Section 52: Obtaining information about interests in land (Planning Act 2008)

Status of this Advice Note
This version of advice note 4 supersedes all previous versions.

Background
A section 52 (s52) authorisation request and any subsequent notice served under s52 relate to information about interests in land.

A number of authorisation requests received by the Planning Inspectorate to date have been submitted with insufficient information, resulting in delays in determination. Applicants should ensure they provide all of the information detailed in this advice note to prevent such delays.

Summary of this Advice Note
This note provides advice to Applicants and proposed recipients of such a notice as to how the process works and what they need to do.

A person (‘the Applicant’) who proposes to make or who has made a Development Consent Order (‘DCO’) application under the Planning Act 2008, as amended (the ‘PA2008’) may apply for authorisation to serve a written notice (‘a land interests notice’) which requires the recipient to provide information to the Applicant about interests in land under s52 of the PA2008.

A land interests notice may be served at the pre-application stage or after a DCO application has been submitted to the Secretary of State.

A s52 authorisation enables an Applicant to serve a notice on a specified person (‘the proposed recipient’), requiring them to give to the Applicant in writing the name and address of any person the recipient believes is one or more of the persons who falls within specified categories.

1. s52 of the PA2008
2. s52(1) of the PA2008
3. Included within a category of persons set out in s52(3) of the PA2008
4. These category of persons are identified in s52(2), or in s52(2A). S52(2), s52(2A) and s52(3) must also be interpreted having regard to s52(10) to s52(14) of the PA2008
Before seeking authorisation under s52 of the PA2008, Applicants should be aware of the expectation set out in the DCLG Guidance\(^5\) that they have acted reasonably, through demonstrating that they have first sought to obtain the relevant information from the proposed recipient and that they consider that they have been unreasonably refused that information.

The authorisation request(s) made by the Applicant and any comments by the proposed recipient(s) should be made to the Planning Inspectorate, who administers the process and makes the decision on behalf of the Secretary of State. Contact details are provided at the end of this advice note under ‘Further information’.

The remainder of this advice note is divided into three sections:

A. Information and advice for applicants (pages 3 to 9)

B. Information and advice for proposed recipients (pages 9 to 11)

C. General information and advice for Applicants and proposed recipients (pages 11 to 13)

All parties are advised to seek their own legal advice on which they can rely before submitting or commenting on a s52 request.

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5. Department for Communities and Local Government – Planning Act 2008: The Infrastructure Planning (Fees) Regulations 2010 Guidance (June 2013) (the ‘DCLG Guidance’)
A) Information and Advice for Applicants

This section provides advice for Applicants on the information that should be submitted to the Planning Inspectorate.

1. Contacting the Planning Inspectorate before requesting authorisation to serve a land interests notice

1.1 Applicants are strongly encouraged to contact the Planning Inspectorate at least four weeks in advance of submitting any s52 authorisation request(s). The Planning Inspectorate can provide advice as to the evidence that the Applicant needs to provide, the likely number of authorisation requests, as well as details on the fees and how payment can be made.

2. Number of authorisation requests

2.1 The Planning Inspectorate has discretion to determine the number of authorisation requests made by the Applicant. As a general rule and having regard to the DCLG Guidance, the Planning Inspectorate will treat each land parcel representing a registered title or area of unregistered land as constituting a single s52 authorisation request.

2.2 However, there may be occasions where the Applicant considers that a s52 authorisation request, containing more than one land parcel, should be treated as a single authorisation request. This may include situations where the Applicant is of the opinion that land ownership has been subdivided specifically for the purpose of creating the need for multiple requests, or where multiple parcels of land are held by the same landowner(s) and these parcels of land are sufficiently neighbouring each other. Where this applies, the Applicant should provide justification to the Planning Inspectorate as to why one fee would be appropriate, taking into account how all of the land parcels relate to each other and the complexity of the titles.

3. Fees

3.1 The fee payable is per request and is determined by the Regulations. Fees are payable by BACS payment. Please contact the Planning Inspectorate to obtain these payment details (see contact details at the end of this advice note).

3.2 The Planning Inspectorate will confirm receipt of the fees and the authorisation request(s) to the Applicant. Non-payment of the fee(s) will delay the process because the request will not be considered until the correct payment is received.

