

Tween Bridge Solar Farm

9.12 Statement of Common Ground Canal and River Trust

Deadline ~~31 June~~ **May** 2026

Document Reference: 9.12

Revision 1

Statement of Common Ground

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1 Introduction

1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground (hereafter referred to as the 'SoCG') has been prepared to support the Examination of the Development Consent Order (DCO) application (the 'DCO Application') for Tween Bridge Solar Farm (the 'Scheme').
- 1.1.2. The DCO Application is for a Nationally Significant Infrastructure Project (NSIP) for the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) array electricity generating facility, Battery Energy Storage System (BESS) and associated infrastructure which would allow for the generation and export of electricity.
- 1.1.3. The SoCG is a 'live' document that has been prepared by the Applicant and the Canal & River Trust (CRT).
- 1.1.4. The SoCG has been prepared in accordance with the Guidance for examination of DCO applications which was published in 2024 by the Department for Levelling Up, Housing and Communities¹.
- 1.1.5. This Guidance comments that:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority'.
- 1.1.6. The aim of this SoCG is to therefore provide a clear position of the progress and agreement made or not yet made between the Applicant and the CRT on matters relating to the Scheme. Where matters are yet to be agreed, the parties will continue to proactively work to reach agreement.
- 1.1.7. The SoCG will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and the CRT.

¹ Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (April 2024)

1.2. Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared by (1) the Applicant and (2) the CRT.
- 1.2.2. The CRT is the landowner and navigation authority for the Stainforth & Keadby Canal ('the Canal'). The Order Limits of the Scheme extend up to and include part of the Canal in a location to the east of Medgehall Swing Bridge, where cables are proposed to cross the Canal (as part of Work Number 2) via Horizontal Directional Drilling (HDD).
- 1.2.3. Collectively, the Applicant and CRT are referred to as 'the parties'.

1.3. Terminology

- 1.3.1. Section 3 of this document sets out the relevant matters raised though discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:
- "Agreed" indicates where the issue has been resolved between the parties and is not anticipated to be subject to further discussions;
 - "Under discussion" indicates where a matter remains in active dialogue between the parties and a final position has not been reached;
 - "Not Agreed" indicates where the parties have established a final position that they cannot resolve the matter and will remain a point of difference.

2 Record of Engagement

2.1. Summary of consultation and engagement

- 2.1.1. The parties have been engaged in consultation and engagement throughout the development of the Scheme. Table 2-1 shows a summary of the meetings and correspondence that has taken place between the Applicant and CRT in relation to the Scheme. This is limited to engagement which is materially relevant to the contents of this SoCG and does not seek to include every correspondence between the parties (e.g. that which was primarily administrative).

Table 2-1: Record of Engagement

Table 2-1 – Record of Engagement since February 2025		
Date	Method	Purpose / Description
25 February 2025	Email	Proposed Heads of Terms and plans for a cable easement crossing over CRT land
27 May – 11 June 2025	Email	Correspondence with the CRT on the Heads of Terms
11 June 2025	Call	Call held with the CRT to discuss the Heads of Terms
17 June – 24 July 2025	Email	Correspondence with the CRT on the Heads of Terms
15 July – 18 July 2025	Call and email	Discussion with CRT regarding the trust settlement and consent of the Department for Food and Rural Affairs (Defra) in relation to the acquisition of CRT rights
28 July – 21 October 2025	Email	Correspondence with the CRT on the Heads of Terms
3 November 2025 – 27 February 2026	Email	CRT confirm the appointment of agent to assist negotiation of Heads of Terms
25 March 2026	Email	Applicant provided CRT with amended form of CRT's preferred protective provisions.

