

The Lake Lothing (Lowestoft) Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

**Document 5.2:
Consultation Report Appendices**

**Appendix 7
Land referencing methodology**

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Land referencing methodology

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Lake Lothing Third Crossing

Land Referencing Methodology for Diligent Inquiry

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1. Summary

As required by the Planning Act 2008 (**the Planning Act**), Suffolk County Council is required to identify individuals in one or more of the categories set out in Section 44 and 57 for the purposes of consultation and notification under Sections 42 and 56. This includes undertaking “diligent inquiry” to identify parties with an interest in land within Categories 1, 2 and 3.

- **Category 1** includes owners, lessees, tenants (whatever the tenancy period) or occupiers of the land within Order limits
- **Category 2** includes parties that have an interest in the land or who have the power to sell, convey or release the land within Order limits
- **Category 3** includes parties that the applicant thinks that, if the order sought by the application were made and fully implemented, the person would or might be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Part 1 of the Land Compensation Act 1973 and/or section 152(3) of the Act.

WSP’s Land Referencing team have undertaken diligent inquiry to identify individuals in one or more of the categories set out in sections 44 and 57 of the Act.

2. Setting the Land Referencing Limits

As agreed by Suffolk County Council, WSP defined an area 300m from the centreline of the proposed highway alignment for the land referencing extents ‘the referencing limits’. In addition, all properties adjacent to Lake Lothing between the A47 Bascule Bridge and Mutford Bridge were also included in the referencing limits. It was anticipated that the extent of the 300m referencing limits would be sufficient to include all Category 3 persons who may have a relevant claim for compensation under Part 1 of the Land Compensation Act 1973, compensation for depreciation of land value by physical factors caused by the use of the Scheme. These include:

- Noise
- Vibration
- Smell
- Fumes
- Smoke
- Artificial lighting
- Discharge of any solid or liquid substance onto land

It was also anticipated that the extent of the 300m referencing limits would be sufficient to include all Category 3 persons who may have a relevant claim for compensation for injurious affection during construction and operation of the Scheme, including persons with potentially affected / interference with rights of access under section 10 of the Compulsory Purchase Act 1965 and / or section 152(3) of the Planning Act 2008. In setting the 300m referencing limits

the WSP have taken a conservative approach to identifying Category 3 persons.

These referencing limits were taken forward and used to instruct the limit within which parties were consulted under section 42(1)(d) of the Act. The Order limits are encompassed by the referencing limits and include the extent of land to be acquired and used for the construction, operation and maintenance of the Scheme.

2.1 Extension to the Referencing Limits

Following a design change to the alignment of the link road between Riverside and Waveney Drive in June 2017, approximately 220 additional properties on Waveney Drive, Kimberley Road and Notley Road were included within the referencing limits as they were less than 300m from the centerline of the new highway alignment.

3. Desktop Referencing

3.1 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, beneficiary, other charges and restrictive covenant information was extracted and stored in our 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 to complete these gaps were created based on OS mapping and site data. As a result, all land within the identified land referencing limits was parcelled and each parcel was given a unique reference number.

Periodic updates were provided by HM Land Registry and this ensured that any changes that occurred to title information was captured. Whilst, generally such updates would be obtained bi-annually, they were specifically timed to occur prior to key milestones, such as the issue of section 42 consultation letters, and prior to the submission of the Book of Reference.

3.2 Major Land Owners (MLOs)

Land interest information was requested from MLOs, including local authorities, statutory undertakers e.g. utilities and other landowners with multiple land ownership interests.

Requests to the Suffolk County Council and to Waveney District Council were also made, to access the councils' land ownership mapping data for; information regarding public highways and private roads; 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 of a land parcel; and known future public and privately funded developments, where relevant. Information was received in a variety of formats and entered into PinPoint and our GIS application as appropriate. Where necessary, further enquiries were made to address any changes, anomalies or gaps.

Statutory utilities undertakers who were believed to have a possible interest in the area were contacted to identify their interests (and their preferred diversion routes). A list of utilities undertakers was compiled using data provided by the project's design engineers and through further desktop and site research.

Any existing information from ongoing stakeholder negotiations or Section 42 consultation was also incorporated into PinPoint.

3.3 Other Desktop Activities

Desktop studies, including publicly available online mapping, were used in order to check for open spaces and rights of way within the land referencing limits and further research was carried out to identify ownership in relation to such interests. The information obtained through this diligent inquiry was incorporated into the PinPoint and our GIS application.

Additional desktop research and checks were undertaken to confirm information received through direct site inquiries and from HM Land Registry. For instance, Companies House searches were undertaken to ensure registered companies' details were verified and updated where necessary, ensuring appropriate addresses for service of statutory notices and other correspondence.

3.4 Observational Site Visits

Observational site visits were also made as part of the land referencing process, to inform our understanding of the nature and current use of the land within the Order limits. Physical features on the ground were recorded, such as infrastructure e.g. highways, railways etc. as well as commercial premises and industrial land. In addition, the site team examined potentially complicated sites e.g. land with multiple ownership / occupancy interests, unregistered land, or land with multiple rights of access. All information obtained was recorded in PinPoint and our GIS application.

4. Contact Referencing

4.1 Land Interest Questionnaires (LIQs)

Information obtained through desktop research was supplemented and verified through the use of 'land interest questionnaires' ("LIQs"), which included requests for information about a recipient's own interests, associated third party interests and the spatial extent of land or property. Where LIQs were returned with updated information regarding an owner, tenant/lessee, occupier or other party, the information provided was used to update PinPoint and our GIS application. Where returns to LIQs were not provided (despite having been requested), follow-up site visits were made. A minimum of three separate site visits were conducted in an attempt to make direct contact with the owner or occupier of the property.

