Application by RWE Renewables UK Solar and Storage Limited for Tween Bridge Solar Farm Project
The Examining Authority's commentary and questions on the draft Development Consent Order Issued on 11 August 2026
Responses are due by deadline 6: 22 September 2026
Please find below answers to the Examining Authority's questions on the draft Development Consent Order from the Environment Agency (EA) [ref no. F1C2DDF91].

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4. Part 4 – Supplemental powers		
DCO.4.1	**Article 20(10)** The EAs deadline 2 response [REP2-102] outlines that dDCO article 20(10) (previously 19(10)) should be removed. This is re-iterated in the EA's deadline 5 representation [REP5-062]. However, it is not particularly clear why the EA is requesting the removal of this article. Could the EA explain this in more detail? Presumably this article is aimed at ensuring that separate consent is not required in addition to an environmental permit where such a permit has already been granted? Could the EA provide its preferred wording for this article? Could the applicant please explain in more detail the rationale for the article, taking into account the EA representations. Is there any precedent for this article in	The purpose of Article 20(10) appears to be to remove the need for any separate 'owner' consent from the EA where an environmental permit for a discharge has been granted. The EA does not agree with this approach because the determination of a permit to discharge water does not provide a mechanism through which the EA can consider or grant any consent that may be required in its capacity as riparian landowner. Additionally: • The EA would only be required to provide agreement under Article 20(3) where it is the riparian landowner at the proposed discharge location - it does not 'own' watercourses, public sewers or drains. • An environmental permit application under Environmental Permitting Regulation 12(1)(b) can only be determined by reference to environmental and water quality considerations. • The permit determination process cannot be used to consider,

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	made solar DCOs? Is this article necessary if there is no prospect of a permit being applied for (due to the absence of a need for such a permit)?	grant or deem any separate landowner consent - The EA's operational procedures do not allow these separate considerations to be collapsed into a single approval - the EA's regulatory and landowner functions are separate and distinct. • Physical works associated with a discharge to a main river would also require approval under the Protective Provisions - the Applicant acknowledges this in its Deadline 4 Submission (under Ref. EN1, page 4, [REP4-065]). • The Applicant is also currently negotiating a deed with the EA to obtain rights to discharge and install an outfall pipe for surface water and groundwater drainage into the open and culverted drains where the EA is the riparian landowner, within the site – implied/deemed landowner consent is not welcomed through this mechanism either. Consequently, the EA does not agree that the grant of a water discharge permit should give rise to any deemed consent. This position appears to be acknowledged by the Applicant, as they are actively seeking the EA's landowner consent through separate negotiations. That is why the EA considers sub-paragraph (10) of Article 20 should be deleted in its entirety and does not propose alternative wording.
7. Schedule 2 – Requirements		
DCO.7.4	**Requirement 14 [REP3-006]** In its written summary of oral submissions at ISH2 [REP3-082] the EA has suggested an additional requirement in relation to land contamination. Could the EA please clearly set out why such a	The Environmental Statement sets out clear evidence that further contamination investigations/risk assessments are necessary, as follows: • The site lies in an area of environmental sensitivity for groundwater. Chapter 9 Ground Conditions Rev 2 [REP3-018],

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	requirement is necessary. In particular, please explain what site-specific circumstances (i.e. evidence of potential contamination) necessitate this additional requirement? Could NLC please provide its preferred wording for a requirement as referred to in its comments on the applicant's response to EXQ2 Q2.9.3 [REP5-057]?	paragraph 9.7.7 states "*The western and central zones are in Source Protection Zone (SPZ) 3, due to a SPZ 1 at a pumping station 600m west of the Order Limits, and SPZ 2, 250m West. Groundwater vulnerability to pollution is typically Medium, with parts being High where sands of the Secondary Superficial Aquifer occur*". • There are known, and potential, sources of contamination, which are acknowledged in Chapter 9 of the Environmental Statement (paragraph 9.4.21), namely: • Made ground associated with localised farm buildings, ponds and pits (all areas); • Storage/usage of oils/chemicals within farmsteads (all areas); • Railway/historic tramway (Land Parcels A and B); • Historic RAF Sandtoft adjacent to and extending into the south of Area E where taxiways and possible bomb store were indicated (Area E); • Unspecified tanks (Land Parcels A and D); • Pumps (Land Parcels B, C and D). The Detailed Unexploded Ordnance Risk Assessment [REP3-030] expands further on risks within Area E - as outlined in our response to this assessment, many UXO items contain compounds that can leach into soil if casing corrodes; these can migrate into groundwater. • The Factual Ground Investigation by Donaldson Associates, dated June 2009 (with site work undertaken between February 2009 and April 2009) [APP-107], has been used to inform the Phase 1 Ground Conditions Desk Study in respect of Land Parcel A [APP-097]. We consider this information to be of limited reliability given the length of time which has elapsed