3.3 A refund will not be provided if an authorisation request is subsequently withdrawn.

4. Information to be provided with the s52 authorisation request(s)

4.1 The PA2008 does not prescribe a form or process to follow when seeking authorisation under s52. The s52 authorisation request(s) should be made in writing to the Planning Inspectorate. The Applicant should provide the Planning Inspectorate with one hard copy and one electronic copy of each s52 authorisation request, which should comprise the same information. The information provided on the electronic copy should not be protected or encrypted. The hard copy of each request should be provided in an A4 folder. Where multiple requests are submitted a separate A4 folder should be provided for each request. Where more than one authorisation request is made on the same date, the Applicant may wish to avoid duplication of common documents by producing a separate core document folder which is cross-referred to in each authorisation request.

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A1. DCLG Guidance, Annex A
A2. The Infrastructure Planning (Fees) Regulations 2010 (SI 2010/106) (as amended) (‘the Fees Regulations’) or any subsequent amending or replacement legislation for the time being in force
4.2 The authorisation request(s) covering letter should include all the information listed below and identify where the information provided to support the Applicant's authorisation request(s) can be found within each folder. This should be by reference to a specific 'Tab' within each folder, clearly labelled as follows:

- A1 - Contact details
- A2 - Description of the project requiring development consent
- A3 - Explanation of why authorisation is needed, having regard to the criteria for a s52 authorisation
- A4 - Identifying the proposed recipient(s)
- A5 - Plans identifying the land for which information about interests is sought
- A6 - Information to demonstrate that the Applicant has acted reasonably and has been unreasonably refused the information sought
- A7 - Evidence of notifying the proposed recipient(s) that a request for authorisation has been made to the Planning Inspectorate
- A8 - Duration for which s52 authorisation is sought
- A9 - Check list

The requirements in relation to each of these headings are explained further in the following sections.

A1 - Contact details

A1.1 The full name, address, telephone number and email address of the person or organisation making the request(s) should be provided. Where the application is being made by an organisation, a named point of contact within that organisation should be given, and, in such a case, if the authorisation is granted, the organisation itself will be the ‘person authorised’ to serve a land interests notice.

A1.2 If the authorisation request(s) is/are being made by an agent acting on behalf of the Applicant, the same information as requested above should be provided for both the Applicant and the agent.

A1.3 Where an Applicant employs an agent to act on their behalf, the Applicant or agent should provide written confirmation from the Applicant that the agent is indeed authorised to act on their behalf.

A2 - Description of the project requiring development consent

i) **where an application for a DCO has not yet been submitted the following should be provided:**
A description of the proposed nationally significant infrastructure project (NSIP) and any associated development

ii) **where an application for a DCO has been submitted the following should be provided:**
The reference number of the application.

A3 - Explanation of why authorisation is needed, having regard to the criteria for a s52 authorisation

A3.1 The Applicant should provide a full explanation as to why authorisation for service of a land interests notice is sought having regard to the criteria for a s52 authorisation.
A3.2 Authorisation can only be granted where the Applicant is applying, or proposes to apply for an order granting development consent, and where the purpose of the authorisation request is to enable the Applicant to comply with the provisions of, or made under, Chapter 2 of Part 5 of the PA2008 (pre-application procedure) or Chapter 1 of Part 6 of the PA2008 (procedure following acceptance of the application)\(^3\).

A3.3 An explanation should be provided by the Applicant as to how service of a land interests notice will enable compliance with the pre-application consultation duties\(^4\), or the requirement to notify persons of an accepted application, and to give notice to persons interested in land to which a compulsory acquisition request relates\(^5\). It will be for the Applicant to seek their own legal advice as to how to best address these matters.

A4 - Identifying the proposed recipient(s)

A4.1 The Applicant should identify in their authorisation request(s):

- the name and address of every proposed recipient on whom they are seeking authorisation to serve a land interests notice on, and
- which category identified in s52(3) every proposed recipient falls within.

A4.2 This information should be provided in a table, referred to as (‘the Table’). A suggested format for the Table is included at Annex A.

