**Advice on the section 53 ‘rights of entry’ to land process**

**Annex A Checklist**

The Planning Inspectorate expects the applicant to submit one fully completed checklist for each section 53 authorisation request.

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| **Project name** |  |
| **Applicant name** |  |
| **Fees** | *A total of [Number] requests have been made  The fee [£ ] was paid on [DD MM YYYY]* |
| **Date authorisation request made** |  |
| **Land Parcel numbers** | *[…numbers…]* |

|  | **Information to be provided** | | **Included** Tick as applicable | | | **Applicant’s comments**  Refer to and signpost where this information is provided and where evidence is demonstrated. *Suggested text for comments provided for illustration only* |
| --- | --- | --- | --- | --- | --- | --- |
| **Yes** | **No** | **N/A** |
| **A1** | **Contact details** | Full name, address, telephone number and email address of the applicant or, if the request is made by an agent on behalf of the applicant, provide these details for both the applicant and the agent |  |  |  | *Stated in paragraph [ ] of the authorisation request dated [ ].* |
| **A2** | **Description of the NSIP** | **Where a NSIP application has not been submitted:**   * a description of the proposed NSIP and any associated development * details about the stage of pre-application consultation that has been reached, including if notification under [section 46 of the Planning Act 2008](https://www.legislation.gov.uk/ukpga/2008/29/contents) has been provided * where relevant, details about any screening direction or scoping opinion that has been requested from the Secretary of State |  |  |  | *The NSIP application has not yet been submitted to the Secretary of State. The proposed development is described in [ ], or N/A* |
| **Where a NSIP application has been accepted:**   * the date the application was accepted and the reference number of the application |  |  |  | *Application was accepted on [DD MM YYYY]. The application reference number is [ ]* |
| **Where a DCO has been granted:**   * the date of the DCO and the SI number (attach copy) * the relevant provisions within the DCO that authorises the compulsory acquisition of the relevant land (or of an interest or right over it) |  |  |  | *DCO was made on [DD MM YYYY]. The SI number is [ ]. A copy is attached. The relevant provisions which relate to compulsory acquisition are [provisions x], or N/A* |
| **A3** | **Explanation of why authorisation is needed, having regard to the criteria in section 53** | Full explanation of why authorisation for rights of entry is sought, explicitly identifying if it is:   * for ‘*surveying and taking levels*’ under section 53(1) of the [Planning Act 2008](https://www.legislation.gov.uk/ukpga/2008/29/contents), and / or * to facilitate compliance with either the EIA or Habitats Directives under section 53(1)(1A) and (3A) of the [Planning Act 2008](https://www.legislation.gov.uk/ukpga/2008/29/contents) |  |  |  | *Explanation provided in paragraph [ ] of the authorisation request* |
| **Where a NSIP application has not been submitted**: information to demonstrate that the project is distinct and of real substance which genuinely requires entry onto the land |  |  |  | *Explanation provided in paragraph [ ] of the authorisation request* |
| **Where a NSIP application has been accepted:** information to demonstrate that there is a genuine requirement for entry on to the land |  |  |  | *Explanation provided in paragraph [ ] of the authorisation request* |
| **Where a DCO has been granted**: information to demonstrate that there is a genuine requirement for entry on to the land |  |  |  | *Explanation provided in paragraph [ ] of the authorisation request* |
| **A4** | **Details of the proposed surveys and works** | Details of the proposed surveys and works, including:   * the scope of surveys and whether these have been agreed with any relevant regulatory or environmental bodies such as the Environment Agency * the survey area, timescale and period, including whether repeat visits would be required * any other survey requirements, including access into buildings and night-time survey |  |  |  |  |
| **A5** | **Identifying persons with an interest in the land** | Fully complete the Annex B table identifying the land to which the proposed request relates and the persons with an interest in the land. |  |  |  | *This information is shown in the Annex B table* |
| Confirm whether any land identified in green on Plan A [see A6] is statutory undertakers land (see section 53(11) of the [Planning Act 2008](https://www.legislation.gov.uk/ukpga/2008/29/contents)).  The applicant should contact the Planning Inspectorate before submitting a request for authorisation to enter land held by statutory undertakers. Where the statutory undertaker has objected to the request to enter land, because they consider that execution of the works would be seriously detrimental to the carrying-on of their undertaking, the applicant will need the authority of an appropriate Minister (attach any relevant correspondence). |  |  |  | *Plot [number] identified in Green on Plan A is land held by the statutory undertaker [name], or N/A* |
| Confirm whether any land identified in green on Plan A [see A6] is Crown land (see section 54 of the [Planning Act 2008](https://www.legislation.gov.uk/ukpga/2008/29/contents))  Whilst the applicant may be provided with the authority to enter Crown land they cannot exercise that right unless they have the permission of the appropriate Crown authority, or the authority of a person who appears to be entitled to give that permission (attach any relevant correspondence). |  |  |  | *Plot [number] identified in Green on Plan A is Crown land, or N/A* |
| **A6** | **Plans identifying the land for which authorisation to enter is sought** | A plan, marked as ‘Plan A’, should be provided showing: |  |  |  |  |
| * The extent of the development and works (see [regulation 5(2)(j) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009](https://www.legislation.gov.uk/uksi/2009/2264/contents/made)) |  |  |  | *Outlined in red on Plan A* |
