

North Lincolnshire Council

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

Planning Inspectorate's Reference: EN010148

Subject: Application for an Order Granting Development Consent for the Tween Bridge Solar Farm

Applicant: RWE Renewables UK Solar and Storage Limited

DEADLINE 4 SUBMISSION

21 July 2026

ExQ2	Question	NLC Response
Q2.2.5	Biodiversity Net Gain (BNG) Monitoring CDC's LIR [REP1-062] paragraph 9.35 sets out its suggested requirements for monitoring of BNG. It suggests that a Habitat Management and Monitoring Plan (HMMP) should be produced and implemented with involvement from both CDC and NLC. It suggests that normally a section 106 agreement (s106) would secure this. In response [REP2-089], the applicant has stated: 'The Outline Landscape and Ecology Management Plan [Document Reference 7.6 Revision 3] is secured by Requirement 8 of Schedule 2 to the draft DCO [Document Reference 3.1 Revision 4]. The Outline Landscape and Ecology Management Plan includes relevant implementation and monitoring requirements, particularly in Table 4-1 and sections 6 and 7.' Can CDC, NLC and the applicant set out their latest position on this and, where relevant, make reference to any precedent in solar Development Consent Orders (DCO) for approaches to BNG monitoring?	NLC is aware that recent solar DCOs have included requirements for years 1,3 & 5 then every 5 years for the reporting schedule. The Applicant's suggested years 2 and 5 then every 5 years set out in the LEMP is broadly acceptable although we would generally advise the former approach to allow proactive measures to be undertaken. With the HMMP to be incorporated into the LEMP, it would be valuable to detail what is expected for maintenance and monitoring during the establishment years (0-5 years), the long-term management for years 6-40 (or the scheme lifetime) and then the restoration and decommissioning phase, alongside remedial actions. The division of the mitigation parcels for management and monitoring purposes in the LEMP is appreciated and clear detail regarding phased creation useful. NLC notes that the Heckington Fen Solar Park DCO considered BNG recently which Lincolnshire colleagues highlighted as a suitable approach to BNG monitoring. The BNG monitoring approach was provided within the LEMP, which was similarly secured by requirement. Although pre-mandatory BNG, Little Crow Solar Park DCO also secured net gains through the LEMP requirement. It is possible that, if discrete elements of the HMMP require s106 obligations to discharge those elements, then agreements can be entered into at the time.

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Q2.5.5	Draft DCO [REP3-006] Article 13 CDC's position on the 28 period is noted. Could NLC please confirm whether a deemed consent period of 28 days is acceptable (please give reasons in your response)?	NLC agrees with of CDC for the reasons set out in its LIR that 8 weeks (or such longer period as may be agreed) is a reasonable and proportionate deemed consent period for article 13 and articles 15(9), 16(2), 18(8), 19(9), and 21(6).
Q2.6.4	Archaeology Could the applicant please provide a response to the assertions made at paragraphs 8.19 to 8.29 of CDC's LIR [REP1-062]? Specifically, could the applicant explain whether it considers that it has sufficiently taken a holistic approach to the consideration of below ground heritage assets and the extent to which they are likely to be present? Please could both Councils and the applicant also provide an update on discussions with regard to the extent of archaeological works to be secured post consent (in the event that consent is granted)? Any disagreement should be clearly explained with reasons given.	Following a meeting on Wednesday 15 th July between the Applicant's heritage adviser, NLC and CDC the current position in respect of archaeology and the recently submitted draft zoning plan can be summarised as follows: 1. NLCs current position is as set out in its LIR and the travelling draft SoCG. 2. NLC has agreed to continue to collaborate with regard to advancing the zoning plan and Outline Archaeological Mitigation Strategy (oAMS). 3. NLC agree that the zoning plans and broader oAMS are working documents that will evolve with the project/data available. 4. NLC notes that the Applicant intends to revise the zoning plan (in line with feedback from CDC); to colour the archaeological assets mapped on the basis of their sensitivity; and to provide an additional plan which will provide zones of sensitivity (to be coloured on the basis of the identified level of effect and the sensitivity of any receptors in those parts of the Order Limits).

