) physical inspection by the buyer; and
- (d) environmental search.

(3) The pre-contract searches that will only be made dependent on the location of the property include:

- (a) chancel repair liability search;
- (b) commons registration search; and
- (c) coal mining search.

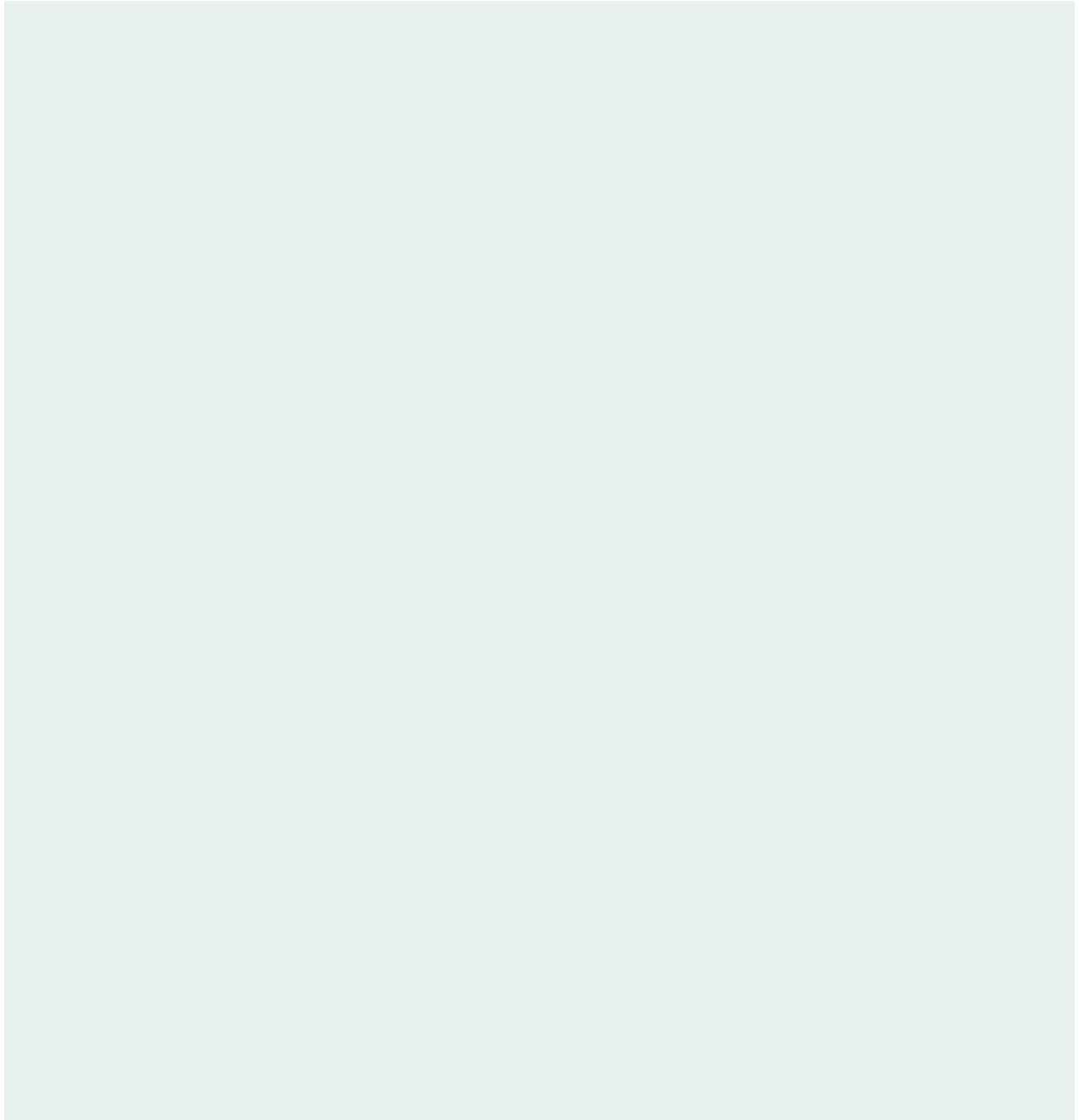
(4) The buyer's conveyancer must follow up any problems arising from the search results; they will raise any questions of concern relating to the title or the search results with the buyer's conveyancer, this is known as raising precontract enquiries.

(5) The buyer's conveyancer must check that they have replies to all relevant pre-contract enquiries.

(6) A seller might be liable under the **Misrepresentation Act 1967** if they (or their conveyancer) makes a material false statement of fact which induces the buyer to enter into the contract; for this reason, the seller must be very cautious about how they complete the property information form and reply to enquiries.

CONTINUE

14.9 Form LLC1



Document 5: Local Land Charges Search – Form LLC1

Form LLC1. (Local Land Charges Rules 1977 Schedule 1, Form C)

Official Number _____

(To be completed by the registering authority)

The duplicate of this form must also be completed:
a carbon copy will suffice

For directions, notes and fees see overleaf.

