

# **Notes on the Preparation of Land Plans and Reference Schedules**

**Memorandum TR 138D**

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Specimen Reference Schedule (TR 138)

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## Highways Agency

### NOTES ON THE PREPARATION OF LAND PLANS AND REFERENCE SCHEDULES

#### Introduction

- 1 These notes are to guide the preparation of land plans and Land Reference Schedules in connection with the Highways Agency's trunk and special road schemes. Any further guidance required may be obtained from the Agency's appropriate Lands Section. If considered desirable, drafts of reference plans and schedules may be submitted (in duplicate) for approval; alternatively the Agency may call for such drafts.

#### Reference Plans

- 2 A reference plan should illustrate all the land (including rights, licences, etc.) that will need to be acquired for the scheme. It should not be larger in size than is necessary to delineate the land clearly. Where the land is in a built-up area the scale should normally be 1:500; otherwise it should be 1:2500, although in the case of a narrow strip of land it may be necessary to use a larger scale. The scale ratio should be stated and an illustrated scale shown at the foot of each plan.
- 3 Each plan (or each sheet where the plan comprises more than one sheet) should be given its own reference number. If later it becomes necessary to amend a plan or sheet, subsequent versions should be identified by means of a suffix to the original reference number.
- 4 On all reference plans:
  - (1) The title should be the same as that inserted on the reference schedule under the headings "Trunk or Special Road" and "Title of Scheme" (see Notes 61 and 62); and
  - (2) The compass points should be shown and the plan should have north at the top; and
  - (3) All roads should be named or should indicate the places they connect and the route number should be quoted if there is one; and
  - (4) Any outstanding landmarks should be shown; and
  - (5) Red lines should mark the boundaries between plots; and
  - (6) The number of each plot (see Note 15) should be marked either within its boundaries or outside with one or more arrows indicating its location.

- 5 If, for any reason, it is impossible to indicate the precise boundary between adjoining plots, judgement should be used to indicate where the boundary is assumed to lie, based on the investigations undertaken and the situation on the ground. The plots adjoining the assumed boundary should then be individually numbered and a comment made against each in the remarks column of the Land Reference Schedule, advising that the precise boundary is not known. Lands Branches can then investigate the ownership further with the reputed owners and their solicitors.
- 6 Any land already in the ownership of the Secretary of State but not forming part of an existing public highway should be included in the reference plan (see also Note 14).

### **Land Reference Schedules**

- 7 A specimen Land Reference Schedule (form TR138) is at Appendix 1. Schedules should be prepared taking into account, where applicable, what is said in the following Notes and, in particular, the detailed Notes (59-86) on the preparation of such Schedules.

### **Interest Plans**

- 8 Interest plans should not be prepared until the Project Team has approved the associated reference plan.
- 9 A separate plan is required in respect of each freehold, leasehold and tenant interest shown in columns 3 of the Land Reference Schedule. Interest plans are not required, unless specifically requested by the Agency, for lesser interests in land such as riparian rights for angling societies or shooting rights. Interest plans should, ideally, be no larger than A3 and where an interest in land cannot be shown on a single plan, it should be shown across 2 or more plans. An exception to this would be where an individual plot cannot be shown on a single A3 plan.
- 10 The scale of interest plans should be 1:500 where land is in a built-up area, though in the case of narrow strips of land or very small plots it may need to be larger. In other areas the scale should normally be 1:2500 except for small plots where a scale of 1:500 may be necessary. The scale ratio should be stated and an illustrated scale shown at the foot of each plan, as in the case of reference plans.
- 11 All interest plans should be headed and drawn up in the same way as reference plans (see Notes 4 and 5). Individual plans should show the vendor's name, the nature of his interest (i.e. freehold, leasehold or tenant) and the area of each plot in metres. Where land is jointly owned, the names of the joint owners should appear on the one plan.



- 12 Where all the land required for a scheme is in the same ownership, and subsidiary interests lease or occupy the whole of this land, copies of the reference plan may be adapted for use as interest plans.
- 13 Each interest plan (or each sheet where the plan comprises more than one sheet) should be given its own reference number. If later it becomes necessary to amend a particular plan or sheet, subsequent versions should be identified by means of a suffix to the original reference number.

### Colours used on Reference and Interest Plans

- 14 The following are the colours used on reference and interest plans to illustrate the Secretary or State's requirements as indicated in column 4 of the Land Reference Schedule. These requirements are dealt with in detail in subsequent Notes. Land already in the ownership of the Secretary of State but not forming part of an existing public highway should be given a plot number and be included on the reference plan, coloured **white edged pink**, and in the Land Reference Schedule (see Notes 90 and 93 about the colours used on CPO plans).

Colour	Requirement
(1) <b>Pink</b>	Title (other than land at (2) and (3) below – see Notes 21 and 37).
(2) <b>Pink Hatched Red</b>	Title (land that will be <i>outside</i> the highway boundaries and is to be acquired for “the mitigation of adverse effects”, including landscaping – see Note 37).
(3) <b>White Hatched Pink</b>	Title (land to be given in exchange for common land etc. – see Note 29).
(4) <b>Blue</b>	Rights (under Section 250 of the Highways Act 1980 – see Notes 23-25).
(5) <b>Green Hatched Black</b>	Essential Licences (see Notes 26-28).
(6) <b>Green</b>	Licences that are desirable but not essential (see Notes 26-28).
(7) <b>Purple</b>	Licences to construct a private means of access (see Note 34).

