
EAST YORKSHIRE SOLAR FARM

**East Yorkshire Solar Farm
EN010143**

**Statement of Common Ground between East Yorkshire Solar
Farm Limited and the Canal and River Trust**

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The Infrastructure Planning (Examination Procedure) Rules 2010

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Statement of Common Ground

Signatures

This Statement of Common Ground has been prepared and agreed by East Yorkshire Solar Farm Limited and the Canal and River Trust.

Helen Standing, NSIP Development Manager, on behalf of East Yorkshire Solar Farm Limited

Date: 12.06.2024

Signed: 

Simon Tucker, Area Planner, on behalf of the Canal and River Trust.

Date: 11/06/2024

Signed: 

1. Introduction and Purpose

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA 2008) for the proposed East Yorkshire Solar Farm (the Scheme). The Application is submitted by East Yorkshire Solar Farm Limited (the Applicant).
- 1.1.2 This SoCG has been prepared between (1) the Applicant and (2) the Canal and River Trust (CRT) (jointly referred to as the Parties).
- 1.1.3 The CRT is the Navigation Authority for the River Ouse. The river is classified as a freight waterway and can accommodate large craft. The river is included within the Application boundary (the Order limits). The CRT is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted through the preparation of the Application and following its acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter **[PD-002]**:
- a. Effects of works affecting watercourses within the Trust area, including cable crossings, Horizontal Directional Drilling [HDD], access points, mitigation (including the contents and adequacy of the Framework Construction Environmental Management Plan (CEMP)) and access for Trust operations;
 - b. Effects of water discharges within the Board area;
 - c. Effects of the Proposed Development on navigation during the construction and operational phases; and
 - d. The Articles and Requirements of the draft DCO including the disapplication of legislation and Protective Provisions
- 1.1.5 It can be taken that any matters not specifically referred to in sections 2 and 3 of this SoCG are not of material interest or relevance to the CRT's representations and therefore have not been considered in this document.
- 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. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 Description of the Scheme

- 1.2.1 The Scheme comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic electricity generating facility with a total capacity exceeding 50 megawatts (MW) and export connection to the national grid, at National Grid's Drax Substation. A detailed description of the Scheme is included in Chapter 2: The Scheme, Environmental Statement Volume 1 which was submitted with the DCO Application **[APP-054]** and a

description of the development to be authorised is set out in Schedule 1 of the draft DCO [AS-008].

1.3 Format of Document and Terminology

- 1.3.1 Section 2 of this SoCG provides a full record of the engagement the Parties have had with regard to the Scheme.
- 1.3.2 Section 3 of this SoCG 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, whilst 'Agreed' indicates where the issue has been resolved. The Parties have also indicated the likelihood that agreement will be reached on each item.
- 1.3.3 Abbreviations used within the SoCG are provided in Table 1-1 below.

Table 1-1. Abbreviations

Abbreviation/Term	Definition
CEMP	Construction Environmental Management Plan
CRT	Canal and River Trust
dB	Decibels
DCO	Development Consent Order
ES	Environmental Statement
HDD	Horizontal Directional Drilling
LVIA	Landscape and Visual Impact Assessment
PEI Report	Preliminary Environmental Information Report

2. Record of Engagement

2.1 Record of Engagement

2.1.1 The table below sets out a summary of the meetings and correspondence between the Parties in relation to the Scheme.

Table 2-1. Schedule of Meetings and Correspondence during the Pre-application Stage

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
9 May 2023	Email	Email from the Applicant to the CRT informing them of the Section 42 Statutory Consultation period.
5 June 2023	Letter/Email	Email from the CRT with letter attached containing the CRT's response to Section 42 Statutory Consultation.
1 September 2023	Email	Email from the Applicant to the CRT informing them of the Targeted Consultation period following minor changes made to the Order limits since Statutory Consultation.
1 September 2023	Email	Email from the CRT to the Applicant with their Targeted Consultation response.
3 October 2023	Email	Email from the Applicant to the CRT querying if the CRT would be happy for the Applicant to prepare a first draft of protective provisions for their review, to address points raised by the CRT.
13 October 2023	Email	Email from the CRT to the Applicant providing an example of protective provisions along with comments to aid the Applicant in drafting protective provisions in the draft DCO.
25 January 2024	Email	Email from the Applicant to the CRT informing them of the relevant representation period.
02 February 2024	Email	Email from the CRT requesting that the Applicant provide electronic copies of the legislation relating to the disapplication of legislation under Article 6, Schedule 3 of the draft DCO, to enable the CRT to assess if that part of the DCO would have any impact on the CRT's management of the River Ouse.
23 February 2024	Email	Email from the CRT to the Applicant informing them that they are working on their relevant representation. The CRT also proposed a meeting to agree the wording of protective provisions for inclusion in the draft DCO.

