

# **North Lincolnshire Council**

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## **PLANNING ACT 2008 (AS AMENDED) INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

**Planning Inspectorate's Reference: EN010148**

**Application by RWE Renewables UK Solar and Storage Limited for Tween Bridge Solar Farm  
Project**

**North Lincolnshire Council's response to The Examining Authority's written questions and  
requests for information (ExQ1): Issued on 24 April 2026**

**Date: 19 May 2026**

ExQ2	Question to:	Question:
<b>1. General and cross-topic questions</b>		
Q1.0.3	Applicant, North Lincolnshire Council (NLC) and City of Doncaster Council (CDC)	<p><b>Updated National Policy Statements (NPS)</b></p> <p>Could the applicant, NLC and CDC please provide representations on the effect of the changes to NPS, with EN-1,3 and 5 having come into force on 6 January 2026? Please consider the transitional arrangements and whether the revised NPS are 'important and relevant' to the Secretary of State's (SoS) decision.</p> <p><i>As stated in Section 5 of the Council's LIR, the transitional arrangements set out a paragraphs 1.6.2 and 1.6.3 of the 2025 version of NPS EN-1 make it clear that the current application should be considered against the 2024 suite of NPSs.</i></p> <p><i>Nevertheless, as explained in the 2025 NPS EN-1, the suite of 2025 NPSs are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the Secretary of State to determine having regard to s104(2)(d) of the Planning Act 2008, however at this stage NLC does not seek to draw the ExAs attention to any particular guidance contained within the 2025 NPSs in this respect.</i></p>
Q1.0.4	Applicant, NLC and CDC	<p><b>CNP</b></p> <p>In discussing Critical National Priority infrastructure, Planning Statement [APP-030] paragraph 8.2.3 indicates that the applicant has 'relied' upon CNP in relation to the 'landscape and visual' and 'ecology and nature conservation' effects of the proposed development. Could the applicant please review the approach taken to CNP in recently made solar DCO recommendation reports and decision letters and confirm whether it is relying on CNP policy?</p> <p>Could NLC and CDC also set out their respective positions on the application of the planning balance and in particular, the effect of NPS EN-3 policies on CNP?</p> <p><i>As set out in paragraph 4.2.10 of NPS EN-1, Applicants for CNP infrastructure must show how their application meets the requirements in NPS EN-1 and the relevant technology specific NPS (in this case NPS EN-3 and NPS EN-5), applying the mitigation hierarchy, as well as any other legal and regulatory requirements. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated (paragraph 4.2.11).</i></p> <p><i>Paragraph 4.2.12 continues-</i></p> <p><i>'Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.'</i></p> <p><i>Paragraph 4.2.14 of NPS EN-1 states that, in making decisions on DCO applications, The Secretary of State will consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis, and they must be satisfied that the Applicant's assessment demonstrates that the requirements set out above have been met. Where the Secretary of State is satisfied that these requirements have been met, the presumption is that it is unlikely that consent will be refused on the basis of residual impacts remaining after the application of the mitigation hierarchy (Paragraph 4.2.15). Paragraph 4.2.16 then confirms-</i></p> <p><i>'As a result, the Secretary of State will take as the starting point for decision making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances'</i></p> <p><i>In their report into the recently consented Springwell Solar Farm in Lincolnshire (PINS ref: EN010149), the ExA concluded in respect of CNP considerations-</i></p> <p><i>'16.4.16 The ExA concludes that the proposed development constitutes nationally significant low carbon infrastructure, which the Government has identified would qualify as CNP infrastructure. The CNP policy does not create an additional need in this regard, it should be applied following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy as set out in paragraph 4.2.7 of NPS EN-1.</i></p> <p><i>16.4.17 The ExA is satisfied that the applicant's assessment demonstrates that the requirements set out in paragraphs 4.2.10 to 4.2.13 of NPS EN-1</i></p>

		<p><i>have been met. Therefore, the presumption of consent set out in paragraph 4.2.15 applies.'</i></p> <p>The ExAs overall conclusions then stated-</p> <p><i>' 19.2.9 With regard to all other matters and representations received, the ExA has found no important and relevant matters that would individually or collectively lead to a different recommendation to that below.</i></p> <p><i>19.9.10 Our conclusions are subject to the provisions of the recommended Development Consent Order (rDCO) in Appendix C. The ExA finds that the benefits of the proposed development are not outweighed by the identified harm in terms of landscape and visual, cultural heritage and land, soil and groundwater.'</i></p> <p>NLC would expect the current application to be decided in the same way.</p>
Q1.0.6	CDC, NLC and the applicant	<p><b>Community Benefit Fund</b></p> <p>Planning Statement [APP-030] paragraph 8.1.16 states in part that a “Community Benefit Fund of approximately £12.8 million” would constitute a benefit of the proposed development. Could the Councils and the applicant please provide their opinion on whether this should be weighed in the planning balance as a benefit?</p> <p>NLC agrees with the Applicant that the Community Benefit Fund would be a benefit of the proposal, and one which the Council fully supports. Nonetheless, it is recognized that, at present, community benefits packages are provided by developers on a voluntary basis and are a private matter between the developer and the local community. In that respect, the Community Benefit Fund proposed by the Applicant in this case is not a material consideration to be weighed in the overall planning balance.</p>

