

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 5 SUBMISSION

4 August 2026

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1.0 Introduction

- 1.1 This document comprises the Deadline 5 submissions North Lincolnshire Council (NLC/the Council) further to the Examination Timetable (Item 12). Comments are only provided where there is something to add, otherwise the Applicant's comments should be taken as 'noted'. Because of the timing of Deadline 5 has coincided with the school summer holidays it has not been possible to fully review all the Deadline 4 submissions. Where necessary, further submissions will be submitted in advance of Deadline 6.
- 1.2 The Council will seek to continue to work proactively with the Applicant's to resolve outstanding issues. Any matters which cannot be agreed will be set out clearly in the Statement of Common Ground between NLC and the Applicant.

2.0 North Lincolnshire Council Comments on Responses to ExQ2

- 2.1 The Council's comments on specific answers provided by the Applicant contained in ExQ2 [REP4-062] are as follows:

Q2.6.6 – Dirtiness Pumping Station – NLC notes the Applicant's changes to the arrangement of panels in parcel E5, which addresses the Council's concerns in this respect.

Qs 2.6.5, Q2.6.10, Q2.6.11 - Archaeology – NLC notes the additional information provided. This is a live issue which is subject of ongoing discussions between the Applicant, NLC and CDC. NLCs current position is set out

in the latest iteration of the Statement of Common Ground between NLC and the Applicant. Please see **Table 3-2: Cultural Heritage and Archaeology Matters agreed, under discussion and not agreed between the parties**.

Q2.7.3 – Sequential Test – NLC notes the Applicant's response and the additional information provided at Deadline 3. NLC welcomes the removal of the substation in its entirety from Flood Zone 3b (FZ3b). NLC remains concerned that part of the BESS infrastructure remains within functional floodplain and remains unconvinced that there is no possible viable option for the development to avoid FZ3b.

Section 8 – Landscape and visual – NLC notes the revisions to the ES in respect of landscape and visual matters and will respond as soon as possible once it has been able to fully review the updated ES Chapter 6.

Q2.9.3 - Unexploded Ordinance (UXO) risk assessment – The Council's comments on this are set out in its deadline 4 submission. Furthermore, the Council supports the comments made by the Environment Agency explained at ISH2 and in its letter dated 30 June 2026 (Interested Party ref: F1C2DDF91). NLC agrees that an additional requirement is needed in relation to the management of the risk of contamination (including UXO), including securing the necessary contamination assessments before remediation works can take place.

Q2.10.3 – Point of connection – NLC notes the Applicant's response which should be read in conjunction with paragraphs 4.1-4.11 of the Council's LIR [REP2-090], the comments in table 6 below, and the travelling draft Statement of Common Ground.

Q2.10.4 – Existing substation – NLC notes the Applicant’s response which should be read in conjunction with paragraphs 4.1-4.11 of the Council’s LIR [REP2-090], the comments in table 6 below, and the travelling draft Statement of Common Ground.

3.0 Applicant’s response to North Lincolnshire Council Comments on responses to Local Impact Report [REP3 079]

Ref	NLC Deadline 3 Comment	Applicant’s Response	NLC Further Comments
Summary of the Council’s oral submissions made at the hearings in w/c 22 June 2026			
NLC4	ISH2 Item 4c – Cultural Heritage The Council supports the comments made by South Yorkshire Archaeological Service (SYAS), speaking on behalf of City of Doncaster Council, during ISH2. The Council welcomes the revised Geoarchaeological Assessment and zoning plans provided by the Applicant to the Council’s Historic Environment Officer and SYAS,	The Applicant notes this comment. Please refer to Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047] for further details summarised as part of agenda Item 4c Cultural Heritage and also Written Summary of Oral Submissions at the Issue Specific Hearing 1 [REP1-046] for further details summarised as part of agenda Item 4c Cultural Heritage.	NLC notes the Applicant’s commitment to seek to resolve this issue.