24 April 2024	Email	Email from the Applicant to the CRT containing a mark-up of the proposed protective provisions for the draft DCO, for the CRT to review and agree. The Applicant also attached copies of the relevant legislation proposed to be disapplied under Article 6 of the DCO.
8 March 2024	Relevant Representation	Relevant Representation from the CRT.
1 May 2024	Email	Email from the CRT attaching the draft protective provisions mark up the Applicant sent on 24 April 2024, with the CRT comments added.
8 May 2024	Email	Email from the Applicant to the CRT responding to one outstanding point relating to HDD lighting affecting the River Ouse, in relation to the draft protective provisions, and requesting that the CRT confirm that the protective provisions are agreed in form.
9 May 2024	Email	Email from the CRT confirming that changes relating to HDD lighting in the protective provisions were not required and that the CRT are in agreement with the draft protective provisions.
9 May 2024	Email	Email from the Applicant querying if the CRT will be dialling into the Preliminary Meeting or DCO hearing on 21 May 2024.
9 May 2024	Email	Email from the CRT confirming that they will be attending the DCO hearing, but not the Preliminary Meeting on 21 May 2024.
16 May 2024	Email	Email correspondence on disapplication and proposed amendments to the DCO in respect of River Ouse.
20 May 2024	Email	Email correspondence to finalise the SoCG.

3. Areas of Discussion between the Parties

3.1 Draft DCO and Protective Provisions

Table 3-1. Draft DCO and Protective Provisions

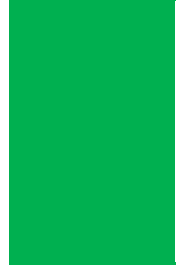
Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
3.1.1	Relevant Representation	Protective Provisions	<p>In response to the CRT's relevant representation the CRT and the Applicant have discussed the draft protective provisions set out in Part 4 Schedule 14 of the draft DCO [AS-008] which incorporate appropriate measures to protect navigational safety.</p> <p>The CRT agreed to amendments to the draft protective provisions set out in Part 4 Schedule 14 of the draft DCO [AS-008] on 9 May 2024.</p> <p>The CRT understands the Applicant is updating the draft DCO to reflect these amendments and will publish</p>	<p>The Applicant has been in discussions with CRT regarding a form of protective provisions to address its concerns in its relevant representation. These are now in agreed form and the Applicant is updating the draft DCO [AS-008] to reflect these amendments. The next iteration of the draft DCO [AS-008] will be submitted at examination deadline 1.</p>	Agreed

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
3.1.2	Relevant Representation	Legislation to be disapplied by DCO	<p>The CRT requested sight of the legislation listed in Schedule 3 of the draft DCO, which is to be disapplied by Article 6(g) of the draft DCO, in order that it could assess if the disapplication would impact on the CRT's operations as the navigation authority for the River Ouse.</p> <p>Having reviewed the legislation provided by the Applicant, the CRT identified the Booth Ferry Bridge Act 1925 as containing powers and duties which may be relevant to the CRT's role as the navigation authority for the part of the River Ouse in the vicinity of the bridge. The CRT suggested an amendment to Article 6(g) of the draft DCO to ensure the disapplication did not impact on the operation or maintenance of the River Ouse as a navigable river.</p>	<p>The Applicant provided the CRT with copies of the legislation listed in Schedule 3 of the draft DCO.</p> <p>The Applicant agreed to the amendment proposed by the CRT to Article 6(g) of the draft DCO and this will be incorporated in the draft DCO submitted at examination Deadline 1. The wording of the amended Article 6(g) will now be: <i>"the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order and do not impact on the operation or maintenance of the River Ouse as a navigable river."</i></p>	Agreed