<b>Colour</b>	<b>Requirement</b>
<b>(8) Yellow</b>	Dedication (land for public footpaths (see Note 33)).

### **Numbering of Plots**

- 15 Each plot should be separately numbered. The first plot in a new ownership should be given a unique number. Any further plots in the same ownership should then be given the same number with alphabetical or numerical suffixes. As far as possible adjoining or adjacent plots should be numbered consecutively from left to right across the reference plan. If there is only one plot in the scheme it should not be numbered. Each plot number should be clearly marked on both the reference plan and the corresponding interest plan (see Note 4(6)).
- 16 The land comprised in each plot should have the same owner, lessee and/or tenant. If a lessee and/or tenant has an interest in only part of the land, the land should be divided into separate plots to show the extent of the lease or tenancy. The land comprised in each plot should be contiguous and any land that is not contiguous should be shown as a separate plot. Contiguous land can be shown in the same plot, even if it is comprised in different Ordnance Survey enclosure numbers.
- 17 The requirements for the land comprised in an individual plot should be the same.
  - (1) If the requirements are different (e.g. title is required to only part of the plot and a licence over the remainder) the plot should be split so that the extent of the requirements can be identified. However, a plot can have two different requirements (e.g. a Section 250 right and a dedication) provided that both cover the full extent of the land (see Note 36).
  - (2) Where land outside the new highway boundary is being acquired for the mitigation of adverse effects (see Note 37) and this adjoins land, being acquired from the same owner(s), that will be within the highway boundary the land should be shown in separate plots, so that the extent required for mitigation can be identified.
  - (3) Land to be acquired by agreement (i.e. land that lies beyond the compulsory purchase distance limits detailed in Note 91 [see also Note 63 about listing separately plots that are not to be included in a CPO]) should also be shown in separate plots.



## Number of Copies of Plans and Schedules Required

- 18 Seven copies of the finalised reference plan and six copies of the finalised Land Reference Schedule are required, unless otherwise requested by the Agency. This includes one of each for the Project Manager but does not include any copies that the compilers may need for their own use. Additional copies may be requested.
- 19 Six copies of each interest plan will be required (plus one extra copy where land is owned by Network Rail or Transport for London (London Underground) and two extra copies where the British Waterways Boards is the owner). The Lands Section will in due course indicate when and how the plans should be distributed and may request additional copies.

## ACQUISITION OF TITLE AND RIGHTS – GENERAL

### Introduction

- 20 The following Notes give general guidance on the acquisition of title and rights. However, in circumstances that are not straightforward, other courses of action may be appropriate and the guidance of the relevant Lands Section should be sought if there is any doubt as to the Secretary of State's requirements.

### Acquisition of Title

- 21 Except where the acquisition of a right may be appropriate (e.g. in certain circumstances where the highway is to be constructed on a viaduct or bridge – see Notes 44 - 52), the Secretary of State normally takes title to land that is required for highway construction or improvement that will fall within the highway boundaries (including the slopes of cuttings and embankments – but see Notes 42 and 43) or within the boundaries of a service area, maintenance compound or picnic area. Such land should be shown coloured **pink** on reference and interest plans (see also Notes 29 and 37 about the acquisition, in certain limited circumstances, of title to land that will fall outside the highway boundaries).
- 22 *Land not required for highway purposes, which it may nevertheless be considered desirable to acquire (e.g. severed land), must not be included in the plans and schedules.* The Agency's valuer in the course of his negotiations will deal with any request from an owner that such land be purchased. If an agreement is reached to acquire any severed land, interest plans will be requested showing this either separately or as a revision to the land interest plan.

### Acquisition of Rights

- 23 Rights over land are acquired under Section 250 of the Highways Act 1980 (in this context the term “over” includes “in” or “on”). Rights may be acquired, for example, for the construction of bridges, the laying of pipes, the widening, deepening and cleansing of ditches, to lay and maintain cables for lighting, erecting and maintaining lighting columns, access to balancing ponds: further details are given in subsequent Notes. Rights are required where there will be a continuing need to re-enter the land to carry out further works, such as excavation, inspection, maintenance, renewal and replacement, etc. Where there is no need to re-enter the land after the scheme works have been completed, consideration should be given to acquiring a licence (see Notes 26-28).
- 24 Land over which a Section 250 right is required should be shown coloured **blue** on reference and interest plans. A full description of the rights required should be entered in column 2 of the Land Reference Schedule (see Appendix 2 for specimen entries). The aim should be to produce descriptions that can readily be understood by the layman; technical terms should be avoided.
- 25 It is important that sufficient working space is included to enable all necessary construction and future maintenance work to be carried out (but see Note 38 about contractor’s temporary working space).