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	and the Council will seek to respond to these documents shortly. At this stage, the Council maintains its position that there are significant shortcomings in the assessment of the archaeological potential of the site which should be resolved before Development Consent is granted.	The Applicant notes the concerns raised and is committed to continuing engagement with the Archaeological Officer to seek agreement of areas of outstanding disagreement. However, the Applicant categorically rejects the suggestion that there are "significant shortcomings in the assessment of the archaeological potential of the site" and has set out its position in detail with respect to this matter during the course of the examination so far.	
NLC6	As has been the Council's position throughout, the applicant should have used more recent baseline landscape character assessment details than the character assessments used to inform the report (which are 20 and 27 years old). From an NLC perspective, this	The Applicant confirms that the adopted landscape character assessments relied upon with ES Chapter 6 Landscape and Visual [Document Reference 6.3.6 Revision 4] remain extant and have not been superseded. The Applicant however confirms that an update has been made	NLCs landscape advisers have not had the opportunity to fully review the update LVIA and make the following comments- The LVIA has been updated to include sections on the two more recent character assessments (as

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	Includes the North Lincolnshire Landscape Character assessment, North Lincolnshire Council, JBA (2021) which forms part of the evidence base to the emerging local plan. These more contemporary documents should have been considered when informing the baseline studies for the assessment. The Council would therefore welcome a more Detailed assessment of the effect of the proposals on landscape character, informed by current available studies at a more detailed scale.	to ES Chapter 6 Landscape and Visual [Document Reference 6.3.6 Revision 4] to reflect the Isle of Axholme and Hatfield Chase Landscape partnership Assessment (2014) and the North Lincolnshire Landscape Character Assessment (2021) and has been submitted as part of Deadline 4.	requested) and the value of the landscape outside national designations in accordance with TGN02-21. Nevertheless, it appears that the landscape character has been undervalued and underplayed in the LVIA. • Within the LVIA, baseline information has been added and then a statement on the susceptibility, value and sensitivity for these additional character areas made. However, no explanation is included on how the conclusion on value, susceptibility and sensitivity has been made. All the character areas added have been given a medium value, medium susceptibility to

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			the development and medium sensitivity. For example, Hatfield Chase Levels LCA (from the 2014 character assessment) is summed up in LVIA para 6.4.51 : <i>'Hatfield Chase Levels LCA is considered to be of medium sensitivity based on medium susceptibility and medium value'.</i> The description prior to this statement, extracted from the LCA text, includes the bullet points – 'Important historic landscape', 'rare historical settlement pattern'; 'strongly geometric landscape, dominated by big skies with a marked sense of space'. It is hard to see how an area with that

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			description would not be considered high value. It is also difficult to understand why it would not have a high susceptibility to this type of development when a large portion of the proposals lie within it. This would result in a high sensitivity. • Again, The Trent Levels – flat Open Remote Farmland (in the NLC study) includes key characteristics including 'the landscape has been described as remote, although this now feels to have been eroded due to the significant vertical intrusion of the windfarm to the west of Medge Hill' – this demonstrates that the landscape is already under pressure and changing as a result of

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			development, so a solar development would add to this pressure, meaning the landscape is highly susceptible (not medium). • Thorne and Crowle Moors (2014 LCA) is described as 'internationally designated for their important raised bog habitats', 'one of the largest lowland raised bogs in Britain', 'remote, peaceful and largely inaccessible' Yet is summed up in the LVIA to be medium value, medium susceptibility, medium sensitivity. • Other character areas have been addressed in a similar manner with medium value, medium susceptibility and medium sensitivity being

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			the default for all character area added. • The assessment includes additional text on landscape value. From an initial review we would question how, for example, Factor 2 – Cultural heritage can be recorded as medium considering the historical land use associated with this area. The value assessment has been carried out on the order limits as a whole and since the character areas have been downplayed, it is no surprise the value of the whole area has been assessed as 'medium'. It goes on to give the whole site a susceptibility of 'medium' and sensitivity of 'medium'.

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			Overall therefore, from this initial review of the amended document, it appears that the landscape character has been undervalued and underplayed in the LVIA.
NLC9	ISH3 Item 3b – Flood Risk In response to the ExAs questions about the need to locate substation and BESS infrastructure partly within Flood Zone 3b, the Council expressed its concerns from both a Planning policy perspective in the context of the sequential and exception tests, and in respect of the real-life potential impacts of doing so. The Council's concerns in this respect are set out in more detail in its LIR and at Appendix 1 below and are not repeated here.	The Applicant notes this comment. Please refer to Written Summary of Oral Submissions at the Issue Specific Hearing 3 [REP3-048] for further details summarised as part of agenda Item 3b Flood Risk. The Applicant has confirmed as part of the Deadline 4 submissions that the siting of the onsite 132kv substation within Flood Zone 3b has been partially relocated to remove the extent within the Flood Zone 3b area. The Applicant also reviewed whether the 100MW BESS could be similarly reconfigured. However, relocation of the BESS is constrained by the wind	The Design Evolution Document is noted. The document confirms that the application is predicated on an identified point of connection (POC) however that POC is not included as part of the application.

