

Application by RWE Renewables UK Solar and Storage Limited for Tween Bridge Solar Farm Project
The Examining Authority's written questions and requests for information (ExQ1): Issued on 24 April 2026
Responses are due by deadline 2: 19 May 2026

Please find below answers to the Examining Authority's written questions from the Environment Agency (EA) [ref no. F1C2DDF91].

Ref No.	Question	EA response
	<p>4. Compulsory acquisition, temporary possession and other land or rights considerations</p>	
<p>Q4.0.9</p>	<p>Accuracy of the Book of Reference, Land Plans and Points of Clarification</p> <p>APs are asked to please provide comments on the following:</p> <p>a) If they are aware of any inaccuracies in the BoR [APP-021], the Statement of Reasons [APP-019] or the Land Plans [APP-008]. If so, please indicate where these are and provide the correct details.</p> <p>b) Views on whether there may be any reasonable alternatives to CA or Temporary Possession (TP) sought by the applicant.</p> <p>c) Views on whether there are any areas of land or rights that the applicant is seeking the power to acquire that you consider are not needed.</p> <p>d) Details of any other concerns relating to the legitimacy, proportionality or necessity of the CA or TP powers sought by the applicant that would affect the land that you own or have an interest in.</p>	<p>(a) The Environment Agency (EA) is continuing to review the Book of Reference, Statement of Reasons and Land Plans in respect of the EA-owned parcels included within the Order limits. The EA is still confirming the accuracy of the extent of land and type of rights sought over each parcel, particularly where the proposed easement strips or temporary possession areas may overlap with:</p> <ul style="list-style-type: none"> • operational access routes • flood defence assets • telemetry and monitoring equipment • drainage works and byelaw strips • land required for statutory maintenance activities <p>The EA is currently awaiting internal confirmation of operational access requirements across these parcels. Until this information is available, the EA cannot confirm that the Land Plans and Book of Reference accurately reflect the EA's operational interests. The EA will provide updated information to the Examining Authority once this internal review is complete.</p> <p>(b) The EA considers that there may be reasonable alternatives to some of the permanent easements and temporary possession powers sought by the applicant, including alternative route cable alignments. Until the EA has completed its internal assessment of operational access requirements, it</p>

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		<p>cannot confirm that the applicant has exhausted all reasonable alternatives.</p> <p>(c) Based on the information currently available, the EA considers that there may be parcels or rights where the applicant has not yet demonstrated necessity. These include parcels where the proposed easement alignment appears to cross EA land for convenience rather than necessity. The EA reserves its position until the internal review is complete.</p> <p>(d) The applicant has not yet demonstrated that the permanent easements sought across all EA land are necessary for the construction and operation of the project. The EA has not yet been provided with sufficient detail on construction methods, access arrangements, or outfall design to assess whether the rights sought are the minimum necessary. The EA reserves its position in this regard and may object to the possession of permanent rights if operational access is believed to be compromised.</p>
Q4.0.12	<p>Protective Provisions</p> <p>Please set out your position with regards to the tests under s127 and s138 of PA2008 as applicable to your respective interests.</p>	<p>The EA is a statutory undertaker within the meaning at s.127(8)(a) of the Planning Act 2008. Section 165 of the Water Resources Act 1991 (as amended) sets out its powers to carry out flood defence and drainage works (to the extent that it has a power and not a duty).</p> <p>As set out in our answer to Q4.0.10 above, we are continuing to review our land interests within the Order limits and considering the potential impact the project may have on these and our ability to carry out our statutory undertakings. As such we are not yet in a position to set out in full our position with</p>

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		<p>regards to the tests under s127 and s138 of the Planning Act 2008, but those matters that could form part of this are included in our answer to Q4.0.10 above. Please note that the Environment Agency does not agree with the Applicant's response [REP1-043, page 51] to Section 4.0 of its Relevant Representation [RR-009] regarding this matter. This states that agreement on the Protective Provisions included in Revision 3 of the draft DCO will ensure there is no detriment to the EA and its ability to carry out its statutory undertaking. The Protective Provisions currently included in the Schedule 14, Part 5 of the draft DCO [REP1-004] only cover matters relating to the EA as 'regulator' in respect of flood risk activities. If the scope of these Protective Provisions needs to be widened to cover other matters within the EA's statutory undertaker role, we will discuss these with the Applicant, and seek to agree these during the course of the Examination.</p>
5. The draft Development Consent Order (DCO)- 5.2 Schedules		
Q5.2.9	<p>Draft DCO Schedule 2 Requirement 22 [AS-003]</p> <p>Please could the applicant provide justification for the 21-day consultation period referred to with reference to recently made solar DCOs?</p> <p>Please could the Councils, EA and Natural England provide comments on the acceptability or otherwise of this consultation period, with reasons given?</p>	<p>The EA welcomes the inclusion of Requirement 22 and the allowance of not less than 21 business days to provide its response to consultation. It is the EA's view that this consultation period realistically reflects the potential size and complexity of submissions and is necessary to enable a thorough review of documents to be undertaken.</p>
7. Flood Risk, hydrology, and water resources		