ExQ2	Question to:	Question:
Q5.2.9	Applicant, CDC, NLC EA and NE.	<p><b>Draft DCO Schedule 2 Requirement 22 [AS-003]</b></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>NLC considers the 21 business days referred to in Requirement 22 to be reasonable as it should give the relevant parties sufficient time to respond to any consultation. ADD</p>
<b>6. Cultural heritage</b>		

ExQ2	Question to:	Question:
Q7.0.22	EA, CDC and NLC	<p><b>Outline Surface Water Drainage Strategy</b></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>NLC notes that BESS facilities present an elevated pollution risk due to the potential for thermal runaway, electrolyte leakage (which contain many organic compounds) and contaminated firewater. Geocellular storage crates are not considered appropriate, as they offer no pollution control benefit and would be extremely difficult to inspect, isolate, or remediate in the event of an incident. There is no clear justification as to why above-ground, sealed SuDS features have been discounted, which would provide far greater control, visibility, and long-term manageability.</p>

		<p>NLC as Lead Local Flood Authority (LLFA) is supportive of the inclusion of firewater management measures such as shut-off valves, impermeable surfacing and containment, however these must be fully integrated into a system that prevents any uncontrolled discharge. The use of below-ground systems within both BESS and substation areas is not supported, given the need for accessible and maintainable infrastructure in high-risk environments. Above-ground attenuation, including lined basins or lagoons, should be prioritised as standard unless robust evidence demonstrates otherwise. This approach would better align with good SuDS practice and provide a more effective response to emergency scenarios.</p> <p>The pollution risks associated with BESS development are not limited to normal operation and must fully consider failure scenarios. Contaminants may include heavy metals such as lithium, cobalt and nickel, electrolyte compounds which can form highly toxic substances such as hydrofluoric acid, and per- and polyfluoroalkyl substances (PFAS) associated with firefighting foams, which are highly persistent and mobile in the environment. These substances present a high-consequence risk to both surface water and groundwater and are not readily managed through conventional drainage systems. NLC considers that the current approach underestimates this risk, and the drainage strategy should be revised to demonstrate robust containment, isolation and management of contaminated runoff in all scenarios.</p>
<p>Q7.0.31</p>	<p>Applicant, EA, NLC and CDC</p>	<p><b>Operational reason for locating in flood zone 3b</b>  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>  Please could the applicant explain whether there are any operational reasons why this development needs to be located within flood zone 3b? Please could the EA and Councils provide their views on this?</p> <p>As set out in section 16 of its LIR, NLC does not consider that the Applicant has demonstrated that there are clear operational reasons requiring elements of the development to be located within Flood Zone 3b. Whilst it is acknowledged that the wider site is constrained by flood risk, the applicant has not robustly demonstrated through the design or layout that the most vulnerable or highest risk infrastructure, such as BESS facilities and substations, cannot be reasonably located within areas of lower flood risk within the Order Limits. As such, the justification for siting development within the functional floodplain is not evidenced.</p> <p>In addition, the proposals do not provide adequate confidence that there would be no net loss of floodplain storage or that flows will remain unimpeded. Whilst some elements of the scheme are described as permeable or elevated, infrastructure such as BESS compounds, substations and associated hardstanding will introduce areas of displacement and potential obstruction. This is particularly relevant within Flood Zone 3b, where land is required to store and convey floodwater during more frequent events, and any loss can have significant and wider reaching impacts.</p> <p>NLC also has concerns regarding the residual risk associated with locating higher risk infrastructure within Flood Zone 3b. These areas are expected to flood relatively frequently over the lifetime of the development, and the combination of floodwater interaction with BESS infrastructure presents a credible pathway for pollution. In the event of damage, failure or fire, there is potential for contaminants to enter the wider water environment, which could result in a significant pollution incident. Given that alternative areas within the site appear to be available outside of Flood Zone 3b, the current layout does not represent a risk-based or policy-aligned approach.</p>
<p>Q7.0.33</p>	<p>CDC, NLC and Severn Trent Water</p>	<p><b>Sewer or other man made flood risk sources:</b>  The FRA [APP-108] states at paragraph 5.56 that "The North and North East Lincolnshire SFRA (2022) states that “sewerage drainage problems have been mapped on their interactive maps”. These interactive maps have not been found freely available to view online by the applicant.”  Can the LLFA and / or Severn Trent Water provide the relevant maps to the applicant for consideration within an amended FRA?</p> <p>Paragraph 4.20 refers to ‘Flooding from other sources, and states-</p> <p><i>‘For the Local Flood Risk Management Strategy North Lincolnshire Council has mapped Local Flood Risk Extents which is an amalgamation of the 1 in 100 yr</i></p>

