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 8 SUBMISSION

CLOSING STATEMENT

6 October 2026

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Introduction

1.1 This document comprises the Deadline 8 submissions of North Lincolnshire Council (NLC/the Council) further to the Examination Timetable, and the Council's closing comments in respect of the proposed development.

1.2 The Council has sought to work proactively with the Applicant to resolve areas of disagreement throughout the examination process, however it has not been possible to reach agreement on all matters. The comments below reflect and summarise the Council's position as set out in the final signed Statement of Common Ground ('the SoCG') between the Applicant and NLC **(Document reference 9.3 Revision 6)**.

2.0 Update on Matters Agreed Since Deadline 7

2.1 Since the submission of NLCs Deadline 7 Response on 29th September 2026 productive discussions have continued in respect of the Protective Provisions (PPs) for local highway authorities. Whilst NLC provided wording specific to the Council at Appendix 1 of its Deadline 6 submission, the Applicant has proceeded on the basis of a single set of PPs for both CDC and NLC. The only outstanding matter in this respect is that NLC requires reference to be made to the North and North East Lincolnshire Permit Scheme, whilst the current wording refers to Doncaster's scheme. It is expected that this matter will be resolved and agreed wording submitted at Deadline 9.

2.2 In response to ExQ3 Q.3.4.1, NLC referred to its understanding that plot 10/12 (as addressed at paragraph 4.58 of the applicant's written summary of oral submissions at the compulsory acquisition hearing [**REP4-061**]) fell under the ownership of National Highways. Whilst the land is currently registered at Land Registry to National Highways as stated, further discussions indicate that the land was vested in and is the responsibility of the local highway authority pursuant to section 265 of the Highways Act 1980 as a result of the de-trunking of the A18. There are ongoing discussions in respect of this matter, and an update will be provided at Deadline 9.

3.0 Matters Not Agreed

3.1 The outstanding areas where agreement could not be reached with the Applicant are as follows:

(i) Engagement
(ii) Assessment of the Scheme's Impact
(iii) Cultural Heritage and Archaeology Matters
(iv) Landscape & Visual Impacts Matters
(v) Flood Risk & Drainage Matters

3.2 These outstanding issues in respect of those matters are summarised below.

(i) Engagement

3.3 As set out in the SoCG share the concerns that have been raised by City of Doncaster Council in respect of the level of communication and engagement on this project at the pre-application stage.

(ii) Assessment of the Scheme's Impact

3.4 The Council referred in its Local Impact Report (LIR - **REP1-063**) to questions as to whether the Applicant's approach to the definition, and subsequent assessment, of the project was adequate for the purposes of the EIA regulations. This relates specifically to the off-site NGET 400kV substation and grid connections necessary to connect the development to the National Grid, which are clearly part of this project which are functionally interdependent and an integral part of the wider project, not being included in the project definition. Consequently, those elements have not been assessed as part of the ES.

3.5 The Applicant has explained its position, including in the SoCG (see Table 3-1, Ref 3), however the Council is not convinced that this point has been satisfactorily addressed. In this context NLC notes the SoCG between the Applicant and National Grid Electricity Transmission (NGET) and in particular Table 3-1 Ref 7, where NGET *'urges the Applicant to confirm, in their connection agreement with NESO, the connection point, the precise roles and responsibilities for the design, construction, and operation of the 400 kV export connection cable and bay. This is essential to avoid ambiguity and ensure that all parties' statutory and operational requirements are met'*.

3.6 The Council notes the policy position set out in NPS EN-1. Nevertheless, it considers that the case law referred to in its LIR may indicate that the project has not been properly defined in that the application proposal is part of a wider project. The benefits of the project as a whole can only be realised along with the grid connections and NGET substation which are excluded from the definition and thus their environmental effects have not been assessed.

3.7 Ultimately, this is of course a matter of planning judgement for the Secretary of State in determining the DCO.

(iii) Cultural Heritage and Archaeology Matters

3.8 Whilst the Council has been able to agree a range of matters with the Applicant during the examination process, there is an in-principle disagreement in respect of the approach to archaeological assessment.

3.9 In this context, the scale of pre-determination works remains the principal area of disagreement. The Council's position is that insufficient evaluation work has been undertaken prior to determination, as explained in Table 3-2 of the SoCG. Clearly the Applicant disagrees.

3.10 Notwithstanding the above, the Council has in good faith continued to work with the Applicant's heritage advisor and if the SoS disagrees with the Council's in-principle position, then NLCs view is that the Outline Archaeological Mitigation Strategy **(REP6-028)** and the zoning plan contained within it is acceptable, and the zoning plan would be a useful tool in the next evaluating stages of the archaeological investigations.

(iv) Landscape & Visual Impacts Matters

3.11 The Council's position in respect of landscape and visual impacts matters fall into three broad categories-

a) The landscape and visual effects of the proposed development;
b) The effect of the proposed development on residential visual amenity; and
c) The application of good design principles.