Evidence of diligent inquiry to identify proposed recipients

A4.3 The Applicant should explain how each proposed recipient has been identified. This should include:

- **for registered land parcels:** providing up-to-date\(^6\) official copies of the registered title and title plans; and
- **for unregistered land parcels:** providing evidence to demonstrate that the land is unregistered, such as an up-to-date\(^7\) copy of a certificate of the result of search of the index map in relation to the land (including the map submitted to the Land Registry to undertake the search). The Applicant should also provide evidence to demonstrate how the proposed recipient(s) were identified as having an interest in this unregistered land, for example, written confirmation from the proposed recipient(s) or a record of a meeting in which the person confirmed their interest in the land.

A5 - Plans identifying the land for which information about interests is sought

A5.1 The land for which information about interest is sought must be land to which the application, or proposed application, relates, or any part of that land\(^8\).
A5.2 A plan, marked as ‘Plan A’, should be provided to accompany the Table. Plan A should show the following information:

- **outlined in red**: the extent of the development and works^9^;
- **identified in blue**: any land owned or under the control of the Applicant, or confirmation should be provided that there is no land owned or under the control of the Applicant shown on Plan A;
- **identified in green**: land for which information about interests is sought, if subsequently authorised by the Planning Inspectorate on behalf of the Secretary of State; and
- where non-statutory site notices/requisition notices have been used to identify persons with an unknown interest in the land: the location of any site notices, and the land to which letters/requisition notices that have been served relates should be shown on ‘Plan A’, if applicable (please refer to Section A6 for further information about site notices/requisition notices).

A5.3 Plan A should be no larger than AO size, drawn to an identified scale (not smaller than 1:2500) and show the direction of north.

A5.4 Where any part of the land identified in green on Plan A is registered, the boundary of the registered title number(s) should be clearly shown on Plan A and allocated a parcel number. The boundary of the registered title numbers shown on Plan A should match exactly the boundary of the title number shown on the official copy of the title plan. Where this is not the case the Planning Inspectorate will seek clarification from the Applicant and/or the proposed recipients. The allocated parcel number(s) and registered title number(s) should be clearly cross-referenced to the Table, and **up-to-date official copies of the land registry documents** should be provided to the Planning Inspectorate.

A5.5 Where any part of the land identified in green on Plan A is unregistered, the boundary of the unregistered land should be clearly shown on Plan A and allocated a parcel number. The allocated parcel number(s) should be clearly identified on the Table and a clear description of the parcel area by reference to the boundary and any physical features provided. OS grid references for each parcel of unregistered land should be included in the Table.

A5.6 Where the full extent of land required for, or affected by, the proposed development^10^ cannot be identified on a single ‘Plan A’, for example due to the size of the proposed development, a ‘**Key Plan**’ should be provided with insets. The Key Plan should identify the full extent of land required for, or affected by, the proposed development and the location of the land parcel(s) for which authorisation is sought and the inset plans, which should be annotated as Plan A1; Plan A2 etc.

A6 - Information to demonstrate that the Applicant has acted reasonably and has been unreasonably refused the information sought

A6.1 Whilst there is no statutory test in respect of the efforts that the Applicant should make to obtain information about interests in the land from the proposed recipient(s) prior to making a s52 authorisation request to the Planning Inspectorate, DCLG Guidance states that ‘**Applicants are expected to act reasonably, first seeking to obtain relevant information…directly before seeking authorisation under these provisions. Specifically, Applicants should only submit requests for those aspects of information…where they consider they have been unreasonably refused that information**’.^11^

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^9^ The works plan (required under regulation 5(2)(j) the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264)(as amended)), must also show this information

^10^ For example, the land plan (required under regulation 5(2)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended)), must show this information and could be used as a base for Plan

^11^ DCLG Guidance, Annex A
A6.2 Therefore, an Applicant will be expected to demonstrate the reasonable efforts made to obtain information about interests in the land identified in green on Plan A prior to making the s52 authorisation request(s) to the Planning Inspectorate, and explain why in their opinion, they have been unreasonably refused that information.

