

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 (ExQ2): Issued on 07 July 2026
Responses are due by deadline 4: 21 July 2026

Please find below answers to the Examining Authority's written questions ExQ2 from the Environment Agency (EA) [ref no. F1C2DDF91].

Ref No.	Question	EA response
5. The draft Development Consent Order		
Q2.5.2 (Schedules)	Schedule 2 – Requirement 14 [REP3-006] The applicant has amended dDCO [REP3-006] Requirement 14 (Construction environmental management plan) to clarify that the term “commence” does not include any remedial works in respect of contamination. Could the EA confirm whether this addresses its concerns regarding ensuring provision for ground contamination risk assessment prior to preliminary works?	The amendment made to Requirement 14 does not address the EA's concerns regarding ensuring provision for ground contamination risk assessment prior to preliminary works taking place. The additional wording added to the Requirement 14 does the opposite of what we are wanting to secure. The wording included now makes it explicitly clear that the Applicant can do any preliminary works without discharging Requirement 14 because it states that “For the purposes of sub-paragraph (1), the term “commence” does <u>not</u> <u>include</u> any remedial works in respect of contamination. We would expect ‘commence’ to <u>include</u> any remedial works in respect of contamination. The additional wording contrasts to the wording of other Requirements in the draft Development Consent Order where certain preliminary works are subject to the definition of commence, for example: Requirement 9- (3) <i>For the purposes of sub-paragraph (1),</i>

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		<i>“commence” includes any permitted preliminary works.</i> • Requirement 12- (5) <i>Unless otherwise agreed in writing by the relevant planning authority, for the purposes of paragraph (1) “commence” includes any permitted preliminary works which involve intrusive archaeological surveys (including trenching) and other investigations for the purpose of assessing ground conditions (including the making of boreholes).</i> Notwithstanding this, we maintain our position set out in our Deadline 3 oral submissions representation [REP3-082] that further land contamination risk assessments should be secured through an additional, separate Requirement. The Applicant’s proposed approach does not adequately secure a contamination investigation, assessment and remediation strategy to be undertaken, consulted on and approved, or for any remediation to be carried out in accordance with the approved strategy and a verification report provided on completion of the works. We also note the Applicant’s Post Hearing Note to its oral submissions made at Issue Specific Hearing 2 on this matter [REP3-047]. Paragraph 4.19 incorrectly explains that the effect of the amendment ‘<i>would be subject to the requirement to have a CEMP for that phase approved</i>’ - the amendment has the opposite effect. The applicant also states at paragraph 4.20 that the proposed amendment was shared with the Environment Agency through the SoCG. The proposed amendment was included as the Applicant’s comment on this matter and the ExA will note that this is a matter still under discussion. In addition, the Applicant’s Post Hearing Note (paragraph 4.72) states

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		a review of the Springwell Solar Farm Order 2026 has been undertaken and <i>“The Applicant does not consider that the approach taken in the Springwell Solar Farm Order is driven by any site-specific assessment of contamination risk. Rather, the Applicant understands the Examining Authority’s conclusion in that case to reflect general support for the principle that contamination matters can appropriately be addressed through the CEMP or equivalent control document, rather than necessarily requiring a standalone Requirement”</i>. We would draw your attention to paragraph 8.4.37 of the ExA’s report to the Secretary of State (8 January 2026), which states <i>“The ExA notes that there was no specific contamination risks identified in the applicant’s assessment. However, 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”</i> (emphasis added). We submit that this conclusion is very much driven by a site-specific assessment of risk. Requirement 22 that the ExA included in the dDCO related to unsuspected contamination only, but was subsequently removed by the Secretary of State. As explained during ISH2, it is the EA’s view the site-specific circumstances at Tween Bridge are such that this matter should be dealt with by a specific Requirement relating to contamination. We would also draw the ExA’s attention to the most recent solar DCO decision, published on 8th July 2026, for the One Earth Solar Farm. The circumstances of that application are directly comparable to the Tween Bridge Solar Farm application, as contamination has been identified and further site investigation is required. Notwithstanding this, the Secretary of State was satisfied that the matter should be

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		addressed through Schedule 2, Requirement 21, which secures a Phase 2 site investigation and risk assessment, a remediation strategy, a verification report, and measures to address any previously unidentified contamination encountered during construction on the face of the DCO. We urge you to take a consistent approach with this latest decision.
14. Other matters		
Q2.14.1	Piling Method Statement Could the EA please provide a response to the applicant's statement in respect of the EA request for a requirement pursuant to a piling risk assessment? The applicant's response is provided at page 51 of its response to RR [REP1-043]. Could the applicant please explain whether the existing commitments referred to include provision (and suitable implementation and control) for a piling method statement?	It is the EA's view that (similar to the need for a separate contamination Requirement) when piling is required this should be controlled separately on the face of the DCO. Any piling undertaken will require a method statement informed by a piling risk assessment. This needs to be based on the hydrogeological information contained in the contamination investigation and assessment report. These all require review, approval and should be secured by specific implementation requirements – the CEMP is a broad construction document that is not designed to capture and secure specific approval of detailed risk assessments. Issues such as piling, will need to be dealt with through a phased risk-based process with clear approval points, method statements and implementation requirements. To leave these matters unsecured on the face of the DCO would present a risk that piling could cause contaminants to migrate to groundwater through a source–pathway–receptor linkage, undermining confidence that groundwater receptors will be adequately protected. In addition to this, as set out in the EA's Deadline 3 submission, ([REP3-076] paragraph 1.4), Commitment 118 indicates that piling could be required at the pre-construction, construction, operation and decommissioning phases of the project. Therefore, the CEMP does not cover every phase of the project when piling could be required.

End.