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Q7.0.17	<p>Critical Flood Level</p> <p>Could the EA and the applicant please provide any relevant planning policies pertaining to the Critical Flood Level and provide an explanation of how this differs to fluvial and tidal flood data upon which the mitigation measures have been based? Does a requirement to raise infrastructure above the CFL accord with policy expectations? Is the CFL used nationally, and are either party aware of any instances of development (in particular solar farms) being raised above the CFL (bearing in mind the 'essential infrastructure' category)?</p>	<p>Relevant policies relating to the Critical Flood Level are contained in the North Lincolnshire Core Strategy 2011 and the Doncaster Local Plan 2021. Further details on the Critical Flood Level are contained in the respective strategic flood risk assessments.</p> <p>North Lincolnshire:</p> <p>Policy CS19: Flood Risk of the North Lincolnshire Core Strategy 2011 outlines that development outside of the Lincolnshire Lakes area:</p> <p><i>'shall be guided by the Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire. This will ensure that proposals include site specific flood risk assessments which take into account strategic flood management objectives and properly apply the Sequential and, where necessary, Exception Tests.'</i></p> <p>North Lincolnshire has a joint strategic flood risk assessment with North East Lincolnshire Council. Appendix D of the North and North East Lincolnshire SFRA at Paragraphs 9.14-9.17 provides further information on the Critical Flood Level. Appendix C of the SFRA contains the flood risk advice matrix which includes flood risk mitigation guidance to inform development proposals (outlined in summary of oral submissions).</p> <p>Doncaster:</p> <p>Policy 57: Flood Risk Management, Part D, of the Doncaster Local Plan 2021 outlines:</p>

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		<p><i>The Council's Strategic Flood Risk Assessment identifies a number of residual flood risk areas and details development planning advice for these which should be considered when looking to develop in these areas. The Council will ensure it keeps its evidence base on flood risk up-to date, including commissioning a Level 2 Strategic Flood Risk Assessment at the earliest opportunity, so that proposals outside of Development Allocations have the best available evidence on which to prepare their own site specific flood risk assessments and appropriate mitigation and to assist with successful pass of the sequential and exceptions tests.</i></p> <p>The Doncaster SFRA contains reference to the CFL and in paragraph 6.7.4.1, it outlines that mitigation for development in the Isle of Axholme (IoA) should be based on this.</p> <p>The CFL represents a flood risk scenario that is different to the fluvial flood risk data that flood risk mitigation for the Scheme has been based on.</p> <p>The CFL is a level based on the potential flooding to the IoA from multiple sources, including the non-operation (i.e. complete breakdown) of the pumping regime. This level represents a flood height that would be reached over a period of time in the IoA. The CFL therefore represents a prolonged flood event which results in the IoA filling up like a basin. This is different to the fluvial modelling used to inform the mitigation.</p> <p>The River Trent and River Torne fluvial models do not account for the operation or non-operation of the pumping regime. The</p>

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		<p>River Trent fluvial modelling has informed the mitigation proposals for the Scheme. The model assumes that the existing River Trent flood defences remain in place. The 1 in 1000 River Trent model represents the residual risk of the River Trent flood risk management infrastructure design standard being exceeded by a flood event. This model therefore represents the residual risk that the defences are overtopped when flood levels exceed the height of the defence. This level therefore represents a temporary exceedance of flood risk management infrastructure rather than a long-term failure of flood risk management infrastructure.</p> <p>We can confirm the approach of the CFL is not a national approach and is area specific.</p> <p>The EA considers that the raising of critical equipment above the CFL accords with local policy expectations. We also consider that mitigating the CFL ensures that the development will remain operational in the extreme event of the flood risk management infrastructure no longer being maintained.</p> <p>We are aware Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 included provision for flood resilience against the CFL (based on the previous CFL of 4.1mAOD). We have provided flood risk advice on the CFL in relation to other planning applications submitted to North Lincolnshire Council. For example- references PA/2025/444 and PA/2025/445 (applications for 49.9MW solar farms- not currently determined).</p>

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Q7.0.22	<p>Outline Surface Water Drainage Strategy</p> <p>Could the EA and Council's please confirm the acceptability or otherwise (in principle) of the outline surface water drainage strategy at FRA section 7 and appendices I and J [APP-108-109]?</p>	<p>The EA can confirm that (in principle) it considers the outline surface water drainage strategy is acceptable. We will need to have further discussions with the applicant at the detailed design stage to confirm and agree the strategy in relation to the protection of Controlled Waters. We are satisfied that our inclusion as a specific consultee to Requirement 7 (Battery safety management plan) and Requirement 11 (Surface and foul water drainage) will enable us to do this.</p>
Q7.0.31	<p>Operational reason for locating in flood zone 3b</p> <p>NPS EN-1 paragraph 5.8.41 states in full: <i>“Energy projects should not normally be consented within Flood Zone 3b , or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows.”</i></p> <p>Please could the applicant explain whether there are any operational reasons why this development needs to be located within flood zone 3b?</p>	<p>The EA can confirm that the project will not impact on the available flood storage capacity within Flood Zone 3b. The EA holds no view on the operational reasons why the development needs to be located within Flood Zone 3b.</p>

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	Please could the EA and Councils provide their views on this?	
Q7.0.34	<p>Use of climate change allowances: Paragraphs 5.9 and 5.24 of the FRA [APP-108] state that the 1 in 1000 year flood event has been used to assess the design of flood risk mitigation measures and represents a precautionary approach with a greater extent than the required 1 in 100 year plus climate change event for fluvial flooding and the required 1 in 200 year plus climate change event for tidal flooding. As such, no additional allowance for climate change has been included in the assessment beyond this.</p> <p>To all relevant IPs - please can you confirm if there are any comments you wish to make on the chosen climate change allowances?</p>	<p>The EA is satisfied with the approach to using the 1 in 1000 year flood event to inform the assessment of flood risk. The Trent 2023 1 in 1000 fluvial overtopping model shows greater flood extents and depths across the site compared to the 1 in 100 plus climate change (fluvial) or the 1 in 200 plus climate change (tidal) events. The 1 in 1000 event also indicates a greater flood extent and higher depths than the 1 in 100 plus climate change breach event. The EA is therefore satisfied with the approach taken on climate change allowances.</p>