EAST YORKSHIRE SOLAR FARM

East Yorkshire Solar Farm

EN010143

DRAFT Statement of Common Ground between East Yorkshire Solar Farm Limited and the Ouse and Derwent Internal Drainage Board

Document Reference: EN010143/APP/8.16

The Infrastructure Planning (Examination Procedure) Rules 2010

05 June 2024
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BOOM POWER

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Statement of Common Ground

Signatures FINAL VERSION TO BE SIGNED

This Statement of Common Ground has been prepared and agreed by East Yorkshire Solar Farm Limited and the Ouse and Derwent Internal Drainage Board

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

Date:……..

Signed:……..

Name, Position, on behalf of the Ouse and Derwent Internal Drainage Ouse and Derwent IDB

Date:……..

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 for the proposed East Yorkshire Solar Farm (the Scheme). The Application has been submitted by East Yorkshire Solar Farm Limited (the Applicant).

1.1.2 This SoCG has been prepared between (1) the Applicant and (2) the Ouse and Derwent Internal Drainage Board (jointly referred to as the Parties).

1.1.3 The Ouse and Derwent Internal Drainage Board (IDB) sits in the Vale of York and lies between the city of York and the Rivers Ouse and Derwent. Their work includes providing water level management on a daily basis to the catchments they serve and assisting their partners. The Ouse and Derwent IDB 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 throughout the preparation of the Application.

1.1.4 The Examining Authority requested the SoCG include the following matters as set out in the Rule 6 Letter **[PD-002]**:

a. Effects of works affecting watercourses within the Ouse and Derwent IDB area, including cable crossings, horizontal directional drilling, access points, mitigation, access for Ouse and Derwent IDB operations;

b. Effects of water discharges within the Ouse and Derwent IDB area; and

c. 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 Ouse and Derwent IDB'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 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 (ES) 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 summarises 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
DCO	Development Consent Order
ES	Environmental Statement
HDD	Horizontal directional drilling
IDB	Internal Drainage Board
LLFA	Lead Local Flood Authority
PEI Report	Preliminary Environmental Information Report
PV	Photovoltaic

2. Record of Engagement

2.1 Record of Engagement

2.1.1 Table 2-1 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

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
15 March 2023	Meeting (Teams)	Joint meeting with the EA, LLFA and IDB's- meeting to discuss the water environment. Including, the project, water environment baseline, water receptor importance clarification, PEI Report summary including potential impacts and mitigation, and scoping opinion. The Applicant confirmed that the PEI Report will be issued on 9 May 2024.
4 April 2023	Email	Email from the Applicant to the Ouse and Derwent IDB providing information to explain that there may be intrusive open-cut crossings of watercourses for the Grid Connection Corridor. The Applicant explained that the schedule of crossings is to be developed at ES stage. Mitigation for open-cut crossings is introduced. Potential requirement for access tracks also described by the Applicant.
3 May 2023	Letter	Letter from the Applicant to the Ouse and Derwent IDB informing them of the Section 42 Statutory Consultation period.
9 May 2023	Email	Email from the Applicant to the Ouse and Derwent IDB informing them of the Section 42 Statutory Consultation period.
12 June 2023	Email	Email from the Ouse and Derwent IDB with their response to the Section 42 Statutory Consultation attached.
31 August 2023	Letter	Letter from the Applicant to the Ouse and Derwent IDB informing them of the Targeted Consultation period.
1 September 2023	Email	Email from the Applicant to the Ouse and Derwent IDB informing them of the Targeted Consultation period.

