

The Drax Power (Generating Stations) Order

Land at, and in the vicinity of, Drax Power Station, near Selby, North Yorkshire

Consultation Report

Appendix 12 - Land Referencing Methodology



The Planning Act 2008 – Section 37(3)(c)
The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 – Regulation 5(2)(q)

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
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Drax Repower Land Referencing diligent inquiry methodology for Category 1, 2 and 3 parties

Summary

12.1.1 As required by the Planning Act 2008, Drax Power Limited is required to identify individuals in one or more of the categories set out in section 44 and, should the DCO application be accepted, section 57. This includes undertaking “diligent inquiry” to identify parties who fall within Category 1 and/or Category 2 and who Drax Power Limited thinks would fall within Category 3. Category 1 includes owners, lessees, tenants and occupiers of the land within Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within Order limits. Category 3 includes parties that the applicant thinks, if the order sought by the application were made and fully implemented, the person would or might be entitled to make a relevant claim under s.10 of the Compulsory Purchase Act 1965 or Part 1 of the Land Compensation Act 1973 or section 152(3) of the Planning Act 2008 for compensation (Category 3). These claims are as follows:

- 1) A claim under Section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction is not made for the taking or injurious affection of land subject to compulsory purchase), or
- 2) A claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by the use of public works)
 - These physical factors include:
 - Noise
 - Vibration
 - Smell
 - Fumes
 - Smoke
 - Artificial lighting
 - Discharge of any solid or liquid substance onto land
- 3) A claim under Section 152 (3) of the PA 2008 where land is injuriously affected by the carrying out of the authorised works.

12.1.2 A professional Land Referencing firm was employed to undertake diligent inquiry to identify these land interests. The following processes were undertaken as part of the methodology to identify and consult with those with an interest in affected land.

Setting the Land Referencing Limits

12.1.3 The 'Land Referencing Limits' were set to include the following:

- All land within the Order limits required for the scheme
- Any parties deemed to have a Category 3 interest

12.1.4 These limits were then adjusted to include all of any building and land partially included by the above.

12.1.5 It has currently been deemed that there are no parties that would be significantly affected under Part 1 of the Land Compensation Act 1973 and therefore may have a “relevant claim” as a Category 3 interest (that is, people who live outside the Order limits but whose property may be sufficiently close to be depreciated in value due to noise, vibration, smells, smoke or light emissions caused by the use of the authorised project once it is in operation).

- 12.1.6 All interests with a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by the use of public works) are believed not to have a relevant claim in relation to each of the factors listed below:
- Noise – Following a noise assessment, it was deemed that there were no Category 3 land interests as part of the Project
 - Vibration - Following a noise assessment, it was deemed that there were no Category 3 land interests as part of the Project
 - Smell – Whilst the burning of biomass can produce odours this will be minimised by the emission of the smoke from a high chimney stack
 - Fumes – The emission of fumes are deemed to not be of sufficient quantity to generate any significant effects.
 - Smoke - The emission of smoke is deemed to not be of sufficient quantity to generate any significant effects.
 - Artificial lighting – No significant effects identified
 - Discharge of any solid or liquid substance onto land- No significant effects identified that would affect the viability of the land. Any potential discharge would be minimal compared to the application of nitrogenous fertiliser.
- 12.1.7 All relevant interests with the potential to make a claim under Section 10 of the Compulsory Purchase Act 1965, because they are people with the benefit of a right or restrictive covenant over the land within the Order limits, have been included within the Book of Reference as Category 2 and 3 interests.
- 12.1.8 All relevant interests with the potential to make a claim under Section 152(3) of the PA 2008, because they are people with the benefit of a right or restrictive covenant over the land within the Order limits, have been included within the Book of Reference as Category 2 and 3 interests.
- 12.1.9 This will be further reviewed going forward with the possible further inclusion of Category 3 interests in the future.

Desktop Referencing

HM Land Registry

- 12.1.10 Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans. All relevant freehold, leasehold, mortgagee (for freehold and leasehold interests), beneficiary, other charges and restrictive covenant information was extracted and stored in a land referencing database.
- 12.1.11 From this data, landownership parcels were created. The landownership parcels were drawn to reflect unique ownership information and stored spatially on a GIS application.
- 12.1.12 Where land was not registered, additional parcels for this land were created in the GIS application based on OS mapping and site data. As a result all land within Land Referencing Limits were parcelled and given unique reference numbers.
- 12.1.13 Periodic updates were provided by HM Land Registry and this ensured that any changes that occurred to title were captured. This was done at key output stages prior to Section 42 consultation and the Book of Reference (BoR) submission.

Major Land Owners (MLOs)

- 12.1.14 Land interest information was requested from MLOs, including local authorities, statutory utilities and other landowners with multiple land ownerships.