| * Any land owned or under the control of the applicant, or confirmation that there is no land owned or under the control of the applicant is shown on Plan A |  |  |  | *Shown in blue on Plan A, or*  *No land owned or under the control of the applicant is shown on Plan A* |
| * Land for which rights of entry are sought |  |  |  | *Shown in green on Plan A* |
| * The location of any site notices (where non statutory site notices have been used to identify persons with an unknown interest in the land) |  |  |  |  |
| * The boundary of each registered title number should be clearly shown on Plan A and allocated a parcel number. The boundary of the registered land should match exactly the boundary of the registered title plan |  |  |  | *[number] parcels have been identified on Plan A. These have been allocated parcel numbers [number] – [number].*  *The registered title numbers for these parcels are shown in the Annex B table* |
| * The boundary of any unregistered land should be clearly shown on Plan A and allocated a parcel number. OS grid references should be included in the Annex B table and used to enable the extent of the parcel area to be ascertained. A clear description of the parcel area by reference to the boundary and any physical features identified on Plan A should also be included in the Annex B table |  |  |  | *[number] parcels have been identified on Plan A. These have been allocated parcel numbers [number] – [number].*  *OS grid references for each parcel are listed in the Annex B table. A description of the unregistered land is provided in the Annex B table* |
| Parcel numbers identified in Plan A are consistent with the parcel numbers used in the Annex B table |  |  |  | *Consistent parcel numbers are shown in the Annex B table and Plan A* |
| Where any of the land is unregistered an explanation of the applicant’s diligent inquiry to identify the persons with interest in the land. This may include putting up site notices or advertising in the local newspapers. The applicant should provide the dates and times site notices were displayed, copies of the adverts, the geographical circulation of the newspapers and the land parcels relevant to the notices and adverts |  |  |  | *This explanation is provided in Document X, or N/A* |
| Plan A should be no larger than A0 size, drawn to an identified scale (not smaller than 1:2500) and show the direction north |  |  |  | *Plan A meets these requirements* |
| **A7** | **Up to date official copies of Land Registry documents** | **For registered land:**   * up-to-date official copies of the register titles and title plans from the Land Registry. The date on the copy should not be older than 3 months from the date the authorisation request was submitted to the Planning Inspectorate. |  |  |  | *Official copies of the register titles and title plans are provided in Document X.* |
| **For unregistered land:**   * an up-to-date copy of the certificate of the result of the search of the index map in relation to the land (including the map submitted to the Land Registry to undertake the search). The date on the certificate should not be older than 3 months from the date the authorisation request was submitted to the Planning Inspectorate. |  |  |  | *Copy of the certificate of the result of the search of the index map in relation to the land is provided in Document X.* |
| **A8** | **Key plan (if applicable)** | A key plan identifying the full extent of land required for, or affected by, the proposed development and the location of the land parcels for which authorisation is sought. |  |  |  | *This information is shown in the key plan* |
| **A9** | **Information to demonstrate that the applicant has acted reasonably and has been unreasonably refused access to the land** | **Schedule of Correspondence:** including any meetings or telephone calls between the applicant and the persons with an interest in the land and copies of documents referred to in the Schedule of Correspondence. |  |  |  | *Refer to Document X* |
| Where there is more than one person with an interest in the land, but the applicant has only been corresponding with one person and / or an agent, the applicant should provide written evidence that this individual is authorised to act on behalf of all identified persons with an interest in the land. |  |  |  | *Copy of correspondence from persons with an interest in the land and / or agent confirming that they have authority to act on behalf of all of those with an interest in the land is provided in Document X* |
| **A10** | **Evidence of notifying the persons with an interest in the land that a request for authorisation has been made to the Secretary of State** | Evidence of providing the persons with an interest in the land with a copy of the authorisation request and any accompanying documents. If the notification has been sent to an address that is different to the address on a registered title, then the applicant should provide an explanation for the difference.  The date specified in the notification  to provide any comments on the authorisation request to the Planning Inspectorate. |  |  |  | *Confirmation is stated in paragraph [ ] of the authorisation request.*  *The date specified in the notification for persons with an interest in the land to provide any comments to the Planning Inspectorate is [not less than 14 days starting the day after sending the notification].* |
| **A11** | **Duration for which authorisation is sought** | Where the applicant wants the authorisation period to exceed 12 months, or the submission date of the NSIP application, the applicant should provide a clear explanation of the reasons why. |  |  |  | *The requested duration of the authorisation is [ ] months. The explanation provided for requesting this duration is provided in paragraph [ ] of the authorisation request* |
| **A12** | **Any conditions subject to which the applicant thinks any authorisation should be granted** | Any draft conditions the applicant considers should be attached to the authorisation:   * draft wording for suggested conditions * details of whether the draft wording has been shared with the persons with an interest in the land * confirmation of whether the draft wording has been agreed. If not agreed, an explanation of the current position. |  |  |  | *Details are provided in paragraph [ ] of letter dated [ ].* |