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
4 September 2023	Email	Email from the Ouse and Derwent IDB responding to the Targeted Consultation, stating that they have no additional comments to make on top of their Section 42 response to the Statutory Consultation.
24 January 2024	Letter	Letter from the Applicant to the Ouse and Derwent IDB informing them of the Relevant Representation period.
26 January 2024	Email	Email from the Applicant to the Ouse and Derwent IDB informing them of the Relevant Representation period.
13 February 2024	Relevant Representation	Relevant Representation from the Ouse and Derwent IDB with their comments on the Scheme.
April, May and June	Email correspondence	Email correspondence between the Applicant and the Ouse and Derwent IDB regarding form of protective provisions

3. Areas of Discussion between the Parties

3.1 Effects of works affecting watercourses and water discharges within the Ouse and Derwent IDB area

Table 3-1. Effects of works affecting watercourses and water discharges within the Ouse and Derwent IDB area

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
3.1.1	Relevant Representation	Ouse and Derwent IDB's Remit	The Ouse and Derwent IDB note that part of the Grid Connection Corridor is within the district for Ouse and Derwent IDB. The Ouse and Derwent IDB district sits between the River Derwent and the River Ouse around Babthorpe and Hemingbrough. The Ouse and Derwent IDB state that their comments therefore relate solely to the Grid Connection Corridor within that area.	The Applicant notes that the Ouse and Derwent IDB accept that the element of the Scheme that is within the district for the IDB is within the Grid Connection Corridor only.	Agreed
3.1.2	Relevant Representation	Land Drainage Act 1991	The Ouse and Derwent IDB state that under the Land Drainage Act 1991 and the Ouse and Derwent IDBs' byelaws, the Ouse and Derwent IDB's prior written consent	The Applicant is seeking to disapply the need for consent under s.23 of the Land Drainage Act 1991, alongside any byelaws made under the s.66 of the same Act. This is standard procedure,	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			(outside of the planning process) is needed for: a. any connection into an Ouse and Derwent IDB maintained watercourse, or any ordinary watercourse in the Ouse and Derwent IDB's district. b. any discharge, or change in the rate of discharge, into an Ouse and Derwent IDB maintained watercourse, or any ordinary watercourse in the Ouse and Derwent IDB's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer). c. works within or over an Ouse and Derwent IDB maintained watercourse, or any ordinary watercourse in the Ouse and Derwent IDB's district – for example, land drainage, an outfall structure, bridges, culverting etc.	following DCOs recently made of a similar nature. The Applicant notes the recent guidance "Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects" which confirms *"The presumption should be therefore that where an applicant proposes a provision within their DCO to remove a requirement for a prescribed non-planning consent to be granted by the relevant body, the body that would normally be responsible for granting this consent is expected to make every effort to agree to the proposal. Such a body should only object to the inclusion of such provision with good reason, and after careful consideration of reasonable alternatives."* The Applicant understands that the Ouse and Derwent IDB is now satisfied on this point.	