## Licences

- 26 Licences are normally appropriate where entry on to land is required for a limited period (e.g. for contractor’s working space and access roads – see Notes 38 and 40) and where on vacating the land, no apparatus that owned by the of the Secretary of State will be left on, over or in the land, nor will there be a need to enter to carry out future maintenance. However, where a comparatively small working space is required in order that work may be carried out on a rights plot, use of such land should normally be dealt with as a right (see Note 25). A licence, as distinct from obtaining permission to enter, is not required for the carrying out of accommodation works on a vendor’s retained land. Licences are not binding on successors in titles. If in doubt as to whether a licence or a Section 250 right is appropriate, the Agency’s appropriate Lands Section should be consulted.
- 27 Land in respect of which *essential* licences are required (e.g. for working space and access roads) should be shown coloured **green hatched black** on reference and interest plans. The land should be shown in column 2 of the Land Reference Schedule in the same way as land to which title is required, a full description of the licence required being entered in the “Remarks” column. Land required for essential licences will normally be included in the CPO as land to which title is to be acquired invoking Section 240 of the 1980 Act. Initially, the Agency’s valuer will endeavour to obtain a licence by

agreement; failing this it may be decided to acquire the land compulsorily.

- 28 Where a licence is desirable but not essential (i.e. where compulsory purchase could not be justified in the event of a vendor refusing to grant a licence), the relevant plot(s) should be listed separately in the Land Reference Schedule under the heading "Plots Not to be Included in a CPO" (see Note 63) and be shown coloured **green** on reference and interest plans.

## **ACQUISITION OF SPECIAL KINDS OF LAND AND LAND REQUIRED FOR CERTAIN SPECIFIC PURPOSES**

### **Common, Green Belt and other Special Category Land**

- 29 It is essential that common land, open space and fuel or field garden allotment land and green belt land, in the area (see Note below) covered by the Green Belt (London and Home Counties) Act 1938, be identified at the earliest possible date. Lands Sections should be informed as soon as possible of the extent to which such land will be affected by the highway proposals, particularly as to whether or not exchange land is likely to be required; such consultations should not await the completion of the land plans and schedules. Failure to identify common land etc. correctly could render a CPO ineffective. Land for exchange purposes (i.e. under the Third Schedule to the Acquisition of Land Act 1981) should be shown **white hatched pink** on reference and interest plans (see also Notes 70 and 71).

- NB** The area affected by the 1938 Act comprises Greater London, Essex, Hertfordshire, Kent, Surrey, Buckinghamshire and parts of Berkshire transferred from Buckinghamshire under the Local Government Act 1972.

### **Consecrated Land and Burial Grounds**

- 30 It is essential that Lands Sections are consulted at the earliest possible date if the land requirements will, or are likely to, affect consecrated land or burial grounds. The procedures in most cases can take 2-3 years, or longer, to complete (see also Note 73).

### **Stopped-up Highways and Regraded Side Roads**

- 31 There is a presumption in law that a frontager to a highway owns the sub-soil to the half-width of the highway unless it is known that it is in some other ownership as explained below. Therefore, where a length of highway, to be stopped up by a Side Roads Order, comes within the route of a new highway or a highway to be improved, it will usually be necessary to acquire the site of the superseded highway from the adjoining frontagers. In such cases, adjoining plots should be extended to incorporate the half widths of the roads to be stopped up.



However, if the road to be stopped up is a “modern” one, or has been widened or improved at some stage, it is possible that all or part of the land is in the ownership of the Secretary of State as a result of previous compulsory purchase. In these circumstances no action need be taken to acquire the land. In all cases it is important that reasonably detailed enquiries are made to establish ownership.

- 32 Sometimes a side road is to be carried over or under a new or improved trunk or special road (e.g. the side road will be on a bridge or in a tunnel) without deviating from its existing line. Nevertheless, the Secretary of State requires title to the land within the trunk or special road boundary, so the ownership of the section of side road lying within this boundary should be treated as though it had been stopped up and acquired.

### **Public Footpaths, Bridleways and Cycle Tracks**

- 33 The requirement in respect of land to be used for a public footpath, bridleway or cycle track is that it be dedicated. It should be shown coloured **yellow** on reference and interest plans. If the footpath, bridleway or cycle track is to be constructed on an embankment or in a cutting (e.g. on the approaches to a motorway overbridge or underpass), the requirement in respect of the embankment is for a licence and the relevant land should be numbered separately and shown coloured **green hatched black** on the reference and interest plans (see Note 27). The land for the footpath, bridleway or cycle track and any embankments should be shown in column 2 of the Land Reference Schedule in the same way as land to which title is required. Land for public footpaths, bridleways or cycle tracks is not shown as such where the path traverses land being acquired for the highway coloured **pink** on the plans.

### **New Private Rights of Way**

- 34 Land required for a new private right of way, for the benefit of persons other than the owner, should be shown coloured **purple** on reference and interest plans. If the land is required for a new private right of way for only the owner (and any lessee or tenant of the owner) it should be shown coloured **green** on reference and land interest plans. The land should be shown in column 2 of the Land Reference Schedule in the same way as land to which title is required. In column 4 the requirement should be shown as “Licence to construct a private means of access”. The name and address of all parties who require access over the land should be recorded in the “Remarks” column, along with details of the right of way required (e.g. with or without vehicles). If a licence is required for the construction of any embankments (e.g. on the approaches to a motorway overbridge or underpass), the relevant land should be numbered separately and shown coloured **green hatched black** on the reference and interest plans (see Note 27). The Agency valuer will endeavour to obtain a

licence for the carrying out of the necessary works and arrange for the owner to grant a right of way for the benefit of those who will be using the new access; the Secretary of State to have no responsibility for future maintenance.