Insert name and address of registering authority in space below

Newtown District Council
Council Offices
Tidminster
Newtown
NT1 4SJ

Register of local land
charges

Requisition for search
and official certificate
of search

Requisition for search

(A separate requisition must be made in respect of each parcel of
land except as explained overleaf)

fold

An official search is required in Part(s) _____ of ¹ _____
the register of local land charges kept by the above-named
registering authority for subsisting registrations against the land
[defined in the attached plan and]² described below.

Description of land sufficient to enable it to be identified

35 Greenfield Crescent
Newtown
Temshire
NT3 3JU

Name and address to which certificate is to be sent

Grinlings Solicitors
65 High Street
Newtown
Temshire
NT2 6JX

Signature of applicant (or his solicitor)

E Rice

Date

(dated)

Telephone number

02189 403567

Reference

ER/Morrison

Enclosure

Cheque/Money Order/Postal Order/Giro £125

Official certificate of search

To be completed by
authorised officer

It is hereby certified that the search requested above reveals
no subsisting registrations¹

or the _____ registrations described in the Schedule
hereto² up to and including the date of this certificate.

Signed _____

On behalf of _____

Date

1 Delete if inappropriate. Otherwise insert Part(s) in which
search is required.

2 Delete if inappropriate. (A plan should be furnished in
duplicate if it is desired that a copy should be returned.)

3 Delete inapplicable words. (The Parts of the Schedule should
be securely attached to the certificate and the number of
registrations disclosed should be inserted in the space provided.
Only Parts which disclose subsisting registrations should be sent.)

4 Insert name of registering authority.

Directions and notes

- 1 This form and the duplicate should be completed and sent by post to or left at the office of the registering authority.
- 2 A separate requisition for search should be made in respect of each parcel of land in respect of which a search is required except where, for the purpose of a single transaction, a certificate is required in respect of two or more parcels of land which have a common boundary or are separated only by a road, railway, river, stream or canal.
- 3 'Parcel of land' means land (including a building or part of a building) which is separately occupied or separately rated or, if not occupied or rated, in separate ownership. For the purpose of this definition an owner is the person who (in his own right or as trustee for any other person) is entitled to receive the rack rent of land, or, where the land is not let at a rack rent, would be so entitled if it were so let.
- 4 The certificate of the result of an official search of the register refers to any subsisting registrations, recorded against the land defined in the application for search, in the Parts of the register in respect of which the search is requested. The Parts of the register record:

Part 1	General financial charges.
Part 2	Specific financial charges.
Part 3	Planning charges.
Part 4	Miscellaneous charges.
Part 5	Fenland ways maintenance charges.
Part 6	Land compensation charges.
Part 7	New towns charges.
Part 8	Civil aviation charges.
Part 9	Opencast coal charges.
Part 10	Listed buildings charges.
Part 11	Light obstruction notices.
Part 12	Drainage scheme charges.

- 5 An office copy of any entry in the register can be obtained on written request and on payment of the prescribed fee.

