

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

**Interested Party ref:** [REDACTED]  
**Your ref:** EN010148

**Date:** 30 June 2026

Dear Sir

**Application by RWE Renewables UK Solar and Storage Limited for an order granting development consent for the Tween Bridge Solar Farm Project**

Please see below a summary of the oral submissions made on behalf of the Environment Agency (EA) during Issue Specific Hearing 2 (ISH2) for the above project, together with additional information/explanation requested by the Examining Authority (ExA).

**Item 3: Development Consent Order (DCO)**

The Examining Authority requested the Environment Agency to explain why an additional requirement is needed given the procedure to be followed is set out in the Construction Environmental Management Plan (CEMP).

***Concerns raised during ISH2***

We previously made representations on the draft DCO regarding land contamination and remain concerned that the current drafting does not adequately manage the risk of contamination, including securing the necessary contamination assessments before remediation works can take place.

Chapter 9 of the Environmental Statement (ES) ([APP-046](#)) identifies potential sources of contamination that require further investigation. The ES outlines the assessments will be secured by the Construction Environmental Management Plan (CEMP) under Requirement 14. However, *remedial work in respect of any contamination* is currently included as a permitted preliminary work, and the CEMP is not required to be approved before such works commence.

In our Relevant Representations ([RR-009](#)), we requested the removal of '*remedial work in respect of contamination*' from the definition of 'Permitted preliminary works' in Part 1,

Article 2, Interpretation. We also requested the inclusion of an additional Requirement for Land Contamination.

In the Applicants Response to Relevant Representations ([REP1-043](#)), they outlined that the inclusion of remediation works as a permitted preliminary work has been included to ensure a '*proportionate degree of flexibility*'. They outline that the exclusion of this permitted preliminary work would require the submission of detailed plans for approval under Schedule 2 requirements. We have further considered this point raised by the Applicant.

The Applicant has outlined that they do not consider the additional Requirement to be necessary and that the current procedure for managing land contamination is appropriate. The Applicant's view is that Requirement 14 will afford the Environment Agency with sufficient oversight and that an additional Requirement would duplicate measures already secured and capable of being influenced by ourselves. We do not agree with the Applicants position on this.

The current approach means that remedial works could effectively commence prior to the submission and approval of further assessment under the CEMP. This approach presents a gap in the drafting in the DCO, and the necessary contamination assessments are not fully secured by the current provisions. Whilst we are a consultee to Requirement 14 (CEMP), it is our view that this is a broad construction document that is not designed to control detailed contamination risk assessment. Contamination is usually dealt with through a phased, risk-based process with clear approval points. It is essential that the risk of mobilising contaminants before they've been properly characterised is eliminated and that risk to controlled waters must be properly understood before works begin.

Regarding flexibility, we acknowledge the approach outlined in our previous advice would result in no remedial works being able to take place until all relevant Requirements for that phase of works had been discharged. We are therefore now of the view that remedial works could remain as a permitted preliminary work, provided that the necessary land contamination assessments and any potential subsequent remediation/verification are secured beforehand.

To balance flexibility and environmental protection, we consider the inclusion of our originally requested Requirement, with additional wording to carve out remedial works as a permitted preliminary work would be an appropriate approach. Remedial works would then be able to take place subject to only one requirement being discharged, affording greater flexibility. We have included our recommended Requirement at the end of this letter.

### ***Comparison to Springwell Solar Farm***

The Applicant also referred to the Secretary of State's decision on the recently approved Springwell Solar DCO to justify its stance. The Environment Agency explained during ISH2 that it provides advice on a site-specific basis and that there are fundamental differences between the Springwell application and the Tween Bridge application, in that the latter has identified contamination which will require remediation. The Springwell application did not identify the presence of contamination and the debate in that case related only to the discovery of unsuspected contamination. Notably the Examining Authority did agree with the Environment Agency's request for the Springwell DCO concluding "*the ExA agrees with the EA that due to the vicinity of areas of groundwater sensitivity and abstraction, that provides significant quantities of drinking water to the area, and the importance of protecting this for human health, the procedure for dealing*

*with unexpected contamination should be on the face of the dDCO*" (Planning Inspectorate, Springwell Solar DCO Report, Paragraph 8.4.37, Jan 2026). This approach is also well preceded in other DCOs, such as the Sunnica Energy Farm 2024 (Requirement 18) and Oaklands Farm Solar Park 2025 (Requirement 55). The Infrastructure Planning (Model Provisions)(England and Wales) Order 2009, Schedule 4, part 15, also includes this as a model Requirement.

