

Mr Luke Simpson
The Planning Inspectorate
Tween Bridge Solar Farm Case Team
c/o QUADIENT
69 Buckingham Avenue
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Interested Party ref: F1C2DDF91
Your ref: EN010148

Date: 04 August 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 5: Representations on further information submitted at Deadline 4

Dear Sir

Pursuant to Deadline 5, the Environment Agency notes that the Examining Authority invites comments on any other submissions received at Deadline 4. Accordingly, we provide comments on those submissions, relevant to the Environment Agency's remit.

1.0 3.1 Draft Development Consent Order (Rev 7) [[REP4-003](#)]

1.1 Part 4, Article 19, Discharge of water

We welcome the Applicant's agreement (under Ref. EN1, page 4, [[REP4-065](#)] of the Applicant's response to Environment Agency representations) that our permission would need to be sought under the Protective Provisions in Schedule 14, Part 5 of the draft DCO for the construction of outfall infrastructure, and that a water discharge permit may also be required where discharges are made into controlled waters under regulation 12(1)(b) of the Environmental Permitting Regulations 2016.

We also note that Article 19(8)(a) includes the term "*public sewer or drain means a sewer or drain which belongs to ... the Environment Agency*"

and that this drafting (i.e. Article 19(8)(a)) is widely precedented in many DCOs. However, the fact remains that the Environment Agency does not own public sewers or drains. Consequently, the inclusion of Article 19(10) has no practical or legal effect. It is also important to note that the wording of paragraph 19(10) is not widely precedented for precisely that reason. The only DCO known to include this provision is the London Luton Airport Expansion Order 2025, and it is assumed that it was an oversight that the Environment Agency did not challenge its inclusion in that Order.

The Environment Agency would refer the Examining Authority to the most recent DCOs granted for solar farms that the Applicant has reviewed (the One Earth Solar Farm Order 2026, Dean Moor Solar Farm Order 2026, Peartree Hill Solar Farm Order 2026, Springwell Solar Farm Order 2026, Fenwick Solar Farm Order 2026, Helios Renewable Energy Project Order 2025, Stonestreet Green Solar Order 2025, Tillbridge Solar Project Order 2025, Byers Gill Solar Farm Order 2025 and Oaklands Farm Solar Park Order 2025), and notes that this sub-paragraph is not included in any of them. Accordingly, we request that this sub-paragraph be removed from any draft Order that the Examining Authority may be minded to recommend for approval.

1.2 *Schedule 2, Part 1, Requirement 14 (Construction Environmental Management Plan)*

We note that the revised draft DCO changes the wording in paragraph (4) of Requirement 14 so that "commence" now includes any permitted preliminary works involving remedial works in respect of contamination, rather than excluding them. Although the Requirement correctly carves out the permitted preliminary works, this change does not resolve our concerns regarding land contamination. We refer the Examining Authority to our ISH2 Summary of Oral Representations [[REP3-082](#)] for our position on this matter.

2.0 *Book of reference [[REP3-012](#)]*

The Environment Agency is still in the process of carrying out assessments to understand the potential effects of the acquisitions sought by the Application. Accordingly, we have no further update for the Examining Authority and our position remains as set out in our Deadline 4 Written Representations [[REP4-076](#)] on this matter.

3.0 *Biodiversity Net Gain (BNG) Metric (Rev 2) [[REP3-085](#)]*

We have reviewed the revised BNG Metric and are satisfied that it now accounts for the culvert works proposed as part of the scheme. The Metric records culverts as lost under the Watercourse Baseline tab, and this therefore addresses our previous concerns raised in Paragraph 3.2 of our Deadline 4 Written Representations.

We previously highlighted that there were slight discrepancies between the figures for net gain contained in the Metric and the BNG Assessment [[REP3-028](#)]. Following update to the Metric, we note that the figures are now consistent.

In addition, we previously advised that we considered it likely that additional enhancements may be required to ensure delivery of 10% net gain for watercourses. No further details have been provided on this matter. We therefore advise that the Applicant and Examining Authority should have sufficient confidence that the net gain for watercourses will be achievable.

4.0 Applicants Responses to Deadline 3 Submissions [[REP4-065](#)]

We acknowledge the Applicants response in Table 2 under ref EN3 regarding land contamination matters (though the explanation on Requirement 14 contradicts the drafting now included in Rev 7 of the dDCO). We maintain our position that land contamination measures should be managed under a separate requirement. We do not agree that the approach taken on Springwell Solar Farm supports or justifies the approach taken on this project. In principle, we consider that the approach to contamination for this scheme should be based on its own merits.

It is wholly incorrect for the Applicant to suggest that the Environment Agency has implicitly accepted that the measures proposed are appropriate or robust within the Outline CEMP and that this signifies our agreement as to their adequacy. The reason the Environment Agency has not provided detailed commentary on those measures is because we do not consider the CEMP to be the appropriate mechanism for securing contamination risk assessment, remediation strategies and verification reports. Accordingly, our focus has been on the absence of a dedicated contamination requirement, rather than the detailed content of the Outline CEMP, which in our view is inadequate to manage the risk of contamination.

The Environment Agency disagrees with the Applicant's characterisation of this matter as one of "form over substance". Our concern is not simply where the measures are documented, but whether the necessary contamination controls are secured through an appropriate and enforceable mechanism within the DCO framework.

We note the Applicants response to our comments in relation to piling under ref EN4 and the Applicants response to Q2.14.1 [[REP4-062](#)]. We welcome

clarification that piling is not anticipated during the operational and decommissioning phases of development. We have no further comments on this matter and maintain our position set out in our response to Q2.14.1 of the Examining Authority written questions 2 [[REP4-083](#)].

We welcome clarification under ref EN7 that it is not proposed to culvert the North Soak Drain. We support that the employment of clear span methods will be fully explored at the detailed design stage. We have no further comments to make on this matter and wish to reiterate that any culvert proposal will require consent under the Protective Provisions, as outlined in our Deadline 3 Written Representations [[REP3-076](#)].

We note under ref EN16, that the Applicant refers to amending Table 4-1 of the Outline Landscape and Ecological Management Plan [[REP4-055](#)] *'to confirm that ongoing management will include scrub control, sensitive dredging and rotational management to ensure that entire lengths of ditch are not affected at the same time'* [emphasis added]. We would like to highlight that this error does not appear to have been rectified in the latest version.

Summary

We welcome the additional information that has resolved some of the outstanding issues of concern included in our previous representations. We understand that the Applicant is due to submit an updated Statement of Common Ground at this Deadline, which will provide the Examining Authority with an up-to-date position on matters within the Environment Agency's remit.

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

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Sustainable Places Planning Advisor

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