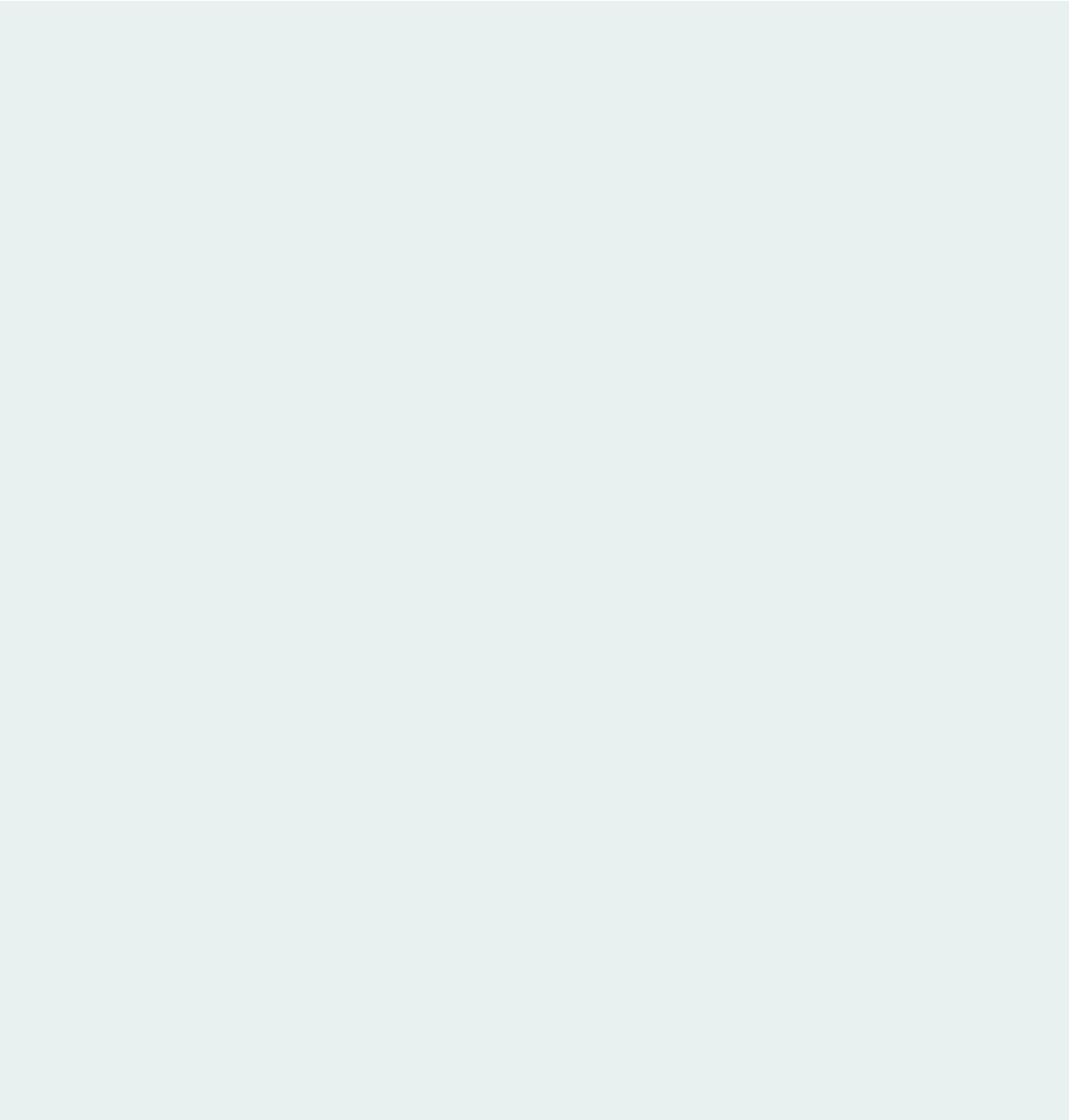
Fees

In England, fees payable to registering authorities for local land charge services under the Local Land Charges Act 1975 (other than the fee for a personal search of the local land charges register) are set by individual registering authorities and the fee for a personal search of the local land charges register is set by the Lord Chancellor. In Wales, these fees are set by the National Assembly for Wales.

Information about the fees should be obtained from the relevant registering authority.

CONTINUE

14.10 Form CON 29



Law Society CON 29 Enquiries of the Local Authority (2016)



The Law Society

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

Newtown District Council
Council Offices
Tidminster
Newtown
NT1 4SJ

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: 35
Street: Greenfield Crescent
Locality/Village:
Town: Newtown
Postcode: NT3 3JU

C.

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

D.

Fees

£ 125 is enclosed/is paid by NLIS transfer
(delete as applicable)

Signed: E Rice
Dated: (dated)
Reference: ER/Morrison
Telephone No: 02189 403567
Fax No:
E-mail: e.rice@grinlings.co.uk

E.

Please reply to:

Grinlings, Solicitors
65 High Street
Newtown
Temshire
NT2 6JX

DX Address:

Notes

- A. 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.
- B. 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.
- C. 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).
- D. Details of fees can be obtained from the local authority, your chosen NLIS Channel or search provider.
- E. Enter the name and address/DX address of the person or company lodging or conducting this enquiry.

Law Society CON 29 Enquiries of the Local Authority (2016)



PLANNING AND BUILDING REGULATIONS

1.1. Planning and building decisions and pending applications

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) 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 and
- (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 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

(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 dual 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 an existing road involving construction of a subway, underpass, flyover, footbridge, elevated road or dual carriageway,
- (iii) construction of a roundabout (other than a mini roundabout) or widening by construction of one or more additional traffic lanes

(e) the centre line of the proposed route of a new road under proposals published for public consultation

(f) the outer limits of:

- (i) construction of a proposed alteration or improvement to an existing road involving construction of a subway, underpass, flyover, footbridge, elevated road or dual carriageway
- (ii) construction of a roundabout (other than a mini roundabout)
- (iii) 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 a 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 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 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 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) 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 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 Public Health England or Public Health Wales?

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 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.