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		since it was undertaken (16 years ago). Ground conditions, and in particular groundwater levels and quality, may have changed significantly and therefore this should be considered and factored into further risk assessments. • Section 7.3 (Preliminary Risk Assessment) of the Phase 1 Ground Conditions Desk Study [APP-097] identifies potential contaminant linkages and expressly concludes that these should be assessed further through site investigation. In summary, the available information identifies environmental sensitivities, potential contaminant linkages and a need for further site investigation. This demonstrates that further contamination assessment work is required before it can be concluded with confidence that risks to controlled waters and other receptors have been adequately characterised and, where necessary, mitigated. As set out in our written summary of oral submissions [REP3-082], Table 9-16 of Chapter 9 (Page 50) [APP-046] reports the potential effects as *'Minor or locally Moderate Adverse (Significant)*'. The assessment of likely significant effects may only rely upon mitigation where those measures are sufficiently defined, secured and capable of enforcement. It is our view that the only transparent and enforceable mechanism by which the ExA (and the SoS) can be satisfied that the necessary contamination investigation, risk assessment, remediation (where required) and verification will be undertaken is through a dedicated Requirement on the face of the DCO. A standalone Requirement is both proportionate and consistent with established practice for developments where contamination risks require further investigation

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		and potentially phased remediation. The Requirement sought by the EA satisfies the relevant tests as it is precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable. The Requirement we are requesting: • provides clarity and certainty regarding the required staged approval process; • ensures that site investigation, risk assessment, remediation strategy and verification submissions are provided to and approved by the relevant regulatory authorities (the CEMP does not, and in our view should not, do this – a CEMP is primarily concerned with managing construction activities); • will ensure that any necessary remediation is undertaken in accordance with an approved remediation strategy; • will secure an appropriate process for notifying and addressing any previously unidentified contamination encountered during construction; • provides the Local Planning Authority with a clear and auditable mechanism for monitoring compliance and, where necessary, taking enforcement action.
9. Schedule 14 – Protective Provisions		
DCO.9.1	**General** The ExA notes that negotiation is ongoing on Protective Provisions (PPs) and on that basis is not proposing to set out preferred wording at this present time. All parties (including Statutory Undertakers) who are negotiating protective provisions should set out their	The Environment Agency notes this request from the ExA. The Environment Agency is satisfied that the Protective Provisions included in the draft DCO are sufficient and there are currently no areas of disagreement in relation to these. We do not anticipate that any further changes will be required to the Protective Provisions for the Protection of the Environment Agency.

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	preferred wording, identifying areas of disagreement on the applicant's proposed wording where agreement has not been reached. This should be provided by deadline 6 and updated at deadline 8.	
DCO.9.10	**Environment Agency (Part 5)** The EA's deadline 5 representation [REP5-062] is noted. However, could the EA please confirm the following: 1: What is the EA's current position if the applicant's preferred PPs [REP5-040] are adopted? Could the EA set out its position in these circumstances with specific regard to the statutory tests set out at s127 of the Planning Act 2008. In particular, please confirm whether (and if so, how) the proposed development would cause serious detriment to the carrying out of the EA's undertakings. 2: If agreement cannot be reached, please provide your preferred protective provisions for the specific areas of disagreement at deadline 6 (notwithstanding that the ExA acknowledges that negotiations with the applicant are ongoing).	1. The Environment Agency considers that if the Applicant's preferred Protective Provisions (those currently included in Rev 8 of the draft DCO [REP5-002]) are adopted, these would provide sufficient protection for the Environment Agency, to allow the disapplication of Regulation 12 of The Environmental Permitting (England and Wales) Regulations 2016 (in respect of flood risk activities). We are also now able to confirm that the Environment Agency's existing statutory powers are sufficient to ensure that the development would not have a serious detriment on its undertakings. 2. n/a 3. There are numerous plots of land that the Environment Agency currently use on a regular basis to access and maintain its assets within the scheme's boundary – we are still continuing discussions with the Applicant's land agent regarding access and our landholdings. However, the Environment Agency is now satisfied that its statutory powers will not be diminished by the DCO and these will enable it to continue to gain access to its assets for maintenance purposes. Accordingly, the development should not affect any pumping station or related function. For the avoidance of doubt, it is the Environment Agency's statutory powers that will enable it to continue its

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	3: Could the EA specifically confirm whether the proposed development would affect any pumping station or related function and whether the applicant's proposed protective provisions address statutory undertakings in relation to pumping stations?	undertakings – the protective provisions relate to the disapplication of Regulation 12 of The Environmental Permitting (England and Wales) Regulations 2016 (in respect of flood risk activities) only.