

**Tillbridge Solar Project
EN010142**

**Volume 9
Statement of Common Ground with Scunthorpe
and Gainsborough Water Management Board**

Final

Document Reference: EN010142/APP/9.13

The Infrastructure Planning (Examination Procedure) Rules 2010

**October 2024
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Statement of Common Ground

This Statement of Common Ground has been prepared and agreed by Tillbridge Solar Project and Scunthorpe and Gainsborough Water Management Board.

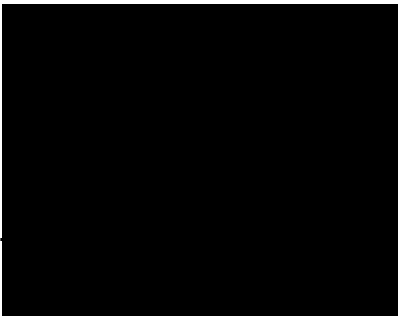
Luke Murrery, Director on behalf of Tillbridge Solar Limited

Date:..........

Signed:.....14th October 2024.....

Paul Jones, Engineer to the Board, on behalf of Scunthorpe and Gainsborough Water Management Board

Date:.....22nd October 2024.....

Signed:..........

1. Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support the application ("the Application") for the Tillbridge Solar Project ("the Scheme") made by Tillbridge Solar Limited ("the Applicant"). The Application was submitted to the Secretary of State for Energy Security and Net Zero ("the Secretary of State") for a Development Consent Order (DCO) ("the Order") under section 37 of the Planning Act 2008 ("PA 2008") (Ref. 1) and accepted for examination on 8 May 2024.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or on the Planning Inspectorate's website at <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010142/documents>.
- 1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination. This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties and where agreement has not (yet) been reached. The SoCG will be progressed during the pre-examination and examination periods to reach a final position between the Parties and to clarify if any issues remain unresolved. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared between (1) the Applicant and (2) Scunthorpe and Gainsborough Water Management Board (jointly referred to as the Parties).
- 1.2.2 The Applicant is a joint venture between Tribus Clean Energy Limited and Recurrent Energy, a subsidiary of Canadian Solar, who are both experienced developers of renewable energy projects.
- 1.2.3 Scunthorpe and Gainsborough Water Management Board, hereafter referred to as 'SGWMB' is a type of local public authority that manages water levels in an area where there is special need for drainage (known in England as an internal drainage district). The boundaries of internal drainage districts within the Order limits of the Application are shown on **Figure 10-5: Watercourses, Flood Zones and Internal Drainage Boards** of the Environmental Statement (ES) [APP-171]. Water Management Boards (WMB) and Internal Drainage Boards (IDB) are defined as a Risk Management Authority within the Flood and Water Management Act 2010 (Ref. 2) and work alongside the Environment Agency, Local Authorities and Water Companies. Their activities and responsibilities are principally governed by the Land Drainage Act 1991 (Ref. 3), and bylaws set by the SGWMB under that Act. The

SGWMB is a prescribed consultee in respect of this Application under Regulation 3 (and associated table in Schedule 1) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (Ref. 4).

1.2.4 SGWMB's role covers various responsibilities including:

- a. Undertaking work to reduce flood risk to people, property and infrastructure;
- b. Manage water levels for agricultural and environmental needs;
- c. Permissive powers to manage water levels within their drainage district;
- d. Maintain rivers, drainage channels, culverts, sluices, weirs, embankments and pumping stations;
- e. Set bylaws relating to management of watercourses; and
- f. Designate key features and structures within their district which relate to managing flood risk.

1.3 The Scheme

- 1.3.1 The Order, if granted, would authorise the construction, operation (including maintenance), and decommissioning of ground-mounted solar photovoltaic (PV) arrays. The Scheme will also include associated development to support the solar PV arrays.
- 1.3.2 The Scheme is made up of the Principal Site, the Cable Route Corridor and works to the existing National Grid Cottam Substation. The Principal Site comprises the solar PV arrays, electrical substations, grid balancing infrastructure, cabling and areas for landscaping and ecological enhancement.
- 1.3.3 The associated development element of the Scheme includes but is not limited to access provision; a Battery Energy Storage System (BESS), to support the operation of the ground mounted solar PV arrays; the development of on-site substations; underground cabling between the different areas of solar PV arrays; and areas of landscaping and biodiversity enhancement.
- 1.3.4 The Scheme also includes a 400kV underground Cable Route Corridor of approximately 18.5km in length connecting the Principal Site to the National Electricity Transmission System (NETS) at the existing National Grid Cottam Substation. The Scheme will export and import electricity to the NETS.

1.4 Terminology

- 1.4.1 Section 3 summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'.
- 1.4.2 These terms are used as follows:

- a. “Agreed” indicates where the issue has been resolved;
- b. “Under discussion” indicates where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties;
- c. “Not Agreed” indicates a final position where the Parties have agreed to disagree.