3. This Form should be read in conjunction with the guidance notes available separately.

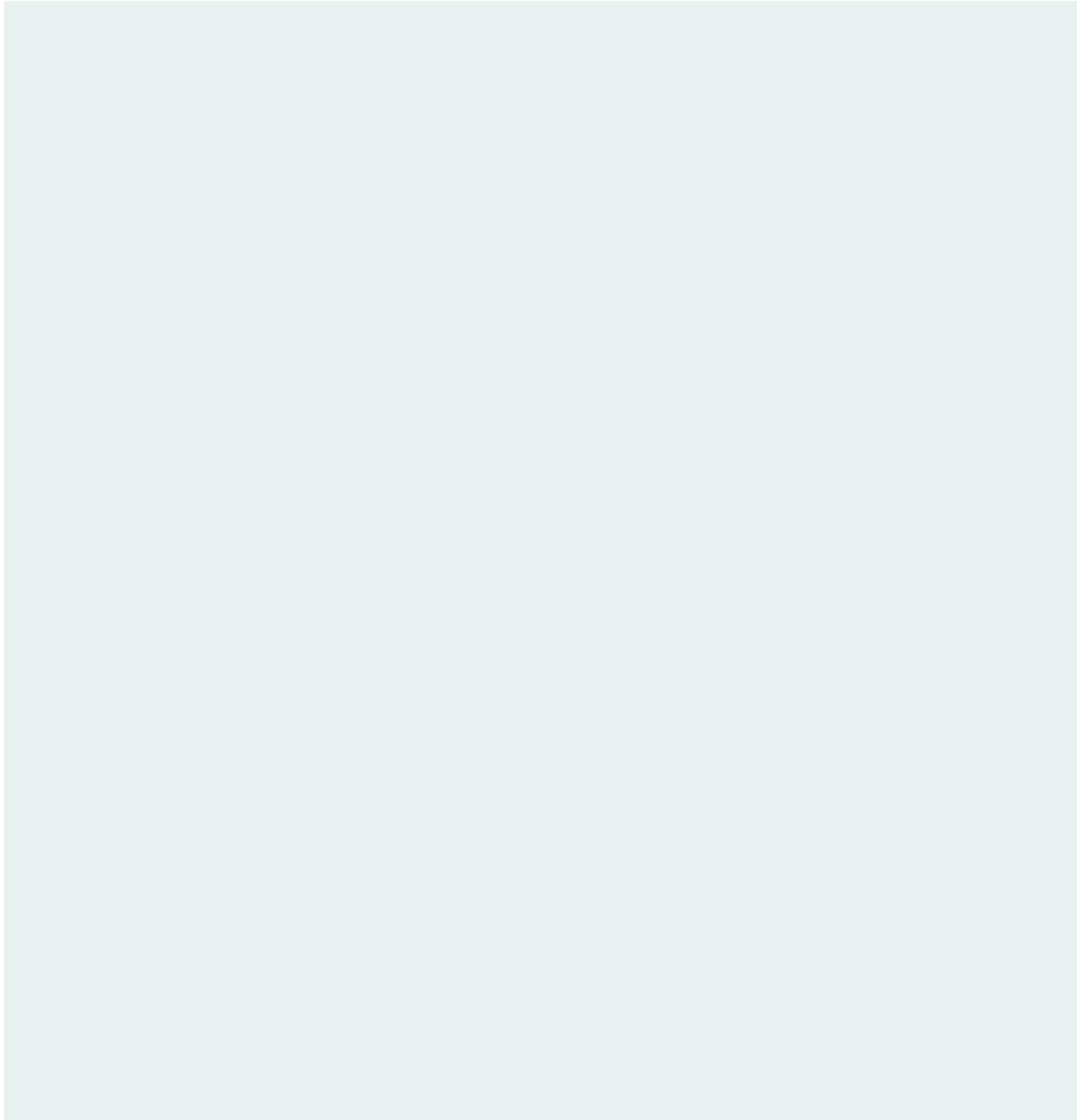
4. Area means any area in which the property is located.

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.

CONTINUE

14.11 Form CON 290



Law Society CON 290 Enquiries of local authority (2016)



The Law Society

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:

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 NLIS transfer
(delete as applicable)

Signed: _____

Dated: _____

Reference: _____

Tel No: _____

Fax No: _____

Email: _____

E.

Please reply to:

DX Address:

Notes

A. 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.

B. Enter address and description of the property. Please quote 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.

D. Details of fees can be obtained from the local authority, your chosen NLIS Channel or Search Provider.

E. Enter the name and address /DX address of the person or company lodging or conducting this enquiry

Law Society CON 290 Enquiries of local authority (2016)



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 IMPROVEMENT 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 area 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