### **Public Footpaths, Bridleways or Cycle Tracks combined with Private Rights of Way**

35 A new public footpath, bridleway or cycle track may, if necessary, be created over an existing private right of way and will be subject to the existing rights thereover (e.g. use by farm vehicles). However, a new private right of way cannot be created over an existing public footpath, bridleway or cycle track. It is desirable that public footpaths, bridleways or cycle tracks and private rights of way should be separate ways (e.g. side by side); combined ways may, however, be provided where:

- (1) Provision is made for this in a Side Roads Order; or
- (2) The new private right of way can and will be formally granted before the footpath, bridleway or cycle track is opened to the public (e.g. where the relevant land is already in the ownership of the Agency); or
- (3) The footpath, bridleway or cycle track is to be created over an existing right of way.

### **Land Required for more than One Purpose**

36 There are occasions where the same plot will be required for more than one purpose. There are two distinct ways in which this can be shown on the Land Reference Plans and Schedule and interest plans, as follows:

- (1) In circumstances where a plot is required for two, or more, requirements, but not involving title (e.g. a shared private right of way and a bridleway), the land should be shown coloured with alternate stripes of equal width to denote the two, or more, requirements. In the example above, the land would be coloured with purple (to denote the private means of access) and yellow (to denote the bridleway) stripes on reference and interest plans. Likewise, if the land is also required for a Section 250 right, it should be shown coloured with purple, yellow and blue (to denote the Section 250 right) stripes of equal width on reference and interest plans. Each of the requirements should be clearly listed in column 4 of the Land Reference Schedule and an appropriate comment made in column 4 remarks.
- (2) In circumstances where a plot is required for two, or more,

## Viaducts

- 44 **In rural areas** the usual practice is to acquire title to the land on which the supports of a viaduct (piers, abutments, etc.) are to stand and a right to construct and maintain the viaduct over the land across which it will merely pass.
- 45 **In urban areas** title is usually acquired to the whole of the land over which the viaduct will extend, not merely the sites of the supports. This is to enable the Secretary of State to keep effective control over the use of the land under the viaduct and so ensure the safety of the structure and its users.
- 46 An exception to the practice of taking title to the whole of the land is made where it belongs to a canal or river authority or to Network Rail. Such cases should be dealt with as for viaducts in rural areas.
- 47 **In both rural and urban areas** each proposal should be treated on its merits and in cases of doubt or where there are special circumstances, (e.g. where the land is extensively developed and, the bridging of a factory or other building is being considered), the Agency should be consulted. In such cases it will be necessary to balance the advantages of taking title instead of a right against the cost of such a purchase.
- 48 It is essential that the fact that a length of road is to be built on a viaduct is indicated in the "Remarks" column against every title plot needed for the viaduct.

## Bridges

- 49 Title is required to the land on which the supports of a bridge will stand and normally a right is required to construct and maintain the bridge over the land across which it will merely pass.
- 50 Where bridges are to be provided over the trunk or special road for footpaths, bridleways, cycleways, agricultural crossings and accommodation bridges for the benefit of third parties, the Agency will be responsible for maintaining the structure of the bridge and its approach embankments up to a point approximately 10 feet beyond the bridge abutments on either side. Therefore, sufficient land should be included in the CPO for this, together with an easement where the Secretary of State needs to cross third party land to gain access to the bridge.
- 51 If the construction of a trunk or special road, on or across an existing highway not being a trunk or special road, involves placing piers or other obstructions in the latter, the authority of a stopping-up order is required. The surface of the land affected by the order (i.e. the land



on which the obstructions will be sited) is normally presumed to revert to the frontagers, unless it is known to be in other ownership: this land will need to be acquired. A right to construct and maintain the bridge over the side road, whether or not there are any piers etc. necessitating a stopping-up order, will need to be acquired from the owners of the sub-soil (usually the frontagers). In all cases, it is important that reasonably detailed enquiries are made to establish ownership of the side road land.

- 52 Where land is to be acquired up to the edge of the bank of a *non-tidal* river or brook, and the bridge will not extend outside the adjoining half of the river or brook, it is not necessary to obtain a right to construct the bridge over the water; this is because the conveyance of such land is presumed to include, in the absence of expressed contrary intention, any interest of the vendor in the co-extensive bed up to the middle of the river or brook. Land referencing should, therefore, be on the basis of acquisition of title of the river bed; the half-width thereof co-extensive with the riparian land being shown coloured **pink** on all plans. A right will be required where any part of the bridge will be over any part of the river bed that is not co-extensive with the riparian land being acquired and title will be required to the site of any pier or abutment in that part of the river. A right or title, as appropriate, will also be required where the owner of the adjoining land does not own the riverbed. Bridges over *tidal* rivers are dealt with as indicated at Note 49.

## **Tunnels**

- 53 Where it is proposed to build a road tunnel and to acquire only a stratum of land and not the surface area, the Lands Section should be given full details and ask for their advice.