2. Record of Engagement

- 2.1.1 A summary of all meetings and correspondence that have taken place between the Parties in relation to the Application is outlined in **Table 1**. This includes email correspondence between the Parties to discuss sharing of information, arrangement of meetings and where appropriate to comment on draft documentation. **Table 1** reflects the key meetings and emails of note.

Table 1: Record of Engagement

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
04 September 2023	Teams Meeting Engineers to the Board, AECOM water specialists, AECOM consultants, legal team representative, council representation, Environment Agency representatives.	<ul style="list-style-type: none"> • Method of crossing watercourses; and • Point of measurement for buffer zones on watercourses.
20 August 2024	Teams Meeting Engineers to the Board, AECOM water specialists, AECOM consultants, legal team representative.	<ul style="list-style-type: none"> • How the Applicant has responded to queries raised during September 2023 consultation within the Application. • Progression of SoCG.

3. Areas of Discussion between the Parties

3.1.1 **Table 2** below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

Table 2 Areas of Discussion with Scunthorpe and Gainsborough Water Management Board

Ref.	Relevant Application Document	Description of Matter	Status
Scoping Opinion			
1.1	<p>Chapter 10: Water Environment [APP-041]</p> <p>Appendix 10-4: Outline Drainage Strategy [APP-098]</p> <p>Consents and Agreements Position Statement [EN010142/APP/3.3(Rev01)]</p> <p>draft DCO [EN010142/APP/3.1(Rev03)]</p>	<p><u>SGWMB's Comment:</u></p> <p>If surface water were to be disposed of by soakaway system, the IDB would have no objection in principle but would advise the ground conditions may not be suitable. Infiltration testing will be required to establish if conditions suitable through the year.</p> <p>If surface water were to be disposed of to a mains sewer, the IDB would have no objection providing the Water Authority agree to accept the additional flow.</p> <p>If surface water were to be discharged to any Ordinary Watercourse, consent would be required from the IDB in addition to Planning Permission and would be restricted to 1.4 litres/sec/hectare or greenfield runoff.</p> <p>No obstructions within 9 metres of the edge of Ordinary Watercourses are permitted without consent from the IDB.</p> <p><u>Applicant's Response:</u></p> <p>These comments are noted. Appendix 10-4: Outline Drainage Strategy of the ES [APP-098] confirms that</p>	Agreed– SGWMB comment has been resolved.

Ref. Relevant Application Document	Description of Matter	Status
	<p>infiltration is not proposed. The strategy also outlines the proposed discharge rates to Ordinary Watercourses (i.e. at greenfield runoff rate). A 10m buffer from watercourses will be maintained, where practicable, as set out within the Framework Construction Environmental Management Plan (CEMP) [EN010142/APP/7.8 (Rev01)].</p> <p>Appendix 10-4: Outline Drainage Strategy [APP-098] is included in the ES, and is secured within Requirement 5(2) of the draft DCO [EN010142/APP/3.1(Rev03)].</p> <p>The Consents and Agreements Position Statement [EN010142/APP/3.3(Rev01)] sets out what permissions are required for the Scheme. Consents under the Land Drainage Act 1991 have been disapplied through the draft DCO [EN010142/APP/3.1(Rev03)] and protective provisions for SGWMB have been provided within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)].</p>	
Additional Consultation September 2023		
<p>2.1 Chapter 10: Water Environment [APP-041]</p> <p>Framework CEMP [EN010142/APP/7.8 (Rev01)].</p>	<p><u>SGWMB's Comment:</u></p> <p>All Channels in SGWMB to be crossed using trenchless (non-intrusive) techniques.</p> <p><u>Applicant's Response:</u></p>	<p>Agreed– SGWMB comment has been resolved.</p>

Ref. Relevant Application Document	Description of Matter	Status
	<p>There are no crossings proposed along SGWMB managed watercourses.</p> <p>This is stated within Section 10.7 Embedded Design Mitigation of Chapter 10: Water Environment of the ES [APP-041], set out within the Framework CEMP [EN010142/APP/7.8 (Rev01)], and illustrated by Figure 1 of this SoCG (refer to Appendix A). It is noted that the SGWMB managed section of Yawthorpe Beck stops before the watercourse enters the Order limits, as shown on Figure 1 in Appendix A.</p>	
<p>2.2 Chapter 10: Water Environment [APP-041]</p> <p>Framework CEMP [EN010142/APP/7.8 (Rev01)].</p>	<p><u>SGWMB's Comment:</u></p> <p>Agreed for a minimum of 9m buffer from bank top / berm/ highest part of bank to new infrastructure to allow future maintenance of watercourses.</p> <p><u>Applicant's Response:</u></p> <p>A 10m buffer from watercourses will be maintained, where practicable, as set out within the Framework CEMP [EN010142/APP/7.8 (Rev01)]. This is stated within Section 10.7 Embedded Design Mitigation of Chapter 10: Water Environment of the ES [APP-041] and the Framework CEMP [EN010142/APP/7.8 (Rev01)].</p>	<p>Agreed– SGWMB comment has been resolved.</p>
Additional Consultation August 2024		
<p>3.1 Chapter 10: Water Environment [APP-041]</p>	<p><u>SGWMB's Comment:</u></p>	<p>Agreed– SGWMB comment has been resolved.</p>