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			d. any proposed works or structures in, under, over or within 9 metres of the top of the bank of any “Ouse and Derwent IDB maintained watercourse”. The Ouse and Derwent IDB note that they do not, generally, own any watercourses and the requirement to obtain the Ouse and Derwent IDB’s consent is in addition to obtaining consent from any land owner or other authority to carry out the relevant works.		
3.1.3	Relevant Representation	Relevant watercourses	The Ouse and Derwent IDB note that using Figure 9-2: Drain Names (Sheet 3 of 3), ES Volume 3 **[APP-152]**, the Ouse and Derwent IDB will be looking at the below watercourses which may/will be effected: 1. Drain DE21 – this is the Ouse and Derwent IDB maintained watercourse known as Loftsome Bridge Drain. 2. Drain DE53 – this is the Ouse and	The Applicant accepts that the Ouse and Derwent IDB will be looking at the watercourses identified in their relevant representation.	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			Derwent IDB maintained watercourse known as Bishops Clough Drain. The Ouse and Derwent IDB's pumping station is downstream, prior to the outfall into the River Derwent. 3. Drain DE52 – this is an ordinary watercourse not maintained by the Ouse and Derwent IDB but by the riparian owner. 4. Drain DE03 – this is an ordinary watercourse not maintained by the Ouse and Derwent IDB but by the riparian owner.		
3.1.4	Relevant Representation	Drainage requirements	The Ouse and Derwent IDB understand that there are no drainage requirements along the Grid Connection Corridor. The Ouse and Derwent IDB will therefore be looking at: 1. cables crossing any watercourses within our district; and 2. access road crossings over watercourses within their district.	The Applicant notes that the Ouse and Derwent IDB accept that there are no drainage requirements along the Grid Connection Corridor in relation to the Scheme, and they will therefore be looking at cable crossing and access road crossings over any watercourses within the district.	Agreed
3.1.5	Relevant Representation	Cable crossings	The Ouse and Derwent IDB state in their Relevant	The Applicant notes that the all cables will be installed a	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			Representation that Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 **[APP-061]**, states: "*9.4.4 All cables will be installed a minimum of 1.5 m below the bed of watercourses (excluding the River Ouse and River Derwent). … The minimum installation depth of 1.5 m for Featherbed Drain, DE53 and Loftsome Bridge Drain will ensure that the channel is not disturbed or risk being exposed by future bed scour*."	minimum of 1.5 m below the bed of watercourses (excluding the River Ouse and River Derwent), and that the minimum installation depth of 1.5 m for Featherbed Drain, DE53 and Loftsome Bridge Drain will ensure that the channel is not disturbed or risk being exposed by future bed scour, as set out in the Framework CEMP **[APP-238],** which will inform a detailed CEMP secured by a requirement in the draft DCO **[AS-008].** Further detail is set out in Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 **[APP-061]**. The Ouse and Derwent IDB have not raised any objections to this.	
3.1.6	Relevant Representation	HDD	The Ouse and Derwent IDB state that with regards to the proposed HDD, Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 **[APP-061]**, states: "*9.6.23 The sections of the cables that will be installed via trenchless*	The Applicant notes that the River Ouse and Derwent IDB agree with the principles of HDD for both DE21 and DE53, which is set out in Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 **[APP-061]** and the Framework **CEMP**	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			approaches will require send and receive pits to be installed at each crossing point. … The send and receive pit excavations for drilling/boring will be located at least 10 m from the watercourse edge, as measured from the top of bank (or 16 m from the landward toe of flood defences). This may require survey work (prior to construction) in some locations to adequately define and agree the top of bank position." The Ouse and Derwent IDB note that the Applicant is proposing HDD for both DE21 and DE53. The principle of this is agreed.	**[APP-238],** which will inform a detailed CEMP secured by a requirement in the updated draft DCO which will be submitted at Deadline 1 of the Examination**.**	
3.1.7	Relevant Representation	Watercourse Crossings	The Ouse and Derwent IDB note that Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 **[APP-061]**, states: "*9.4.5 As a worst case for the assessment, it is assumed that all other watercourses crossings required for cables would be installed using an open cut*	As set out in paragraph 9.4.5 of Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 **[APP-061]**, the assumption that open cut crossings may be used for Drain DE52 and Drain DE03 is a reasonable worst-case assumption following a precautionary approach. The	Under Discussion