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		5. NLC agrees that the zones of sensitivity should be prepared on a worst-case scenario basis 6. NLC notes that CDC has agreed to provide examples of zoning plans received from other schemes as examples. 7. NLC notes that due to the complexity of finalising the revisions to the zoning plan the Applicant intends to issue it at Deadline 5, with the additional zones of sensitivity and a revised version of the oAMS using the currently available version issued at Deadline 4.
Q2.6.6	Dirtiness Pumping Station (Grade II) Paragraphs 12.28 to 12.30 of NLC's LIR [REP1-063] address the effect of the proposed development on Dirtiness pumping station. Could NLC please confirm whether it is suggesting 'less than substantial harm' would occur? Could the applicant also provide a response on this? Could the applicant and NLC update the ExA on any progress made in amending the proposed layout, as indicated at NLC LIR paragraph 12.30?	NLCs view is that the submitted layout would result in less than substantial harm, but not 'at the lower end' as suggested by the Applicant. NLC notes that, in response to the Council's comments, the Applicant has considered the feasibility of increasing the extent of mitigation proposed in relation to Dirtiness Pumping Station and proposes to alter the scheme in this area to include a strip of land that allows glimpsed views of the asset when approaching along the road to the south-west. Subject to those amendments, NLC would conclude that, subject to the SoS's conclusions in respect of the weight to be afforded to the benefits of the scheme, that those benefits would outweigh any residual effects on the setting of the pumping station.

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Q2.8.6	Receptor sensitivity Please could NLC address the applicant's response to paragraph 9.21 of the NLC LIR [REP2-090]?	NLC has not identified any particular areas where there is a disagreement in the sensitivity ratings identified, however the Council's view is that there is not enough detailed information included to make an informed judgement. NLCs concern lies with the generic approach being adopted for each receptor rather than consideration of each individual receptor's value and susceptibility being evident in the LVIA, as would be expected in accordance with GLVIA3.
Q2.9.3	Unexploded Ordnance (UXO) risk assessment The applicant has submitted a Detailed Unexploded Ordnance Risk Assessment (Rev 1) [REP3-030]. Could the applicant confirm how the recommendations of this assessment would be implemented? It is noted that some measures are set out at paragraphs 5.15.1 to 5.15.10 of the CEMP [REP3-033]. However, paragraph 20.1 of the risk assessment [REP3-030] states in part: "It is recommended that a site-specific plan for the management of UXO risk be written for this site. This plan should be kept on site and be referred to in the event that a suspect item of UXO is encountered at any stage of the project. It should detail the steps to be taken in the event of such a discovery, considering elements such as communication, raising the alarm, nominated responsible persons etc.(ExA emphasis added) Please append this management plan to the CEMP, OEMP and DEMP. Details of UXO risk management should be set out in the OEMP and DEMP bearing in mind the risks associated with 'maintenance' and	The limitations of the 'Detailed Unexploded Ordnance Risk Assessment (Rev 1)' [REP3-030] are clearly set out within the document (see Executive Summary on page ii). NLC considers that the details of risk management procedures included in the CEMP [REP3-033] are appropriate for the site as a whole. However, for those areas identified as having medium/medium-high risk of UXO within the site a more detailed management plan than set out in the outline CEMP would be required, as set out in the submitted risk assessment. This would need to be included as part of any submission to meet Requirements 14 and 19 of the Draft DCO.

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	decommissioning works respectively. Could CDC and NLC provide any representations on the applicant's risk assessment [REP3-030]?	
Q2.10.1	Definition Paragraph 4.17 of NLCs LIR [REP1-063] states in part: “Overall NLC is not convinced that the Applicant's definition of the project is legally sound. It is accepted that an assessment of NGET substation and grid connections may not be possible to the same level as the parts of the project that are (more) certain. However, NLC considers that those elements should have been included in the definition of the project and an assessment should be carried out” Could the Council please expand on when it says that the ‘definition’ is not legally sound? The preceding text and the points raised are acknowledged but it is not clear how this makes the actual definition unsound? Please also consider other solar DCO cases where the point of connection (POC) and cable route did not form part of the application.	NLC notes that the description ‘unsound’ in respect of the definition may not be the correct approach and it is the issuing of any DCO by the Secretary of State which could be found to be legally unsound for the reasons explained in Chapter 4 of NLCs LIR [REP1-063]. NLC is not aware of any DCO made by the SoS where this issue has arisen, since the <i>Raeshaw Farms Ltd v Scottish Ministers [2026] CSIH 10</i>. It is NLCs view that the NGET substation and grid connections are functionally interdependent and an integral part of the wider project. On that basis, they should be included in the definition of the project and assessed appropriately, looking at potential worst-case scenarios. As set out at paragraph 4.10 of the Council's LIR, there is a risk of falling foul of the <i>Ó Grianna</i> judgment in that the lack of formulated proposals for the NGET substation and design and route of the connection of the solar farm to the grid does not justify treating what is effectively phase 1 of the wider scheme as a stand-alone project. In the same way, as in <i>Ó Grianna</i>, this may be suggestive of development consent being sought prematurely.