## **Beds and Banks of Open Watercourses**

- 54 The land requirements where it is proposed to divert or alter the bed and banks of an open watercourse depend upon the circumstances of the case and upon the powers under which it is proposed to proceed. If in doubt as to the Agency's requirements, the Lands Section should be consulted before the land plans and schedules are prepared.

**NB** Where appropriate, the diversion of ditches is carried out as an accommodation work.

## **Surface Water Drainage (including the Widening and Deepening of Ditches)**

- 55 Where highway drainage is to be provided the normal course is to obtain a right. This should be shown in the Land Reference Schedule as a right to construct and maintain a pipe or drain, or the right to cleanse, widen, deepen and maintain a ditch, as appropriate, in land

(giving a description of the land). Where appropriate, the description of the right should include the diameter of the pipe or drain, its linear measurement and the total area of land affected. A sufficient width of land should be included to enable all necessary construction and maintenance work to be carried out.

**NB** If a right to maintain is not required, the requirement may nevertheless be shown as a Section 250 right rather than a licence where the works will have the effect of permanently altering the land.

### **Disused Mineshafts and Collieries**

- 56 If there are disused mineshafts or colliery workings in or beneath the proposed highway, or if it is necessary to fill in a length of workings outside the highway boundaries, the Lands Section should be consulted about the preparation of the plans and schedules.

### **Retaining Walls**

- 57 Where a retaining wall is to be constructed along a highway boundary to retain the Agency's land or land owned by adjoining frontagers, the Secretary of State's land requirements are as follows:
- (1) Title to the land on which the wall will stand (including, where appropriate in the case of a motorway, any extra land needed for the motorway fence). This should be shown coloured **pink** on the plans; and
  - (2) The right to use an adjoining strip of land for all purposes in connection with the construction and maintenance of the retaining wall and, where appropriate, to construct and maintain its heels, anchorages, etc. It is important that the land is of sufficient width to enable all the necessary construction and maintenance work to be carried out. This should be shown coloured **blue** on the plans.

### **Tie-Back Walls**

- 58 Tie-back walls present a special problem because of the need for some degree of control over the loading put on the ground surface above the anchors and also over any activities below the surface. The only ways in which such control can be secured are:
- (1) To get the landowner to agree, in association with the acquisition of a right (as at Note 57(2) above), to the imposition of the required restrictions on the use of his land which would be binding on successors in title; or
  - (2) To acquire the land outright (invoking Section 240(2)(a) of the 1980 Act) and try to re-sell with an appropriate restrictive

covenant.

If neither of these courses is practicable, e.g. on account of cost in the case of (2) above, some other engineering solution must be found.

## COMPLETION OF LAND REFERENCE SCHEDULES

### Introduction

- 59 The following detailed Notes on the completion of Land Reference Schedules should be read in conjunction with the general guidance given in the preceding Notes.

The Land Reference Schedule provides details of three groups of people; those from whom land will be acquired, others who will be entitled to receive Notice to Treat following a compulsory purchase order and others who will be entitled to receive notice of publication of the draft CPO and of the making of that Order. Unlike the first two groups this last group have a right to notice which is not necessarily linked to a specific plot of land included in the Scheme. For this reason they are included in a separate section of the Land Reference Schedule.

- 60 The format of the Compulsory Purchase Order Schedule is slightly different. However, in order to facilitate the preparation of CPOs, the headings of columns 1 to 3 of Section 1 of the Land Reference Schedule are the same as those in table 1 of the Schedules to such Orders. Table 2 of the CPO Schedules is made up of column 5 of Section 1 of the Land Reference Schedule together with Section 2 of that Schedule.

Entries in the reference schedule should be on the lines of the specimen entries at Appendix 2 and, subject to what is said in these Notes, the schedules to recent CPOs made by the Agency.

**NB** If required, copies of CPO schedules suitable for this purpose and/or guidance on specific entries may be obtained from the Agency's appropriate Lands Section.

### SECTION 1 OF THE SCHEDULE

#### Trunk or Special Roads (*name of*)

- 61 This should be the name of the Trunk Road (e.g. A1 Trunk Road).

## Title of Scheme

- 62 Insert the full title by which the scheme is to be known in Orders, Notices, etc. Where a name has already been given to Highways Act Orders the title of the Compulsory Purchase Order should follow the name given to the other Orders.

## Plots Not to be included in a CPO

- 63 Any plots in respect of which compulsory powers are not available (e.g. land outside the compulsory purchase distance limits – see Note 91; licences which are desirable but not essential – see Note 28) should be listed and numbered separately under the heading “Plots Not to be included in a CPO”. The reasons for such exclusion should be stated in the “Remarks” column.

## Extent, Description and Situation of the Land

- 64 The headings above groups of plots, indicating the place (or Parish) and District in which they are located, should be as follows:

“In [The Parish of]..... in the District of.....”

The first name should normally be the Parish or local name used for postal purposes (**NB** The latter is not necessarily the same as the Post Town for the area which may embrace a number of localities). Where a parish has the status of City or Town, or a district the status of Royal Borough, City or Borough, the higher status should be quoted.

