

## **CHARGES FOR PROPERTY SEARCHES 2009/10**

The calculations for the charges for search fees on a cost recovery basis in accordance with **The Local Authorities (England) (Charges for Property Searches) Regulations 2008** are as follows.

### **A. LLC1 searches and CON 29 part 1 searches carried out by Tendring District Council's Land Charges services**

The cost of the Council's Land Charges Service carrying out LLC1 searches and CON29 part 1 searches has been based on the Council's approved budget for 2009/10 with costs apportioned between the activities in accordance with the overall time spent by staff on these activities. The costs include a full apportionment of all appropriate overheads and oncosts and in the case of the CON 29 part 1 charge, or charges for individual questions, the cost includes the charge made by the Council's Environmental and Planning Services, and the Highway Authority - Essex CC.

The Council is charged the same fee by these organisations as private individuals and search companies.

The individual fees have been rounded to a whole pound for the ease of customers.

It is estimated that the Council's Land Charges Service will deal with 1690 LLC1 enquiries and 1540 CON 29 part 1 enquiries in 2009/10

The estimated costs, including overheads and oncosts, of LLC1 enquiries is estimated to be £37,757 and the estimated costs, including overheads and oncosts, of CON 29 part 1 enquiries is estimated to be £120,524 including the charges from the Council's Environmental and Planning Services and the Highway Authority.

The Fees to be applied from April 2009 for enquiries carried out by the Council's Land Charges Service are

**LLC1 £22.00**

**CON 29 part1 £78.00**

**Full search (LLC1 plus CON 29 part 1) £100.00**

CON 29 Part 2 individual questions requested at the same time as a part 1 enquiry will be charged at cost. See section B below

### **B. CON 29 charges**

The fee for a CON 29 part 1 enquiry carried out by the Council's Environmental and Planning Services has been assessed based on the time taken to answer CON29 part 1 enquiries for the Council's Land Charges service in 2008/09 as this facility was previously not available to individuals. A full hourly rate including all appropriate overheads and oncosts has been calculated for the staff undertaking CON 29 enquiries and this has been applied to the average time

taken to answer a full CON 29 part 1 enquiry. The hourly rate used to calculate the charge for a full CON 29 part 1 enquiry is £19.33. The average time to answer a full enquiry is approximately 1hr 20minutes.

These fees will apply to Building Control Information under the Environmental Information Regulations 2004.

The cost of the chargeable questions of a full CON 29 part 1 enquiry (excluding highways information) is **£26.00**

Enquiries by individuals or search companies in respect of Highway questions must be made direct to Mouchel who are the agents for the Highway Authority - Essex CC. All fees must be paid direct to Mouchel.

Their address is Victoria House, 101-105 Victoria Road, Chelmsford, Essex CM1 1JR. Tel: 01245 247000 Fax: 01245 247001. The current fee is **£26.30**

Individual questions within a CON 29 part 1 enquiry and subsidiary part 2 questions have been calculated using the same hourly rate of £19.33 applied to the estimated average time taken to answer that question. A full list of the fees for individual questions within a CON 29 part 1 enquiry and subsidiary part 2 questions is given below.

Question Ref.	Definition	Charge
<b>1.</b>	<b>Planning and Building Regulations</b>	
<b>1.1</b>	<b><u>Planning &amp; Building Decisions and Pending Applications</u></b> Which of the following relating to the property have been granted, issued or refused or (where applicable) are the subject of pending applications	
<b>(a)</b>	A planning permission; (planning register) (on Local Land Charges Reg. if conditional after 01.08.77)	Viewing only no charge
<b>(b)</b>	A listed building consent ( planning & Local Land Charges Register)	Viewing only no charge
<b>(c)</b>	A conservation area consent ( planning & Local Land Charges Register)	Viewing only no charge
<b>(d)</b>	A certificate of Lawfulness of existing use or development (planning register)	Viewing only no charge
<b>(e)</b>	A certificate of lawfulness of proposed use or development (planning register)	Viewing only no charge.
<b>(f)</b>	Building Regulation Decisions	£2.00 N.B. Only photocopies of <b>TDC</b> decisions are available.
<b>(g)</b>	Building Regulation completion certificate (T.D.C. only)	£2.00
<b>(h)</b>	Any Building Regulations certificate or notice issued in respect of work carried out under a competent person self-	£0.70 No copies available, this is

	certification scheme.	merely a database entry. Copies should be obtained direct from the competent person scheme provider.
<b>1.2</b>	<b><u>Planning Designations and Proposals</u></b> 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 (Local Plans etc.)	Viewing only no charge
<b>2</b>	<b><u>Roads</u></b> Which of the roads, footways and footpaths named in the application for this search (via boxes B and C) are:	Mouchel
<b>(a)</b>	Highways maintainable at public expense; (register of adopted highways)	No Charge
<b>(b)</b>	Subject to adoption and supported by a bond or bond waiver (potentially depending upon power used)	Mouchel
<b>(c)</b>	To be made up by a local authority who will reclaim the cost from the frontages or	Mouchel
<b>(d)</b>	To be adopted by a local authority without reclaiming the cost from the frontages	Mouchel
<b>3.1</b>	<b><u>Other Matters</u></b>	
<b>3.1</b>	<b><u>Land Required for Public Purposes</u></b> Is the property included in land required for public purposes ( prior to publication of scheme)	£0.70
<b>3.2</b>	<b><u>Land to be acquired for Road Works</u></b> Is the property included in land to be acquired for road works ( as above)	Mouchel
<b>3.3</b>	<b><u>Drainage Agreements and Consents</u></b> Do either of the following exist in relation to the property:	
<b>(a)</b>	An agreement to drain buildings in combination into an existing sewer by means of a private sewer or	£1.50
<b>(b)</b>	An agreement or consent for (i) a building, or (ii) extension to a building on a property to be built over, or in the vicinity of a drain, sewer or disposal main.	£1.50
<b>3.4</b>	<b><u>Nearby Road Schemes</u></b> Is the property (or will it be) within 200 metres of any of the following -:	Mouchel
<b>(a)</b>	the centre line of a new trunk road or special road specified in any order, draft order or scheme;	Mouchel
<b>(b)</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;	Mouchel
<b>(c)</b>	the outer limits of construction works for a proposed	Mouchel