3.2 Water Environment

Table 3-2. Water Environment

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
3.2.1	S42 Response to Statutory Consultation	Flooding and Drainage	The CRT understands that the location of construction compounds and drilling apparatus on site have yet to be fully confirmed. The CRT request that the CEMP should include measures to limit the risk of dust or silt-laden runoff towards the River Ouse, which could otherwise impact users. The CRT state that the use of silt traps and hoarding could be appropriate measures, and that the level of information required will depend on the location of works relative to the river.	The Applicant notes this comment. The requirement to include measures to limit the risk of dust or silt-laden runoff towards the River Ouse is included in the Framework CEMP [APP-238] (which will inform a detailed CEMP to be approved post consent prior to construction) and is secured by a requirement in Schedule 2 to the draft DCO [AS-008] .	Agreed.
3.2.2	Relevant Representation	Water Quality	The CRT state that unmanaged discharge of water into the River Ouse could result in a local impact on siltation, increase the risk of bank collapse or, in the event of a large discharge of water being sought, could impact the safe navigation of	The agreed form of protective provisions between the Applicant and the CRT ensures this protection, and will be incorporated in the draft DCO [AS-008] submitted at examination Deadline 1.	Agreed.

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
			passing vessels. The CRT consider that the proposed power in the draft DCO for the undertaker to discharge water should, in respect of the River Ouse, be subject to the Trust's consent.		

3.3 Landscape

Table 3-3. Landscape

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
3.3.1	Section 42 Response to Statutory Consultation	Landscape and Visual Impact	The CRT state that Table 10-7 within chapter 10 of the PEI Report documents suggests that the LVIA will include an assessment of a viewpoint from the position of the crossing. The CRT request that the assessment should ensure that the viewpoint is taken from the closest part of the River Ouse to any facilities used to create the crossing, including details on how set back any drilling will occur from the river banks.	An additional viewpoint (Viewpoint 29) was included to consider the closest part of the River Ouse to any infrastructure and is presented in Figure 10-8, ES Volume 3 [APP-163] and Chapter 10: Landscape and Visual Amenity, ES Volume 1 [AS-014] .	Agreed.

3.4 Construction

Table 3-4. Construction

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
3.4.1	Relevant Representation	Horizontal Directional Drilling	<p>The CRT highlight that in terms of Work number 3, relating to the cable crossing of the River Ouse paragraph 2.5.4 of the Planning Statement [APP-233] confirms that the works will involve cabling being laid underneath the riverbed of the River Ouse using HDD. The CRT state that the Framework CEMP details that the HDD works would be installed a minimum of 5m beneath the bed in the case of the River Ouse and a 16m buffer between HDD send and receive pits from the landward toe of flood defences beside the river, which would indicate that the pits would be at least 16m from the river banks on either side. The CRT would welcome confirmation that this would be the case.</p> <p>The CRT requests that the depth of HDD is measured with</p>	<p>As set out in the Framework CEMP [APP-238] (which will inform a detailed CEMP to be approved post consent prior to construction and is secured by a requirement in Schedule 2 to the draft DCO [AS-008]) HDD works would be undertaken a minimum of 5m beneath the bed of the River Ouse and there will be a 16m buffer between HDD send and receive pits from the landward toe of flood defences. The Framework CEMP [APP-238] also sets out that the Applicant commits to no works being undertaken within at least 30 m of the River Ouse. This means that HDD pits would be at least 30m from the riverbanks on either side.</p> <p>In addition, the form of protective provisions agreed between the Applicant and the CRT includes</p>	Agreed

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
			reference to the lowest surveyed point of the river bed.	<p>an express obligation obliging the Applicant to have regard to the CRT's Code of Practice in the detailed survey, design, construction and approval of the relevant works.</p> <p>The Applicant will amend the Framework CEMP and Outline Design Principles Document so that the depth of HDD is measured with reference to the surveyed depth of the river bed, <i>i.e. a minimum of 5m below the lowest surveyed point of the River Ouse riverbed.</i> The amended documents will be submitted at examination Deadline 1.</p>	
3.4.2	Relevant Representation	Noise and Vibration	<p>The CRT acknowledge that the submitted Framework CEMP [APP-238] does discuss wider impacts from noise and vibration from construction works. However, they state that the document does not refer to navigational safety with regards to noise or vibration during the proposed directional drilling. The</p>	<p>HDD activity would be at least 30m from the River Derwent and River Ouse so noise would be substantially lower than 80dB and would not affect on-board communication or navigational safety.</p> <p>The Applicant is committing to an HDD depth of at least 5 m as</p>	Agreed.