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		In respect of more recently submitted DCOs the Council is aware of [DCO reference EN0110013], The Drovers Solar Farm proposed in West Norfolk. This is an undetermined DCO application. Chapter 4 of the ES (Document reference: APP/6.1) explains the journey the Applicant has been on in respect of grid connections and the approach to assessing reasonable alternatives. The Applicant in that case was uncertain as to where the grid connection, including the required National Grid Substation, would be and proposed to engage the 'Rochdale Envelope' to provide flexibility in design. Nevertheless, in NLCs view the scheme and the draft DCO rightly included the proposed National Grid substation and an assessment of possible options for its design and siting.
Q2.10.2	Ashchurch Paragraph 4.6 of NLC's LIR [REP1-063] concludes that on the basis of the judgement in R (Ashchurch Rural Parish Council) v Tewkesbury Borough Council [2023] EWCA 101] the applicant 'may be guilty of salami slicing'. However, what does this mean in practice? Is it a legal point? Does it go to the principle of development or benefits? Please expand on this.	This is a legal point which potentially impacts on the principle of development and the weight that can be afforded to the benefits. As per the Court of Appeal judgement and the passage repeated at paragraph 4.5 of NLCs LIR, the decision-maker may fall into legal error if they rely on the difficulty of assessing the environmental impacts of the wider project when making a decision on an application. Furthermore, error may also occur if the decision-maker relies on the fact that EIA assessments will (or may) be carried out in the future as and when other parts of a project become the subject of planning applications.

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		Therefore, if the SoS is to rely on the renewable energy benefits of the scheme once connected as weighing in favour of granting development consent, they would also need to consider the potential environmental effects of the grid connection that would be needed to deliver those benefits. That is not possible in this case because the grid connection and NGET substation have been excluded from the project and consequently, their impacts have not been assessed at all. The Council simply seeks to highlight the risks of not doing so in this case.
Q2.11.1	Rating level Paragraphs 13.21 to 13.22 of NLC's LIR [REP1-063] state: 'Table 13-7 of the ES appears to consider 'No Adverse Effect Level' at a Rating level less than or equal to noise limit +5dB. However, according to BS4142:2014 a difference of around +5dB is likely to be an indication of an 'Adverse Impact', depending on the context. On this basis, NLC therefore recommends that the rating level should be either less than or equal to the measured background noise level at the NSR's to ensure a low impact.' How would NLC propose that this is controlled? What is the applicant's response?	NLC notes that this matter would be controlled by draft DCO Requirement 17.

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Q2.11.2	Decommissioning NLC LIR [REP1-063] paragraph 13.28 states in part that ‘there is no robust assessment of the effects and the Decommissioning Environmental Management Plan does not present any specific mitigation measures to address any effects which may arise.’ What measures would NLC propose in this regard and can the applicant please provide a response (updating documents where necessary)?	Having further reflected on the likely noise and vibration impacts during the decommissioning phase, NLC is satisfied with the Applicant’s suggested approach in its response to paragraph 13.28 of the Council’s LIR (set out on pages 152/153 of Document ref: REP2-090). The Council accepts that the noise and vibration effects during the decommissioning phase would be similar to or less than noise and vibration effects during the construction phase and no further assessment is required. NLC notes that mitigation measures would be subject to the approval of a Decommissioning Environmental Management Plan, pursuant to Requirement 19 of the draft DCO .
Q2.13.1	Abnormal Indivisible Loads (AIL) Are the Councils satisfied with the applicant’s approach to AILs set out in its response to written question 13.0.5 [REP2-087].	NLC is satisfied with the Applicant’s suggested approach to AIL, the final details of which would be secured via the Construction Phase Traffic Management Plan (CTMP) which would require approval of NLC (and CDC) subject to Requirement 16 in the draft DCO.