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			technique. This is considered a reasonable worst-case assumption and follows a precautionary approach. 9.4.6 Where intrusive crossings of small watercourses are required, it is assumed that water flow would be maintained by temporarily damming the watercourse and either over pumping or fluming the flow through the works. The final crossing proposals for watercourses cable installation will be determined at the detailed design stage post-consent…" Open cut crossings are potentially proposed for Drain DE52 and Drain DE03. The Ouse and Derwent IDB would prefer the use of HDD for these watercourses but if this is not possible, Ouse and Derwent IDB shall await specific details in due course.	Applicant will continue to liaise with the Ouse and Derwent IDB during the detailed design of the Scheme, to agree an approach. Further details of the crossing designs are not yet available but would be presented to the Ouse & Derwent IDB as part of the plans of specified work to be submitted to the IDB for approval in accordance with paragraph 20(2) of Part 3 of Schedule 14 of the updated draft DCO which will be submitted at Deadline 1 of the Examination.	
3.1.8	Relevant Representation	Watercourse Crossings	The Ouse and Derwent IDB note that Chapter 9: Flood Risk, Drainage and Water	The Applicant notes that the Ouse and Derwent IDB have no objection to the principle of the	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			Environment, ES Volume 1 **[APP-061]**, states: "*9.6.34 … a temporary open span bridge is to be installed to facilitate the construction of the Grid Connection Corridor on Drain DE53 at NGR SE 69239 29218. Bridge foundations would again be set back from the edge of the channel to ensure continuity of riparian habitat*." There only appears to be one potential access road crossing within the Ouse and Derwent IDB's district. This is a new open span bridge on Drain DE53. The Ouse and Derwent IDB has no objection to the principle of this new bridge. The Ouse and Derwent IDB's initial comments are: 1. There must be sufficient distance between the proposed bridge and our pumping station downstream. 2. Given that this is a temporary crossing, then provided the landowner is happy with the bridge foundations being set more landward (rather than on the	new open span bridge on Drain DE53. The Applicant notes that the Ouse and Derwent IDB seek to ensure that there is sufficient distance between the proposed bridge and their pumping station downstream, and that the proposed bridge foundations are to be set more landward, rather than on the bank top, provided the landowner is satisfied with this approach. This can be confirmed to the Ouse and Derwent IDB as part of the plans of specified work to be submitted to the Ouse and Derwent IDB for approval in accordance with paragraph 20(2) of Part 3 of Schedule 14 of the draft DCO.	

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			bank top), the Ouse and Derwent IDB are satisfied in this regard also.		
3.1.9	Section 42 Response to Statutory Consultation	Temporary Construction Compound details	The Ouse and Derwent IDB note that there is a Temporary Construction Compound proposed to the north of the A63, on the other side of the River Ouse to Loftsome Bridge Hotel. The Ouse and Derwent IDB cannot see any details on what this compound will comprise of at present and would need to review the matter again upon receipt of further information.	Details of the Temporary Construction Compound are provided in Chapter 2: The Scheme, ES Volume 1 **[APP-054],** and where there is potential for impacts on the water environment this is assessed in Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 **[APP-061]**.	Agreed
3.1.10	Section 42 Response to Statutory Consultation	Soakaways	The Ouse and Derwent IDB recommend that soakaways are first considered in accordance with the Planning Practice Guidance hierarchy for the management of surface water. The Ouse and Derwent IDB therefore recommend: i. Percolation Testing That the Applicant be asked to carry out soakaway testing, in	There are no drainage requirements for the Grid Connection Corridor, which is the area relevant to the Ouse and Derwent IDB. The Framework Surface Water Drainage Strategy Appendix 9-4, ES Volume 2 **[APP-098]** (which will inform a detailed strategy, secured by a requirement in	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			accordance with BRE Digest 365, in order to ascertain whether the soil structure is suitable for a soakaway system. ii. Soakaway Design Should the testing prove to be successful the Applicant should then submit a design for the soakaway, for approval by the LLFA as the "approving authority" for soakaways, which should satisfy the following requirements:- i. Storage volume should accommodate a 1:30 year event with no surface flooding (plus 30% allowance for climate change); and ii. Storage volume should accommodate no overland discharge off the site in a 1:100 year event (plus 30% allowance for climate change).	Schedule 2 of the updated draft DCO, which will be submitted at Deadline 1 of the Examination) provides full details of drainage arrangements for the Solar PV Site, and was developed in consultation with the Ouse and Humber Drainage Board, which is the IDB area in which the Solar PV Site drainage requirements are situated. No infiltration testing has been conducted so far, however this will be provided post-consent/pre-construction.	