Ref.	Relevant Application Document	Description of Matter	Status
	<p>Chapter 3: Scheme Description [AS-053]</p> <p>draft DCO [EN010142/APP/3.1(Rev03)]</p>	<p>SGWMB request that a programme of consent, construction and operation is included within the SoCG, as well as indication of how applications for land drainage consent will be made.</p> <p><u>Applicant's Response:</u></p> <p>It is currently anticipated that construction work will commence, at the earliest, in late 2025. The construction phase is anticipated to be a minimum of 24 months and a maximum of 36 months.</p> <p>It is currently anticipated that the Scheme will commence commercial operation in 2028. The Applicant is seeking a time limited consent with respect to the operation of the Scheme; the operational life of the Scheme will be 60 years, which will start from the date of the final commissioning phase of the Scheme.</p> <p>Detailed construction programme and sequencing will be confirmed post-DCO consent. The indicative programme for the Scheme is set out within Chapter 3: Scheme Description of the ES [AS-053].</p> <p>Consents under the Land Drainage Act 1991 have been disapplied through the draft DCO [EN010142/APP/3.1(Rev03)] and protective provisions for SGWMB have been provided within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)]. These</p>	

Ref. Relevant Application Document	Description of Matter	Status
	<p>protective provisions require the undertaker to submit plans and any further details requested of a proposed specified work (being works within 9 metres of the banks of a watercourse or another drainage or flood defence asset) to SGWMB before commencing construction. The protective provisions provide that the SGWMB will have 28 days to consider the plans and approve, refuse or request further reasonable requirements to be in place for the works to go ahead. If such approval/refusal is not provided within 28 days, the works will be deemed to be approved. Once approved, the undertaker will still be required to give the SGWMB 14 days notice prior to commencing the works.</p>	
<p>3.2 Chapter 10: Water Environment [APP-041]</p> <p>draft DCO [EN010142/APP/3.1(Rcv03)].</p>	<p><u>SGWMB's Comment:</u> SGWMB request that a list of crossings as identified in the Application within SGWMB's jurisdiction is included within the SoCG.</p> <p><u>Applicant's Response:</u> There are no crossings proposed along SGWMB managed watercourses (the SGWMB managed section of Yawthorpe Beck stops before the watercourse enters the Order limits, as shown on Figure 1). Indicative coordinates for the crossing of existing drainage ditches within the WMB area are provided below. The final plans (including the exact locations of these crossings) will be confirmed following detailed design post-DCO consent, in</p>	<p>Agreed– SGWMB comment has been resolved.</p>

Ref. Relevant Application Document	Description of Matter	Status									
	<p>accordance with the protective provisions set out within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)].</p> <table border="1"> <tr> <th>Ref.</th><th>Northing</th><th>Easting</th></tr> <tr> <td>OC53</td><td>389142</td><td>491162</td></tr> <tr> <td>OC54</td><td>389892</td><td>490780</td></tr> </table> <p>References: Crossings within the SGWMB area are illustrated by Figure 1 of this SoCG (refer to Appendix A).</p>	Ref.	Northing	Easting	OC53	389142	491162	OC54	389892	490780	
Ref.	Northing	Easting									
OC53	389142	491162									
OC54	389892	490780									
Other Items											
4.1 draft DCO [EN010142/APP/3.1(Rev03)]	<p>The disapplication by Article 6 of the draft DCO of:</p> <ul style="list-style-type: none"> • sections 23 and 32 Land Drainage Act 1991; • byelaws made underneath section 66 of the Land Drainage Act 1991; • byelaws made underneath Schedule 25 of the Water Resources Act 1991; and • the legislation listed in Schedule 3 of the draft DCO; <p>is agreed, with regard to the inclusion within the draft DCO of protective provisions in favour of drainage authorities, including SGWMB. These protective provisions set out within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)] are agreed.</p>	Agreed– SGWMB comment has been resolved.									

4. References

- Ref. 1 His Majesty's Stationary Office (HMSO) (2008) Planning Act 2008. Available at: <https://www.legislation.gov.uk/ukpga/2008/29/contents> [Accessed 09/09/2024]
- Ref. 2 HMSO (2010). Flood and Water Management Act 2010. Available at: <https://www.legislation.gov.uk/ukpga/2010/29/contents> [Accessed 09/09/2024]
- Ref. 3 HMSO (1991) Land Drainage Act 1991. Available at: <https://www.legislation.gov.uk/ukpga/1991/59/contents> [Accessed 09/09/2024]
- Ref. 4 HMSO (2009) Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009. Available at: <https://www.legislation.gov.uk/uksi/2009/2264/contents/made> [Accessed 09/09/2024]

Appendix A Figures

Figure 1: Scunthorpe and Gainsborough Water Management Board Crossings

