

# Gate Burton Energy Park Environmental Statement

Statement of Common Ground between the Applicant and Upper Witham Internal Drainage Board  
Document Reference: EN010131/APP/4.3G  
January 2023

APFP Regulation 5(2)(q)  
Planning Act 2008  
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Gate Burton Energy Park Limited

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# 1. Introduction

## 1.1 Introduction

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of an application made to the Secretary of State for the Department for Business, Energy & Industrial Strategy for a Development Consent Order (the Application) under section 37 of the Planning Act 2008 (PA 2008) for the proposed Gate Burton Energy Park (hereafter referred to as the Scheme). The Application is submitted by Gate Burton Energy Park Ltd (the Applicant) which is a subsidiary of Low Carbon Ltd ('Low Carbon'). Low Carbon is a privately-owned UK investment and asset management company specialising in renewable energy. **The Funding Statement [EN010131/APP/6.7]** provides further information on the Applicant and Low Carbon.
- 1.1.2 This SoCG has been prepared by (1) Gate Burton Energy Park Ltd as the Applicant and (2) Upper Witham Internal Drainage Board (the parties).
- 1.1.3 Upper Witham Internal Drainage Board (IDB) is a type of local public authority that manages water levels in an area (in England), known as an internal drainage district, where there is special need for drainage. IDBs are defined as a Risk Management Authority within the Flood and Water Management Act (2010) and work alongside the Environment Agency, Local Authorities and Water Companies. Their activities and responsibilities are principally governed by the Land Drainage Act 1991 as amended by subsequent legislation. The Upper Witham IDB is a prescribed consultee in respect of this DCO application under Regulation 3 (and associated table in Schedule 1) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations (2009)<sup>1</sup>.
- 1.1.4 Upper Witham Internal Drainage Board's role covers various topics including:
- Undertaking work to reduce flood risk to people, property and infrastructure;
  - Manage water levels for agricultural and environmental needs;
  - Permissive powers to manage water levels within their drainage district;
  - Maintain rivers, drainage channels, culverts, sluices, weirs, embankments and pumping stations;
  - Set bylaws relating to management of watercourses; and
  - Designate key features and structures within their district which relate to managing flood risk.
- 1.1.5 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to the Upper Witham IDB representations and therefore have not been considered in this document.

<sup>1</sup> [The Infrastructure Planning \(Applications: Prescribed Forms and Procedure\) Regulations 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

1.1.6 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties, where agreement has not been reached (and that is the parties' final position) and where discussions are still ongoing.

**1.1.7 This version of the SoCG has been prepared for submission with the Application to document discussions between the parties to date. Therefore this version does not yet incorporate comments from the Upper Witham Internal Drainage Board. A draft version was issued to the Upper Witham Internal Drainage Board on 24 January 2023. This document will continue to be revised and updated as discussions progress during the Pre-Examination and Examination periods as required.**

## 1.2 The Scheme

1.2.1. Gate Burton Energy Park is a proposed solar photovoltaic electricity generating facility. The Application is for development consent to construct, operate, maintain and decommission ground mounted solar photovoltaic (PV) panel arrays, on-site battery storage and associated infrastructure. Associated infrastructure includes, but is not limited to, access provision and an underground 400kV electrical connection of approximately 7.5km to the National Grid Substation at Cottam Power Station. A detailed description of the Scheme is included in **Chapter 2: The Scheme** of the Environmental Statement [EN010131/APP/3.1].

## 1.3 Format of Document and Terminology

1.3.1 Section 2 summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'. 'Not Agreed' indicates a final position where the parties have agreed to disagree, 'Agreed' indicates where the issue has been resolved.

1.3.2 A full record of engagement between the parties is provided in Appendix A.

## 2. Areas of Discussion between the Parties

| Ref.                     | Document Topic                   | Upper Witham Internal Drainage Board Position | Applicant Position   | Status   |                 |
|--------------------------|----------------------------------|---|--|--|-----------------|
| <b>Water Environment</b> |                                  |   |  |  |                 |
| 1.1                      | Upper Witham IDB Scoping Opinion | Structures                                    | <p>Upper Witham’s maintained 0400 – Padmoor Drain runs on the Eastern boundary of the site and 0404 – Causeway Drain the Northern Boundary.</p> <p>Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. Areas which fall within the ‘Extended Area’, are under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991. Therefore, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.</p> | <p>Buffers of 10m have been applied in the Scheme design around all watercourses and ponds across the Solar and Energy Storage Park, within which there would be no development, except where watercourse crossings for access tracks are required. It is proposed that this 10m buffer is applied from the centre of each watercourse as shown on Ordnance Survey mapping, to avoid uncertainty over how to define the watercourse margin which may vary with flow.</p> <p>With regard to structures, since the PEI Report, the ‘worst case’ for assessment of watercourse crossings has been updated. As a worst case in the ES it is now assumed that all watercourses that are crossed for access tracks within the Solar and Energy Storage Park will be culverted. There are expected to be 17 watercourse crossings, 10 of which are new crossings (of up to 6m length)</p> | To be discussed |

