

Ref:

LAND INTEREST QUESTIONNAIRE

To:

Date of Enquiry:

National Highways – A46 Newark Bypass Development Consent Order

Concerning: Land and Property as shown on the attached plan(s)

Although National Highways is able to use legal powers including applying for those in the Planning Act 2008 Section 52 to enforce the provision of information about interests in land, we prefer to seek and obtain this information from land owners and occupiers voluntarily before resorting to these methods. We would be grateful for your assistance in this matter, and look forward to receiving your response to this Land Interest Questionnaire as soon as possible.

PLEASE READ THE ATTACHED NOTES BEFORE COMPLETING THIS QUESTIONNAIRE

Additional information can be written on the reverse of the relevant sheet.

National Highways and their agents will process your personal information in this questionnaire in accordance with the Data Protection Act 2018. The information will be used in order to comply with the legal requirements involved in preparing a Development Consent Order (“DCO”) Application in accordance with the Planning Act 2008 and associated legislation. The order is required to authorise the construction and maintenance of the A46 Newark Bypass. The DCO Application documents will include a Book of Reference and Land Plans, which detail the land required to construct and maintain the scheme. Please note that the DCO Application documents will all be available for public inspection once they have been submitted to the Planning Inspectorate. The information you provide in completing this questionnaire will be used not only to prepare these documents, but also may be used in order to keep you informed about the progress of the scheme and the application.

When completing this form please use **BLOCK CAPITALS**. If some of the sections are not relevant or you do not know the answer to the questions, please indicate this by 'Not Applicable' or 'Not Known'.

Please only provide information that relates to the areas of the Property within which you hold a legal interest, and if you do not hold an interest in the whole of the Property please specify on the attached plan the extent of your interest, and any rights referred to below and return the plan together with this form.

When you have completed this form please return it using the freepost envelope provided.

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Additional information can be provided on separate sheets

National Highways and their agents will process your personal information in this questionnaire in accordance with the Data Protection Act 2018. The information will be used in order to comply with the Planning Act 2008 relating to the promotion of a Development Consent Order and in particular the Rules which set out the requirement for a Book of Reference to be prepared as part of a Development Consent Order application.

1. Details of the person(s) or organisation having an interest in land or property as shown on the attached plan(s). For example, this could be that you own or lease the property, occupy the property or have a right over the land.

Please complete your details:

- If the interest is in your name, please provide:

Title & Full Name:

Home Address:

Telephone:

E-mail Address:

Address for service of notices if different to above:

- If the interest is in a Registered Company or incorporated body, please provide:

If you are a Registered Company, please provide:

Full Name of Company:

Trading as (if appropriate):

Registered Office Address:

Place of Registration:

Company Registration Number

Telephone Number:

Email Address:

If you are a Body Corporate, please provide:

Corporate Title:

Principal Office Address:

Name and Title of Officer who should receive formal correspondence:

Telephone Number:

Email Address:

If you are an Executor, Trustee, Partner, Administrator, Receiver, Representative, or similar, please provide:

Who you are acting on behalf of:

Capacity in which you act:

Full names and addresses of all other individuals in a similar position

Title:

Full Name:

Address:

Telephone Number:

Email Address:

If necessary please continue on a separate sheet.

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2. Nature of your Tenure concerning property as shown on the attached plan(s): (If joint please list other parties in question 16)		
See attached notes (a) to (k)	Single Owner or	Joint Owner (please list other parties in question 16)
(a) Freehold		
(b)(i) Leasehold		
(b)(ii) Tenancy		
(c) Easement/Right (e.g. wayleave, access or rights to light)		
(d) Mortgage		
(e) Rentcharge		
(f) Right of Entry		
(g) Restrictive Covenant		
(h) Licence		
(i) Franchise (e.g. right to hold a market or fair or take tolls)		
(j) Profit à Prendre (e.g. right to remove soil, grass, fish, peat or wood)		
(k) Other (Please state): Trading Name (if applicable)		
Other (Please state):		
3. If the interest in Question 2 is freehold, leasehold or a tenancy, does it include the whole of the property (building and/or land)?		
		Yes / No
If only part, please describe?		
4. If you are not the freeholder, please provide the name and address of the freeholder(s):		
Title: Full Name: Contact name (if appropriate): Trading as (if appropriate): Address: Telephone Number: Email Address: If necessary, please continue on a separate sheet.		
<ul style="list-style-type: none"> If you do not pay rent to the freeholder, please provide the name and address of the person to whom rent is paid, e.g. landlord: 		
Title: Full Name: Address: Telephone Number: Email Address: If necessary, please continue on a separate sheet.		