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<u>18 May 2026</u>	<u>Email</u>	<u>CRT provided the Applicant with comments on amended form of CRT's preferred protective provisions</u>
<u>17 June 2026</u>	<u>Email</u>	<u>Applicant provided the CRT with a further mark up of CRT's preferred protective provisions</u>

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3 Current Position

- 3.1.1. The table below provides a summary of the current position of the Applicant and CRT in relation to specific matters that have been under discussion to date.
- 3.1.2. Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has not been the subject of detailed discussion; or (ii) not relevant to the discussion between the parties.
- 3.1.3. As noted above, this is a 'live' document and there are some aspects that are still under discussion between the parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and where agreement had been reached between the parties.

Table 3-1: Matters agreed, under discussion and not agreed between the parties

Ref	Topic	CRT Position	Applicant Position	Status
1	Protective provisions	The CRT notes that whilst there are protective provisions for the CRT within the draft DCO, they are not the standard wording the CRT requested. The CRT needs to understand whether the proposed protective provisions will protect its infrastructure appropriately. The CRT will work with the Applicant on this matter and hopes to be in a position to update the examining authority soon in the examination.	The Applicant considers that the protective provisions proposed within the draft DCO [Document Reference 3.1 Revision 6]34 provide the CRT with adequate protection. However, given the CRT's preference for their standard wording, the Applicant has used CRT's preferred protective provisions as a base and provided the CRT with an amended version of these on 25 March 2026. The Applicant <u>has received comments on the amended protective provisions from the CRT, and</u>	Under discussion

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Ref	Topic	CRT Position	Applicant Position	Status
			<u>provided a further marked-up version of the amended protective provisions on 17 June 2026. The Applicant considers that the parties' respective positions are now much more closely aligned and looks forward to receiving CRT's further comments.</u> looks forward to receiving comments on these. The <u>The</u> Applicant will continue to engage with the CRT to seek to <u>agreement on the outstanding points of difference. The Applicant is confident that an agreement can be reached on the protective provisions for the benefit of the CRT prior to the close of Examination.</u> to the protective provisions for the benefit of the CRT prior to the close of Examination and is confident that agreement can be reached.	
2	Disapplication of legislation sought through the draft DCO	The CRT are concerned that the dDCO seeks to disapply legislation listed in Schedule 3 (legislation to be disapplied) that may be necessary for the CRT to carry out Statutory Responsibilities under section 105 of the Transport Act 1968 – notably Acts relating to	The Applicant has made the requested amendment to the draft DCO [Document Reference 3.1 Revision 6] 3 to ensure that the disapplication of legislation listed in Schedule 3 (legislation to be disapplied) only relates to the provisions still in force that are incompatible with the powers contained within the draft DCO and do not impact on the operation or	Under discussion

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Ref	Topic	CRT Position	Applicant Position	Status
		the Stainforth & Keadby and the Sheffield & South Yorkshire Navigations. The CRT considers that text could be added to article 9(1)(h) to ensure that the legislation listed in Schedule 3 (legislation to be disapplied) only applies to the provisions still in force that are incompatible with the powers contained within the DCO and do not impact on the operation or maintenance of the Stainforth & Keadby Canal as a navigable canal.	maintenance of the Stainforth & Keadby Canal as a navigable canal. The Applicant kindly requests confirmation from the CRT as to whether this matter is now agreed.	
3	Outline Construction Environmental Management Plan (CEMP)	The Outline CEMP [APP-176] includes mitigation measures that should be implemented to ensure that the Canal is adequately protected from construction activities. Notably, these include potential impacts from HDD drilling fluids and oils, dust, machinery operation, contaminated soils mobilization, and piling works. The CRT requests that full CEMP details be reserved with any future consent to ensure that appropriate mitigation is utilised alongside the Scheme.	The Applicant agrees with the CRT that the final mitigation measures should be confirmed in the final CEMP, which in accordance with requirement 14 of the draft DCO [Document Reference 3.1 Revision 63] must be prepared substantially in accordance with the Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 24] and submitted to the relevant planning authority for approval prior to construction of the Scheme commencing.	Agreed