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		turbine topple zone associated with the existing Tween Bridge Wind Farm to the east and areas of peat. As a result, it has not been possible to relocate the 100MW BESS entirely outside Flood Zone 3b. Further Details can be seen within Design Evolution Document [Document Reference 8.22] which has been submitted at Deadline 4.	
NLC12	SH3 Item 3c – Overall Planning Balance Whilst it is noted that residual impacts are unlikely to outweigh the urgent need for this type of infrastructure, without the baseline being properly identified and assessed, it is not possible for the Council to judge with any certainty that the likely significant negative effects of the development would be adequately avoided, reduced, mitigated or compensated for.	The ES contains a robust assessment of the baseline environment, informed by appropriate surveys, desk based research and consultation, as set out within the relevant technical chapters. The baseline conditions have been identified, assessed and used to inform both the Scheme design and the embedded and additional mitigation measures proposed. The Applicant therefore considers that sufficient information has been provided to enable a reasoned	The Applicant asserts that the ES properly identified and assessed baseline conditions, however it is noted that the Applicant has amended the ES to address the shortcomings identified by NLC and the ExA through written comments and during the hearing sessions, for example the absence of consideration of more recent landscape character assessments than referred to in the original ES.

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		assessment of the likely significant effects of the Scheme to be undertaken and to consider the effectiveness of the proposed mitigation. Against this backdrop, there is no force in NLC's submission that the baseline has not been properly identified and assessed and, in the Applicant's view, NLC's submissions on this matter are simply not evidenced and therefore sustainable. The Applicant further notes that a number of management plans are secured by requirement through the Draft DCO [Document Reference 3.1 Revision 7], which secure the mitigation commitments identified in the ES, ensuring the mitigation will be implemented, managed, monitored and maintained throughout the relevant phase of development.	

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NLC's comments on responses to ExQ1			
NLC15	Q8.0.5 NLC welcomes the additional consideration of construction effects upon visual receptors, however, the assessment is brief for each identified receptor relative to the likely scale of the construction works and lacks detail with regards to what will be seen in terms of infrastructure and works Activities. There is also a lack of reasoning provided with regards to the outcomes that have been assessed for some of the receptors.	This is not accepted; the assessment of Construction Effects is considered to be proportionate and the assessments have been made in line with the methodology.	NLC notes that it will be a matter for the Secretary of State as to whether this level of assessment is adequate.
NLC17	Q8.0.11 ExAs questions in respect of the assessment of landscape and visual impacts.	ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4] has been updated at Deadline 4 in regard to the landscape character assessment to account for the Isle of Axholme and Hatfield Chase Landscape Partnership	NLC notes this comment and will respond as soon as possible once it has been able to fully review the updated ES Chapter 6.

Ref	NLC Deadline 3 Comment	Applicant's Response	NLC Further Comments
		Assessment (2014) and the North Lincolnshire Landscape Character Assessment (2021). NLCs other concerns are responded to as paragraph 9.13 of the NLC LIR.	
The Council's response to deadline 2 submissions			
NLC22	Environmental Statement Chapter 3: Site Description, Site Selection and Iterative Design Process (Tracked) (Rev 2) [REP2-020]: No additional detail has been added in relation to the landscape design proposals. The Council considers that the iterative design process carried out to develop the landscape proposals should be explained and demonstrated to allow for a full appreciation of the proposals.	The Applicant does not agree that additional information is required in this regard. ES Chapter 3: Site Description, Site Selection and Iterative Design Process [REP2-020] explains the iterative design process undertaken and how consultation, environmental constraints and technical considerations informed the evolution of the Scheme. Detail of the landscape design proposals is set out through ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6]	NLC notes this comment and will respond as soon as possible once it has been able to fully review the updated ES Chapter 6.

Ref	NLC Deadline 3 Comment	Applicant's Response	NLC Further Comments
		Revision 4], ES Figure 6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 5] and the Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 5].	
NLC24	Environmental Statement Chapter 6: Landscape and Visual (Tracked) (Rev 3) [REP2-034]: The Council notes that additional description has been added regarding the construction compounds; additional assessment has been included regarding the construction effects on visual receptors; significant Construction effects are now stated upon footpath and road users. It is also noted that there are no updates made to the landscape character assessment or to provide additional description re value and sensitivity.	ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4] has been updated at Deadline 4 in regard to the landscape character assessment to account for the Isle of Axholme and Hatfield Chase Landscape Partnership Assessment (2014) and the North Lincolnshire Landscape Character Assessment (2021). Further detail of the assessment of landscape value and sensitivity has been added to the updated ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6	NLC notes this comment and will respond as soon as possible once it has been able to fully review the updated ES Chapter 6.