- 65 The extent of the land should be stated; therefore the areas of each plot, eg. in square metres, should normally be shown. It may not always be necessary for a measurement of the plot to be quoted, if the extent and the boundaries can be readily ascertained without dispute. For instance, the giving of a postal address for a flat may be sufficient.
- 66 The nature of the land comprising each plot should be fully and precisely described. Its situation should be couched in terms that will enable its approximate location to be determined without reference to a plan.
- 67 In describing land the term “field” is not sufficient, it should be stated whether it is arable, pasture, part of a road (and whether public or private), right of way, etc. If part only is required, the description should be, for example, “part of front garden of house known as.....” or “part of public footpath No.....” (see Note 41 about parts of buildings).



- 68 Where a plot is traversed by a footpath or stream, the description should include the relevant parts of the footpath or bed of the stream. Where a stream forms part of the boundary of a plot, the description should be on the lines of "pasture land and half-bed of stream ....." unless the full width of the stream is known to be in one ownership.
- 69 The expression "on the south-east of" may be used but not "to the south-east of". The word "side" should not be used.
- 70 Common land (including town or village green), open space (i.e. public gardens and recreation grounds, and disused burial grounds) and fuel or field garden allotments should be so described (see also Note 29 about common, green belt and other special category land and the giving of exchange land). Where land is being acquired for exchange purposes, this should be stated in the "Remarks" column.
- NB** Fuel or field garden allotments are allotments set out under an Inclosure Act. Fuel allotments are for the taking of turf or peat. Details of any relevant Inclosure Acts should be included in the "Remarks" column (see also Note 73 in the case of disused burial grounds). Details of Green Belt land in London or the Home Counties (see Note 29) should be inserted in the "Remarks" column.
- 71 Where common land (including a town or village green) is to be acquired, a check should be made to ascertain if it has been registered under the Commons Registration Act 1965 and, if so, if any rights of common have been registered. The result of the search of the Register, including the names and addresses of any commoners and the nature of their rights, should be noted in the "Remarks" column or on a separate list attached to the Land Reference Schedule. Where appropriate the commoners should also be entered in the occupiers' column or in Section 2.
- 72 Buildings of special architectural or historic interest (e.g. listed buildings) and sites of ancient monuments or objects of archaeological interest should be so described. If any building is in a conservation area, this should be stated in the "Remarks" column.
- 73 Ecclesiastical property should be precisely described and it should be stated in the "Remarks" column whether or not it, or part of it, is consecrated. Where all or part of a churchyard or burial ground (whether used or disused) is to be acquired, it should also be stated whether graves will be affected and, if so, how many.
- 74 Where National Trust land is to be acquired it should be stated in the "Remarks" column whether it is held inalienably.

## Ordnance Survey Enclosure Numbers and Sheet References

- 75 OS Enclosure Numbers should be used – where these are available – to supplement the information called for in Notes 64 to 74; they should not be used as a substitute for such information. For example, add “(Part of OS No 1234)” at the end of the column 2 entry. In such cases particulars of the 25” Ordnance Survey sheets on which the relevant OS numbers appear should also be given, e.g. “Hampshire Sheet No SU 6912 (1965 Edition)”. Where more than one OS Sheet is referred to in a particular scheme, these should be indicated against the relevant OS Enclosure Numbers in column 2 by means of reference letters (e.g. (A), (B), (C), etc.) and a table listing the various sheets should be added at the end of the schedule.

### **Column 3**

#### **Owners, Lessees, Tenants and Occupiers**

- 76 Initials only of all Christian or other forenames should be given in columns 3 and whether Mrs, Miss or style other than Mr (Mr is assumed if no style is entered). However, if two persons having the same name and initials have an interest in the same plot of land or live at the same address, full Christian or other forenames should be given.
- 77 Full postal addresses should be given (including Postcodes where known). If an accommodation address is provided it must be ascertained that the person concerned has authorised service of Notices, etc., to that address. If possible, a copy of the authorisation should be supplied.
- 78 The address of the registered office of a limited liability company and the address of the principal office of a corporate body should be given. In the case of a partnership, joint ownership, etc., the name and address of each member, owner, etc., (or, in the case of a trust or estate, the names and addresses of each trustee or executor) should be given. It is not sufficient to provide the name and address of the secretary or solicitor acting for a partnership, trust or estate.
- 79 Where an owner or lessee has entered into a contract to sell his interest in the land to a third party, the owner or lessee should be shown in column 3 the contracting purchaser should also be shown in column 5, with the words “contracting purchaser”.
- 80 Where the right to work minerals has become separated from the ownership of the surface land, the owner, lessee or occupier of the



subsoil must be scheduled.

- 81 The "Occupiers" Section should be completed in all cases. Where a named owner, lessee or tenant is also the occupier, the word "Owner", "Lessee" or "Tenant" should be inserted as appropriate. In all tenant cases brief details of the terms of the tenancy should be stated, including whether it is protected under the Rent Acts.
- 82 In the event of a change in the name and/or address of an owner, lessee or occupier after the Land Reference Schedule has been submitted, the Lands Section should be informed immediately.