A6.3 Depending on the circumstances of the case, measures to attempt to identify and negotiate with the proposed recipient(s) could include writing letters to or serving non-statutory requisition notices\(^{a12}\) (‘requisition notices’) on persons whom the Applicant believes may have a relevant interest in the land, which ask the proposed recipient(s) to provide to the Applicant information about interests in the land. Where persons with relevant interests in the land are unknown, measures may include displaying site notices and/or publishing notices in newspaper(s) circulated in the area to which the s52 authorisation request relates. The diligent inquiry undertaken by the Applicant in order to identify the proposed recipient(s) should be explained in the authorisation request.

A6.4 Where an Applicant has written letters to, or served requisition notice(s) on, persons they believe have an interest in the land to which the proposed s52 request(s) relate, copies of such letters/requisition notices should be provided to the Planning Inspectorate along with any plans or attachments referred to in the letters/requisition notice(s). Copies of any responses received from the recipients should also be provided.

A6.5 Where an Applicant has posted non-statutory site notices and/or published notices in newspaper(s) seeking to obtain information about interests in land, copies should be provided to the Planning Inspectorate along with details of when and where these notices were displayed and/or published in the newspaper(s). Confirmation should also be provided that the newspapers’ circulation covers a geographical area which includes the land for which information about interests are sought. To ensure consistency and clarity, it should be clear to which allocated parcel number(s) on Plan A, the notices relate.

A6.6 It is expected that, wherever possible, there will have been an exchange of correspondence and dialogue between the Applicant and the proposed recipient(s) in an attempt to obtain the information about the interests in land, prior to making the s52 authorisation request(s). Where dialogue has occurred over a short period of time, the Applicant should explain in their covering letter why they consider that they have been unreasonably refused this information, given the short timeframe to reach agreement with the proposed recipient(s).

A6.7 The Planning Inspectorate will expect the Applicant to inform the proposed recipient(s) that they are considering seeking authorisation under s52; prior to making the authorisation request(s) and to alert these persons to this advice note.

Schedule of Correspondence

A6.8 To assist the Planning Inspectorate in reviewing the authorisation request(s) the Applicant should provide a schedule (‘the Schedule of Correspondence’) setting out any correspondence between the Applicant and the proposed recipient(s) and/or their agents and including the following information:

- any relevant letters, meeting and telephone notes; and
- the dates that the correspondence was sent and received.

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\(^{a12}\) Providing letters or non-statutory requisition notices is suggested as a means of demonstrating the Applicant’s reasonable efforts to obtain information about interests in the land. This is not intended to prescribe a particular approach to demonstrating reasonable efforts. The Applicant may also choose to communicate by other forms of media such as telephone, fax or email.
A6.9 Copies of the documents referred to in the Schedule of Correspondence should be provided with the authorisation request(s). Where these documents refer to any other documents e.g. previous letters, these should also be provided. If these documents are not provided, the Planning Inspectorate will ask for copies, which may delay determination of the authorisation request(s).

Corresponding with more than one proposed recipient

A6.10 Where there is more than one proposed recipient in relation to each s52 authorisation request, but the Applicant has been corresponding with a specific person, the Applicant should provide written evidence that this individual is authorised to act on behalf of all identified proposed recipients.

A6.11 Likewise, if the Applicant has been corresponding with an agent for the recipient, written evidence should be provided to confirm that the agent is authorised to act on behalf of the proposed recipient(s).

A6.12 This evidence should take the form of correspondence from all of the proposed recipients confirming that the specific person/agent has authority to act on their behalf.

A7 - Evidence of notifying the proposed recipient(s) that a request for authorisation has been made to the Planning Inspectorate

A7.1 There is no requirement for the Planning Inspectorate to consult the proposed recipient(s) following submission of a s52 authorisation request. However, the Planning Inspectorate expects the Applicant to send a notification letter to each of the proposed recipients identified by the Applicant in the Table (and copied to agents acting on each recipient’s behalf, if applicable), enclosing an exact copy of the authorisation request(s) provided to the Planning Inspectorate. The notification letter should advise the proposed recipient(s) that they may provide comments on the authorisation request(s) to the Planning Inspectorate by the deadline specified in the notification letter; this should not be less than 14 days starting the day after the expected date of receipt of the notification by the proposed recipient(s).\footnote{A13}

A7.2 If the land is registered, a copy of the authorisation request should be sent to the address of the proposed recipient(s), as identified in the relevant registered Title Number. Where correspondence is sent to an address which is different from that address, the Applicant should explain why in the authorisation request letter.