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	The Council consider the landscape character Assessment requires more detail with regards to baseline information, sensitivity descriptions, magnitude assessment and effects assessment for the reasons set out in the LIR. It is therefore not possible at this stage to Determine if the stated outcomes are accurate. NLC also considers that the visual assessment requires more detail with regards to magnitude assessment and effects assessment for the reasons set out in the LIR. Similarly, without more detail it is not possible to determine if the stated outcomes are accurate.	Revision 4]. Visual receptors - The sensitivity (a combination of value and susceptibility) of visual receptors is determined and set out in the methodology at Appendix 6.1 Landscape and Visual Impact Assessment Criteria Document [APP 061]. The magnitude of change has been assessed in line with the methodology set out in Appendix 6.1 Landscape and Visual Impact Assessment Criteria Document [APP 061].	

4.0 NLC comments on Applicant's response to North Lincolnshire Council's response to Comments on Local Impact Reports [REP2-090]

4.1 In the interests of brevity the following table includes only NLCs deadline 3 and Applicant's Deadline 4 responses.

Ref:	NLC Further Response (Deadline 3)	Applicant's Response (Deadline 4)	NLCs Deadline 5 Response
4.1-4.11	The Council remains concerned that the Applicant has not properly identified 'the project' for the purposes of the ES. As referred to in the [Raeshaw Farms Ltd v Scottish Ministers [2020] CSIH 10] judgment, the practical and commercial difficulties of grid connections not being known in the early stages of development are recognised. Nevertheless, the Irish cases referred to in the judgment indicate that 'the lack of formulated proposals for grid connections did not justify treating phase 1 of a	The Applicant refers to its detailed response at Deadline 2 and to its Annex to Written Summary of Oral Submissions made at Issue Specific Hearing 1 [REP3-052], specifically para 8.54 of the same, which sets out the Applicant's position insofar as the treatment of the grid infrastructure, which does not form part of the present Application from an EIA perspective. The Applicant does not consider that NLC's submissions provide a balanced view of the decision in Raeshaw. Most strikingly, NLC have overlooked the	NLC has made it clear that it understands the outcome of Raeshaw Farms judgment. It is raised because of the analysis therein, not the fact specific outcome of the case. Again, it is noted that the Design Evolution Document [Document Reference 8.22]. confirms that the application is predicated on an identified point of connection (POC) however that POC is not included as part of the application. NLC also notes the Applicant's response to Q2.9.2 of ExQ2 (see document ref: [REP4-062]). Even if the precise location of the off-site NGET substation and

Ref:	NLC Further Response (Deadline 3)	Applicant's Response (Deadline 4)	NLCs Deadline 5 Response
	scheme as a stand-alone project, rather it was suggestive of permission being sought prematurely'. The Council also notes the Scoping Opinion provided by PINS for the proposed Sedgeby Solar Farm in North Yorkshire (DCO Case Reference: EN0110026) which dealt with Off-site grid connection (para 2.1.2) and flexibility (para 2.1.3). In short, PINS said that if there is a requirement to accommodate flexibility within the draft Development Consent Order (DCO) in order to facilitate connection of the proposed development to the national grid, the ES should confirm how this flexibility been considered and assessed in the relevant assessments.	fundamental point that, in contrast to Raeshaw where there was a known point of connection for the Wull Muir Wind Farm and (in the Court's view) and the assessment work could have progressed on that basis, the opposite is true here. This is clearly evidenced by National Grid's submissions in relation to this matter; at [REP2-107] NGET confirmed: "Discussions between NGET and the Applicant in relation to the location and form of the point of connection are ongoing. NGET is exploring all options as part of these discussions but is currently unable to provide any further details". This is essential context. Without a known point of connection, it is not possible for the Applicant to conduct a	cabling are unknown, having regard to the Ashchurch Parish Council case the Court of Appeal determined that whilst the precise location of the housing was not known, educated assumptions could be made and likely impacts assessed. At paragraph 61, the Court of Appeal noted <i>'61. However, as the Transport Assessment indicated, there would be some inescapable impact from the minimum development of 826 homes envisaged at the time, and it was possible, through modelling, to assess what that impact might be. There would be no need to know the precise layout of the link road, although it would be possible to make educated assumptions about the route it would take (bearing in mind the existing geographical constraints, which are obvious from the plans).'</i>

