

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: 22 September 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 6: Representations on further information submitted at Deadline 5

Dear Sir

Pursuant to Deadline 6, the Environment Agency notes that the Examining Authority invites comments on any other submissions received at Deadline 5. Accordingly, we provide comments on those submissions, relevant to the Environment Agency's remit.

1.0 Outline Operational Environmental Management Plan – Rev 4 [[REP5-024](#)] and Outline Decommissioning Environmental Management Plan – Rev 5 [[REP5-026](#)]

1.1 We noted from the Applicant's response to Deadline 3 Submissions [[REP4-065](#)] (page 8, ref: EN4) that no piling activities were anticipated and, consequently, no piling risk assessment was expected to be required during either the operational or decommissioning phases of the development. However, we note that the oOEMP and the oDEMP both now reference that "*A Piling Risk Assessment will be prepared, if piling is required as part of the Scheme*", and that it will be prepared in accordance with Environment Agency guidance.

1.2 Whilst we welcome the acknowledgement that, should piling be required as part of the Scheme, the necessary risk assessment will be prepared, we

remain concerned that the mechanism for securing the review and approval of such an assessment is inadequate. Please see our response to Q3.14.1 (submitted at Deadline 6) for the wording of a separate Requirement that we recommend is included within the DCO to ensure that the appropriate mechanism is secured.

2.0 Justification for the Applicant's preferred protective provisions [REP5-040]

2.1 We note that the Applicant states at paragraph 1.3 that the Protective Provisions for the Environment Agency have been agreed. As set out under Ref. 1 of our Statement of Common Ground [REP5-051], we would emphasise the caveat that these provisions are agreed only insofar as they relate to the disapplication of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 in respect of flood risk activities only.

2.2 However, we are now able to confirm that it is unlikely that any further additions will be required to the Protective Provisions in respect of the Environment Agency's landholdings and statutory undertakings.

3.0 Applicants Responses to Deadline 4 Submissions [REP5-042]

3.1 The Applicant's confirmation under ref 2.2 (pages 12-14) that the Environment Agency's mowing regime is considered compatible with the environmental mitigation it is to deliver, is noted. However, as this land (plot 3/32) is an active flood embankment we do not believe that environmental mitigation (planting of species rich grassland) is compatible with our flood risk management priorities. Consequently, we must object to this activity on our land and request that this plot is recategorised in Schedule 8 of the draft DCO.

3.2 Given the subject plot represents just 0.04% of the habitat provision it is hoped a suitable alternative site can be sourced by the Applicant where the planting of such does not conflict with flood risk management activities.

3.3 We note the Applicant's response in Table 2 under ref 2.3 (pages 14-16) regarding the Environment Agency's right of access to the New Zealand Pumping Station via Plot 2/67. However, we do not agree with the Applicant's interpretation of paragraph 54 of the protective provisions.

3.4 Paragraph 54 is limited in scope and applies only where access is materially obstructed as a result of the construction or failure of a "specified work", a defined term in the protective provisions. It does not provide a general or ongoing right of access, nor does it operate to preserve existing access arrangements more broadly.

- 3.5 Accordingly, the Applicant's statement that paragraph 54 "would operate to preserve access to Environment Agency apparatus" overstates the effect of the provision. The paragraph merely requires alternative access to be provided in the specific circumstances described and cannot be relied upon as a mechanism for protecting existing access rights generally.
- 3.6 Whilst the Environment Agency notes the Applicant's separate confirmation that access via Plot 2/67 will not be affected by the Scheme, that assurance is not secured by, paragraph 54. Additional information regarding the continued access requirements were requested to the Applicant's agent on 10th August but further information was not received until 16th September. Consequently, a thorough review of this information has not been able to be carried out. We are still awaiting a plan from the Applicant's agent documenting all plot numbers corresponding to Environment Agency freehold land subject to rights to be exercised by the Applicant and third party-owned land whereby the Environment Agency accesses for statutory functions respectively. The plan has not been received ahead of deadline 6 so we are unable to comment further.
- 3.7 However, we have now taken legal advice in respect of the Environment Agency's existing statutory powers, and we are satisfied that these will not be diminished by the DCO and access across third party land under permissive powers, for flood risk management related purposes, will continue. Accordingly, we can now confirm that the Environment Agency is satisfied that the development will not cause serious detriment to it carrying out its undertakings and withdraws its objection on this matter.

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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