| Ref. | Document Topic | Upper Witham Internal Drainage Board Position | Applicant Position | Status |
|------|----------------|---|--------------------|--------|
|------|----------------|---|--------------------|--------|

and seven are existing culverted crossings. It should be noted that the crossing locations will be fixed at detailed design and so the number required may change. Open span crossings may be used in some instances and the number of crossings required will be reduced where possible. Nonetheless, the assessment in the ES presents the worst case of 10 new culverted crossings. Where works are required to the seven existing culverts, this is assumed to be a maximum extension of up to 2m in each case.

During construction works, it is assumed that flow would be maintained by over pumping, and works would be undertaken in dry conditions where possible. The culvert design in all cases will aim to minimise changes in alignment and length as much as is feasible and will be oversized to allow a naturalised substrate to form. Length for length watercourse enhancements have been committed to within the DCO for all culverts, and this will be described in a WFD Mitigation and Enhancement Strategy that is a requirement of the DCO.

| Ref. | Document Topic                   | Upper Witham Internal Drainage Board Position   | Applicant Position  | Status |
|------|----------------------------------|---|---|--------|
|      |                                  |   | <p>All affected watercourses on the Solar and Energy Storage Park are either IDB watercourses (this applies to Causeway Drain) or otherwise are ordinary watercourses for which the LLFA have jurisdiction. It is noted that the Upper Witham IDB acts as the agent for the LLFA.</p> <p>The Applicant has sought consent to disapply certain provisions of the Land Drainage Act 1991 (as amended) and has included protective provisions for the benefit of Drainage Authorities within the draft DCO.</p>  |        |
| 1.2  | Upper Witham IDB Scoping Opinion | Watercourse buffer<br>Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance, currently 6m, soon to be revised to 9m of the top of the bank of Board maintained watercourses. | <p>As outlined above, a watercourse buffer of 10m will be applied across the Scheme with the exception of where crossings are required. This it to be measured from the centre line of each watercourse as marked on Ordnance Survey mapping.</p> <p>There is a requirement for new structures to enable the access track to cross watercourses. Indicative access track layouts would require ten new structures and extension of seven structures, all of which would be within the byelaw distance.</p> <p>The Applicant has sought consent to disapply certain provisions of the Land Drainage Act 1991 (as</p> |        |



| Ref. | Document Topic                   | Upper Witham Internal Drainage Board Position | Applicant Position   | Status  |        |
|------|----------------------------------|---|--|---|--------|
| 1.3  | Upper Witham IDB Scoping Opinion | Watercourse buffer                            | <p>A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on the overall site, to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. Access should be agreed with the Local Planning Authority, LCC and the third party that will be responsible for the maintenance in consultation with the Internal Drainage Board where watercourses are subject to Byelaws. All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority. Consent Applications forms and guidance materials are available to download from the Board’s website.</p> | <p>amended) including the provisions of any byelaws made under section 66 of that Act, and has included protective provisions for the benefit of Drainage Authorities within the draft DCO.</p> | Agreed |
|      |                                  |   | <p>Agreed, a buffer of 10m has been provided around all watercourses and ponds within the Scheme design. Works will only be required closer to watercourses where crossings are needed (i.e. access tracks), subject to IDB consent.</p> <p>The <b>Outline Surface Water Drainage Strategy provided in Appendix 9-C [EN010131/APP/3.3]</b> looks to mimic the existing surface water flow regime as far as practical and reduce flood risk where appropriate. This will be developed into a detailed drainage strategy as a DCO requirement and will outline maintenance requirements in detail. A <b>Flood Risk Assessment</b> has also been provided in <b>Appendix 9-D [EN010131/APP/3.3]</b> which indicates no increase in flood risk as a result of the Scheme.</p>  |   |        |

# Appendix A: Record of Engagement

| <b>Date</b>     | <b>Correspondence</b>            | <b>Topics discussed and outcomes</b>   |
|-----------------|----------------------------------|--|
| 14 Dec 2021     | EIA Scoping request and response | The Upper Witham IDB provided an opinion in response to the EIA Scoping request, which was returned to the applicant via PINS on 20 December 2021. The comments raised have all been addressed in Section 2 – Areas of Discussion between the Parties. |
| 16 June 2022    | Letter/ e-mail                   | Correspondence from Applicant to EA issued on the statutory consultation process, including consultation booklet and feedback form.  |
| 28 July 2022    | E-mail                           | E-mail confirming that at this stage the IDB has no further comments.  |
| 24 January 2023 | E-mail                           | A draft version of this SoCG was issued to Upper Witham IDB for comment. A response has not yet been received.   |