

**Tillbridge Solar Project  
EN010142**

**Volume 9  
Statement of Common Ground with the Canal  
and River Trust**

**Draft**

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**The Infrastructure Planning (Examination Procedure) Rules 2010**

## Table of Contents

1. Introduction .....	1
1.1 Purpose of this Document.....	1
1.2 Parties to this Statement of Common Ground .....	1
1.3 The Scheme .....	2
1.4 Terminology .....	2
2. Record of Engagement.....	3
3. Areas of Discussion between the Parties.....	4
4. References .....	11
1. Introduction .....	1
1.1 Purpose of this Document.....	1
1.2 Parties to this Statement of Common Ground .....	1
1.3 The Scheme .....	2
1.4 Terminology .....	2
2. Record of Engagement.....	3
3. Areas of Discussion between the Parties.....	4
4. References .....	13

## Tables

Table 1 Areas of Discussion with the Canal and River Trust .....	4
Table 1 Areas of Discussion with the Canal and River Trust .....	4

# 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 3 to reflect ongoing engagement with Canal and River Trust. 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(Rev05)]** and **Schedule 13 of the draft DCO [EN010142/APP/3.1(Rev04)]**.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared between (1) the Applicant and (2) Canal and River Trust (‘the Trust’) (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 The Trust is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (Ref. 2) and so has been consulted through the preparation of the Application and following its acceptance.
- 1.2.4 The Trust is a statutory party for the purposes of Section 88(3) of the PA 2008 (Ref. 1), as the Scheme is likely to have an impact on the River Trent,

or land adjacent to the river, which is an inland waterway in England. The Trust is a statutory undertaker for the purposes of Section 127 of the PA 2008 (Ref. 1). The Trust is a navigation authority for the River Trent and has a duty to maintain the river between Meadow Lane Lock, Nottingham and Gainsborough Bridge as a commercial waterway under section 105 of the Transport Act 1968 (Ref. 3) and is lessee of the foreshore and riverbed under a lease from The Crown Estate dated 16 February 2011 and registered at the Land Registry under title number NT473004. The Trust is freehold owner of land to the west and east of the River Trent registered at the Land Registry under title number NT239763 which are used operationally as dredging tips.

- 1.2.5 The Trust also has environmental and recreational duties under Section 22 of the British Waterways Act 1995 (Ref. 4) when considering proposals relating to its functions. These include consideration of effects on flora and fauna and preserving access to tow paths for the public. The Trust's charitable objectives include, for the public benefit, the preservation, protection, operation and management of inland waterways for navigation and conservation, protection and improvement of the natural environment and landscape of inland waterways.

## **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 Engagement with the Trust was undertaken through Environmental Impact Assessment Scoping and statutory consultation stages. The Applicant has sought to address these comments raised through these consultations in the Application.
- 2.1.2 **Section 3** of this SoCG summarises matters raised by the Trust in their relevant representation and their current status of resolution.

### 3. Areas of Discussion between the Parties

3.1.1 Table 1 below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

**Table 1 Areas of Discussion with the Canal and River Trust**

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
<b>Relevant Representation</b>				
3.1	<b>draft DCO [EN010142/APP/3.1(Rev03)]</b>	<p><b><u>The draft Development Consent Order (DCO) and Protective Provisions for the Trust – resolved at Deadline 1</u></b></p> <p>The <b>draft DCO [EN010142/APP/3.1(Rev03)]</b> contains the same specific protective provisions for the Trust as have been made in the Gate Burton DCO and included within the draft DCO's for the Cottam and West Burton Solar Projects. These protective provisions address the powers sought in the draft DCO which could otherwise impact the Trust as navigation authority for the River Trent. The wording in article 6(1)(f) of the <b>draft DCO [EN010142/APP/3.1(Rev03)]</b> ensures the disapplication of legislation will not impact the Trust's functions relating to the river.</p>	Agreed - Protective provisions are agreed.	Resolved
3.2	<b>draft DCO [EN010142/APP/3.1(Rev03)]</b>	<p><b><u>The Trust's Third-Party Works Code of Practice – resolved at Deadline 1</u></b></p>	Agreed - Implementation of works in compliance with the Trust's Third-Party Works Code	Resolved


Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	<p>As with other nationally significant infrastructure projects (NSIPs) that include works that interface with the Trust’s network, any parts of the Scheme with the potential to affect the River Trent and its associated operational dredging tips, should be carried out in accordance with the Canal &amp; River Trust Third-Party Works Code of Practice (CoP). The protective provisions for the Trust in the <b>draft DCO [EN010142/APP/3.1(Rev03)]</b> include an express obligation ensuring the Applicant to have regard to the CoP in the detailed survey, design, construction and approval of the relevant works.</p> <p>The protective provisions and use of the CP will deal with all of the Trust’s concerns relating to:</p> <ul style="list-style-type: none"> <li>• Horizontal Directional Drilling and surveys;</li> <li>• Protection of the Trust’s dredging tip;</li> <li>• Discharge of water into, and prevention of siltation etc. of, the river;</li> <li>• Noise &amp; Vibration;</li> <li>• Ecology &amp; Biodiversity in the river;</li> <li>• Lighting during construction;</li> <li>• Landscape &amp; Visual Impact; and</li> <li>• Use of River Trent for Works Traffic.</li> </ul>	<p>of Practice is agreed via the protective provisions.</p>	

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
3.3	<p><b>Change Request Report [AS-065], Outline Design Principles Statement [AS-059], Chapter 3: Scheme Description of the ES [AS-054], Framework CEMP [EN010142/APP/7.8 (Rev01)], draft DCO [EN010142/APP/3.1(Rev03)]</b></p>	<p><b><u>Horizontal Directional Drilling (HDD) and surveys – resolved at Deadline 3</u></b></p> <p>In terms of Works Package 4D, relating to the cable crossing of the River Trent, this would be undertaken by Horizontal Directional Drilling (HDD) underneath the river. The Applicant submitted a Change Application on 27 September 2024 to remove land parcels 20-07 and 20-12 from the Order limits (refer to <b>Change Request Report [AS-065]</b>), which are small corners of Trust’s operational property dredging tips. In addition, the Applicant has updated the wording within the <b>Outline Design Principles Statement [AS-059]</b> and <b>Chapter 3: Scheme Description of the ES [AS-054]</b> <u>at Deadline 1</u> to clarify that the cables will be installed by trenchless methods at a minimum of 5m below the lowest surveyed point of the riverbed. The Trust has requested for the Applicant to amend the design principle further to add that the reasoning for the minimum 5m depth is to prevent the risk of any scour exposing the cable. The Applicant <u>agrees to make has made</u> this update to the <b>Outline Design Principles Statement [AS-059]</b> <u>[EN010142/APP/7.4(Rev02)]</u> and <b>Chapter 3: Scheme Description of the ES [AS-054]</b> <u>when these documents get</u></p>	<p>Agreed - Principles for coordinating the design of the HDD crossing of the River Trent and associated surveys are agreed. The Applicant <u>will update has updated</u> the design principle relating to the HDD under the River Trent in the <b>Outline Design Principles Statement [AS-059]</b> <u>[EN010142/APP/7.4(Rev02)]</u> and <b>Chapter 3: Scheme Description of the ES [AS-054]</b> <u>[EN010142/APP/6.1(Rev02)]</u> at a subsequent <u>deadlineDeadline 3</u>.</p>	<u>HighResolved</u>



Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	<p><del>updated next during the examination</del><u>EN010142/APP/6.1(Rev02)] at Deadline 3.</u></p> <p>A ground investigation and tidal riverbed survey will be undertaken prior to the works under the River Trent to confirm the final design, as set out within the <b>Framework Construction Environmental Management Plan (CEMP) [EN010142/APP/7.8 (Rev01Rev02)]</b>. In addition, the protective provisions agreed with the Trust as set out within Schedule 14, Part 4 of the <b>draft DCO [EN010142/APP/3.1(Rev03Rev04)]</b> include requirements for the undertaker to engage with and gain the consent of the Trust in respect of the design and method of the survey works for the River Trent. The protective provisions also require engagement with and approvals from the Trust for the river crossing works subsequent to those survey(s) including in respect of the launch and reception areas.</p>		
<p>3.4 <b>Framework CEMP [EN010142/APP/7.8 (Rev01)], Chapter 9: Ecology and Nature Conservation of the ES [APP-040],</b></p>	<p><b><u>Discharge of water into, and prevention of siltation etc. of, the river – resolved at Deadline 1</u></b></p> <p>Measures in the <b>Framework CEMP [EN010142/APP/7.8 (Rev01)]</b> and <b>Chapter 9: Ecology and Nature Conservation of the</b></p>	<p>Agreed - Management of measures to prevent silt and contaminants entering the River Trent are agreed.</p>	<p>Resolved</p>

Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
draft DCO [EN010142/APP/3.1(Rev03)]	ES [APP-040] seek to prevent silt and contaminants entering watercourses through the use of sediment/silt traps/temporary dams and engineers overseeing HDD works to ensure an adequate depth is used. The proposed power in the <b>draft DCO [EN010142/APP/3.1(Rev03)]</b> for the undertaker to discharge water in respect of the River Trent is appropriately subject to the Trust's consent as provided for in the protective provisions for the Trust.		
3.5 Framework CEMP [EN010142/APP/7.8 (Rev01)], draft DCO [EN010142/APP/3.1(Rev03)]	<p><b><u>Noise &amp; Vibration – resolved at Deadline 1</u></b></p> <p><u>Trust's Comments:</u></p> <p>In response to the Trust's pre-application comments regarding noise and vibration as they affect the River Trent, the Trust welcomes that noise monitoring is proposed as set out in the <b>Framework CEMP [EN010142/APP/7.8 (Rev01)]</b>. The Trust notes that this document does not refer to navigational safety with regards to noise, or vibration during the proposed directional drilling. These matters should be considered as noise could affect navigational safety and the riverbanks and bed may be adversely affected by vibration causing silt mobilisation. The dredging tip bund could also be adversely affected by works causing vibration</p>	Agreed - Management of noise and vibration impacts on navigational safety through the CEMP and protective provisions is agreed.	Resolved

Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	<p>adjacent to this operational facility. We consider the best means of achieving asset specific assessment, monitoring and mitigation is through the mechanisms provided for in the protective provisions for the Trust.</p> <p><b><u>Applicant's Response:</u></b> Excessive noise may affect navigational safety by interfering with on-board communication. To put this into context, a normal conversation is possible between people at a distance of 2m apart at noise levels of up to 80 dB. Any construction activity associated with the HDD would be at least 250m from the River Trent (as set out within the <b>Framework CEMP [EN010142/APP/7.8 (Rev01)]</b>) so noise would be substantially lower than 80 dB (around 55 dB) and would not affect on-board communication.</p> <p>In addition, as set out within the <b>Framework CEMP [EN010142/APP/7.8 (Rev01)]</b>, Best Practicable Means (BPM) in accordance with BS 5228 Part 2 (Ref. 5) will be applied, as far</p>		

Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	<p>as reasonably practicable, during construction works to minimise vibration.</p> <p>The Applicant also notes the commitments made within the protective provisions with the Trust at Schedule 14, Part 4 of the <b>draft DCO [EN010142/APP/3.1(Rev03)]</b> to secure the appropriate management of construction effects (including noise and vibration). The protective provisions also include a commitment to undertake works <i>“in such manner as to cause as little detriment to the waterway as is reasonably practicable; [and] in such manner as to cause as little inconvenience as is reasonably practicable to the Canal &amp; River Trust, its officers and agents and all other persons lawfully using the waterways, except to the extent that temporary obstruction has otherwise been agreed by the Canal &amp; River Trust;”</i>.</p>		
<p>3.6 <b>Chapter 9: Ecology and Nature Conservation</b> of the ES [APP-040], draft DCO [EN010142/APP/3.1(Rev03)]</p>	<p><b><u>Ecology &amp; Biodiversity in the river – resolved at Deadline 1</u></b></p> <p><b>Chapter 9: Ecology and Nature Conservation</b> of the ES [APP-040] notes that the potential for release of sediment during drilling operations will be minimised by careful siting of drilling entry and exit pits, suitable depth control and visual monitoring.</p>	<p>Agreed - Mechanisms for managing impacts on ecology and biodiversity in the river through protective provisions are agreed.</p>	<p>Resolved</p>

Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	<p>The mechanisms provided in the protective provisions for the Trust within the <b>draft DCO [EN010142/APP/3.1(Rev03)]</b> ensure that the survey, design and construction methodology protects the ecology of the waterway from sediment release during directional drilling beneath the River Trent.</p>		
<p>3.7 <b>draft DCO [EN010142/APP/3.1(Rev03)].</b></p>	<p><b><u>Lighting during construction – resolved at Deadline 1</u></b> <b>Chapter 9: Ecology and Nature Conservation</b> of the ES [APP-040] notes that lighting impacts on retained habitats, bats and freshwater fish are reduced through measures to minimise the need for lighting and the timing of its usage, during all project phases. The Parties consider the best means of ensuring navigational safety is not affected by site lighting is through the design-checking mechanisms provided for in the protective provisions for the Trust within <b>draft DCO [EN010142/APP/3.1(Rev03)].</b></p>	<p>Agreed - Mechanisms for managing impacts of lighting on navigational safety through protective provisions are agreed.</p>	<p>Resolved</p>
<p>3.8 <b>Chapter 17: Other Environmental Topics</b> of the ES [APP-048]</p>	<p><b><u>Glint and Glare – resolved at Deadline 1</u></b> The Trust is satisfied that the Applicant has considered the impact of the solar panels on the navigational safety of the River Trent in <b>Chapter 17: Other Environmental Topics</b> of the ES [APP-048]. This concludes no significant effects on the River Trent and</p>	<p>Agreed - It is agreed that there is no impact on the navigational safety as a result of glint and glare from the Principal Site.</p>	<p>Resolved</p>

Ref. Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
3.9 Chapter 12: Landscape and Visual Amenity of the ES [APP-043]	<p>therefore navigational safety of the river as a commercial waterway and leisure boating route should not be impacted as a result of glint and glare.</p> <p><b><u>Landscape &amp; Visual Impact – resolved at Deadline 1</u></b></p> <p>In terms of visual impacts, <b>Chapter 12: Landscape and Visual Amenity</b> of the ES [APP-043] paragraph 12.6.126 describes the impact of the Scheme on the public right of way (PRoW) along the top of the River Trent flood bank as not significant. The impact as viewed from the lower water by the river’s leisure users would be further mitigated by the lower water level and the increase in topographical screening provided by the flood banks.</p>	Agreed - It is agreed that there are no significant visual effects of the Principal Site on the river users.	Resolved
3.10 Chapter 16: Transport and Access of the ES [APP-047]	<p><b><u>Use of River for Works Traffic – resolved at Deadline 1</u></b></p> <p>We note that the use of the River Trent for the transportation of freight to site is considered within <b>Chapter 16: Transport and Access</b> of the ES [APP-047], which concludes that waterborne freight would not be viable in this instance due to a lack of suitable jetty facilities within the vicinity of the Scheme.</p>	Agreed - It is agreed that the River Trent is not viable for use for works traffic.	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 (2009) Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Available at: <https://www.legislation.gov.uk/uksi/2009/2264/contents/made> [Accessed 08/10/2024]
- Ref. 3 HMSO (1968) Transport Act 1968. Available at: <https://www.legislation.gov.uk/ukpga/1968/73/contents> [Accessed 08/10/2024]
- Ref. 4 HMSO (1995) British Waterways Act 1995. Available at: <https://www.legislation.gov.uk/ukla/1995/1/contents/enacted> [Accessed 08/10/2024]
- Ref. 5 British Standards Institute (2014) BS 5228:2009+A1:2014 – Code of practice for noise and vibration control on construction and open sites.– Part 2: Vibration. London: BSI.