



Trent Valley Internal Drainage Board

Water Management Consortium

Mr A. McGill, M.A., F.C.M.I.
Chief Executive

Mr R. Brown, BEng (hons), GMICE
Senior Engineer

Your Ref: 23/01837/FULM
WMC Ref: 23/01837/FULM_WMCNS01
Please ask for: Darren Cowling
Email: [REDACTED]

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NG24 2TN

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13 December 2023

Newark and Sherwood District Council - planning@nsdc.info

Dear Sirs,

Reference: 23/01837/FULM
Location: Land to the west of Main Street
Parish: Kelham CP
Proposal: Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.

Applicant: Mr Innes - Assured Asset Solar 2 Ltd
NGR: 476650 - 355764

We refer to the above application and make the following observations:

The site is within the Trent Valley Internal Drainage Board district.

The Board maintained Broadgate Lane Feeder, Misson Drain and Pingley Carr Dyke, all open watercourses, exist within the site boundary and are all subject to BYELAWS and the LAND DRAINAGE ACT 1991.

There are numerous watercourses that are likely to be impacted by the development, either by the position of the proposed arrays, cable route or potential increase in flows.

I feel that it is important to raise some specific issues that will need to be considered further and in detail as a part of the planning process.

All Board watercourses are subject to Byelaws, which are intended to protect the watercourses and the Board's ability to maintain them. With this in mind I would advise the following.

Byelaw Number 3 states that:

No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended ("the 1990 Act")) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water in any watercourse in the District (without the previous consent of the Board)."

Consent will only be granted for the increase in flow to a watercourse where the Board is happy that in doing so no demonstrable harm will be caused. It may be the case that appropriate mitigations are required to be put in place to either attenuate flow or to enhance the existing watercourse to ensure no detriment. If this is not possible alternative outfall locations may need to be considered.

Byelaw Number 10 states that:

No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within nine metres of the landward toe of the bank where there is an embankment or wall or within nine metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within nine metres of the enclosing structure.

This will relate primarily to the location of the arrays, compounds and transformer stations.

Byelaw number 17 states that:

No person shall without the previous consent of the Board -

- (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in, under or over any watercourse or in, over or through any bank of any watercourse;
- (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank;
- (c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse;
- (d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;
- (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Board in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Board may give with regard thereto.

The Board will require all watercourses to be crossed by means of HDD at a depth no less than 2 metres PLUS the cable safety distance below the hard bed level of all watercourses (to ODN if EA or IDB maintained). This will apply to the primary cable route and any interconnecting cables between array sites. The purpose of this requirement is to allow the IDB to maintain and have the flexibility to improve watercourses in the future due to climate change (works will include deepening & widening of watercourses).

Any culverting or other works within the bed of any riparian watercourse within the Board's district be they temporary or permanent will also require consent. The Board would not look to be disapplying section 23 of the Land Drainage Act (1991).

It should be noted that the Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/ culvert or the Board's machinery access to the watercourse/ culvert which is required for annual maintenance, periodic improvement and emergency works.

I hope that the above is of assistance and I look forward to further ongoing detailed discussions with regard to the proposal.

If you require any further information please do not hesitate to contact the Board's Planning and Development Control Officer, Darren Cowling.

Yours faithfully,

A solid black rectangular box used to redact the signature of Robert Brown.

Robert Brown,
Senior Engineer.