

Tillbridge Solar Project
EN010142

Volume 9
Statement of Common Ground with Trent Valley
Internal Drainage Board
Document Reference: EN010142/APP/9.14

The Infrastructure Planning (Examination Procedure) Rules 2010

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Statement of Common Ground


This Statement of Common Ground has been prepared and agreed by Tillbridge Solar Limited and Trent Valley Internal Drainage Board.

, Director on behalf of Tillbridge Solar Limited

Date: ... ~~31/03/10th April~~ 2025

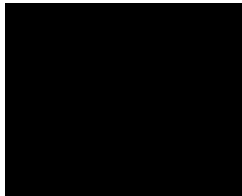
Signed:...



 Chief Executive, on behalf of Trent Valley Internal Drainage Board

Date: ... ~~31st March~~ 10th April 2025

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.
- 1.1.4 This document has been updated at Deadline 6 and following the close of Deadline 7 to reflect ongoing engagement with Trent Valley Internal Drainage Board. The document references have not been updated from the original submission. For the most up-to-date documents, the reader should access these through the **Guide to the Application** [**EN010142/APP/1.2(Rev08)**]**REP7-002** and Schedule 13 of the **draft DCO** [**EN010142/APP/3.1(Rev07)**]**REP7-004**.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared between (1) the Applicant and (2) Trent Valley Internal Drainage Board (TVIDB) (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 TVIDB 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 TVIDB under that Act. The TVIDB 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 TVIDB'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 has 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.
19 August 2024	Teams Meeting Engineers to the Board, AECOM water specialists, AECOM consultants, legal team representative.	<ul style="list-style-type: none"> • Applicant’s response to TVIDB’s Relevant Representation; and • 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 Trent Valley Internal Drainage Board

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
Additional Consultation September 2023				
1.1	Chapter 10: Water Environment of the ES [EN010142/APP/6.1(Rcv01)]	<p><u>TVIDB's Comment:</u> All Channels in TVIDB to be crossed using trenchless (non-intrusive) techniques.</p> <p><u>Applicant's Response:</u> This has been included within the Scheme design.</p> <p>This is stated within Section 10.7 Embedded Design Mitigation of Chapter 10: Water Environment of the ES [EN010142/APP/6.1(Rcv01)], set out within the Framework CEMP [EN010142/APP/7.8 (Rcv01)] and the location of the crossings is illustrated by Figure 1 within Appendix A of this SoCG.</p>	Agreed – TVIDB comment has been resolved.	Resolved
1.2	Chapter 10: Water Environment of the ES [EN010142/APP/6.1(Rcv01)]	<p><u>TVIDB's Comment:</u> Requested for a minimum of 9m buffer from bank top / berm / highest part of bank to new infrastructure to allow future maintenance of watercourses.</p>	Agreed – TVIDB comment	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	Framework CEMP [EN010142/APP/7.8 (Rev01)]	<p><u>Applicant's Response:</u></p> <p>The Framework Construction Environmental Management Plan (CEMP) [EN010142/APP/7.8 (Rev01)] proposes a 10m buffer to all watercourses. This has been included within the Scheme design. This is stated within Section 10.7 Embedded Design Mitigation of Chapter 10: Water Environment of the ES [EN010142/APP/6.1(Rev01)] and the Framework CEMP [EN010142/APP/7.8 (Rev01)].</p> <p>In addition, the draft protective provisions proposed for agreement between the Parties within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)] 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 for approval before commencing construction.</p>	has been resolved	
Relevant Representation				
2.1	Framework CEMP [EN010142/APP/7.8 (Rev01)] draft DCO [EN010142/APP/3.1(Rev03)]	<p><u>TVIDB's Comment:</u></p> <p>Query if the application satisfies Byelaw Number 3.</p> <p><i>"No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended ("the 1990 Act")) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any</i></p>	Agreed – TVIDB comment has been resolved	Resolved

Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	<p><i>watercourse in the District so as to directly or indirectly increase the flow or volume of water in any watercourse in the District (without the previous consent of the Board)."</i></p> <p>Consent will only be granted for the increase in flow to a watercourse where the Board is happy that in doing so no demonstrable harm will be caused.</p> <p>It may be the case that appropriate mitigations are required to be put in place to either attenuate flow or to enhance the existing watercourse to ensure no detriment. If this is not possible alternative outfall locations may need to be considered.</p> <p><u>Applicant's Response:</u></p> <p>The TVIDB area includes sections of the Cable Route Corridor. No permanent above ground infrastructure is proposed within the TVIDB area.</p> <p>Any temporary Sustainable Drainage Systems with discharges to TVIDB managed watercourses during construction would be managed by the Contractor, as set out within the Framework CEMP [EN010142/APP/7.8 (Rev01)], which in turn is secured by a Requirement of the draft DCO [EN010142/APP/3.1(Rev03)].</p> <p>The draft DCO [EN010142/APP/3.1(Rev03)] seeks to disapply this Byelaw, and manage drainage matters via the protective provisions to be agreed between Trent Valley IDB and the Applicant.</p>		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
2.2	Framework CEMP [EN010142/APP/7.8 (Rev01)] draft DCO [EN010142/APP/3.1(Rev03)]	<p><u>TVIDB's Comment:</u> Query if the application satisfies Byelaw Number 10: <i>"No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within nine metres of the landward toe of the bank where there is an embankment or wall or within nine metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within nine metres of the enclosing structure. This will relate primarily to the location of the arrays, compounds and transformer stations."</i></p> <p><u>Applicant's Response:</u> The Framework CEMP [EN010142/APP/7.8 (Rev01)] proposes a 10m buffer to all watercourses. Consent for any temporary surface water drainage outfalls to the watercourses under the ownership of TVIDB would be applied for in advance of the works, as set out within the Framework CEMP [EN010142/APP/7.8 (Rev01)]. Compliance with the Framework CEMP [EN010142/APP/7.8 (Rev01)] is secured by the Requirements of the draft DCO [EN010142/APP/3.1(Rev03)]. The draft DCO [EN010142/APP/3.1(Rev03)] seeks to disapply this Byelaw, and manage drainage matters via the protective provisions to be agreed between Trent Valley IDB and the Applicant. The draft protective provisions set out within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)] 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 UWIDB for approval before commencing construction.</p>	Agreed – TVIDB comment has been resolved	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
2.3	Framework CEMP [EN010142/APP/7.8 (Rev01)], Outline Design Principles Statement [AS-058] and draft DCO [EN010142/APP/3.1(Rev03)]	<p><u>TVIDB's Comment:</u></p> <p>Query if the application satisfies Byelaw Number 17:</p> <p><i>"No person shall without the previous consent of the Board - (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in, under or over any watercourse or in, over or through any bank of any watercourse; (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank; (c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse; (d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof; (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse."</i></p>	Agreed – <u>TVIDB comment has been resolved</u>	Resolved

Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	<p>Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Board in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Board may give with regard thereto.</p> <p>The Board will require all watercourses to be crossed by means of HDD at a depth no less than 2 metres PLUS the cable safety distance below the hard bed level of all watercourses (to ODN if EA or IDB maintained).</p> <p>This will apply to the primary cable route and any interconnecting cables between array sites.</p> <p>The purpose of this requirement is to allow the IDB to maintain and have the flexibility to improve watercourses in the future due to climate change (works will include deepening & widening of watercourses). It is anticipated that the above requirements would be covered by SOCGs, MOU, and via Protective Provisions within the DCO.</p> <p>This matter should be discussed further and in more detail as the proposed cable route is refined. Any culverting or other works within the bed of any riparian watercourse within the Board's district be they temporary or permanent will also require consent. The Board would not look to be disapplying section 23 of the Land Drainage Act 1991. It should be noted that the Board's consent is required irrespective of</p>		

Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	<p>any permission gained under the Town and Country Planning Act 1990.</p> <p>The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/ culvert or the Board's machinery access to the watercourse/ culvert which is required for annual maintenance, periodic improvement and emergency works.</p> <p><u>Applicant's Response:</u></p> <p>There are no permanent above ground works proposed within the TVIDB administrative area. Consent for any discharges or temporary crossings during construction would be applied for prior to the works, as set out within the Framework CEMP [EN010142/APP/7.8 (Rev01)]. Compliance with the Framework CEMP [EN010142/APP/7.8 (Rev01)] is secured by the Requirements of the draft DCO [EN010142/APP/3.1(Rev03)].</p> <p>For permanent infrastructure, non-intrusive trenchless crossings are proposed along the TVIDB maintained watercourses, as presented on Figure 1 within Appendix A of this SoCG. Indicative coordinates for the trenchless crossings within the TVIDB area are provided below. These will be confirmed following detailed design post-DCO consent, in accordance with the protected provisions set out within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)].</p>		

Ref. Relevant Application Document	Description of Matter			Status	Likelihood of Resolution
	Label	Northing	Easting		
	T1	378686	481456		
	T2	378629	481126		
	T3	378638	480920		
	T4	379140	480741		
	T5	379409	480515		
	T6	379839	480460		
	T7	380247	480706		
	T8	38035	480874		
	T9	380636	481391		
	T10	380757	482079		
	T11	380926	482631		
	T12	380976	482883		
	T13	381001	483098		
	T14	381163	483670		
	T17	382170	485747		
	<p>As set out within the Outline Design Principles Statement [AS-058], the minimum depth of trenchless crossings below watercourses will be 3m and maximum depth will be 5m. This is with the exception of the River Till and the River Trent where cables will be installed at a minimum of 5m below the lowest surveyed point of the riverbed, and a maximum depth of 25m, depending on the ground investigation results. Compliance with the Outline Design Principles Statement [AS-058] is secured by the Requirements of the draft DCO [EN010142/APP/3.1(Rev03)].</p>				