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5. If you are a leaseholder:	
(i) What is the term of the lease (if known):	
(ii) What date did the lease commence (if known):	
6. If you are a tenant, what is the renewable period of your tenancy?	
Weekly / Fortnightly / Monthly / Quarterly / Annual / Other? If Other, please provide details:	
7. Does the person or organisation named in question 1 occupy the premises? Yes / No	
Please list the names and addresses of ALL OTHER occupiers together with the nature of their tenure including all persons aged 18 years and over (or who will be 18 years within the next 6 months).	
Title: Full Name: Contact name (if appropriate): Trading as (if appropriate): Address: Telephone/Mobile Number: Email Address: If necessary, please continue on a separate sheet.	
Relationship to person / organisation identified in Question 1 above:	
Nature of Tenure (See Question 2 for examples):	
8. Does the person or organisation named in Question 1 enjoy any rights, easements or other legal interest over any adjacent or other property?	
Yes / No / Don't Know	
If yes please give details below: Address of property:	
Nature of interest:	
9. Does anybody in any adjacent or other property enjoy any rights, easements or other legal interest over this property?	
Yes / No / Don't Know	
Title: Full Name: Contact name (if appropriate): Trading as (if appropriate): Address: Telephone/Mobile Number: Email Address: If necessary, please continue on a separate sheet.	

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10. Is the property subject to any restrictive covenant(s)? Yes / No / Don't Know	
If yes please give details below: Details of Restrictive Covenants:	
Land/person having the benefit of the covenant(s):	
Title: Full Name: Contact name (if appropriate): Trading as (if appropriate): Address: Telephone/Mobile Number: Email Address: If necessary, please continue on a separate sheet.	
11. Only to be completed if a plan is attached If necessary, please amend the attached plan to delineate the extent of your interest. Please show any other land over which you consider you have rights of use, enjoy easements or other private rights. Please return a marked-up copy of one of the plans to the A46 Newark Project Team along with the questionnaire within the pre-paid envelope provided.	
12. Are there any tenancies or licences in respect of hoardings, poster sites, showcases, vending machines, kiosks, etc Yes / No If Yes, please give name(s), address(es), contact detail(s) and the nature of their interest(s):	
Title: Full Name: Address: Telephone/Mobile Number: Email Address: Type: Nature of Interest: If necessary, please continue on a separate sheet.	
13. Is the property subject to any mortgage or equitable interest? Yes / No If Yes, please give name(s), address(es), contact detail(s) and the nature of their interest(s):	
Title: Full Name: Address: Telephone/Mobile Number: Email Address: Mortgage Reference: Nature of Interest: If necessary, please continue on a separate sheet.	

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14. Are there any managing or letting agents connected with the property?	
Yes / No	
Title: Full Name: Address: Telephone/Mobile Number: Email Address: Type: If necessary, please continue on a separate sheet.	
15. Please describe the current use and features of the property (e.g., flats, yard, house, embankment, garden, allotment, works, offices, unoccupied, etc) and postal address:	
Current use and features of the property:	
FULL Postal Address:	
16. Are there any other individuals or organisations with an interest in the property, not disclosed above?	
Yes / No	
If yes please provide name(s), address(es) and the nature of the interest:	
Title: Full Name: Address: Telephone/Mobile Number: Email Address: Nature of interest (See Question 2 for examples): If necessary, please continue on a separate sheet.	
17. Are there any other individuals or organisations currently negotiating or in the process of purchasing your interest or any other interest in the property?	
Yes / No	
If yes please provide name(s), address(es) and details of the current situation:	
Title: Full Name: Address: Telephone/Mobile Number: Email Address: Details of the current situation: If necessary, please continue on a separate sheet.	
18. Please supply details of the person to whom any additional enquiries may be directed if necessary:	
Full Name: Address: Telephone/Mobile Number: Email Address:	

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Statement

The information on the questionnaire is both complete and accurate (subject to corrections identified) to the best of my knowledge and capacity:

Signed:

Print Name:

Position:
(if completing on behalf of a corporate body)

Address:
.....
.....

Telephone Number:

Date:

Please return the completed questionnaire and any other supporting documentation in the supplied prepaid envelope to:

A46 Newark Bypass
FREEPOST – The Land Referencing Team
Mott MacDonald
35 Newhall Street
Birmingham
B3 3PU

If you need any assistance in completing this questionnaire, please contact Mott MacDonald on 0161 274 9906 or by email on A46Newark@mottmac.com.

Thank you for your assistance.

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NOTES on completing the QUESTIONNAIRE

All information provided is governed by the Data Protection Act 2018. Any information provided will only be used for legitimate purposes.

Please use BLOCK CAPITALS throughout.

If you need more space, please use the back of the form or another sheet of paper.

Where options are provided, please delete or circle as appropriate.

Please return the completed questionnaire using the prepaid envelope provided.

