



CONSULTATION REPORT

Appendix K Land Referencing Methodology

Drax Bioenergy with Carbon Capture and Storage

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations, 2009 - Regulation 5(2)(q)

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Land Referencing Diligent Inquiry Methodology for Category 1, 2 and 3 Parties

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LAND REFERENCING DILIGENT INQUIRY METHODOLOGY

SUMMARY

This document relates to the proposed application (the ‘Application’) for a Development Consent Order (DCO) for the Drax Bioenergy with Carbon Capture and Storage (BECCS) project (the ‘Proposed Scheme’).

As required by the Planning Act 2008 (as amended) (the ‘PA2008’), Drax Power Limited (‘the Applicant’) is required to identify individuals in one or more of the categories set out in section 44 and, should the DCO Application be accepted for examination, section 57. This includes undertaking “diligent inquiry” to identify parties who fall within Category 1 and/or Category 2 and who the Applicant 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 has 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 section 10 of the Compulsory Purchase Act 1965 or Part 1 of the Land Compensation Act 1973 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; and
 - Discharge of any solid or liquid substance onto land.
3. a claim under section 152 (3) of the PA2008 where land is injuriously affected by the carrying out of the authorised works.

The following processes has been undertaken by the WSP Land Referencing team as part of the methodology to identify and consult with those with an interest in affected land.

SETTING THE LAND REFERENCING LIMITS

Land Referencing Limits were set in the early stages of the Proposed Scheme in order to conduct diligent inquiry on all parties that the Applicant thought may be impacted and allowed the Applicant sufficient time to conduct diligent inquiry for any potential interests. These limits were set to include the following:

- All land within the Order limits required for the Proposed Scheme; and
- Any parties deemed to have a Category 3 interest on the basis of The Environmental Impact Assessment Scoping Report (6.3.1.1)

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

IDENTIFICATION OF COMMERCIAL TENANTS

Further to on-going design development and consideration, the Applicant identified that they may need flexibility to extinguish existing tenancies within the power station to facilitate the construction and operation of the Proposed Scheme, as a result, WSP included these commercial tenants as interests in the scheme and with diligent inquiry undertaken in line with the processes outlined in this document.

IDENTIFICATION OF CATEGORY 3 INTERESTS

The identification of Category 3 interests was undertaken on the following basis:

1. All interests with a potential relevant claim under section 10 of the Compulsory Purchase Act 1965 are included within the Book of Reference (BoR) as Category 2 and Category 3 interests.
2. All interests identified 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 to have a relevant claim in relation to each of the factors listed below:
 - Noise – Based on the Noise assessment undertaken to inform the Environmental Statement
 - Vibration – Based on the Vibration assessment undertaken to inform the Environmental Statement.

- Smell – Based on the Air Quality assessment undertaken assessment undertaken and the conclusions of the Statement of Statutory Nuisance.
 - Fumes – Based on the Air Quality assessment undertaken assessment undertaken and the conclusions of the Statement of Statutory Nuisance. The Proposed Scheme will introduce emissions of new pollutants(amines). The focus here was on the emissions to be discharged through the existing stack on the Drax Power Station Site
 - Smoke – Based on the results of Air Quality assessment undertaken and the conclusions of the Statement of Statutory Nuisance. The focus here was on the emission of smoke to consider whether sufficient quantity is generated resulting in any significant effects;
 - Artificial lighting – Based on the day time and night-time lighting assessment for construction and operation of the Proposed Scheme set out in the Landscape and Visual chapter of the Environmental Statement; and
 - Discharge of any solid or liquid substance onto land – Based on the water environment assessment undertaken for the purposes of the Environmental Statement. As part of this, it was noted that groundwater vulnerability mapping indicates that Drax Power Station has ‘low’ to ‘medium’ vulnerability to a pollutant discharged at ground level, whilst areas which are underlain by Alluvium superficial deposits (north of the Proposed Scheme) have ‘medium – high’ vulnerability.
3. All interests with a claim under section 152 (3) of the PA2008 will be included within the BoR as category 2 and 3 interests.

Whilst no such Part 1 interests were identified prior to statutory consultation, as a result of on-going noise assessment work potential new Category 3 interests to the west and south-west of the Proposed Scheme (out of the Order limits) were identified and consulted. No other Part 1 interests have been identified to date.

DESKTOP REFERENCING

HM LAND REGISTRY

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 WSP’s land referencing database (PinPoint).

From this data, landownership parcels were created. The landownership parcels were drawn to reflect unique ownership information and stored spatially on a GIS application.

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.

Periodic updates were provided by HM Land Registry and this ensures that any changes that occurred to title were captured. This was done at key output stages prior to section 42 consultation and the completion of the BoR.

MAJOR LANDOWNERS (MLOS)

Land interest information were requested from MLOs, including local authorities, statutory utilities and other landowners with multiple land ownerships within the Land Referencing Limits.

Requests to North Yorkshire County Council and Selby District Council were made 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. Any information received was entered into the GIS application for parcels as appropriate. Where necessary, further enquiries were made to address changes, anomalies and gaps.

Statutory utilities that are believed to have a possible interest in the area were contacted to determine their interests. A list of utilities companies were compiled with data provided by the design engineers, desktop research and from organisations that are suspected to be in the area (including details of gas transporters and distribution network operators as specified by the Office of Gas and Electricity Markets (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 will be made to address changes, anomalies and gaps. Where companies respond to our queries, WSP noted their interest (or lack thereof) to ensure they are included as section 42 interests. Where WSP did not receive a response, WSP included them as section 42 interests at Statutory Consultation. Where those companies have either not confirmed they have apparatus or an interest, or have confirmed they do not have apparatus or an interest, they do not appear in the Book of Reference (document reference 4.3);

Any existing information or stakeholder data gained by the Proposed Scheme as a result of property negotiation or statutory 42 consultation were incorporated accordingly.