Recipients of the LIQs were also offered the means to respond to, or ask questions about the project via a dedicated project email and hotline. The land referencing team recorded all correspondence and communication in PinPoint.

4.2 Contact Site Visits

Contact site visits were undertaken to confirm land ownership and identify the occupation details for properties e.g. leaseholders, tenants, occupiers etc. These site visits were initially targeted at properties where no LIQ had been returned by the recipient, however these were also conducted at properties where recipients had returned the LIQ, to clarify any gaps in information. The site referencing team also used this opportunity to confirm any information which may have been gathered through desktop referencing methods.

During the site visits, where there was no response at a property, a calling card was left in the letterbox detailing the date and time of the attempted visit, along with the telephone number for the land referencing team. This calling card instructed owners / occupiers of the property to call to arrange a suitable time for our site team to visit their property. If no response was received, the property was visited a minimum of two further times in an attempt to make direct contact with the owner or occupier of the property. On each occasion, a calling card was left at the property encouraging the owner / occupier to respond to the LIQ or contact the land referencing team to arrange a visit. The date and time of all attempted site visits to a property are recorded in PinPoint.

4.3 Unknown Owner - Erection of On-Site Notices

Where land ownership could not be ascertained through desktop or site referencing methods, the land referencing team erected notices on site, requesting information about the ownership of the land to which the notices were affixed. The notices showed the land ownership boundary in question and provided details of how to contact the land referencing team with any relevant information. Any information received was added to PinPoint and our GIS application.

4.4 Review of Land Referencing Limits for Category 3 Interests

As the environmental assessment progressed, updated and refined noise and air quality modelling outputs were considered and, as the impacts of noise were those with the widest geographical reach (encompassing air quality impacts) comparisons were made between noise levels without the Scheme in place in the opening year (2022) and noise levels with the Scheme in place in the opening year (2022) and the future year (2037).

For the purposes of the Book of Reference, the comparative analysis outlined above was used to identify residential properties expected to experience an increase in noise levels of 3 decibels or greater in the short term (2022) and longer term (2037). As a consequence of this analysis, the land referencing limits were reduced where appropriate from the full 300 metre preliminary buffer zone to include only those properties where an affected person would or might be entitled to make a "relevant claim" as defined by section 57 of the Act.

4.5 Section 52 – Requirement to Provide Information

LIQs and the subsequent site visits are sufficient for providing information on interested parties and as a result, Section 52 Notices were deemed not required.

4.6 Confirmation of Information

Prior to the submission of Book of Reference, the land referencing data was re-confirmed through a combination of Land Registry updates and the issue of 'Request for Confirmation Questionnaires' to all persons appearing in the Book of Reference.

Request for Confirmation Questionnaires consisted of a schedule of information outlining our understanding of the persons having an interest in the property and recipients were asked to confirm if the information held is correct or amend / provide updates where appropriate i.e. if there were discrepancies. This included a plan showing the extent of the landowner boundary.

5. Data Management

All information on land interests within the referencing limits was stored in Pinpoint. This included the nature of their interest and contact details. All communication and correspondence with landowner and occupiers was recorded and uploaded to PinPoint against the relevant party. This included:

- LIQs issued and received by post
- LIQs completed on site
- Date and time of site visits (successful and unsuccessful)
- Incoming and outgoing emails
- Records of telephone conversations
- Incoming and outgoing letters
- Statutory Notices
- Details of landowner / stakeholder negotiations

PinPoint also stored all Land Registry titles and plans. These were uploaded against the relevant land parcel and related to the relevant interest(s). This ensures a clear audit trail of the land ownership investigations and also serves as an instant source for all land and property information.

6. Statutory Notification

6.1 Deliverables for Section 42 Consultation

For Section 42 consultation, the land referencing activities culminated in the production of a schedule of names and addresses of consultees to be sent consultation material under Section 42(1)(d) of the Planning Act 2008. Consultation packs were issued to all consultees.

6.2 Deliverables for DCO Application Submission

The land referencing information was compiled into a Book of Reference and associated Land Plans. The Book of Reference is in five parts as prescribed by Regulation 7(1) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009:

- **Part 1** lists all Category 1 interests (owners, lessees, tenants and occupiers) and Category 2 interests (parties that have an interest in the land or who have the power to sell, convey or release the land within Order limits)
- **Part 2** lists all Category 3 interests (those with a potential relevant claim for compensation. There is precedence for this Part to be split into two sections (Part 2A and Part 2B). Part 2A lists parties with a relevant claim within Order limits, and Part 2B identifies parties with a relevant claim outside of Order limits)
- **Part 3** lists all parties entitled to enjoy easements or other private rights over land within Order limits
- **Part 4** lists all Crown interests in land within Order limits
- **Part 5** lists all Special Category Land to be affected within Order limits

In parallel with the production of the Book of Reference and Land Plans, the information is also incorporated within the Order schedules, listing plots over which powers of compulsory acquisition are limited to:

- Land of which only temporary possession may be taken
- Land in which only new rights may be acquired
- Land in which only airspace and new rights may be acquired

In addition, Appendix A to the Statement of Reasons lists the purpose(s) for applying for compulsory acquisition powers over each plot within the Book of Reference and Land Plans.