

Mr Luke Simpson
The Planning Inspectorate
Tween Bridge Solar Farm Case Team
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

Interested Party ref: F1C2DDF91
Your ref: EN010148

Date: 19 May 2026

Order Granting Development Consent for Tween Bridge Solar Farm at Land either side of the M180, High Level Banks (the A18) and the Stainforth and Keadby Canal (EN010148)

Deadline 2: Representations on further information submitted at Deadline 1

Dear Sir

Pursuant to Deadline 2, the Environment Agency notes that the Examining Authority invites comments on any other submissions received at Deadline 1. Accordingly, we provide comments on those submissions relevant to the Environment Agency's remit together with a summary of the current matters still under discussion with the Applicant.

1.0 **3.1 Draft Development Consent Order (Rev 3) [[REP1-004](#)/[REP1-005](#)]**

1.1 ***Part 4, Article 19, Discharge of water***

We note the addition of sub-paragraph (10) and that this is said to be preceded in the London Luton Airport Expansion Development Consent Order (DCO) 2025. The EA does not agree to the inclusion of this paragraph because it does not 'own' watercourses, public sewers or drains. There may be some instances where the EA is a riparian landowner. However, even where this is the case, where outfall infrastructure needs to be constructed to facilitate discharge into a main river, then permission will need to be sought under the Protective Provisions in Schedule 14, Part 5 of the DCO. This will still be required in addition to an application for consent to discharge into controlled waters under regulation 12(1)(b) of the Environmental Permitting Regulations 2016.

1.2 **Article 9 and Schedule 14, Part 5, For the protection of the Environment Agency**

The Environment Agency has reached agreement on the wording of the Protective Provisions, to allow the disapplication of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 (requirement to obtain a flood risk activity permit only). However, the revised draft DCO includes an additional paragraph under the *Indemnity* clause at paragraph (5). This paragraph appears to relate to drainage authorities and is also reflected in Part 3, “For the protection of the drainage authorities”. This addition goes beyond the agreed provisions, and we request that the addition is deleted. We will consider the Protective Provisions to be acceptable once they fully reflect the agreed version.

1.3 **Schedule 2, Part 1, Requirements 7 (Battery Safety Management Plan), 8 (Landscape and Ecology Management Plan), 14 (Construction Environmental Management Plan), 19 (Decommissioning and restoration)**

We welcome our inclusion as a specified consultee to the discharge of these Requirements, as previously requested in our Relevant Representations [\[RR-009\]](#)

1.4 **Request for additional Requirements- Land Contamination & Groundwater and Piling Risk Assessment**

We note the Applicant’s response to our request for two additional Requirements, set out in their Response to Relevant Representations submission [\[REP1-043\]](#). We require additional time to consider the Applicant’s stance further. We maintain our position previously set out in our Relevant Representations, until we are able to do this fully. We will look to advise further in written representations made at Deadline 3.

Whilst we maintain our previous position on this issue, we would like to make the following comments on the Applicant’s Response to Relevant Representations:

The Applicant has outlined that the inclusion of sub-paragraph (e) remedial works in respect of any contamination will ensure a proportionate degree of flexibility. The Applicant also outlines that the exclusion of the activities comprised of this definition would be disproportionate to the nature of the works involved. It is also stated that the works are not expected to give rise to any significant environmental effects.

The EA is unclear what each of the activities comprised within this definition will constitute. We would support that clarification is provided on the extent of the preliminary remedial works currently proposed. Due to a lack of clarity on the nature and extent of the proposed preliminary remedial works in respect of contamination, we do not consider that the conclusion that the works will not give rise to any significant environmental effects has been fully justified.

We consider that the inclusion of sub-paragraph (e) and the position outlined in the Applicant's response appears to conflict with the recommendation of Chapter 9 of the Environmental Statement [[APP-046](#)]. Paragraph 9.4.27. of Chapter 9 outlines that ground contamination assessments can be controlled through the use of pre-commencement planning conditions relating to contaminated land concerns.

It is important that necessary ground contamination assessments are undertaken prior to remedial works taking place. Whilst we understand that the ground contamination assessments would be submitted concurrent with the Construction Environmental Management Plan (CEMP), this would not ensure that remedial works are informed by an appropriate level of assessment.