### **Land in Unknown Ownership**

- 83 Before an owner is described as "Unknown" a genuine endeavour must be made to ascertain the name and address and a record kept of the enquiries made. A copy of this record should be submitted with the Land Reference Schedule. Where appropriate, Section 297 of the Highways Act 1980 or Section 5 of the Acquisition of Land Act 1981 (as amended by Section 105 of the Planning and Compulsory Purchase Act 2004) will need to be used to obtain the necessary information. Any difficulties in obtaining information should be raised with the Agency's Lands Team.

### **Ownership of Land in Doubt or Disputed**

- 84 If there is doubt about the ownership of a plot because there is more than one claimant, all the claimants should be shown in the Land Reference Schedule with the words "Ownership claimed by" inserted before the names.
- 85 If there is any uncertainty as to the rights or status of a person in occupation of a property, his name and address should be included in the "Occupiers" column.

### **"Remarks" Column**

- 86 The "Remarks" column should be freely used to amplify the information given in the preceding columns. In particular, attention is drawn to those of the preceding Notes that contain a reference to the use of the "Remarks" column. Additional information should be included, where appropriate, as follows:
- (1) Give details of any building, improvement or widening line, or of any other restrictions or conditions imposed as to the use of the land, and what compensation (if any) has been paid; and
  - (2) Give details of any permission given under the Town and Country Planning Acts; and

- (3) Where a Local Authority owns the land give the date of acquisition and the purpose for which it was acquired and under what powers. (**NB** Responsibility for obtaining from the appropriate Government Department any necessary consent to the sale of the land rests with the Local Authority); and
- (4) Indicate any buildings that are the subject of a Demolition Order or Clearance Area Resolution under the Housing Acts; and
- (5) Give details of any riparian rights in a stream, e.g. those of an angling society. Also give details of any shooting rights. Neither riparian rights for angling societies nor shooting rights represent an interest in land requiring the preparation of individual interest plans.

## Column 5

- 87 This column should include anyone other than those listed in column 3 who would be entitled to receive copies of the Notice to Treat. Examples of this would be mortgagees, anyone with an equitable interest in the land, such as a contract or option to purchase, and, where the land is settled land or subject to a trust for sale, the tenants for life and trustees for sale respectively.

### *Name*

Names and addresses should be given. The guidelines in paragraphs 76 – 85 above should be followed in completing this column.

### *Description of Interest to be acquired*

This column should provide details of the interest set out as clearly as possible.

## SECTION 2 OF THE SCHEDULE

- 88 This section should include anyone who may have the right to submit a claim under Section 10 of the Compulsory Purchase Act 1965. That section provides a very narrow right to compensation. To qualify for inclusion in this section of the Land Reference Schedule someone must have **an interest** in land not included in the CPO, and the value of that interest must have been diminished as a result of the scheme interfering with some private or public right enjoyed in connection with the land. The interference must arise from the construction of the works (not the use of the works). Examples may be those whose right of access to the highway has been interfered with, or whose right of way across land included in the compulsory purchase order has been affected. It would also include those who have other rights through or across the land for example a right to place services in the land. This would also cover those where the works have an impact outside the immediate site, for example because of dust blowing from site or the impact on river quality.
- 89 Anyone who has an interest in land to be included in the Compulsory Purchase Order need not be included in this section of the Schedule. However, where the interest is in land which will not be included in the Compulsory Purchase Order but acquired by agreement they should be recorded and a note put in the remarks column indicating which plots they have an interest in.

## **COMPULSORY PURCHASE ORDERS**

### **Relationship of Land Reference Plans and Schedules to CPO Plans and Schedules**

- 90 Although the Secretary of State's requirements in respect of individual plots are shown in Land Reference Schedules as "title", "rights", "licence" or "dedication" and are coloured on the associated reference and interest plans in accordance with the foregoing Notes, these distinctions are not reproduced in CPOs. Land is described in CPO schedules and shown on CPO plans only as land to be acquired or over which rights are required.

### **Compulsory Purchase Distance Limits**

- 91 Distance limits apply to the powers of compulsory purchase of land for certain highway purposes as follows:

<b>Purpose of Acquisition</b>	<b>Distance Limit</b>
Construction or improvement of a highway (including side roads)	220 yards (201.17 metres) from middle of proposed highway or highway as proposed to be improved
Provision of new means of access to premises	880 yards (804.67 metres) from middle of highway or proposed highway from which access is to be provided
Provision of service area, maintenance compound or picnic area	880 yards (804.67 metres) from middle of the trunk or special road
Provision of toilets	220 yards (201.17 metres) from middle of highway or proposed highway

- 92 There are no limits specified in respect of land required for the following purposes:

- (1) Use in connection with the construction or improvement of highways (e.g. working space, access roads);
- (2) Drainage of highways, service areas, maintenance compounds and picnic areas;
- (3) Mitigation of adverse effects of highways or proposed highways on their surroundings;

- (4) Protection of highways or proposed highways against hazards of nature;
- (5) Diversion of navigable watercourses and the carrying out of other works on watercourses under Section 110 of the Highways Act 1980;
- (6) Provision of land to be given in exchange for common land etc;
- (7) Bridge works under Section 242 of the Highways Act 1980;
- (8) Provision of improvement of cattle grids.

