
Appendix S - Land Referencing Methodology for Diligent Inquiry

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1.1 Introduction

1.1.1 As required by the Planning Act 2008 (**the Planning Act**), the Applicant is required to identify individuals in one or more of the categories set out in section 44 and section 57 of the Planning Act for the purposes of consultation and notification under sections 42 and section 56 of the Planning Act. 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.

1.1.2 Independent consultants WSP have been employed by the Applicant to undertake diligent inquiry to identify those land interests, using the methodology described below.

1.2 Setting the Land Referencing Limits

1.2.1 For the purposes of the Applicant’s statutory pre-application consultation, the land referencing limits were set as follows:

- All land within the Order Limits required for the Scheme;
- All properties within a 300 metre 'buffer zone', extending from and beyond the centre line of the Scheme alignment; and
- All additional land interests within a 20 metre buffer either side of the river from the A47 Breydon Bridge in the north, to the estuary in the south

1.2.2 The land referencing limits were then adjusted to include all of any building partially included with those limits.

1.3 Identification of Category 3 Persons

1.3.1 Category 3 persons include those who may have:

- (a) 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

(b) 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.

1.3.2 Prior to preliminary environmental information becoming available e.g. noise and air quality modelling data, the Applicant carried out pre-application consultation on the basis of the extents outlined in paragraph 1.2.1 above. This was based on professional assessment and experience that the 300 metre 'buffer zone' was sufficiently wide so as to encompass any potential Category 3 persons.

1.3.3 Once noise modelling data became available, it was possible to highlight properties that may experience a material change in baseline conditions, leading to a potential depreciation in value of the property. Therefore, the landowner may have a "relevant claim" as a Category 3 person. This assessment was further refined by comparing anticipated noise levels without the Scheme in place in the opening year, with the Scheme in place in the opening year, and projected noise levels with the Scheme in place 15 years after the opening year. A 3 decibel increase was used to define a material change in conditions.

1.3.4 On the basis that noise impacts typically have a wider geographical effect than any of the other physical factors identified in Part 1 of the Land Compensation Act 1973 (as listed in paragraph 1.3.1) it was assumed that the geographical location of any impacts arising from those other factors would already have been identified, in that the land interest would have come within the area identified by the results of the noise modelling data. This assumption was verified through using other EIA information provided in Volume I of the ES (document reference 6.1).

1.3.5 In addition to this quantitative assessment, a qualitative assessment was completed (taking into account commercial interests, land access and other issues) to reduce the land referencing limits to include only those properties that the Applicant believes would or might be able to make a relevant claim, as defined by section 44 and section 57 of the Planning Act.

1.4 Desktop Referencing - HM Land Registry

1.4.1 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 a land referencing database ("PinPoint").

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

application ("GIS"). Where land was not registered, additional parcels to complete these gaps were created based on OS mapping and site information. As a result, all land within the identified land referencing limits was parcelled and each parcel was given a unique reference number.

- 1.4.3 Periodic updates were provided by HM Land Registry and this ensured that any changes that occurred to title information were 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.

1.5 Other Desktop Referencing Activities

- 1.5.1 Publicly available online mapping sources were used to check for any special category land e.g. land held inalienably by the National Trust, land forming part of a common (including a town or village green), open space, or fuel or field garden allotment and statutory undertakers' land. Where applicable, further research was carried out to determine whether the any such land meets the definition of special category land under the Planning Act.
- 1.5.2 Statutory undertakers (utilities operators) were contacted to query whether they had any infrastructure of apparatus on or over the land within the Order limits. This information was collated in GIS and added to PinPoint against the relevant plot from the Land Plans.
- 1.5.3 Landownership information was also analysed to determine whether any land within the Order limits is held by or on behalf of the Crown i.e. to be treated as Crown land under the Planning Act.
- 1.5.4 The details for registered companies incorporated in the UK and elsewhere were checked in company registers such as Companies House. Where necessary the registered company name and / or address was updated.

