



Great North Road Solar and Biodiversity Park

Statement of Common Ground with Trent Valley Internal Drainage Board

Document Reference – EN010162/APP/8.2727A

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Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009, APFP Regulation 5(2)(q)



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Revision History

Revision	Revision Date	Authorised By	Position	Comment
Issue 1	12/02/26	ES	Head of Planning	Issue 1 for IDB Review
<u>Issue 2</u>	<u>25/3/26</u>	<u>ES</u>	<u>Head of Planning</u>	<u>D4 Submission</u>

1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) for a Development Consent Order (DCO) from the Secretary of State (SoS) for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (PA 2008) for the proposed Great North Road Solar and Biodiversity Park Development (the Development). The Application has been submitted by Elements Green Trent Limited (the Applicant).
- 1.1.2 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.
- 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 will be revised and updated as discussions between the Parties progress during the Examination.

1.2 PARTIES TO THIS STATEMENT OF COMMON GROUND

- 1.2.1 This SoCG has been prepared by (1) Elements Green Trent Limited as the Applicant and (2) Trent Valley Internal Drainage Board (TVIDB) (collectively, 'the Parties').

1.3 TERMINOLOGY

- 1.3.1 In the table in the Issues section of this SoCG:
- "Agreed" (Green) indicates where the issue has been resolved;
 - "Under discussion" (Amber) indicates where a matter is the subject of ongoing discussion; and
 - "Not Agreed" (Red) indicates a final position.
- 1.3.2 Where **Trent Valley Internal Drainage Board** expresses agreement, it does so only in so far as it has considered the issue with regards to its statutory remit and on the basis of the information provided by the Applicant. Agreement is offered without prejudice to the submissions of other interested Parties who may have greater knowledge of technical or site-specific issues.

1.4 RECORD OF RELEVANT CORRESPONDENCE

- 1.4.1 The Applicant has undertaken consultation and engagement with Trent Valley Internal Drainage Board throughout the development of the Application. The Applicant consulted Trent Valley Internal Drainage Board in accordance with Section 42 of the PA 2008, about the Development and environmental impact assessment as part of the formal pre-application consultation and publicity procedures. This process afforded Trent Valley Internal Drainage Board the opportunity to provide responses to the information provided at various stages of the pre-application process.
- 1.4.2 Table 1-1 identifies the discussions and correspondence that has taken place between the Parties to date.

Table 1-1 Record of Correspondence

Date	Type (meeting, etc.)	Topic
04/07/2025	Email	Applicant contacts the TVIDB requesting the establishment of protective provisions.
10/07/2025	Email	The TVIDB confirms receipt of the request and confirms this has been forward to their solicitors.
11/11/2025	Email	The applicant contacts the TVIDB to state that TVIDB has not submitted representations during the relevant representations period and enquires about further engagement through an SoCG.
19/11/2025	Email	TVIDB wishes to make a comment on the proposal and requests the establishment of a SoCG. It is noted that there is a dialogue with the Board's Solicitor with regard to the development of Protective Provisions.
9/12/26	Email	TVIDB indicated that they had not yet formed a view as to whether written representations would be submitted.
21/1/26	Email	TVIDB shared their Deadline 2 submissions with the Applicant
22/1/26	Email	The applicant set out information to clarify the interaction between the Proposed Development and IDB interests. The Applicant confirmed that drainage consents would be sought before construction. As well as this, the scheme maintains a minimum 10 m distance either side of the watercourse midline, resulting in a 20 m corridor

12/2/26	Email	The Applicant shared the Initial Draft SoCG for review.
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- 1.4.3 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG.

2 CURRENT POSITION OF THE APPLICANT AND TRENT VALLEY INTERNAL DRAINAGE BOARD

2.1 PROTECTIVE PROVISIONS

Table 2-1 Protective Provisions

Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
<u>2.1.1</u> 2.1.4	Draft DCO	Disapplication of drainage legislation – Article 8	<u>TBC</u>	<p><u>Deadline 3 Position:</u> Section 120 of the Planning Act 2008 Act states:</p> <p><i>“An order granting development consent may— (a) apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order;”</i></p> <p>Section 150(1) of the 2008 Act further states:</p> <p><i>“(1) An order granting development consent may include provision the effect of which is to remove a requirement for a prescribed consent or authorisation to be</i></p>	<u>Under Discussion</u>

Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
				<p><i>granted, only if the relevant body has consented to the inclusion of the provision."</i></p> <p>"Prescribed consent" includes various consents relating to drainage matters required under the Land Drainage Act 1991 and the Water Resources Act 1991¹</p> <p>In accordance with the above and with numerous made DCOs, the draftDraft DCO [EN010162/APP/3.1E] [REP3-004] is seeking to disapply section 23 of the Land Drainage Act 1991, which prohibits, in summary, the obstruction and other works in watercourses without the consent of the lead local flood authority or relevant internal drainage board.</p>	

¹ Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015, regulation 5 and Schedule 2

Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
				<p>The disapplication is sought on the basis that drainage matters are intended to be addressed through the protective provisions benefitting drainage authorities (which includes the IDB) in Part 6 of Schedule 13 to the draft DCO (the relevant provisions of which are set out in this SoCG below).</p> <p>With the protective provisions in place (once agreed), there need not be any additional statutory controls in operation relating to the matters protected by the protective provisions and which would otherwise cause unnecessary uncertainty and duplication, and may unjustifiably delay the implementation of the authorised development.</p> <p>The Applicant therefore seeks confirmation from Trent Valley</p>	



Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
				IDB that it consents to the disapplication of section 23 of the Land Drainage Act 1991, in accordance with section 150(1) of the Planning Act 2008	
2.4.12.1.2	Draft DCO	Protective Provisions	TBC	<p><u>Current Position:</u> <u>The Applicant's solicitor has had productive discussions with IBD legal representative and is close to settling the form of protective provisions.</u></p> <p><u>The Applicant's solicitor has continued to chase in respect of progress and spoke to TVIDB's solicitor on 10 March 2026 – they were informed that a review of the Protective Provisions was yet to commence. As such, a meeting has been arranged for 17 March 2026 in which the Applicant is hopeful that progress shall be made.]</u></p>	Under Discussion

Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
				<p><u>Deadline 3 Position:</u></p> <p>The Applicant has sought to engage with TVIDB regarding its protective provisions as included on the face of the draft DCO <u>Draft Development Consent Order [EN010162/APP/3.1D][REP3-004]</u>.</p> <p>The Applicant responded to TVIDB's concerns regarding its Byelaws and interface with watercourses on 22 January 2026.</p> <p>A phone call took place between the Applicant and TVIDB's solicitors on 30 January 2026 to discuss progress of the protective provisions.</p> <p>The Applicant's solicitor issued an undertaking for TVIDB legal fees in reviewing the protective provisions on 11 February</p>	

Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
				2026. The Applicant awaits any comments on the same.	
2.1.22.1.3	Written Representation	Byelaw Number 3	<p><u>Deadline 3 Position:</u></p> <p>Byelaw number 3 states that: <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 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</i></p>	<p><u>Current Position:</u></p> <p><u>The Applicant's solicitor has continued to chase in respect of progress and spoke to TVIDB's solicitor on 10 March 2026 – they were informed that a review of the Protective Provisions was yet to commence. As such, a meeting has been arranged for 17 March 2026 in which the Applicant is hopeful that progress shall be made.</u></p> <p><u>Deadline 3 Position:</u></p> <p>No such activity will be legally carried out under the DCO<u>Draft Development Consent Order [EN010162/APP/3.1D] [REP3-004]</u> until Requirement 10 has been complied with.</p>	Under Discussion

Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
			<p><i>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. 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>		
2.1.32.1.4	Written Representation	Byelaw Number 10	<p><u>Deadline 3 Position:</u></p> <p>Byelaw Number 10 states that: <i>"No person without the previous consent of the Board shall erect any building or structure,</i></p>	<p><u>Deadline 3 Position:</u></p> <p>Paragraphs 51 and 52 of Part 6 to Schedule 13 <u>of the Draft Development Consent Order [EN010162/APP/3.1D] [REP3-004]</u> provides that before beginning the construction of</p>	Under discussion

Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
			<p><i>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."</i></p> <p>This Byelaw will relate primarily to any above ground installations including buildings (substations), compounds, fencing or planting and their proximity to any Board maintained watercourses.</p>	<p>any 'specified works' (defined to mean any work or operations that is within 16m of a drainage work/ watercourse or is otherwise likely to affect a drainage work or the water flowing in it, affect the purity of the water or affect the conservation, distribution or use of water resources), the authorised undertaker will submit plans of the works and further particulars as appropriate to the drainage board for approval, and cannot commence that work until the drainage board has given its approval which may be subject to reasonable requirements.</p>	

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2.1.42.1.5	Written Representation	Byelaw Number 17	<p><u>Deadline 3 Position:</u> Byelaw number 17 states that: <i>"No person shall without the previous consent of the Board -</i> 1. <i>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;</i> 2. <i>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,</i></p>	<p><u>Deadline 3 Position:</u> As above, paragraphs 51 and 52 of Part 6 to Schedule 13 of the DCO<u>Draft Development Consent Order [EN010162/APP/3.1D] [REP3-004]</u> will apply. Note that paragraph 52 to 54 go on to require that any specified work is carried out in accordance with the agreed plans and particulars, and the drainage may require protective works to be undertaken at the expense of the authorised undertaker and under a watching brief of the drainage board. Further provisions apply to the proper execution and maintenance of the protective works, notification requirements and provisions to remediation in the event of a work not being maintained to the reasonable satisfaction of the drainage authority.</p>	Under discussion

Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
			<p><i>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;</i></p> <p>3- <i>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;</i></p> <p>4- <i>erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier,</i></p>		

Ref	Relevant Document	Description of Matter	Trent Valley Internal Drainage Board's Position	Applicant's Position	Status
			<p><i>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;</i></p> <p><i>5. 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> <p><i>Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a</i></p>		

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			<p><i>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."</i></p> <p>The Board will require all watercourses to be crossed by means of an appropriate trenchless method at a depth no less than 2 metres PLUS the safe working distance below the hard bed level of all watercourses (to ODN if EA or IDB maintained).</p> <p>The purpose of this requirement is to allow the IDB to maintain and have the flexibility to improve watercourses in</p>		

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			<p>the future due to climate change (works will include deepening & widening of watercourses).</p> <p>Any culverting or other works within the bed of any Board maintained watercourse be they temporary or permanent will require consent. It will usually be assumed that these structures will be temporary measures to accommodate haul roads etc.</p>		

3 SIGNATURES

3.1.1 The above SoCG is agreed between the Applicant and Trent Valley Internal Drainage Board, as specified below.

Duly authorised for and on behalf of Elements Green Trent Limited	Name
	Job Title
	Date
	Signature

Duly authorised for and on behalf of Trent Valley Internal Drainage Board	Name
	Job Title
	Date
	Signature