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Ref	Topic	CRT Position	Applicant Position	Status
4.	Horizontal Directional Drilling (HDD) beneath the Canal – CRT review	The CRT would wish to review any HDD proposals below the Canal, so as to ensure that the structure of the Canal is appropriately protected.	The Applicant considers that the protective provisions included in Schedule 13 Part 4 of the Draft DCO [Document Reference 3.1 Revision 3] provide for the CRT's review of relevant proposals below and within proximity to the Canal. Specifically, clause 28 requires the undertaker to submit plans of any work that is in, across, under, or within 15 metres of, or may in any way affect, the Canal, to the CRT prior to beginning to construct the work in question. The Applicant, as set out above, has provided updated protective provisions to the CRT, in their preferred format for further discussion. These retain the ability for the CRT to review any HDD proposals ahead of use. The Applicant will continue to engage with the CRT to seek to agree to the protective provisions for the benefit of the CRT prior to the close of Examination and is confident that agreement can be reached.	Under discussion

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Ref	Topic	CRT Position	Applicant Position	Status
5.	HDD beneath the Canal – depth	The DCO Application includes crossing drawings showing HDD at 7m depth below the Canal, which the CRT considers an appropriate depth. This would be subject to confirmation on where the 7m depth would be measured from, which the CRT believes should be provided in the Outline CEMP. The CRT would wish for this detail to be appropriately secured, and would wish to be reconsulted should the parameters change.	The commitment for HDD to be at least 7m below the Canal is secured in the Appendix A: Parameters Document [Document Reference 5.6.1 Revision 36]. As confirmed in the relevant parameter, the 7m would be measured from the bed of the Canal. The Applicant kindly requests confirmation from the CRT as to whether this matter is now agreed.	Under discussion
6.	HDD beneath the Canal – sheet piles	If sheet piles are in place on the Canal at the point of the cable crossing, the HDD method plan would need to include an assessment of their depth to ensure that the HDD will not collide with the piles. Noise and vibration monitoring would also be required to help ensure the integrity of the Canal structure. Protection for the Canal should be secured in respect of construction, any maintenance works and decommissioning works.	The protective provisions included in Schedule 13 Part 4 of the Draft DCO [Document Reference 3.1 Revision 6]AS-004 provide protections for the Canal generally, including where sheet piles are in place. Clause 28 requires the undertaker to submit plans of any work that is in, across, under, or within 15 metres of, or may in any way affect, the Canal, to the CRT prior to beginning to construct the work in question. This would include in locations where sheet piles are in place and will enable the CRT to comment on the suitability of the depth proposed. As a minimum, any HDD would be at least 7m below the bed of the Canal, in compliance with the	Under discussion

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			Appendix A: Parameters Document [Document Reference 5.6.1 Revision 35]. Clause 31 requires that such works be constructed in a manner that causes as little damage to the Canal as may be reasonably practicable and also enables the CRT, where reasonable, to inspect the construction of such works. This requirement covers the Canal generally, including in locations where sheet piles are in place. Clauses 33, 34 and 36 set out the requirement for surveys to be carried out prior to the commencement of and at completion of relevant works, and provide for the remediation of any detriment caused by such works to the reasonable satisfaction of the CRT. As with Clause 31, this requirement covers the Canal generally, including in locations where sheet piles are in place. The Applicant, as set out above, has provided updated protective provisions to the CRT, in their preferred format for further discussion. These retain the protections for the CRT as detailed above.	

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Ref	Topic	CRT Position	Applicant Position	Status
			The Applicant will continue to engage with the CRT to seek to agree to the protective provisions for the benefit of the CRT prior to the close of Examination and is confident that agreement can be reached.	
7.	Landscape and visual character – adequacy of mitigation for the Canal	The site is located on both sides of the Canal, and has the potential to impact the visual setting of the waterway, which could impact users of the Canal. The CRT considers the proposed mitigation measure, comprising of new hedgerow planting, to be appropriate.	The Applicant thanks the CRT for confirming it considers the proposed mitigation to be appropriate.	Agreed
8.	Landscape and visual character – securing of mitigation for the Canal	The CRT requests that the measures highlighted in Figure 6.4 of the ES (Landscape and Visual Mitigation Strategy) [APP-148] are secured and implemented. Additionally, were the Landscape and Visual Mitigation Strategy to be capable of variation post-consent, the CRT would seek to be consulted on any variations affecting the impacts on the Canal.	Requirements 6 and 8 of the draft DCO [Document Reference 3.1 Revision 3]6] secure the Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 24] . Specifically, requirement 6 controls the detailed design of the Scheme and requires that various design details be submitted for the approval of the relevant planning authority prior to each phase of development commencing. Such details must accord with the Landscape and Visual Mitigation Strategy, amongst other control	Under discussion