Ref:	NLC Further Response (Deadline 3)	Applicant's Response (Deadline 4)	NLCs Deadline 5 Response
	Where flexibility is sought, the ES should clearly set out and justify the maximum design parameters that would apply for each option assessed and how these have been used to inform an adequate assessment in the ES. Ultimately, this is of course a matter of planning judgement for the Secretary of State.	meaningful assessment of the environmental impact of the grid connection (see in this regard paragraph 2.6.10 of ES (ES) Chapter 2 Scheme Description [APP-039]). Insofar as NLC references Irish jurisprudence to suggest that development consent may have been sought prematurely in the present case, in the absence of a known point of connection, no weight should be given to this. The Applicant has already addressed the key point that NPS EN-1, at paragraph 4.11.8, expressly recognises and endorses the consenting of electricity network infrastructure separately from the generating asset element of a project. NLC's reference to Sedgeby Solar Farm is noted but not	In this case, it seems to NLC that, based on the information contained in the Design Evolution Document, it would be possible to make some educated assumptions about the likely location of the off-site substation based on discussions with BNG and geographical and planning constraints. As indicated at paragraph 4.6 of NLCs LIR, not having done so, and simply responding by excluding functionally interdependent and integral parts from the project and therefore the ES, means that in NLC view the Applicant may be guilty of 'salami-slicing'. This is of course a matter which the Secretary of State will need to be satisfied. The reference to the Sedgeby Solar Farm Screening Opinion was made simply to show that there was an option for the Applicant to build flexibility into the

Ref:	NLC Further Response (Deadline 3)	Applicant's Response (Deadline 4)	NLCs Deadline 5 Response
		suggestive (as NLC appear to infer) that the Applicant's approach is misguided. At paragraph 2.1.2 of the Sedgeby Solar Farm Scoping Opinion, the Secretary of State notes: between the proposed development and connected projects". The Applicant has done this in ES Chapter 2 Scheme Description [APP-039], at paragraph 2.6.10. The Scoping Opinion further notes: "If there is a requirement to accommodate flexibility within the draft Development Consent Order (DCO) in order to facilitate connection of the proposed development to the national grid, the ES should confirm how this flexibility been	DCO in respect of the location of the substation/connections.

Ref:	NLC Further Response (Deadline 3)	Applicant's Response (Deadline 4)	NLCs Deadline 5 Response
		considered and assessed in the relevant assessments". No such flexibility is being sought in this case, because the grid connection does not form part of the Application on the basis that the form and location of the point of connection are unknown and National Grid is, at the current time, unable to provide further details [REP2-107]. None of the above indicates that the Applicant has fallen into error in the approach it has taken to EIA in respect of the grid connection. Rather, the approach is entirely robust, logical and legally compliant.	

5.0 Other comments on Deadline 4 Submissions

Contaminated Land

- 5.1 As referenced in NLCs response to Q2.9.3 - Unexploded Ordinance (UXO) risk assessment on page 3 above, the Council agrees with the submissions of the Environment Agency in its letter dated 30 June 2026 and its request for an additional Requirement to be inserted into the draft DCO in respect of Land Contamination. NLC supports the wording of the draft Requirement as set out on page 4 of the EAs letter.

Fees

- 5.2 NLC notes the amended fee schedule set out at paragraph 4 of Part 2 of Schedule 2 of the draft DCO. The Council's view is that the schedule of fees should ensure as far as possible that the Council recovers its costs in dealing with any written consent, agreement or approval of a requirement. This is in line with the Governments commitment outlined in the draft planning fee regulations for England which were laid before Parliament on 16 July 2026 (Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment and Transitional Provision) Regulations 2026).
- 5.3 The draft Requirements contained in the draft DCO include some which are complex and will potentially require iterative processes. The contaminated land Requirement, whether in it's current form or as a separate requirement as set out above, is an example of one which would have a number of approval stages, involving back and forth between the parties. It is not considered the £588 fee for subsequent applications would be sufficient to cover the Council's costs in this case.
- 5.4 The suggested fee of £298 for any other requirements etc. set out at Paragraph 4(2)(c) of the draft fees schedule is woefully inadequate. The fee falls below the current fee for approval of details and/or confirmation that one or more conditions have been complied with following grant of planning permission on any non householder scheme (currently £309).

- 5.5 The Council would welcome a discussion between all relevant parties regarding the currently proposed fee schedule.

Protective Provisions for the protection of the local highway authorities

- 5.6 The Council supports the protective provisions for the protection of the local highway authorities set out by City of Doncaster Council in it's document dated 24th July 2026.