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
3.1.11	Section 42 Response to Statutory Consultation	Discharge into a watercourse	The Ouse and Derwent IDB will only accept a discharge into a watercourse (directly or indirectly) where soakaways are not feasible. The below requirements apply when: • There is a direct discharge to a watercourse • There is an indirect discharge to a watercourse –for example, through a private drainage system, or a mains sewer, which eventually discharges into a watercourse. a. Details of the Watercourse/Sewer The Ouse and Derwent IDB would request details of: i. What the Applicant is proposing to discharge into – for example, a watercourse. ii. The location of the proposed point of connection.	There are no drainage requirements along the Grid Connection Corridor. The Framework Surface Water Drainage Strategy Appendix 9-4, ES Volume 2 **[APP-098]** provides full details of drainage arrangements for the Solar PV Site, which is of relevance to the Ouse and Humber Drainage Board. The Framework Surface Water Drainage Strategy Appendix 9-4, ES Volume 2 **[APP-098]** (which will inform a detailed strategy, secured by a requirement in Schedule 2 of the updated draft DCO, which will be submitted at Deadline 1 of the Examination, provides full details of drainage arrangements.	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			b. Flow of the Watercourse If the Applicant is proposing to discharge directly (or through private drainage) into a watercourse, and if that watercourse is not maintained by the Ouse and Derwent IDB, the Ouse and Derwent IDB would ask: i. Where this watercourse is flowing to. A simple plan showing the route of the watercourse to the nearest Ouse and Derwent IDB maintained watercourse is usually sufficient. ii. Details of the condition of the watercourse to ensure the same is flowing freely prior to any discharge. The Applicant is responsible for ensuring that the watercourse is free flowing but the Ouse and Derwent IDB would ask that they (the Applicant) walk along the watercourse and ensure there		