	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;	
<b>(d)</b>	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; or (iii) construction of a roundabout (other than a mini roundabout) or widening by construction of one or more additional traffic lanes;	Mouchel
<b>(e)</b>	the centre line of the proposed route of a new road under proposals published for public consultation; or	Mouchel
<b>(f)</b>	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); or (iii) widening by construction of one or more additional traffic lanes, under proposals published for public consultation?	Mouchel
<b>3.5</b>	<b><u>Nearby Railway Schemes</u></b> Is the property (or will it be) within 200 metres of the centre line of a proposed railway, tramway, light railway or monorail? (prior to publication of scheme for consultation)	£0.70
<b>3.6</b>	<b><u>Traffic Schemes</u></b> Has a local authority approved but not yet implemented any of the following for the roads, footways and footpaths (named in Box B) which abut the boundaries of the property-	Mouchel
<b>(a)</b>	permanent stopping up or diversion; *	Mouchel
<b>(b)</b>	waiting or loading restrictions *	Mouchel
<b>(c)</b>	one way driving *	Mouchel
<b>(d)</b>	prohibition of driving; *	Mouchel
<b>(e)</b>	pedestrianisation; *	Mouchel

(f)	vehicle width or weight restriction *	Mouchel
(g)	traffic calming works including road humps *	Mouchel
(h)	residents parking controls *	Mouchel
(i)	minor road widening or improvement; *	Mouchel
(j)	pedestrian crossings *	Mouchel
(k)	Cycle racks *	Mouchel
(l)	bridge building *	Mouchel
	*Prior to publicity programmes for Schemes	Mouchel
<b>3.7</b>	<b><u>Outstanding Notices</u></b> 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 Schedule:-	
(a)	Building works	£1.50
(b) (c) (d) (f)	Environment Health and Safety Housing Public Health	(b), (c), (d) and (f) £2.00
(e)	Highways	Mouchel
<b>3.8</b>	<b><u>Contravention of Building Regulations</u></b> Has a local authority authorised in relation to the property any proceedings for the contravention of any provision contained in Building Regulations?	£1.50
<b>3.9</b>	<b><u>Notices, Orders, Directions and Proceedings under Planning Acts</u></b> 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; (stop & enforcement register) (Local Land Charges register if effective and no appeal in progress)	£0.70
(b)	A Stop Notice (S&E register)	£0.70
(c)	A listed building enforcement notice; (S&E Register – LLC	

	see above)	£0.70
(d)	A breach of condition notice; (S&E Register)	£0.70
(e)	A planning contravention notice; (S&E Register)	£0.70
(f)	Another notice relating to breach of planning control; (S&E Register)	£0.70
(g)	A listed building repairs notice ( Local Land Charges register)	£0.70
(h)	In the case of a listed building deliberately allowed to fall into disrepair, a compulsory purchase order with a direction for minimum compensation	£0.70
(i)	A building preservation notice ( Land Charges register)	£0.70
(j)	A direction restricting permitted development (LC register) (Article 4 Directions)	£0.70
<b>3.9</b>	<b><u>Notices, Orders, Directions and Proceedings under Planning Acts continued</u></b> :-	
(k)	An order revoking or modifying planning permission (Planning register and Local Land Charges register)	£0.70
(l)	An order requiring discontinuance of use or alteration or removal of building works (Planning register and Local Land Charges register - discontinuance)	£0.70
(m)	A tree preservation order (Local Land Charges register)	£0.70
(n)	Proceedings to enforce a planning agreement or planning contribution	£0.70
<b>3.10</b>	<b><u>Conservation Area</u></b> Do the following apply in relation to the property?	
(a)	The making of the area a Conservation Area before 31 August 1974	Viewing only no charge
(b)	An unimplemented resolution to designate the area a Conservation Area?	£0.70
<b>3.11</b>	<b><u>Compulsory Purchase</u></b>	
(a)	Has any enforceable order or decision been made to compulsorily purchase or acquire the property?	£0.70
<b>3.12</b>	<b><u>Contaminated Land</u></b> 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):-	

<b>(a)</b>	A contaminated land notice;	Viewing only no charge
<b>(b)</b> <b>(c)</b>	In relation to a register maintained under section 78R of the Environmental Protection Act 1990:- (i) a decision to make an entry; or (ii) an entry; Consultation with the owner or occupier of the property conducted under section 78G(3) of the Environmental Protection Act 1990 before the service of a remediation notice?	(b) (i) and (c) £0.70 (b) (ii) No charge
<b>3.13</b>	<b><u>Radon Gas</u></b>	
<b>(a)</b>	Do records indicate that the property is in a "Radon Affected Area" as identified by the Health Protection Agency?	Viewing only no charge

### **C. Personal Searches**

The fee for a personal search of the local land charges register is a statutory fee - currently **£11.00**

Karen Neath  
Head of Financial Services and section 151 officer  
31 March 2009