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**Annex B Table**

Whilst the applicant is expected to seek to obtain permission for access to the land prior to making a section 53 authorisation request, the persons that the applicant should seek permission from is not prescribed in section 53 of the [Planning Act 2008](https://www.legislation.gov.uk/ukpga/2008/29/contents). To enable the applicant to satisfy this expectation, the Planning Inspectorate expects that they will identify, consult and notify the owners, occupiers, tenants and lessees of the land to which the section 53 authorisation request relates.

To demonstrate that the applicant has undertaken reasonable efforts to obtain access to the land by agreement the Planning Inspectorate expects that, wherever possible, there will have been an exchange of correspondence and dialogue over several months between the applicant and the persons with an interest in the land prior to making the section 53 authorisation request.

The applicant should also identify in the authorisation request if entry onto the land is for ‘*surveying and taking levels*’ under section 53(1) of the Planning Act 2008 and / or in order to facilitate compliance with either the [Infrastructure Planning (Environmental Impact Assessment) Regulations 2017](https://www.legislation.gov.uk/uksi/2017/572/contents/made) or Habitats Directives (section 53(1), (1A) and (3A) of the Planning Act 2008).

Where dialogue between the applicant and the persons with an interest in the land has occurred over a short period of time, the applicant should explain why they consider they have been unreasonably refused entry (given the short timeframe to reach an agreement).

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| **Land Parcel numbers** | […numbers…] |

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| **Allocated parcel number on Plan A** | **Name and address of persons with an interest in the land** | **Nature of interest in the land** | **Registered land:** Registered  title number and description of land by reference to the boundary and any physical features | **Unregistered land:**  OS grid reference and description of land by reference to the boundary and any physical features | **Evidence of the applicant’s reasonable efforts and that access to the land has been unreasonably refused** | **Reasons for section 53 request** |
| ***1*** | *Mr. A Jones*  *22 The Street*  *Townsville*  *TV22 9HG* | *Freeholder* | *Registered number: TN674800* | *N/A* | *Sent letter to Mr Jones on […date…] requesting access.*  *No response.* | *Surveys to investigate and assess environmental impacts of the proposed scheme* |
| ***2*** | *Unknown* | *Unknown* | *N/A* | *OS Ref: TF125640*  *Description: scrub land with outbuildings adjacent to registered title number TN674800* | *Located site notice outside entrance to land as shown in Plan A on […date…]. Published notice in […name of local/regional paper…] on […date…].*  *No response.* | *Geotechnical surveys to ascertain the nature of subsoil for suitability of ground stability* |