



Mallard Pass

Solar Farm

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Land Referencing Methodology

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Land Referencing Methodology

Section 44 defines the categories of persons to be consulted for the purposes of Section 42(d). These are as follows:

- Category 1 - an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.
- Category 2 - a person interested in the land, or who has the power to sell and convey the land, or to release the land.
- Category 3 - if the applicant thinks that, if the DCO were to be made and fully implemented, the person would or might be entitled (a) as a result of the implementing of the DCO, (b) as a result of the DCO having been implemented, or (c) as a result of use of the land once the DCO has been implemented, to make a relevant claim.

A 'relevant claim' is defined by Section 44(6) as meaning:

- (a) a claim under Section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);
- (b) a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors cause by use of public works); and
- (c) a claim under Section 152(3) of the PA 2008 (compensation in case where no right to claim in nuisance).

Section 44 places a duty on applicants to make 'diligent inquiry' as to the identification of Category 1, 2, or 3 persons (the 'Section 44 persons'). The term 'diligent inquiry' is not defined in the PA 2008, but it sets a threshold of inquiry to allow the termination of that inquiry when reasonable and recognised avenues of research have been exhausted.

The Applicants' land referencing company employed a number of methods to identify Section 44 persons taking account of best practice and relevant guidance, including PINS Advice Note 4 'Section 52' (March 2017).

Land Owners

The Applicant set land referencing limits for Category 1 and 2 interests established on the proposed Order Limits of the project. The process of diligent inquiry made use of the following methodologies, in the following order;

- The proposed Order Limits were used to identify and acquire the relevant Land Registry data. The Land Registry data was used to create land ownership parcels, obtain title information, and identify Category 1 and 2 interests. All land within the proposed Order Limits was parcelled and each parcel given a unique reference number.
- An assessment of Land Registry data was supplemented with desktop land referencing, and the use of publicly available information. Details for registered companies were checked through the use of company registers such as Companies House. Details for other interested parties were checked using TracelQ, desktop research and Royal Mail Address Finder.
- A legal title report, prepared the Applicant's legal advisors, was reviewed by the Applicant's land referencing team, and relevant information was incorporated into the land ownership parcels.
- Where land interests could not be identified via Land Registry, desktop land referencing the Applicant's land agents were consulted, on account of their extensive local knowledge and relationships with key land owners, to confirm the ownership of unregistered land. If the information could not be acquired through this avenue, site notices were erected on the land in question to prompt members of the public to contact the project team with any landownership information available.
- The Applicant's land referencing team undertook research into utilities infrastructure within the proposed Order limits, this was completed via the use of LineSearchBeforeUDig. The results of these enquiries were mapped on GIS.
- Land Registry information was verified through undertaking contact land referencing activities and the issuing of 'Land Interest Questionnaires' (LIQs). LIQs were issued to all land interests within the proposed Order limits and asked the recipients to validate the information gathered from the

Land Registry and desktop land referencing, whilst requesting any additional information from those not identified through these methods.

- Where LIQs were not returned, direct contact was sought with the owner or occupier of the land or property. Direct correspondence included phone calls, emails, and follow-up letters. A minimum of 2 emails and 1 phone call were carried out in order to make direct contact with the owner or occupier. LIQs which received responses stating the owner/ occupier did not intend to return the land interest questionnaire were not pursued any further.
- As part of the diligent inquiry process, Land Registry data was refreshed every six months to identify new interests. Where new interests were found, LIQs were issued, and the process outlined above undertaken.

Additional Interested Parties

With further refinement of the project Red Line Boundary (RLB) as the project progressed the applicants land referencing consultants used the same methodology as detailed above to identify and contact parties with interests including subsoil freeholds and parties benefitting from a right of access.

Based on the identification of sensitive receptors (including residential properties) by the Applicants' environmental consultants in the vicinity of the Order limits (as they developed throughout the pre-application process) in developing both the PEIR and the Environmental Statement, together with an appraisal of potential nuisance effects, no potential claimants were identified who could potentially make a relevant claim pursuant to Part 1 of the Land Compensation Act 1973 due to those factors.

The Applicants' land referencing company did however, identify various parties with interests in land who have potential Category 3 interests in relation to section 10 Compulsory Purchase Act 1965 and section 152(3) of the Planning Act 2008, in particular parties who rely on roads which are within the Site boundary (and who do not own land within the Site). Examples include parties who use Uffington Lane to access their properties. These parties have been included in relevant plots in the Book of Reference (Document Ref. EN010127/APP/4.3) in Parts 1 and 2 (as

relevant) as subsoil freehold interests or parties benefitting from a right of access as occupiers of adjacent land or property.

It is important to note that the Applicants' land referencing company continued with their methods seeking to identify Section 44 persons throughout the pre-application stage, in order to ensure the greatest possible chance of identifying people who may be relevant, and where additional Section 44 persons were identified they were consulted in accordance with Section 42, as set out in the Consultation Report.