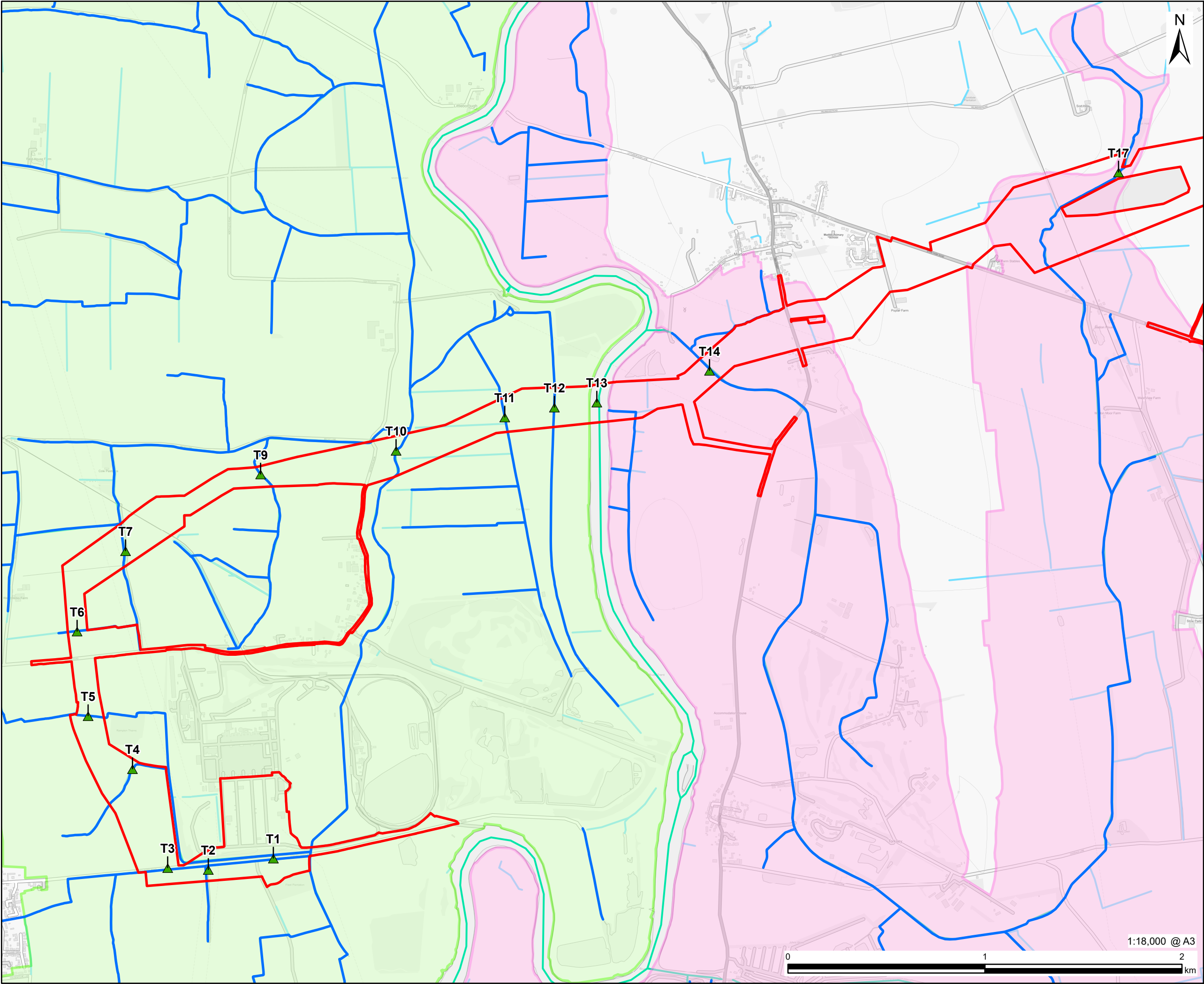
Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		The project does seek to disapply section 23 of the Land Drainage Act, as well as byelaws made by TVIDB underneath section 66 of the Land Drainage Act 1991. However, approval rights would still be retained by TVIDB over works within 9m of watercourses (including crossings by cabling) within the draft protective provisions proposed within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)].		
Other Items				
3.1	draft DCO [EN010142/APP/3.1(Rev03)]	<p><u>The Applicant's Position at Deadline 2:</u></p> <p>The disapplication of drainage legislation and byelaws under Article 6 and Schedule 3 of the draft DCO, and the draft proposed provisions set out within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)] remain under discussion between the Parties.</p> <p><u>The Applicant's Position at Deadline 6:</u></p> <p>Agreement of the protective provisions has not been made between the parties during the examination period, however the Applicant anticipates that it is highly likely that they will be agreed following the close of the examination as there are very minor matters of discussion remaining.</p> <p><u>The Applicant's Position post Deadline 7:</u></p> <p><u>Agreement of the protective provisions was made between the parties at Deadline 7. These protective provisions are included within Schedule 15, Part 3 of the draft DCO [REP7-004].</u></p>	Under Discussion – TVIDB comment has been resolved	Highly 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: Trent Valley Internal Drainage Board Crossings



AECOM

PROJECT

Tillbridge Solar Project

CLIENT

Tillbridge Solar Limited

CONSULTANT

Aldgate Tower
2, Leman Street
London, E1 8FA
United Kingdom
T +44-0207-645-2000

LEGEND

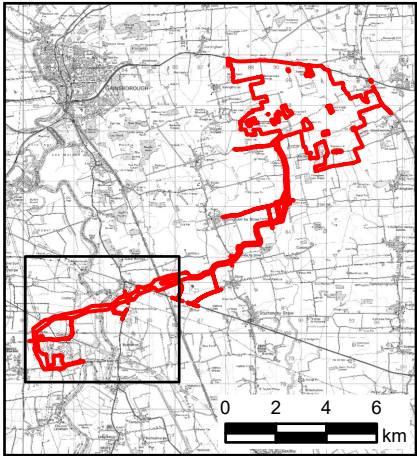
- Order limits
- Trent Valley Watercourse
- River
- Stream

Board Boundary

- Laneham
- Newark Area

Watercourse Crossing

- Trenchless Crossing - Watercourse Crossing
- Open Cut Crossing - Watercourse Crossing



NOTES

Contains Ordnance Survey Data © Crown
Copyright and database right 2024.
Ordnance Survey 0100031673.
There are no Open Cut Watercourse
Crossings in this area

ISSUE PURPOSE

For Information

PROJECT NUMBER

60677969

FIGURE TITLE

Crossings along Trent Valley IDB
Watercourses

FIGURE NUMBER

Figure 1

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