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			are no blockages. Photographs should be provided as evidence.		
3.1.12	Section 42 Response to Statutory Consultation	Discharge rate	The Ouse and Derwent IDB note that the amount of water should be restricted to an agreed rate, using the below requirements: i. The Applicant should first demonstrate that there is an existing operational connection to the watercourse for the development site. This should be done by way of Dye Testing or a CCTV Survey. Where that connection is established, the Ouse and Derwent IDB would want to know the size of those existing connected impermeable areas. The existing drainage rate should then be calculated as 140 litres per second per hectare for the connected impermeable area, or the established rate (whichever is the lesser)-less 30%.	The Applicant is only developing a drainage scheme for Solar PV Area 1c which has no direct watercourse connection and does not relate to the Ouse and Derwent IDB area. For Solar PV Area 1c, the Applicant is proposing to capture, attenuate and infiltrate all surface flow. The Framework Surface Water Drainage Strategy Appendix 9-4, ES Volume 2 **[APP-098]** (which will inform a detailed strategy, secured by a requirement in Schedule 2 of the updated draft DCO, which will be submitted at Deadline 1 of the Examination) provides full details of drainage arrangements. There are no drainage requirements along the Grid Connection Corridor.	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			ii. Where there is a new connection to a watercourse or to a sewer that discharges to a watercourse, the maximum discharge that will be accepted is at the “greenfield” rate of 1.4 litres per second per hectare. iii. If the site has been lying vacant and/or demolished before the existing surface water discharge regime is determined, then the maximum discharge that will be accepted from an area that is shown to discharge to the watercourse is greenfield run-off rates.		
3.1.13	Section 42 Response to Statutory Consultation	Flow control device	The Ouse and Derwent IDB note that whilst the Ouse and Derwent IDB is not the “approving authority” for flow control devices, they would request simple details as to what is proposed with regards to how the flow will be restricted to the agreed discharge rate.	The Applicant is only developing a drainage scheme for Solar PV Area 1c which has no direct watercourse connection and does not relate to the Ouse and Derwent IDB area. For Solar PV Area 1c, the Applicant is proposing to capture, attenuate and infiltrate all surface flow. If this is not possible, then alternate methods will be sought, and appropriate information	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
				provided. The Framework Surface Water Drainage Strategy Appendix 9-4, ES Volume 2 **[APP-098]** (which will inform a detailed strategy secured by a requirement in Schedule 2 of the updated draft DCO, which will be submitted at Deadline 1 of the Examination) provides full details of drainage arrangements. There are no drainage requirements along the Grid Connection Corridor and so no need for a flow control device.	
3.1.14	Section 42 Response to Statutory Consultation	Surface water storage system	The Ouse and Derwent IDB is not the “approving authority” for surface water storage systems. However, the Ouse and Derwent IDB would request details of: i. The proposed surface water storage system (which the Ouse and Derwent IDB would usually recommend is impermeably lined); and ii. The proposed storage volume and accompanying calculations. The system should	The Applicant is only developing a drainage scheme for Solar PV Area 1c which has no direct watercourse connection and does not relate to the Ouse and Derwent IDB area. For Solar PV Area 1c, the Applicant is proposing to capture, attenuate and infiltrate all surface flow. If this is not possible, then alternate methods will be sought, and appropriate information provided. The Framework Surface Water Drainage Strategy	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			accommodate a 1:30 year event with no surface flooding (plus 30% allowance for climate change); and no overland discharge off the site in a 1:100 year event (plus 30% allowance for climate change). The Ouse and Derwent IDB would however recommend that a system should try and accommodate the full 1:100 year storm event (plus 30% allowance for climate change) wherever possible.	Appendix 9-4, ES Volume 2 **[APP-098]** (which will inform a detailed strategy secured by a requirement in Schedule 2 of the updated draft DCO, which will be submitted at Deadline 1 of the Examination) provides full details of drainage and surface water management arrangements. There are no drainage requirements along the Grid Connection Corridor in the Ouse and Derwent IDB area.	
3.1.15	Section 42 Response to Statutory Consultation	Outfall structure	The Ouse and Derwent IDB note that if there is a direct discharge to a watercourse and if that watercourse is within their district, the Applicant should also provide details of the proposed outfall structure into the watercourse.	The Applicant is only developing a drainage scheme for Solar PV Area 1c which has no direct watercourse connection and does not relate to the Ouse and Derwent IDB area. For Solar PV Area 1c, the Applicant is proposing to capture, attenuate and infiltrate all surface flow. If this is not possible, then alternate methods will be sought, and appropriate information provided. The Framework	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
				Surface Water Drainage Strategy Appendix 9-4, ES Volume 2 **[APP-098]** (which will inform a detailed strategy secured by a requirement in Schedule 2 of the updated draft DCO, which will be submitted at Deadline 1 of the Examination) provides full details of drainage and surface water management arrangements. There are no drainage requirements along the Grid Connection Corridor or any outfalls to watercourses required across the Scheme.	
3.1.16	Section 42 Response to Statutory Consultation	New access crossings	The Ouse and Derwent IDB would need to review each proposed extension / new access crossing over a watercourse on a case-by-case basis. The Ouse and Derwent IDB would therefore kindly request details of the location of the proposed crossings within our district and then we can review this again.	Details of proposed culvert extensions and access tracks are provided in Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 **[APP-061]**, The Framework Surface Water Drainage Strategy Appendix 9-4, ES Volume 2 **[APP-098]** and the Framework CEMP **[APP-238].** No culvert extensions are required in the Ouse and Derwent IDB area and only one access track crossing	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
				within the Ouse and Derwent IDB district (of Drain DE53). As per the above response in relation to the relevant representations, the Applicant notes that the Ouse and Derwent IDB have no objection to the principle of the new open span bridge on Drain DE53. The Applicant will seek to ensure that there is sufficient distance between the proposed bridge and the Ouse and Derwent IDB pumping station downstream, and that the foundations would be set landward rather than on the bank top. This can be confirmed to the Ouse and Derwent IDB as part of the plans of specified work to be submitted to the Ouse and Derwent IDB for approval in accordance with paragraph 20(2) of Part 3 of Schedule 14 of the draft DCO.	