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			documents. Requirement 8 sets out the requirement for a written landscape and ecology management plan to be submitted for the approval of the relevant planning authority prior to the commencement of each phase of development. Under requirement 8, the landscape and ecological management plan must be in substantial accordance with the Landscape and Visual Mitigation Strategy, amongst other control documents. The Landscape and Visual Mitigation Strategy is Figure 6.4 of the Environmental Statement, and therefore must be certified under article 43 of the draft DCO [Document Reference 3.1 Revision 3]6 and would be capable of variation post-consent. However, as confirmed by requirement 5, this would only be with the approval of the relevant planning authority and provided it had been demonstrated to their satisfaction that the subject matter of the approval would not give rise to any materially new or materially different environmental effects from those assessed in the ES. In the event a submission was made under requirement 5 in relation to the Landscape and Visual Mitigation Strategy, the Applicant anticipates that the relevant planning	

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			authority would consult the CRT in confirming its satisfaction that any changes proposed would not give rise to materially new or different effects. The Applicant requests confirmation from the CRT as to whether this matter is now agreed.	
9.	Ecology securing habitat proposals – new	The proposals seek to incorporate new hedgerows and new habitats as part of the Scheme, especially near the Canal, which would reduce the impact of the Scheme on the Canal corridor. The CRT requests that the proposed landscaping arrangements are secured and would seek to be consulted on any post-consent variations to the secured landscaping arrangements with potential to affect impacts on the Canal.	Please refer to the Applicant's position on matter 8. The Applicant requests confirmation from the CRT as to whether this matter is now agreed.	Under discussion
10.	Ecology impact of HDD –	There is a need to ensure that HDD below the Canal does not result in vibrations that could adversely impact waterborne species or habitat. Paragraph 4.9.2. of the Outline CEMP [APP-176] highlights that a Method Statement for HDD will be provided prior to the commencement of works. Vibration control	The Applicant agrees that appropriate controls are required to avoid adverse effects on waterborne species and habitats as a result of HDD below the Canal. A detailed HDD Method Statement will be prepared prior to commencement of works in accordance with the Outline Construction Environmental Management Plan [Document	Under discussion

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		and monitoring measures, to limit the impacts to the Canal, should form part of this Method Statement, so as to limit any impact to species in the waterway. This could also form part of a construction stage vibration assessment, discussed on page 66 of the Outline CEMP [APP-176] . The CRT request that this mitigation is secured and implemented.	Reference 7.1 Revision 24 . This will include measures for vibration control and, where appropriate, monitoring, informed by a construction-stage vibration assessment. The Method Statement will form part of the final CEMP, which is secured by requirement 14 of the draft DCO [Document Reference 3.1 Revision 63] . The Applicant requests confirmation from the CRT as to whether this matter is now agreed.	
11.	Compulsory Acquisition	The CRT is seeking to agree heads of terms for rights over CRT land with the Applicant. The CRT is willing to grant the necessary rights through an agreement and as such considers that there is no need for compulsory acquisition powers to be granted over CRT land.	The Applicant confirms that negotiations to secure a voluntary agreement for the necessary rights in CRT land are ongoing. The Applicant will continue to engage with the CRT and is confident that agreement can be reached.	Under discussion

4 Signatures

This Statement of Common Ground is agreed upon:

On behalf of CRT:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

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