

**Tillbridge Solar Project
EN010142**

**Volume 9
Statement of Common Ground with Upper
Witham Internal Drainage Board**

Final

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The Infrastructure Planning (Examination Procedure) Rules 2010

**October 2024
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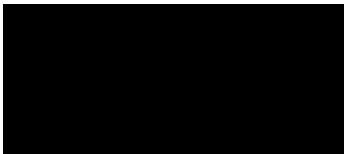
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Statement of Common Ground

This Statement of Common Ground has been prepared and agreed by Tillbridge Solar Project and Upper Witham Internal Drainage Board.

Luke Murray, Director on behalf of Tillbridge Solar Limited

Date:.....17/10/2024.....

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

Mark Ketley, Project Engineer, on behalf of Upper Witham Internal Drainage Board

Date:.....17/10/2024.....

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) Upper Witham Internal Drainage Board (UWIDB) (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 UWIDB 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 byelaws set by the UWIDB under that Act. The UWIDB 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 UWIDB'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.
21 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; 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 Upper Witham Internal Drainage Board

Ref.	Relevant Application Document	Description of Matter	Status
Additional Consultation September 2023			
1.1	Chapter 10: Water Environment [APP-041] Framework CEMP [EN010142/APP/7.8(Rev01)]	<p><u>UWIDB’s Comment:</u> 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> The Framework Construction Environmental Management Plan (CEMP) [EN010142/APP/7.8(Rev01)] proposes a 10m buffer from the top of the bank of all watercourses. 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 [APP-041] and within Framework CEMP [EN010142/APP/7.8(Rev01)].</p>	Agreed – UWIDB comment has been resolved.
Additional Consultation August 2024			
2.1	draft DCO [EN010142/APP/3.1(Rev03)]	<u>UWIDB’s Comment:</u>	Agreed – UWIDB comment has been resolved.

Ref.	Relevant Application Document	Description of Matter	Status
		<p>Request that details of crossings on Upper Witham IDB watercourses are shared ahead of any works.</p> <p><u>Applicant's Response:</u> The Applicant has agreed to share details of the proposed works once the design and programme are finalised. These 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 UWIDB for approval before commencing construction. This will be provided in accordance with the protective provisions set out within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)].</p>	
Other Items			
3.1	<p>draft DCO [EN010142/APP/3.1(Rev03)]</p>	<p>The disapplication by Article 6 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 UWIDB. These protective provisions set out within Schedule 15, Part 3 of the draft DCO [EN010142/APP/3.1(Rev03)] are agreed.</p>	<p>Agreed – UWIDB comment has been resolved.</p>

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]