OTHER DESKTOP ACTIVITIES

Work was carried out in order to identify open spaces and rights of way within Land Referencing Limits. Publicly available online mapping was used to identify these, and further research were employed to identify ownership. This information was stored in the land referencing database.

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 the appropriate address for service of notices and other correspondence.

LAND INTEREST QUESTIONNAIRES (LIQS)

Prior to undertaking contact site visits, LIQs were posted 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.

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.

The land referencing team analysed the returned information and entered it into the land referencing database.

Recipients of the postal LIQ were also offered the means to respond or ask questions via email or via a dedicated telephone line. The WSP land referencing team recorded all information received.

SITE REFERENCING

NON-CONTACT SITE REFERENCING (SITE VISITS NOT INVOLVING DISCUSSIONS WITH LANDOWNERS)

Due to the COVID-19 pandemic and the restrictions that were placed on activities by the English and Welsh governments, site visits were only undertaken where safe and permitted to do so. 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

Due to the COVID-19 pandemic and the restrictions placed on activities by the English and Welsh governments, site visits were only undertaken where safe and permitted to do so. Where and when Government guidance and restrictions permit, 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 have been gathered through desktop methods. Where LIQs did not return 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 dedicated telephone line. 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

Where and when site visits were permitted in line with Government guidance, site notices were posted on site, as shown on Appendix F8 of the Consultation Report. Where land ownership information was not ascertained through desktop or site referencing methods, the land referencing team erected notices onsite requesting information. The notice illustrated 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 are aware of. All updates was recorded in the land referencing database and GIS.

CONFIRMATION OF INFORMATION

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 have occurred since earlier requests. Additionally, a further Quick Address Search (QAS) review was made at these times where this was previously the only information held. All updates were recorded in the land referencing database (PinPoint) and GIS.

To confirm the accuracy of the information held, confirmation schedules were issued prior to the submission of the Order application. These confirmation schedules consist 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 the pre-paid envelopes provided.

DATA MANAGEMENT

All information on potentially affected persons with an interest in land is stored on PinPoint. This includes the nature of their interest and contact details. All correspondence were uploaded and attached to the relevant person with an interest in land. This includes LIQs and 'Request for Confirmation' forms received by post or completed on site, incoming and outgoing emails, records of telephone conversations, letters and all project related correspondence such as notices. For efficient data and document management it is important that other members of the project team pass on relevant information that they gather during the course of the programme. In order to ensure diligent inquiry was carried out, the dates, times and outcomes of all site visits will be recorded.

Land Registry titles and plans were uploaded against the relevant parcel and interested parties to not only show a detailed history of the investigation but to provide an easily available source for all land and property.

Should it be required, or if required to respond to queries from interested parties, all details of contacts and interests may be produced at short notice.

All data collected is (and continues to be) held in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR), the Data Protection Act 2018 and is covered by the scope of WSP's ISO 27001 Information Security accredited policies and processes using it solely for the purpose of supporting the proposed DCO Application.

SPECIAL CATEGORY LAND

Sections 130 to 132 of the PA2008 govern DCO applications that seek the compulsory acquisition of land and rights in land (including temporary acquisition) of "special category land".

Special category land is defined (in regulation 2 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009) as "...the land identified as forming part of a common, open space, National Trust land or fuel or field garden allotment..."

These categories of land are further defined (in section 19 of the Acquisition of Land Act 1981 in relation to common, allotment and open space land) as follows:

1. "common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;
2. "fuel or field garden allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;
3. "open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground"; and
4. "National Trust land" means any land owned by the National Trust under section 130(4)-(5) PA2008.

COMMONS

No common land was identified through desktop research processes or any such restrictions listed on Land Registry records and Ordnance Survey features and using online mapping systems to ascertain Department for Environment, Food and Rural Affairs (DEFRA) records of registered commons, town and village greens.

CROWN LAND

Section 135 of the PA2008 sets out the requirements that need to be satisfied with respect to a DCO authorising the compulsory acquisition of an interest in Crown land.

Checks and searches were undertaken (through the methodology contained in this document) to identify Crown land and interests (including Her Majesty in right of her Crown, an interest belonging to a government department and other Crown interests noted under section 227 of the PA2008). The findings identified no crown land and therefore no information was recorded in Part 4 of the BoR Deliverables for Section 42 Consultation

The land referencing activities outlined above culminated in the production of a Book of Reference comprising a schedule of names and addresses that were sent consultation material under section 42(1)(d) of the PA2008.

As per the Planning Inspectorate's (PINS) guidance (Guidance on the pre-application process¹), the land referencing team continued to identify new and additional interests within referencing limits throughout and after the conclusion of the statutory consultation, but before the Application is submitted.

Where new interests in land were identified after formal statutory consultation and before the intended submission of the DCO Application, the Applicant engaged with these interest holders

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418009/150326_Pre-Application_Guidance.pdf

in the process and will continue to do so if the DCO Application is accepted for examination. This is further explained in Chapter 6 and Appendices D and F of the Consultation Report.

DELIVERABLES FOR APPLICATION SUBMISSION

The land referencing information data was used to produce the BoR and Land Plans for submission as part of the DCO Application, and will be used to populate and issue notices under section 56 of the PA2008 once the submitted DCO Application is accepted by PINS.