A7.3 Each person listed in the Table should receive a separate copy of the documentation, even if the relevant registered Title Number identifies that two or more of them are registered at the same address. This is to ensure that each has been sent a copy of the notification letter with the enclosed authorisation request.

A7.4 Copies of the notification letters should be provided to the Planning Inspectorate. Applicants should note that the Planning Inspectorate may request evidence to demonstrate that these notification letters were delivered, e.g. where the proposed recipient(s) dispute receipt of the notification letter. Therefore, Applicants should, in advance, consider how this evidence may be provided.

A7.5 The Planning Inspectorate will also write to the proposed recipients to confirm that an authorisation request has been made by the Applicant and to confirm the date by which any comments they may wish to make should be made to the Planning Inspectorate\footnote{A14}. The Planning Inspectorate will assume that the proposed recipients do not have any

\footnote{A13}{For example, if the letter is sent by special delivery with guaranteed delivery the next day, then the 14 days minimum timeframe will start the day after the letter is due to arrive i.e. 2 days after the letter is sent}

\footnote{A14}{This will be the same date as the Applicant has identified in their notification letter to the Persons with interest, provided that the deadline specified by the Applicant is not less than 14 days starting the day after the expected date of receipt of the notification by the Persons with interest}
comments to make on the s52 authorisation request if the Planning Inspectorate has not received any comments by this date.

A8 - Duration for which s52 authorisation is sought

A8.1 It is anticipated that authorisation, if granted, would in most cases be expressed to expire either 12 months after the date of the authorisation, or, if made during the pre-application stage, the date of the submission of a DCO application for the proposed development pursuant to s37 of the PA2008 (where the submission of the DCO application is earlier than the expiry of that 12 month period).

A8.2 If the Applicant wants the authorisation period to exceed 12 months, or the submission date of the DCO application to the Secretary of State, the Applicant should request this in their covering letter providing a clear explanation of their reasons why. The Planning Inspectorate will take this into consideration when determining the duration of the authorisation notice, if it is minded to grant authorisation on behalf of the Secretary of State.

A9 - Check list

A9.1 Enclosed in Annex B is a check list which the Applicant should complete to help ensure that the required information is provided to the Planning Inspectorate. The completed cover sheet and check list should be provided to the Planning Inspectorate for each s52 authorisation request.

[Applicants are also referred to Section C below]

B) Information and advice for proposed recipients

This section provides advice for proposed recipients of a land interests notice, to help them understand the s52 process and how they can provide comments to the Planning Inspectorate, prior to a decision being made.

1. A s52 authorisation relates solely to the provision of information to assist Applicants in undertaking their pre-application consultation, notification and publication of a proposed application for a DCO or notification and publication obligations upon them following such an application being accepted for Examination. Where an application for a DCO has not yet been submitted, authorisation under s52 does not pre-determine whether the proposed application would be accepted for examination by the Secretary of State, or whether the proposed development would be granted development consent were it to be accepted. Likewise, where an application has been accepted for Examination, authorisation under s52 does not pre-determine whether development consent would be granted for the proposed development.

2. Before the s52 authorisation request is made

2.1 An Applicant is expected to act reasonably before submitting a s52 authorisation request and first seek to obtain relevant information voluntarily. It is expected that, wherever possible, there will have been an exchange of correspondence and dialogue between the Applicant and the proposed recipient(s) in an attempt to obtain the information, prior to making the s52 authorisation request. Where this has not occurred, the Planning Inspectorate will seek an explanation from the Applicant.

B1. In accordance with DCLG Guidance, Annex A
2.2 Where more than one person is identified by the Applicant to have an interest in the land, the Planning Inspectorate expects the Applicant to have sought to obtain relevant information from each of those persons, and will seek an explanation from the Applicant if this has not occurred.

2.3 Only where the Applicant considers that they have been unreasonably refused the requested information should they consider making an authorisation request to the Planning Inspectorate. In such circumstances the Applicant should inform the proposed recipient(s) of their intention to submit a s52 authorisation request, prior to such a request being made and alert these persons to this advice note.