		<p><i>flood maps for surface water, historic flooding, local knowledge and buffers on critical watercourses. North East Lincolnshire have mapped historical flooding and sewerage drainage problems. There are no Critical Drainage areas in this area. These can be viewed on the interactive maps.'</i></p> <p>The reference to 'interactive maps' refers solely to the flooding and sewerage drainage problems in North <u>East</u> Lincolnshire. There is no interactive mapping for North Lincolnshire.</p>
Q7.0.34	All interested parties	<p><b>Use of climate change allowances:</b></p> <p>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>NLC does not have any concern with the Applicant's approach to climate change allowances in general terms. Nonetheless, NLC notes that this does not meet the Isle of Axholme critical flood level (CFL) which is enforced robustly for all developments, and the as explained to the ExA at the Issue Specific Hearing 1 on 15<sup>th</sup> April 2026, and at paragraphs 16.8-16.9 of the Council's LIR.</p>

**8. Landscape and visual**

ExQ2	Question to:	Question:
Q8.0.7	CDC and NLC	<p><b>Residential Visual Amenity Assessment (RVAA)</b></p> <p>Could the Councils please provide their views on the absence of a RVAA for 'involved properties' as listed at table 1-1 of the applicant's ES Appendix 6.2 [APP-062]?</p> <p>Residential Visual Amenity Assessment is undertaken in line with Landscape Institute Technical Guidance TGN 02/2019. TGN 02/2019 is silent on the consideration of properties that have a financial involvement or financial interest in a proposed development. The scope and approach to undertaking RVAA is left to professional judgement.</p> <p>Para. 3.1 of TGN 02/2019 states-</p> <p><i>'In terms of general approach RVAA should provide a transparent, objective assessment, grounded in GLVIA3 principles and processes, evaluating and assessing the likely change to the visual amenity of a dwelling resulting from a development.'</i></p> <p>Para. 4.4 of TGN 02/2019 states-</p> <p><i>'There are no standard criteria for defining the RVAA study area nor for the scope of the RVAA, which should be determined on a case-by-case basis taking both the type and scale of proposed development, as well as the landscape and visual context, into account.'</i></p> <p>Having reviewed other submitted solar farm LVIA's, there is a mixed picture as to the approach taken by landscape professionals; some explicitly exclude properties with a financial interest in the development, others do assess the involved properties, but make it clear of the involvement, and there are others that are silent on the matter and assess all properties within a defined study area.</p> <p>There does appear to be an approach in a number of examples where 'weight' is placed on residential properties with a financial involvement. They are not scoped out of the assessment, but their involvement is considered. NLC considers that an appropriate approach would be for the Applicant to determine and</p>

		<p>confirm whether the financially involved properties are resided in by those that will receive direct financial gain from the proposed development. If on the other hand the identified properties are not occupied by those with a direct financial involvement in the project, it is suggested that these should be assessed on the same basis as any other property not occupied by persons with direct financial involvement.</p>
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**13. Transport and access**

ExQ2	Question to:	Question:
Q13.0.6	Applicant, NLC and CDC	<p><b>Approach to assessment</b></p> <p>ES paragraph 12.5.22 [APP-049] states in full:  <i>“With reference to paragraph 12.3.4, only Link 19 (Marsh Road) requires further assessment on the basis that it has a high sensitivity ((as set out at Appendix 12.2 - Summary of Sensitive Receptors [Document Reference 6.3.12.2]) and a 27.8 percent impact in HGV traffic.”</i></p> <p>Could the applicant please expand on the rationale for the apparent exclusion of all other links from a more detailed assessment of effects. Whilst the ExA broadly acknowledges the approach taken, presumably certain effects are not only directly correlated to the interrelationship between baseline traffic and additional traffic. For example, where is the ES assessment of the effect of new or altered construction access points on highway safety?</p> <p>Are the Council's satisfied with the methodological approach taken by the applicant in this regard?</p> <p>The ExA notes that ES paragraph 12.3.4 refers to Rule 2 of the IEMA traffic guidelines at paragraph 12.3.4. This rule suggests the inclusion of 'any other specifically sensitive areas where traffic flows (or HGV component) are predicted to increase by more than 10%.' Could the applicant explain whether, how and where consideration has been given to this rule?</p> <p>NLC is broadly comfortable with the approach. This link appears to have been highlighted due to the proximity to Crowle Primary School and is the only link which appears to run through a residential area. The remaining links in North Lincolnshire are predominantly rural in nature with the exception of the A161, although NLC notes that the percentage increase in traffic along here is likely to be minimal.</p>