### ***Additional comments following ISH2***

In principle, we consider that land contamination is a matter that should be managed on the face of the DCO in this instance.

*The Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders* provides guidance on the drafting of Requirements. Paragraph 15.1 outlines that these may correspond with planning conditions that would be applied to planning permissions under the Town and Country Planning Act 1990 (TCPA). Under similar circumstances, we would request respective planning conditions on a TCPA application. Paragraph 15.2 of the Advice Note Fifteen outlines that *Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects*. It is our view that our recommended Requirement on Land Contamination meets these tests.

Table 9-16 of Chapter 9 (Page 50) [[APP-046](#)] reports the potential effects as 'Minor or locally Moderate Adverse (Significant)'. The assessment of likely significant effects may take account of mitigation only where such measures are sufficiently defined and secured. In the absence of certainty as to their delivery or effectiveness, the Examining Authority should assess the effects without reliance on that mitigation, in which case significant effects may arise. It is our view that where contamination is a known issue/risk that requires further investigation and remediation, if this is not regulated on the face of the DCO then there is no certainty as to its delivery or effectiveness. A standalone DCO Requirement for this is both proportionate and consistent with standard practice.

We also have concerns regarding the enforceability of any remediation strategy or verification report that is provided following the discharge of Requirement 14 and provided outside of the formal process. We are concerned that if any subsequent remediation strategy or verification report does not form part of the approved and discharged CEMP, then the requirement for development to accord with the strategy/report would not seem to apply. Unless the remediation strategy and verification reports are provided as part of the Requirement 14 submission, ahead of its discharge, then it is unclear whether Paragraph (3) would be triggered.

We would also question if the Applicant's approach would fully engage the procedure set out in Requirement 22, Consultation. We consider that where further consultation may be required, this should be dealt with through a formal procedure. This would provide certainty and clarity on the procedure that will be followed and the timescales that will be adhered to.

In summary it is the Environment Agency's view that the Applicants current approach lacks clear process and approval points if contamination is discovered through further investigation or unexpectedly. For contamination discovered by further investigation, there is no provision for any necessary remediation strategy, for remediation to be carried out in accordance with any approved strategy or for a verification report to be provided as part of the CEMP. We do not consider it acceptable for any remediation strategy or verification report to be provided outside of the formal process, post-

discharge of the Requirement. For unexpected contamination, without the issue being managed on the face of the DCO, the mitigation depends on informal engagement. Similarly to the management of contamination discovered through further investigation, there is no provision for a remediation strategy and verification report to be agreed with the Environment Agency. The premise for our concerns lies in the site-specific need for environmental protection, potential gap in timescales, unclear approval points, lack of formal process and concerns around enforceability.

Accordingly, the EA requests following Requirement is included in the draft DCO

***Schedule 2, Part 1 - Request for additional Requirement (Land Contamination)***

(1) No phase of the authorised development shall commence until a contamination investigation and assessment report applicable to that phase, together with a written remediation strategy if applicable to deal with any contamination discovered, which is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency on matters related to its function.

(2) In the event that any unexpected contamination is discovered during the construction of any part of the works, including any permitted preliminary works, the part of the works to which the contamination relates must cease until a site investigation and assessment report applicable to that part and, if necessary, a remediation strategy to deal with any contamination which is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency on matters related to its function.

(3) Any remediation required pursuant to sub-paragraphs (1) or (2) must be carried out in accordance with the remediation strategy approved pursuant to sub-paragraphs (1) or (2) unless otherwise approved by the relevant planning authority.

(4) Any verification report required by a remediation strategy approved pursuant to sub-paragraphs (1) or (2) must be submitted to the relevant planning authority in accordance with that remediation strategy.

(5) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works comprising remedial work in respect of any contamination.

Please note that we also maintain our position for the inclusion of a Piling Risk Assessment Requirement.

We hope that the above explanation is helpful and assists the Examining Authority and the Secretary of State in considering the management of contamination in the Development Consent Order.

Yours sincerely

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