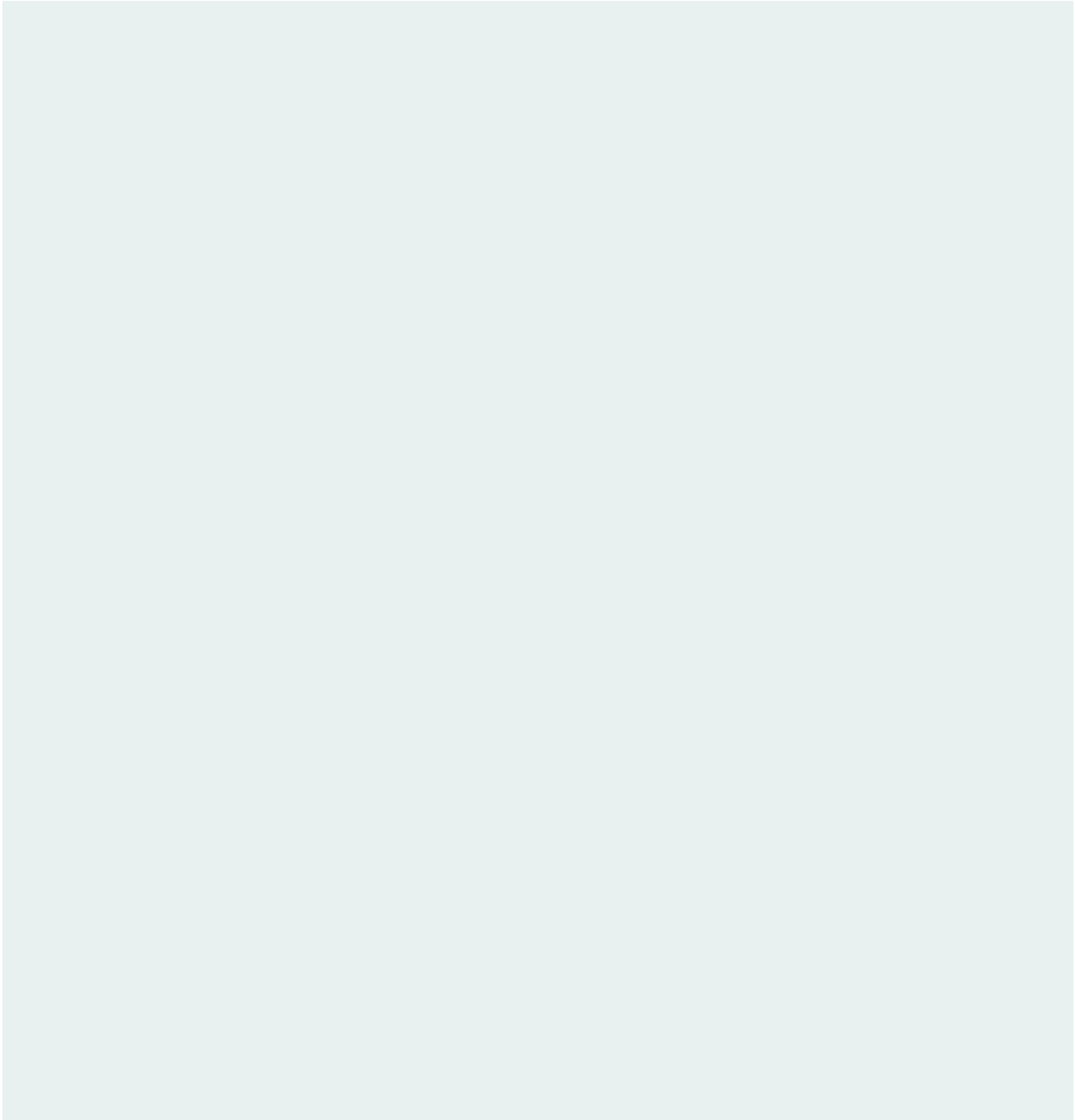
- 22.1. Is the property, or any land which abuts the property, registered common land or town or village green under the Commons Registration Act 1965 or the Commons Act 2006?
- 22.2. Is there any prescribed information about maps and statements, deposited under s.15A of the Commons Act 2006, in the 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?

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.

CONTINUE

14.12 Form CON 29DW



CON 29DW Drainage and Water Enquiry (2016)

This search form must be submitted with the appropriate fee and a copy of the location plan.

A. Name and address of water company

(For use by water company only)

--

--

B. Address of the land/property

UPRN(s)

House name/number

Street

Locality

Town

County

Postcode

If the enquiries are made of a plot of land or of a property less than 5 years old:

Name of developer

Plot no.

Site name and phase

C. Your details

Signed

Name/contact name

Company name

Date

Your reference

Telephone

Fax

Email

Account no.

D. Fees

Search	Fee
CON 29DW Drainage and Water Enquiry 2016	
Total	

Notes

The drainage and water enquiries are listed on page 2 of this form.

Completing and submitting this form to a water company indicates an acceptance of that water company's terms and conditions. Terms and conditions may vary between water companies. Request a copy of the terms and conditions from the water company or see its website for details.

A. Ensure that search forms are sent to the correct water company, see www.con29drainagewater.co.uk for details.

B. Enter the address of the property. Please give the Unique Property Reference Number if known. If the enquiries are made of a plot of land or the property is less than 5 years old, please give the developer's details.

C. Sign, date and enter your details. Account customers of water companies may enter their account number.

D. Enter the fee for the enquiries. Fees may differ between water companies. Consult the water company or see www.con29drainagewater.co.uk for the current fees.

E. Enter the name and address/DX address of the person or company conducting this enquiry.

E. Reply to

DX

CON 29DW Drainage and Water Enquiry (2016)

Question

Maps

- 1.1 Where relevant, please include a copy of an extract from the public sewer map.
- 1.2 Where relevant, please include a copy of an extract from the map of waterworks.