1.6 Land Interest Questionnaires

- 1.6.1 Information obtained through desktop referencing was supplemented and verified using 'land interest questionnaires' ("LIQs"). These were issued to all land interests in the referencing limits and included requests for information about a recipient's own interests, associated third party interests and the spatial extent of their land / property.
 - 1.6.2 Where LIQs were returned with updated information regarding a landowner, tenant / lessee, occupier or other party, the information was updated in PinPoint and GIS. Where LIQs were not returned, follow-up site visits were conducted. A minimum of two separate site visits were conducted in an attempt to make direct contact with the owner or occupier of the property.
 - 1.6.3 Recipients of the LIQs were also offered the means to respond to, or ask questions about, the project via a dedicated project email and phone line. The land referencing team recorded all communication and correspondence in PinPoint.
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1.7 Site Visits

- 1.7.1 Site visits were undertaken on behalf of the Applicant to confirm land ownership and identify the occupation details for properties e.g. leaseholders, tenants, occupiers. These site visits were initially targeted at properties where no LIQ had been returned by the recipient. However, these visits were also conducted at properties where incomplete information was identified on the returned 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.
- 1.7.2 Where there was no response at a property, a calling card was left, detailing the date and time of the attempted visit and the contact details for the land referencing team. This calling card instructed the owners / occupiers of the property to call the land referencing team to arrange a suitable time for the site team to visit their property. The date and time of all attempted site visits to a property are recorded in PinPoint.
- 1.7.3 If no response was received, the property was visited on at least one other occasion 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.

1.8 Erection of On-Site Notices for Unknown Owners

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

1.9 Section 52 – Requirement to Provide Information

- 1.9.1 The Applicant considered that Section 52 Notices were not required.

1.10 Updating the Land Ownership Information

- 1.10.1 Prior to the submission of the Book of Reference, the land referencing data was re-confirmed through a combination of HM Land Registry updates and the issue of 'Request for Confirmation Questionnaires' to all persons appearing in the Book of Reference.
- 1.10.2 Requests for Confirmation Questionnaires consisted of a schedule of information and accompanying plan displaying the land boundary. The schedule of information outlined the Applicant's understanding of the persons having an interest in the property. Recipients were asked to confirm if the information held is correct or to amend / provide updates if there were discrepancies.

1.11 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 issued with

consultation material under Section 42(1)(d) of the Planning Act 2008. Consultation packs were issued to all consultees.

1.12 Deliverables for DCO Application Submission

1.12.1 The land referencing information was compiled into a Book of Reference and accompanying Land Plans. The Book of Reference is divided into 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 the 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 the Order limits, and Part 2B identifies parties with a relevant claim outside of the Order limits)
- **Part 3** lists all parties entitled to enjoy easements or other private rights over land within the Order limits
- **Part 4** lists all Crown interests in land within the Order limits (As there is no Crown land, this part is blank)
- **Part 5** lists all Special Category Land within the Order limits (As there is no Special Category Land, this part is blank)

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

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

1.12.3 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.

1.13 Data Management

1.13.1 All information on land interests within the land referencing limits was recorded and stored in PinPoint and corresponding spatial information i.e. digital HM Land Registry title boundaries and land boundaries stored in GIS.

1.13.2 All communication with land interests was recorded in PinPoint and any copies of correspondence uploaded and attached to the relevant communication record. This included:

- LIQs (outgoing and incoming)
- Date and time of site visits (successful and unsuccessful)
- LIQs completed on site
- Emails (outgoing and incoming)
- Letters (outgoing and incoming)
- Records of telephone conversations
- Statutory notices issued
- Confirmation questionnaires (outgoing and incoming)

1.13.3 Copies of all HM Land Registry title registers and plans were also stored in PinPoint and linked to the relevant land parcel and land interest.

1.13.4 PinPoint provides a clear audit trail of the diligent inquiry process and serves as the single platform for all landowner and property information.

