



**Mallard
Pass**
Solar Farm

Mallard Pass Solar Farm

Community Workshop

20 September 2023

Agenda

1. Welcome
2. Update on Discussions with Network Rail
3. Community Commitments in the oCEMP
4. Land Plans
5. Protections in DCO Documentation: DCO
6. Protections in DCO Documentation: oCEMP
7. Book of Reference
8. Contact us
9. Your questions



Welcome

Welcome to our workshop.

- This session will first begin with a presentation which we expect will last approx. 30 minutes.
- We will then open up questions to the floor for the Q&A portion of this session.
- Depending on the length of the Q&A, we then aim to provide the opportunity for you to have a 1-1 discussion with members of the Mallard Pass Solar Farm team.
 - This time will be especially helpful if you have any questions or information that you prefer to keep confidential.



Update on Discussions with Network Rail



- Applicant wants to avoid going through the village if it can be avoided. However, it cannot be put in a position of the entire project being dependent on Network Rail (NR).
- There has been progress since last Hearings:
 - Basic Asset Protection Agreement has been agreed.
 - DCO Protective Provisions also agreed.
 - Option for Easement on track to be agreed shortly (but likely not before Hearings).
- Once the latter is agreed, Applicant will have the certainty that the principle of all of the cable routing going through NR is acceptable.
- However it is important that the Applicant still has the ability to make a choice, as even if outline design approval is given through the agreements referred to earlier, a range of consequential agreements and approvals subsequent to them will need to be entered into which NR could refuse, which would then necessitate the relevant route in Essendine on/next to the A6121 being used.

Update on Discussions with Network Rail



- As such, once the Option for Easement is signed, Article 20 will be able to be amended to provide that:
 - the Applicant must choose, and be restricted to only using, powers over either the A6121 route or through the non A6121;
 - in doing all of the above, it will set out the specific plot numbers captured by either option, so it 100% clear to which plots the choice/restriction will bind onto;
 - once the Applicant makes the choice, it will make clear that identified articles in the DCO will not be able to be utilised in respect of the identified plots for the option that it is not chosen; and
 - when it has made the choice, the Applicant must notify the LPA it has done so and what it is (building on the commitments already in the oCEMP).

Community Commitments in the oCEMP



- In light of Examination discussions, the oCEMP now provides:
 - CEMPs submitted for approval to the LPAs must indicate if cable route will be in Essendine and the phasing and methodology for it.
 - The Community Liaison Officer will communicate this information, and construction programming more generally, to the residents of Essendine once the detailed CEMP(s) is approved and before works start.
 - Creation of a Community Liaison Group with Terms of Reference dealing with programming and management of construction in Essendine.
 - Commitment that at least one of the existing footways through the village will remain accessible, or temporary footpath will be put in place to ensure access to children's park is maintained at all times.
- Property commitments to be discussed later in this presentation.



Please note, the base map satellite imagery is taken at an angle and so is not 100% accurate and provided for context purposes only as it does not line up accurately with the Land Registry boundaries.

- This image shows the extent of the Adopted Highway (blue hatching) and the 'Order Limits' (red line).



- This image show the extent of the Adopted Highway (blue hatching), the 'Order Limits' (red line) and the Land Registry land boundaries (pink shading and orange outline).

Land Plans



- The Land Plans [REP1-003] have been drawn using the Land Registry polygons with the highway land separated from the individual ownerships to the north. There are clear instances where the Land Registry extents don't match the Ordnance Survey mapping which is shown as the base mapping on the Land Plans.
- The discrepancy between OS Base Map, Land Registry data set and Aerial Imagery give the appearance of the 'Order limits' (red line) occupying front gardens.
- This can be seen on the image shown, where there are instances of vegetation being located within the Order limits that also form the physical walled boundary of some gardens located along Essendine Road but which are different from the Land Registry extents.

Protections in DCO Documentation: DCO



- Mallard Pass Solar Farm Ltd seek to again reiterate that **no acquisition is intended of residential properties.**
- Protection is in the DCO itself:
 - Compulsory acquisition powers can only be used over '*Order Land*' which is defined as '*shown on the Land Plans and as described in the Book of Reference*'.
- Land Plans have a note which makes clear that the plot boundaries are drawn to the land registry polygons and so **do not include non-highway titles.**
- Book of Reference descriptions in Essendine describe only 'highway' or 'highway and verge'.
- DCO requires that traffic management measures have to be approved by LPAs before they have to be used.
- Protective Provisions in the DCO for the benefit of utility companies ensure that there cannot be impacts to existing utility supplies.

Protections in DCO Documentation: oCEMP



- To avoid any doubt, the oCEMP (which the full CEMPs will need to be in accordance with) includes suitable controls to reflect the situation on the ground, rather than what is shown in datasets provided by the Land Registry and Ordnance Survey.
- This was updated further at Deadline 5 (in red) to ensure no doubt.
 - *“Temporary measures will be required to install cables within land that is identified within the Order Limits and/or the adopted highway boundary. Cables will not be installed within private land (including behind or under any boundary walls). These temporary measures may take the form of temporary speed reductions for stretches of highway and temporary traffic signals to reduce the flow of traffic to one-way operation for limited periods, the details of which will be approved pursuant to the detailed Construction Traffic Management Plan(s).”*

Protections in DCO Documentation: oCEMP



- Access matters are also set out in the oCEMP:
 - *“Vehicular access to private residential properties will be maintained at all times when works are being carried out to or in streets, with the exception of when the trenches for cable works are being constructed or reinstated directly in front of a property. Appropriate temporary covers will be installed over any trenches that might be required, once they are completed, to install the cables to enable continued vehicular access to private drives and parking areas”*

Book of Reference (BoR)



- Mallard Pass Solar Farm acknowledges concern that some parties have been identified as having an interest in highway land immediately adjacent to their property.
- This relates to the '*ad medium filum*' rule:
 - This rule states that for unregistered highways, adjacent landowners are assumed to own subsoil beneath 'top two spits' of highway to the middle of that highway. This is to provide for a potential future scenario where a road is taken away.
- As such, BoR identifies those adjacent parties ('frontagers') as having an interest in that highway. That interest is only affected by the proposals for the potential compulsory acquisition of rights in that subsoil to install cables.
- BoR also sets out the instances where parties have rights to maintain grass in the verges within the village of Essendine to ensure that those rights are recognised.

Contact us

You can contact members of our stakeholder engagement team using any of our project-dedicated communications lines listed below.



 **Email:** info@MallardPassSolar.co.uk

 **Freephone information line:** 0808 196 8717

 **Freepost:** FREEPOST Mallard Pass Solar Farm

 **Visit our website:** www.MallardPassSolar.co.uk



Your questions

Thank you for listening.