Drainage

- 2.1 Does foul water from the property drain to a public sewer?
- 2.2 Does surface water from the property drain to a public sewer?
- 2.3 Is a surface water drainage charge payable?
- 2.4 Does the public sewer map indicate any public sewer, disposal main or lateral drain within the boundaries of the property?
- 2.4.1 Does the public sewer map indicate any pumping station or ancillary apparatus within the boundaries of the property?
- 2.5 Does the public sewer map indicate any public sewer within 30.48 metres (100 feet) of any buildings within the property?
- 2.5.1 Does the public sewer map indicate any pumping station or any other ancillary apparatus within 50 metres (164.04 feet) of any buildings within the property?
- 2.6 Are any sewers or lateral drains serving or which are proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?
- 2.7 Has any Sewerage Undertaker approved or been consulted about any plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain?
- 2.8 Is any building which is or forms part of the property at risk of internal flooding due to overloaded public sewers?
- 2.9 Please state the distance from the property to the nearest boundary of the nearest sewage treatment works.

Water

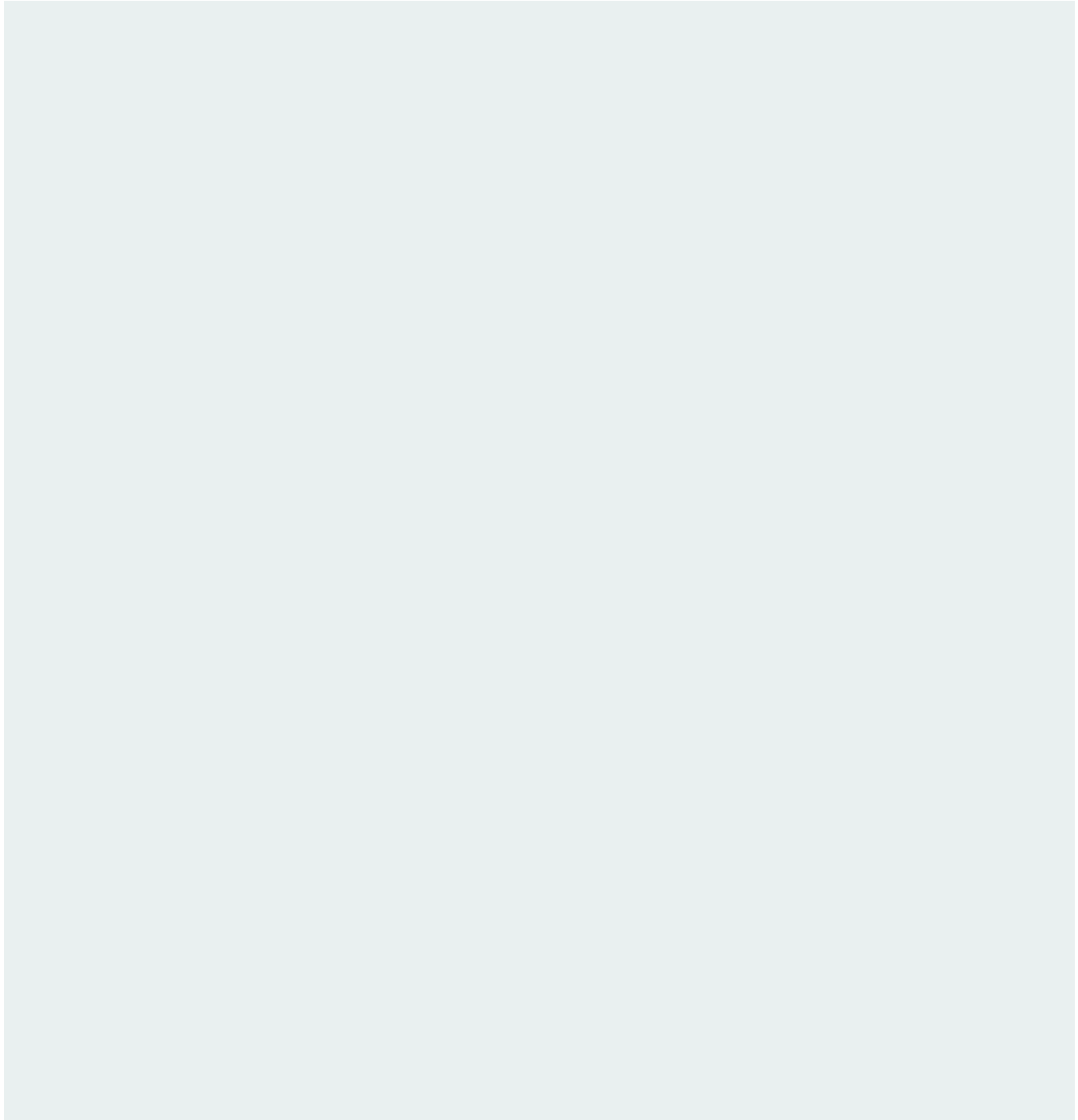
- 3.1 Is the property connected to mains water supply?
- 3.2 Are there any water mains, resource mains or discharge pipes within the boundaries of the property?
- 3.3 Is any water main or service pipe serving or which is proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?
- 3.4 Is the property at risk of receiving low water pressure or flow?
- 3.5 What is the classification of the water supply for the property?
- 3.6 Please include details of the location of any water meter serving the property.