3.2 The draft DCO

Table 3-2. The draft DCO

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
3.2.1	Relevant Representation	Disapplication of section 23 and 32 of the Land Drainage Act 1991	The Ouse and Derwent IDB note that Article 6 of the draft Development Consent Order is disapplying sections 23 and 32 of the Land Drainage Act 1991, together with any Byelaws that the Ouse and Derwent IDB have made under Section 66 of the Land Drainage Act 1991. Instead, Article 43 states that Schedule 14 (the Protective Provisions) have effect. Part 3 of Schedule 14 is relevant to the Ouse and Derwent IDB. Article 16 relates to the discharge of surface water. Article 16(5) states that the protection provisions apply where the drain "belongs or under the control of a drainage authority". The Ouse and Derwent IDB do not "own" any watercourses and we do not maintain all watercourses in our district. Under our Byelaws, the Ouse	The Applicant has engaged with the Ouse and Derwent IDB to seek to resolve its concerns with the DCO drafting. With regards Article 16(5), if the byelaws require the Ouse and Derwent IDB consent for any discharge into a watercourse then that is a watercourse "under the control" of the Ouse and Derwent IDB and so captured by the provision. If the watercourse is not under the control of the Ouse and Derwent IDB then the owner of the drain must consent in accordance with Article 16(3) and (4). Therefore, either the drain is not controlled by the Ouse and Derwent IDB and owner permission must be sought or it is controlled by the Ouse and Derwent IDB and the protective provisions apply. This is reasonable and is well	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Ouse and Derwent IDB Current Position	Applicant Current Position	Status
			and Derwent IDB's prior written consent is however needed for any discharge of water into any watercourse within our district (whether it is Ouse and Derwent IDB maintained or not). The Ouse and Derwent IDB ask that it is made clear that Article 16(5) includes any watercourse within the district of a drainage authority.	precedented. The Applicant understands that the Ouse and Derwent IDB is now satisfied on this point.	
3.2.2	Relevant Representation	Protective Provisions	With regards to Part 3 of Schedule 14 of the draft Development Consent Order, the Ouse and Derwent IDB are in agreement with these provisions other than: a) ""specified work" means so much of the authorised development as is in, on, under, over or within 8 metres of a drainage work or is otherwise likely to affect the flow of water in any watercourse." The Ouse and Derwent IDB ask that this is amended to 9 metres and would like to specifically note that if it is a watercourse, for example,	With regards the definition of "specified work" and the extension of 8 m to 9 m, the Applicant has agreed to extend the distance in the definition of "specified works" in the protective provisions in Part 3 of Schedule 14 to the DCO to 9m for land under the control of the Ouse and Derwent Internal Drainage Board. This is reflected in the updated draft DCO submitted at Deadline 1. With regards the provision relating to access, the Applicant considers this is impractical given	Under Discussion

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			the Ouse and Derwent IDB would require 9 metres from the bank top and would not measure from the water's edge or centre of the watercourse. b) The Ouse and Derwent IDB request a similar provision to that provided to the Environment Agency at paragraph 51 of Schedule 14. The Ouse and Derwent IDB would request: "If by reason of construction of the specified work the drainage authority's access to an ordinary watercourse is materially obstructed, the undertaker must provide an alternative means of access as soon as reasonably practicable to allow the drainage authority to maintain the ordinary watercourse."	a crossing of the watercourse will take place. The provision for the benefit of the Environment Agency is limited to flood defences, which is of a significantly higher risk than ordinary watercourses and drainage works. Given the Ouse and Derwent IDB must approve the plan of specified works in advance of them being carried out, provision for continued access can be ensured through that approvals process, where necessary and appropriate. The Applicant has updated the Protective Provisions at Part 3 of Schedule 14 of the draft DCO at Deadline 1 to provide the following: 20.-(1) Before commencing construction of a specified work, the undertaker must submit to the drainage authority plans of the specified work (such plans to include any proposals for access for maintenance to the drainage work) and such further particulars	

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				available to it as the drainage authority may reasonably require within 14 days of the submission of the plans.	