- 12.1.15 Requests to North Yorkshire County Council and Selby District Council were also included to access the councils' land ownership terrier mapping; information about public highways and private roads and rights of way; information about special category land (including open space, commons, fuel and field garden allotments); and any information relating to extant planning permissions which may alter the ownership or a land parcel and known future public and privately funded developments, where relevant. Information was received in a variety of formats and entered into the GIS application for parcels as appropriate. Where necessary, further enquiries were made to address changes, anomalies and gaps.
- 12.1.16 Statutory utilities that were believed to have a possible interest in the area were contacted to determine their interests. A list of utilities companies was compiled with data provided by the design engineers, desktop research and from organisations that were suspected to be in the area (including details of gas transporters and distribution network operators as specified by OFGEM) as believed from experience working on projects in the vicinity. Information received was entered into the GIS as appropriate and where necessary further enquiries were made to address changes, anomalies and gaps. Where companies have responded to our queries we have noted their interest (or lack thereof) to ensure they are included as Section 42(1)(d) interests if they have apparatus or any other interest within the Order limits. Where we do not have a response we have not included them as Section 42(1)(d) interests, although we are continuing to follow up those companies to seek confirmation of their interest.
- 12.1.17 Any existing information or stakeholder data gained by the project as a result of property negotiation or Section 42 consultation was incorporated accordingly.

Other Desktop Activities

- 12.1.18 Work was carried out in order to identify open spaces and rights of way within Land Referencing Limits. Publically available online mapping was used to identify these and further research was employed to identify ownership. This information was stored in the land referencing database.
- 12.1.19 Additional desktop activities were undertaken to confirm information received through site enquiries and the Land Registry. Companies House searches were undertaken to ensure registered companies' details were verified and was the appropriate address for service of notices and other correspondence.

Land Interest Questionnaires (LIQs)

- 12.1.20 On October 13th 2017, prior to undertaking contact site visits, Land Interest Questionnaires were posted by Royal Mail to all parties to confirm their interest and request further information (including MLOs). This included a request for information about a recipient's own interests, associated third party interests and spatial extent of the property. Included with the questionnaires were individual plans showing the anticipated land ownership boundaries.
- 12.1.21 Respondents were asked to complete the questionnaires, amend the boundary plans where required, and return the completed documents to the land referencing team in pre-paid envelopes provided.
- 12.1.22 The land referencing team analysed this returned information and entered it into the land referencing database.
- 12.1.23 Recipients of the postal LIQ were also offered the means to respond or ask questions via email or via a dedicated 24 hour hotline. The land referencing team recorded all information received.

Site Referencing

Non-Contact Site Referencing (Site Visits Not Involving Discussions with Landowners)

- 12.1.24 Non-contact site visits were undertaken in order to gain an understanding of the physical attributes on the ground such as occupation, use and potential likely ownership as well as to further familiarise the land referencing team with the land and to identify potentially complicated sites (i.e. identify sites that may have larger populations and probably multiple rights of access issues, and examine unregistered land). All necessary updates were recorded in the land referencing database and GIS.

Contact Site Visits

- 12.1.25 Contact site visits were undertaken to identify the occupation details for properties (i.e. who owns, leases, tenants or occupies property) in addition to confirming details which had been gathered through desktop methods.
- 12.1.26 Where LIQs were not returned from a property, site teams attempted to complete the questionnaires during contact site visit interviews. Where there was no response at a property, a letter with an LIQ and pre-paid envelope was left for the occupant who was invited to return the LIQ by post or contact the referencing team by email or the 24 hour telephone hotline. If no response was received, the property was visited on at least a further two occasions in an attempt to gather the required information. On each occasion, a calling card was left at the property encouraging the occupier to respond to the LIQ or contact the office land referencing team. All updates were recorded in the land referencing database and GIS.

Unknown Owner Site Requests for Information

- 12.1.27 Where land ownership information was not ascertained through desktop or site referencing methods, the land referencing team erected notices on site requesting information. The notice showed the land ownership boundary in question and provided details of how anyone with information could contact the land referencing team with any relevant information they were aware of. All updates were recorded in the land referencing database and GIS.

Confirmation of information

- 12.1.28 Prior to Section 42 consultation, and again prior to submission of the DCO Application, the land referencing data was confirmed as being accurate and up to date. This was achieved through Land Registry updates in order to capture all changes to registrations that had occurred since earlier requests. Additionally a further QAS review was made at these times where this was previously the only information held. All updates were recorded in the land referencing GIS.
- 12.1.29 To confirm the accuracy of the information held, confirmation schedules were issued prior to key outputs: the Section 42 consultation and the submission of the DCO Application. These confirmation schedules consisted of details of the information held about a party, their interests and other third party interests in a property, along with plans showing the appropriate land ownership boundaries. These were issued by first class mail. Recipients were requested to confirm information or amend by providing corrections and/or updates and return the documents by post in pre-paid envelopes provided.