3. Commenting on the applicant’s s.52 authorisation request(s)

3.1 Where an Applicant makes an authorisation request, the Planning Inspectorate expects the Applicant to send a notification letter to each proposed recipient (and, if applicable, copied to agents acting on their behalf) enclosing an exact copy of the authorisation request that was provided to the Planning Inspectorate. The notification letter should advise the proposed recipient(s) that they may provide comments on the authorisation request(s) to the Planning Inspectorate by the deadline specified in the notification letter; this should not be less than 14 days starting the day after the expected date of receipt of the notification by the proposed recipient(s).

3.2 The Planning Inspectorate will also write to the proposed recipient(s) to confirm that an authorisation request has been made by the Applicant to the Planning Inspectorate and to confirm the date by which any comments they may wish to make should be submitted to the Planning Inspectorate. The Planning Inspectorate will assume that the proposed recipient(s) do not have any comments to make on the request if the Planning Inspectorate has not received any comments from them by the date specified.

3.3 A proposed recipient may wish to employ an agent to act on their behalf. In such cases, the agent or the proposed recipients(s) should provide to the Planning Inspectorate written evidence from the recipient(s) to confirm that the agent is authorised to act on behalf of each of them.

3.4 The proposed recipients are advised to review carefully the authorisation request(s) sent to them by the Applicant and are encouraged to provide comment to the Planning Inspectorate, as detailed below. This will assist when making a determination.

3.5 If a proposed recipient wishes to comment, then it would assist the Planning Inspectorate if the comment(s) were to include the following information, labelled as set out below:

B1. Confirmation that the information presented in the Applicant’s authorisation request(s) is accurate
B2. Reasons for refusing to provide information
B3. Comments on the duration of any s52 authorisation

B1. Confirmation that the information presented in the Applicant’s authorisation request(s) is accurate

B1.1 The proposed recipients are encouraged to confirm to the Planning Inspectorate whether the information presented in the Applicant’s authorisation request is correct. This includes confirming whether the Schedule of Correspondence

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B2. DCLG Guidance, Annex A
B3. For example, if the letter is sent by special delivery with guaranteed delivery the next day, then the 14 days minimum timeframe will start the day after the letter is due to arrive i.e. 2 days after the letter is sent
B4. This will be the same date as the Applicant has identified in their notification letter to the Persons with interest, provided that the deadline specified by the Applicant is not less than 14 days starting the day after the expected date of receipt of the notification by the Persons with interest
enclosed with the authorisation request(s) includes all relevant correspondence; whether all of the correspondence listed in it was received by the named recipient(s); and that any meeting and/or telephone notes or other documents provided are an accurate reflection of discussions between the Applicant and proposed recipients in relation to the information to which the s52 authorisation request(s) relate(s).

B1.2 Recipients are also requested to supply copies to the Planning Inspectorate of any other correspondence they have exchanged with the Applicant that has not been supplied by the Applicant and which they consider is relevant to the s52 authorisation request(s).

B2. Reasons for refusing to provide relevant information

B2.1 The proposed recipients are encouraged to set out clearly to the Planning Inspectorate their reasons for refusing to provide the Applicant with relevant information (if there has been any refusal).

B3. Comments on the duration of any s52 authorisation

B3.1 It is anticipated that authorisation, if granted, would in most cases be expressed to expire either 12 months after the date of the authorisation, or, if made during the pre-application stage, the date of the submission of a DCO application for the proposed development pursuant to s37 of the PA2008 (where the submission of the DCO application is earlier than the expiry of that 12 month period).

B3.2 If the proposed recipient(s) wish the authorisation period to differ from the anticipated duration explained above, they should provide to the Planning Inspectorate details of any alternative period they suggest and a clear explanation of the reasons why. This will be taken into consideration when determining the duration of the authorisation notice, if the Planning Inspectorate is minded to grant authorisation on behalf of the Secretary of State.

[Proposed recipients are also referred to Section C below]

C) General information and advice for applicants and proposed recipients

This section provides a general overview relevant to both Applicants and proposed recipients, explaining how the s52 authorisation request(s) will be administered.