Charging

- 4.1.1 Who is responsible for providing the sewerage services for the property?
- 4.1.2 Who is responsible for providing the water services for the property?
- 4.2 Who bills the property for sewerage services?
- 4.3 Who bills the property for water services?
- 4.4 What is the current basis for charging for sewerage and / or water services at the property?
- 4.5 Will the basis for charging for sewerage and water services at the property change as a consequence of a change of occupation?

CONTINUE

14.13 Form CON 29M



Document 9: Coal Mining Search – CON 29M

CON 29M (2018) COAL MINING SEARCH

A cheque with the appropriate fee **MUST** be sent with the printed form unless charged to an appropriate account. A location plan should be included with all search requests to avoid delay. Users should retain a copy of the form and the location plan.

The Coal Authority
Mining Reports
 200 Lichfield Lane
 Mansfield
 Nottinghamshire
NG18 4RG

DX 716176 MANSFIELD 5

(For Coal Authority Use Only)

Complete each applicable box below. Use type or BLOCK LETTERS.

Notes

Reply to:	Enter the name, firm/organisation and DX number to which the report is to be returned. If you are not a member of the DX system please enter your name, firm/organisation and the full address, including postcode, to which the report is to be returned.
DX	
Email (if applicable):	Only insert your email address when you wish the report to be returned by email in a secure PDF file.
Telephone number:	Insert your telephone number so that the Authority may contact you if necessary regarding this search.
Account number (if applicable):	See User Guide 2018.
Report type requested (tick box):	Please tick the appropriate box and ensure that the correct fee is enclosed for the report type requested (see Notes overleaf).
Residential Property Search ☐	It is inappropriate to request a Residential Property Search for non-residential property or sites and any such requests will be returned for resubmission and the correct fee.
Non-Residential Property or Site Search ☐	A Residential Property Search includes enquiries 1-12 overleaf. A Non-Residential or Site Search includes enquiries 1-15 overleaf.
Expedited Search required (delete as applicable): YES/NO	Expedited Search Reports can be ordered and returned by fax within 48 hours. The full fee, including the expedite element, is payable in advance (see Notes overleaf).
Fax number:	Only insert your fax number when you wish the report to be returned by fax or you are requesting an expedited search.
Request date:	Insert the date on which this search form is sent.
Address of the land/site/property:	The Address field may be used for house and flat names and numbers.
Address	
Street	Include the complete address if possible.
Locality	
Town/Village	Always include the postcode where the property has a postal address.
County	
Postcode	Where the land, site or property does not have a postal address, use any fields provided to include a description sufficient for the property to be identified.
Location plan enclosed (delete as applicable): YES/NO	Searches may be returned unanswered or delayed if a plan is not enclosed (see Notes overleaf).
Customer reference:	Insert your own file reference number.

TERMS AND CONDITIONS - These enquiries are made and the replies prepared in accordance with the Terms and Conditions 2018, User Guide 2018, and Law Society's Guidance Notes 2018. These are available to view at www.miningreports.co.uk or by contacting the Coal Authority's Mining Reports Helpline on 0845 762 6848 or by email to miningreports@coal.gov.uk. These terms and conditions apply regardless of the method used to order and receive reports.



CON 29M (2018) COAL MINING SEARCH

RESIDENTIAL PROPERTY SEARCH ENQUIRIES

1. Past underground coal mining

Is the property within the zone of likely physical influence on the surface of past underground coal workings? If yes, indicate the number of seams involved, their depth and approximate last date of working.

For the purpose of this enquiry "zone of likely physical influence" will be based on the principle of 0.7 times the depth of the working allowing for seam inclination.

2. Present underground coal mining

Is the property within the zone of likely physical influence on the surface of present underground coal workings? If yes, indicate the seams involved.

3. Future underground coal mining

(a) Is the property within any geographical area for which the Coal Authority is determining whether to grant a licence to remove coal by underground methods?

(b) Is the property within any geographical area for which a licence to remove coal by underground methods has been granted? If yes, when was the licence granted?

(c) Is the property within the zone of likely physical influence on the surface of planned future underground coal workings? If yes, indicate the seams involved and approximate date of working.

(d) Has any notice of proposals relating to underground coal mining operations been given under section 46 of the Coal Mining Subsidence Act 1991? If yes, supply the date and details of the last such notice.

For the purpose of this enquiry "geographical area" means the surface area directly above a licence being determined or granted.