### **Colours used on CPO Plans**

93 If it is decided to prepare a CPO, the Lands Section will, in due course, ask for the necessary CPO plans to be prepared and will indicate how each plot should be coloured. Normally the colours will be as follows:

- (1) All title plots except those specified **Pink**  
below
- (2) All rights plots **Blue**
- (3) Land to be used for a service area or **Brown**  
maintenance compound
- (4) Land to be given in exchange for special **Green**  
category land.

A red line should be drawn around each plot.

### **Acquisition for more than one purpose**

94 Where a plot of land is being acquired for more than one substantive purpose (e.g. title for one purpose and rights for another) the plot should appear in each of the relevant schedules to the CPO and should be shown in the CPO plan in each of the appropriate colours as prescribed in Note 93

## SPECIMEN REFERENCE SCHEDULE (TR 138)

## SCHEDULE

## Section 1

1	2	3			
Number on Map	Extent, description and situation of the land	Qualifying persons under paragraph 3 of Schedule 1 to the Acquisition of Land Act 1981			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers



Highways Agency

**Reference Schedule** (To be completed in accordance with Memorandum TR 138D)

Trunk or Special Road

Title of Scheme

Date of preparation of Schedule

The Scheme \*is/is not in a coal-bearing district; \*is/is not in an area of other minerals

\*Delete as necessary

**(Where a small part only of a scheme is in such a district or area the plots concerned should be annotated accordingly in Col 4 Remarks)**

4		5	
Requirement (Title, S250 Right, Licence, Dedication for Public footpath)	Remarks (see TR 138D Note 86)	Other qualifying persons under paragraph 3(2A)(a) of Schedule 1 to the Acquisition of Land Act 1981	
		Name	Description of interest to be acquired

## APPENDIX 2 (cont)

Extent, description and situation of the land	Owners or reputed owners	Lessees or reputed lessees (Examples can also be used for Tenants or reputed tenants column)	Occupiers (other than tenants for a month or less)
<p>37,023 sq m Pasture and arable land, half width of Brewers Lane, part of bed of stream, parts of two public footpaths and part of private access, on the east of the road from Doncaster to Wetherby (A1)</p>	<p>Woodhouse &amp; Co Ltd Hexthorpe Brass and Iron Works Hexthorpe Doncaster</p>	<p>-</p>	<p>1. F Willis Gallops Homestead Loversall Doncaster</p> <p>2. G Willis Springwell Grange Albuley Lane Balby Doncaster (Trading as F Willis &amp; Son) Gallops Homestead Loversall Doncaster)</p>
<p>11 sq m Part of River Brent about 233 m east of Gallows Bridge and north of Grand Union Canal</p>	<p>The Greater London Authority City Hall The Queen's Walk London, SE1 2AA</p>	<p>The Council of the London Borough of Haringey Civic Centre High Road Wood Green London N22</p>	<p>-</p>
<p>30 sq m Part of vacant site formerly known as 700 Salford Road and part of access road to Bewshill Fold Farm</p>	<p>Unknown</p>	<p>-</p>	<p>-</p>
<p>963 sq m Unoccupied site of demolished buildings formerly known as 22-31 Hepworth Village</p>	<p>Unknown</p>	<p>-</p>	<p>-</p>
<p>The right to cleanse, widen, deepen and maintain 30 linear metres of Rushcarr Lane Drain in 300 sq m of arable land</p>	<p>R Richardson Walnut Farm Beltoft Doncaster</p>	<p>-</p>	<p>Owner</p>

## APPENDIX 2 (cont)

Extent, description and situation of the land	Owners or reputed owners	Lessees or reputed lessees (Examples can also be used for Tenants or reputed tenants column)	Occupiers (other than tenants for a month or less)
The right to construct 80 linear metres of open drainage ditches, to reconstruct culvert and to cleanse, widen and deepen 25 linear metres of Moor Road Drain all in 1,275 sq m of pasture land and part of garden of property known as Newdown Farm	1. B P Bowskill 6 Belvedere Drive Scunthorpe South Humberside  2. Mrs M E Bowskill 24 Glanville Avenue Scunthorpe South Humberside (Joint Owners)	-	Mrs S Vincent Newdown Moor Road Yaddlethorpe South Humberside
The right to lay and maintain a 375 mm diameter pipe 35 m long and the right to construct and maintain culvert headwalls and a flap valve, all in 658 sq m of arable land, parts of public footpath EMA 19, ditch and river bank on the west of the River Severn (East Channel)	Chamberlayne Farms Ltd Maisemore Court Maisemore Gloucester	-	Owner
The right to enter upon 116 sq m of the Co-operative Milk Depot vehicle park, and the adjoining bank of the River Wey, for all purposes connected with the construction and maintenance of a retaining wall on adjoining land and the right to construct and maintain anchors for the said retaining wall in the said 116 sq m of land.	The Co-operative Dairy Society Ltd Woodbridge Road Guildford Surrey	-	Owner
The right to construct and maintain a bridge over 1,075 sq m of arable land and part of banks and bed of the River Ancholme, the towpath and public footpath No 30 (Parish of Broughton)	Anglian Water Authority Lincolnshire River Division 50 Wide Bargate Boston Lincs	-	Owner