If you require any help with completing the questionnaire please contact:
Mott MacDonald on 0161 274 9906 or by email on A46Newark@mottmac.com.

The Questionnaire

Question 1

- a) Please give the full name of the person who, or organisation which has a legal interest in the property.
- b) For Limited Companies, please supply the registered office address and telephone number. Place of registration would normally be 'England and Wales', but may be Scotland, Isle of Man, Jersey, etc.
- c) For other corporate bodies, please supply corporate title, address and telephone number of the principal office.
- d) For individuals and partners, trustees, governors or similar executive positions, please supply full names (including all forenames), home address, telephone numbers and where applicable the collective title of each group or organisation. An additional sheet may be used if required.

Question 2

- a) If you legally own the land and property outright and do not pay any rent, then you are the freeholder.
- b) If you have an agreement to use or occupy the property for a specific duration, then you probably have a lease or tenancy, e.g. six month, one year, 99 years and 999 years.
- c) If you have a legal right to use another person's land for a particular purpose, e.g. a right to walk through your neighbour's land to gain access to your property, then you have an easement/right. Easements are legal rights which give the legal owner of one piece of land the right to use a defined portion of another person's land. Utilities often get easements that allow them to run pipes or phone lines beneath the private property. Other examples of easements may relate to drains, power, or rights of way. In most cases easements deal with land itself, not the landowners, so that when land is bought or sold, the easement which relate to that land go with the land.
- d) If the property is subject to a mortgage you will need to provide details of the lender.

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- e) If the property is subject to a rentcharge payable to the rentcharge owner you will need to provide details of the same.
- f) If you have a legal right to take possession of the property which allows you to enter and forfeit the lease for non-payment of rent or breach of covenant, you will have a right of entry or re-entry.
- g) If the property is subject to restrictive covenants, i.e. restriction not to do something on the land, e.g. not to make any alterations or to operate as commercial premises, without obtaining the consent of 'the beneficiary'.
- h) If you have formal permission from the proper authorities to do something it may be classed as a licence, e.g. a licence obtained from an authority to place a sandwich board on a footpath.
- i) A franchise is a privilege granted by the Crown such as a right to hold a market or fair or to take tolls.
- j) A profit a prendre is a right for a person to remove something from the land of another, e.g. grass for grazing, fish, or peat or wood for fuel.
- k) The other types of legal interest in land (including property) might comprise holders of privileges or matrimonial rights. If you are unsure about the nature of your interest, please contact Mott MacDonald on 0161 274 9906 or by email on A46Newark@mottmac.com.

Question 8 & 9 & 10

Refer to notes to Question 2 above.

Question 11 (i)

- a) If no plans have been provided, question 11 can be ignored.
- b) If plans are attached, there should be two copies, showing a Green shaded area in which we understand you may have a legal interest, and an area edged in Red showing the area subject to research for the proposed development.
- c) One copy is for your information and retention whilst the other is to be amended and returned to Mott MacDonald by freepost or by email on A46Newark@mottmac.com, if the green shaded area on the plan is not correct.
- d) Particular attention should be paid to situations such as rights or other benefits which have a different extent to that of the property itself, such as rights to use fire escapes, other accesses or car parks.
- e) One copy of the plan must always be returned.

Question 11 (ii)

Please see (b) above.

Question 12

Please list all tenancies and licences (formal agreement to use or occupy the land).

Question 13

Please list all mortgagees and equitable interests.

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Equitable Interests

Rights in or over land which fail to qualify as legal rights take effect as equitable interest therefore estates, interests, and charges in or over land which are not legal estates are referred to as equitable interests. Examples of such interest include:

- a) Option to purchase (The right to buy a property at a given price within a specific period of time).
- b) Contract to purchase (A contract the buyer initiates which details the purchase price and conditions of the transaction and is accepted by the seller. Also known as an agreement for sale).
- c) Beneficiary of a trust (A trust is a relationship whereby a party called a trustee holds property, either real or personal, for the benefit of other parties or persons, or for some purpose permitted by law).
- d) Wherever the legal owner(s) of property can be compelled to hold that property for the benefit of the equitable owner(s). Where groups of individuals are concerned, a person may be both a legal and an equitable owner. For example, a man may own a house and hold it for the benefit of himself and his wife (or a wife for her husband).
- e) Legal rights in a property that do not include the right to sell its legal title. This may apply to a mortgage lender.

Question 16

If you hold a joint interest in common, please provide details of all other parties.

Question 18

- a) Sometimes it is necessary to make further enquiries as a result of new information or changes to the plans for the scheme. Please provide the name and telephone number of the individual(s) whom we should contact.
- b) If a third party (a solicitor, for example) has been instructed to complete this questionnaire on behalf of the person with an interest in the property, please supply written confirmation of that fact.