At present, preliminary works in respect of contamination would be able to take place prior to finalisation of the CEMP. The Applicant's position places reliance on the CEMP to manage the issue of unsuspected contamination. Taking this approach could result in contamination being discovered prior to the approval of the CEMP and consequently the procedure for managing unsuspected contamination may not be fully agreed.

We also have concerns in relation to Unexploded Ordnance (UXO) and that appropriate assessments must be secured prior to any remedial works taking place. Table 9-17 of Chapter 9 outlines that UXO Risk Assessment will be secured by the CEMP. As above, we have concerns that the current approach does not ensure that this assessment will be provided ahead of preliminary works relating to contamination taking place.

We therefore maintain our position that Paragraph (e) should be removed from the definition of preliminary works and that a separate requirement should be included to address ground contamination and for the management of unsuspected contamination.

1.5 **Book of reference [REP1-008]**

We are still in the process of carrying out assessments to understand the potential effects of the acquisitions sought by the Application. Please refer to our answer to ExQ1 Q4.0.9 for details on the issues we are currently considering on this matter.

1.6 **8.2 Response to Relevant Representations [REP1-043]**
Biodiversity Net Gain (BNG)

As outlined in our Written Representations at Deadline 1 [REP1-064], we have received a copy of the BNG Metric dated 18 July 2025. The Applicant's response outlines that the potential impacts of new or modified culverts are accounted for within the Metric. We have not seen an updated BNG Metric. The July 2025 Metric does not record culverts as part of the Watercourse Baseline and there was no information on the Watercourse Creation tab. The Metric therefore appeared incomplete. We advise that confirmation on whether all ditches are being retained and enhanced (as stated in paragraph 2.12 of the BNG Assessment) or just the 3 listed in the Metric is correct.

1.7 **Appendix 10.1: Flood Risk Assessment (Part 1 and 2) (Rev 2) [REP1-021 & REP1-023]**

We have reviewed the revised Flood Risk Assessment and welcome the updates made in respect of Flood Zone 3b, resulting from the new Torne 2025 model.

Appendices A13 and A14 include drawings of the proposed raised track locations within the River Torne extent. As previously advised, the loss of floodplain should be calculated up to the 1% annual exceedance probability plus climate change flood event. We have reviewed the drawings, and we are satisfied that the proposed track raising will not increase flood risk to third parties. Accordingly, we require no further details on this matter, which is now resolved. Accordingly, we withdraw our previous objection and consider that the Applicant has now adequately demonstrated that there will be no increase in flood risk to third parties resulting from the proposed development.

Regarding the FRA revisions in respect of the proposed Battery Energy Storage Systems (BESS), we are currently undertaking a detailed review of the additional information submitted. We will provide further advice on this matter in our written representations at Deadline 3.

1.8 **Outline Construction Environmental Management Plan (Rev 2) [REP1-028]**

We welcome the inclusion of reference to the Environment Agency guidance *'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention'* in Section 9 and on Page 53 of the revised outline Construction Environmental Management Plan.

1.9 **Outline Decommissioning Environmental Management Plan (Rev 2) [REP1-030]**

We note that the Applicant's Response to Relevant Representations states *'The Outline Decommissioning Environmental Management Plan [Document Reference 7.3 Revision 2] has been updated and submitted at Deadline 1 to amend the text in relation to the removal of underground cables.'* However, there does not appear to be any tracked changes in relation to cabling [REP1-031].

Summary

We welcome the additional information that has resolved some of the outstanding issues of concern included in our previous representation. However, there are still some matters that we need to consider further, and we will update the Examining Authority on these during the course of the examination.

Our views are given without prejudice to any future detailed representations that we may make throughout the examination process. We reserve the right to add to or amend these representations, including requests for DCO Requirements, should further information be forthcoming during the examination on issues within our remit.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Danielle Maclean-Spencer
Sustainable Places Planning Advisor

National Contact Centre: 03708 506 506
LNplanning@environment-agency.gov.uk
Ceres House, Searby Road, Lincoln, LN2 4DW