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
			<p>CRT state these matters should be considered as noise could affect navigational safety and the riverbank and bed may be adversely affected by vibration causing silt mobilization. The CRT therefore request that these matters should be assessed, and that the Framework CEMP [APP-238] is amended to account for this risk as applicable.</p>	<p>secured by the Outline Design Principles Document [APP-235], and it is not expected that high levels of vibration would be generated at the river bed. Consequently, this level of vibration is unlikely to cause silt mobilisation.</p>	
3.4.3	Relevant Representation	Lighting	<p>The CRT state that paragraph 2.6.1 of the Framework CEMP [APP-238] indicates that focused task specific lighting will be provided in areas requiring night time working, with HDD locations highlighted as likely requiring this. They state that paragraph 2.6.4 details measures to help reduce the impact of light spillage. The CRT state that temporary lighting has the potential to dazzle passing boaters, and could impact the ecology of the river corridor. The CRT therefore consider it</p>	<p>The Applicant has discussed these concerns with the CRT and explained that lighting associated with HDD would not be directed towards the river at any time.</p> <p>The CRT concluded that under para 5(4)(b) of the protective provisions in the amended draft DCO [AS-008] to be submitted at examination deadline 1, the CRT's engineer can specify 'such other requirements as may be reasonably necessary to prevent detriment', so they can deal with any issues arising from lighting of</p>	Agreed

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
			<p>necessary for details of the proposed lighting specification to be provided for works close to the River Ouse. The CRT request that the Framework CEMP should be amended to specifically address impacts of light spillage on passing navigational craft. The CRT would wish to review and provide comment on an amended document prior to the determination of the examination.</p>	<p>the HDD at the point they are approving plans of the detailed designs. Therefore, it was agreed that no additional wording was required to be added to the Framework CEMP [APP-238] or protective provisions.</p>	
3.4.5	Relevant Representation	Use of the River Ouse for Works Traffic	<p>The CRT highlight that the River Ouse is a commercial waterway, which has the potential to be used for the transportation of freight. The CRT state that Chapter 13: Transport and Access, ES Volume 1 [APP-065] does not discuss the potential for use of the river to transport construction materials to site. Opportunities may exist for the carriage of construction materials to the site via waterborne craft, which could</p>	<p>The usage of nearby ports (such as Goole) to transfer materials required for the Scheme was considered by the Applicant at an early stage of Scheme development. However, the likely origin of the majority of materials would not make usage of these port locations feasible logistically. As set out in paragraph 6.12.19 of the Planning Statement [APP-233], the River Ouse is not considered feasible to transport equipment and materials via</p>	Agreed.

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
			help reduce the need for carriage by road.	waterborne transport for the Scheme.	

3.5 Book of Reference

Table 3-5. Book of Reference

Ref	Relevant Application document	Summary of description of Matter	Canal and River Trust Current Position	Applicant's Current Position	Status
3.5.1	Relevant Representation	The Trust's interest in the River Derwent	The CRT state that the Applicant's Book of Reference [AS-012] has named the CRT as having an interest in the River Derwent in respect of maintenance (Plot 18/09). The CRT wish to confirm that the Trust has no responsibilities as Navigation Authority (or landowner) for the River Derwent in this location and as a result, suggest that the Applicant may wish to amend the Book of Reference to avoid any future potential confusion.	The Applicant notes this comment and will update the Book of Reference [AS-012] to remove the CRT as having an interest in the River Derwent in respect of maintenance (Plot 18/09). This update to the Book of Reference will be submitted at examination deadline 1.	Agreed