1. Request for further information

1.1 Following the opportunity for the proposed recipient(s) to comment on the authorisation request(s), and if the Planning Inspectorate considers it appropriate, the Planning Inspectorate may request further comments or information from the Applicant and/or the proposed recipient(s). If so, the Planning Inspectorate will specify a deadline for this information, which will not be less than 7 days starting the day after the expected date of receipt of that request by the person to whom it is addressed. Immediately following the expiration of this deadline, and subject to any subsequent requests for further information, the Planning Inspectorate will move to determine the authorisation request(s) on behalf of the Secretary of State.

C1. For example, if the request for further information is sent electronically, then the 7 days minimum timeframe will start the day after it is due to arrive i.e. the day after it is sent electronically, as it is assumed that any information sent electronically is received on the day it is sent.
1.2 Therefore, the Applicant and/or the proposed recipient(s) are advised to provide any comments or information by the specified deadline(s) to ensure that they are considered by the Planning Inspectorate on behalf of the Secretary of State.

2. Determination of the s52 authorisation request(s)

2.1 The Planning Inspectorate will, on behalf of the Secretary of State, take into consideration any information provided by the Applicant and the proposed recipient(s) by the specified deadlines, and determine the authorisation request(s).

2.2 Following determination of the request, the Planning Inspectorate will send a copy of the determination to the Applicant and the proposed recipient(s), either authorising service of a land interests notice, or refusing the request(s). Reasons will be provided to support the determination.

2.3 The determination will be published on the National Infrastructure Planning website and will include the reasons supporting the determination.

3. Timeframe for determination of the authorisation requests

3.1 There is no prescribed statutory timeframe within which the Planning Inspectorate must determine a request for authorisation on behalf of the Secretary of State. However, we anticipate that s52 authorisation requests may take approximately 3 months to determine, from the date of receipt of the authorisation request(s).

3.2 This timeframe can only be a guide and depends on the complexity and number of authorisation requests, the sufficiency of the initial information provided by the Applicant and any issues raised in responses from the proposed recipient(s). Applicants will need to be aware of this anticipated timeframe and the potential impact it may have on their overall project programme.

4. Exercising the authorisation

If authorised by the Planning Inspectorate on behalf of the Secretary of State, a land interests notice must be in writing and must\(^2\):

- state that the Secretary of State has authorised the Applicant to serve the notice;
- specify or describe the land to which the application, or proposed application relates;
- specify the deadline by which the recipient must give the required information to the Applicant; and
- draw attention to the provisions in subsections (6) to (9) of s52 relating to offences.

4.1 The Planning Inspectorate will neither provide nor approve a draft form of land interests notice. It is the responsibility of the authorised person to ensure that any land interests notice satisfies all legal requirements.

4.2 It is an offence for a person to provide in response to a land interests notice, information which is false, when the person knows or ought reasonably to know that the information is false\(^3\). Failure to comply with a land interests notice has serious consequences\(^4\) and may give rise to criminal liability\(^5\).

4.3 The Planning Inspectorate will not be responsible for ensuring compliance with any s52 authorisations issued on behalf of the Secretary of State.

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\(^2\) s52(4) of the PA2008
\(^3\) s52(7) of the PA2008
\(^4\) s52(6) of the PA2008
\(^5\) s52(9) of the PA2008
5. **Data protection**

5.1 Information provided to the Planning Inspectorate by the Applicant, the proposed recipient(s), or their agents will be handled by the Planning Inspectorate in accordance with its obligations under the Data Protection Act 1998. As this information is in respect of a private land matter it will not be made available routinely on the National Infrastructure Planning website. However, the Secretary of State’s determination letter, along with any conditions and the reasons for the determination, will be made available on the National Infrastructure Planning website following completion of the process.

6. **Review of this advice note**

6.1 The Planning Inspectorate will keep this advice note under review and will update it as appropriate.

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**Further information**

The Planning Inspectorate, Major Casework Directorate, Temple Quay House, Temple Quay, Bristol BS1 6PN

Email: environmentalservices@pins.gsi.gov.uk  
Telephone: 0303 444 5000  
Web: http://infrastructure.planninginspectorate.gov.uk