4. Shafts and adits (mine entries)

Are there any shafts and adits or other entries to underground coal mine workings within the property or within 20 metres of the boundary of the property? If yes, supply a plan showing the approximate recorded location and any relevant information, where available, regarding any treatment carried out to such shafts, adits or entries.

5. Coal mining geology

Is there any record of any fault or other line of weakness due to coal mining at the surface within the boundary of the property that has made the property unstable?

6. Past opencast coal mining

Is the property situated within the geographical boundary of an opencast site from which coal has been removed in the past by opencast methods?

7. Present opencast coal mining

Is the property within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods?

8. Future opencast coal mining

(a) Is the property within 800 metres of the boundary of an opencast site for which the Coal Authority are determining whether to grant a licence to remove coal by opencast methods?

(b) Is the property within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted? If yes, when was the licence granted?

9. Coal mining subsidence claims

(a) Has any damage notice or claim for alleged coal mining subsidence damage to the property been given, made or pursued since 1st January 1994? If yes, supply the date of such notice or claim.

(b) In respect of any such notice or claim has the responsible person given notice agreeing that there is a remedial obligation or otherwise accepted that a claim would lie against him?

(c) In respect of any such notice or acceptance has the remedial obligation or claim been discharged? If yes, state whether such remedial obligation or claim was discharged by repair or payment, or a combination thereof.

(d) Does any current "Stop Notice" delaying the start of remedial works or repairs affect the property? If yes, supply the date of the notice.

(e) Has any request been made under section 33 of the 1991 Act to execute preventive works before coal is worked, which would prevent the occurrence or reduce the extent of subsidence damage to any buildings, structures or works and, if yes, has any person withheld consent or failed to comply with any such request to execute preventive works?

10. Mine gas emissions

Does the Coal Authority have record of any mine gas emission within the boundary of the property being reported that subsequently required action by the Authority to mitigate the effects of the mine gas emission?

11. Emergency Surface Hazard Call Out incidents

Have the Coal Authority carried out any work on or within the boundaries of the property following a report of an alleged hazard related to coal mining under the Authority's Emergency Surface Hazard Call Out procedures?

ADDITIONAL ENQUIRIES FOR NON-RESIDENTIAL PROPERTY OR SITE SEARCH IN COAL MINING AREAS

12. Withdrawal of support

(a) Does the land lie within a geographical area in respect of which a notice of entitlement to withdraw support has been published? If yes, supply the date of the notice.

(b) Does the land lie within a geographical area in respect of which a revocation notice has been given under section 41 of the Coal Industry Act 1994? If yes, supply the date of the notice.

13. Working facilities orders

Is the property within a geographical area subject to an order in respect of the working of coal under the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof? If yes, supply the date and title of the order.

14. Payments to owners of former copyhold land

(c) Has any relevant notice, which may affect the property, been given?

(d) If yes, has any notice of retained interests in coal and coal mines been given?

(e) If yes, has any acceptance notice or rejection notice been served?

(f) If any such acceptance notice has been served, has any compensation been paid to a claimant?

NOTES

(A) Advice and Information on coal mining and brine subsidence searches

For information on procedure, turnaround and current fees, account facilities or further to a specific search, contact the Coal Authority Mining Reports Helpline on 0845 762 6848 or by email to miningreports@coal.gov.uk or visit www.miningreports.co.uk. There is a higher fee for the Non-Residential or Site Search and an additional fee for Expedited Searches. Searches having incorrect fees will be returned uncompleted.

(B) Refunds

No refund or transfer of any fee (or part of a fee) will be made once a search has been logged onto the Authority's MRSDS computer systems for report production.

(C) Expedited Searches

Select 'YES' against Expedited Search and add your fax number in full. This service is only available to credit account customers or where the full fee, including the expedite element, is paid in advance by credit/debit card (over the telephone 0845 762 6848) or by cheque (postal enquiries).

(D) Affected Areas

A directory of places where a CON 29M (2018) search is required can be found on the Coal Authority's website at www.miningreports.co.uk together with a useful 'search by postcode' facility.

(E) Ordering CON 29M reports

Reports can be ordered by telephone, and ordered and returned by post, fax or electronically via the internet and email (www.miningreports.co.uk). A fully electronic link to the National Land Information Service (NLIS) provides a further channel for customers to order and receive searches.

(F) Terms and Conditions, User Guide and Law Society's Guidance

These Notes should be read in conjunction with the Terms and Conditions 2018, User Guide 2018, and the Law Society's Guidance Notes 2018, under which all replies to these enquiries are made. These terms apply regardless of the method used to order and receive reports. The Terms and Conditions and User Guide have been approved by the Law Society following consultation with key stakeholders including the CML and RICS, and apply to all searches made including those using the CON 29M enquiry form. Copies of these documents can be found on the Coal Authority's website at www.miningreports.co.uk

(G) Plans

If a plan is not submitted there may be difficulties and delays in identifying the property and its extent, in which case the Coal Authority may request that a plan be supplied before the search can be completed.

You have completed Chapter 14.

EXIT