These are summarised below.

a) *The landscape and visual effects of the proposed development;*

3.12 The Council does not consider that the Applicant's Landscape Assessment addresses the landscape effects of the development proposals sufficiently.

3.13 NLC considers that the landscape baseline is underplayed and does not take into account the individual qualities of each landscape character area to inform the sensitivity. For all character areas a medium sensitivity has been assessed which is at odds with the character area description for these areas which include 'internationally designated areas', 'important historic landscapes', and 'big skies' as examples. NLC would have expected a high sensitivity to be applied to these character areas as a minimum and a greater consideration given to whether any part of the Order Limits fell within a valued landscape outside a designated landscape (as recommended in TGN 02-21).

3.14 The landscape assessment does not thoroughly address the impact and effects of the development on the landscape character areas of the site. Rather, it focuses only on visual effects. This is not in accordance with GLVIA3 which states at paragraph 5.1-

> *'the concern here is with how the proposals will affect elements that make up the landscape, the aesthetic and perceptual aspects of the landscape and its distinctive character'.*

Some individual elements are addressed as individual features, but this is not carried through into the character assessment and how the changes will affect the characteristics of the character areas. A major/moderate (significant) effect is assessed on the character of the site itself and the immediate surroundings, with moderate (both significant and not significant) effects or less on the identified character areas. Whilst NLC agrees that the proposals are likely to result in a major significant effect on the site area and immediate surroundings, it is likely that (given the scale of the proposed development) this significant effect would also affect the local character areas within which the site lies. A more detailed study would have provided the evidence required to make the assessments stated.

3.15 NLC considers the visual assessment to be very brief. It does not determine in any detail what elements of the scheme are causing the visual change (be it panels, BESS, or substation), instead relying on a general description of 'the scheme'. It is therefore difficult to tell in places if the assessment is comprehensive in the outcomes stated. The assessment does however identify some major significant adverse effects, which would be anticipated. Hedgerow planting is the main form

of mitigation used to reduce the effect of the development but whilst the hedgerow planting may screen or soften views of the panels on occasion, it is unlikely to alter the adverse effects of the development on the view.

b) *The effect of the proposed development on residential visual amenity*

3.16 NLC considers that the visual assessment, including the RVAA, underplays the effect of the development, particularly at year 15, reducing the magnitude of change due to maturing hedgerows to a greater degree than is warranted. Specific references to this are set out at NLCs response to ExQ3 Q3.8.1 (**REP6-090**).

c) *The application of good design principles.*

3.17 The primary landscape mitigation proposed is hedgerow planting which in general terms NCL considers that, for most areas, is the most appropriate form of landscape mitigation proposals within the site area and in relation to the proposals. However, there is insufficient design information provided on the development of the landscape proposals and the design itself.

3.17 The site comprises various landscape character areas which are extensively described in recent character studies. These studies should be used to inform the emerging landscape proposals and to tailor the proposals to the various character areas, rather than assume the same design fits all. This, alongside site surveys should be used to inform the detailed landscape proposals. The various character areas within which the scheme lies have different characteristics, which should be used to inform the design.

3.18 NLC considers that there is currently insufficient detail provided as part of the design proposals to demonstrate all the design factors have been taken into consideration. Design factors should include, in addition to the above, habitat connectivity corridors; improvements to the public right of way network; retention of key views; and species selection to reflect the local area. Such an approach is required so as to be able to understand whether the Applicant has addressed the key requirements of the area sufficiently and provided appropriate mitigation, and to understand how the proposals might benefit and enhance the existing landscape.

3.19 It is also noted that soil sampling has not been carried out to date and therefore it should be noted therefore that at this stage it is not possible to confirm that the grassland habitat proposed can be established on the heavily farmed soil within

the Order Limits. Further detail is required at the detailed design stage setting out a clear strategy of how the habitat proposed can be achieved on the soil type.

(v) Flood Risk & Drainage Matters

3.20 NLC notes that the Applicant has sough to minimise the impacts of the development on areas at highest risk of flooding. Nonetheless, the proposals would result in a small area of a BESS being located in Flood Zone 3b.

3.21 NLC does not consider that the Applicant has adequately demonstrated that there are clear operational reasons requiring elements of the development to be located within Flood Zone 3b. Whilst it is acknowledged that the wider site is constrained by flood risk, the applicant has not robustly demonstrated through the design or layout that the most vulnerable or highest risk infrastructure (in this case, BESS facilities), cannot all be located within areas of lower flood risk within the Order Limits, particularly having regard to the extent of overplanting proposed. Consequently, the justification for siting development within the functional floodplain is not robustly evidenced.

3.22 In addition, the proposals do not provide adequate confidence that there would be no net loss of floodplain storage or that flows would remain unimpeded. Whilst some elements of the scheme are described as permeable or elevated, infrastructure such as BESS compounds, substations and associated hardstanding would introduce areas of displacement and potential obstruction. This is particularly (but not exclusively) relevant within Flood Zone 3b, where land is required to store and convey floodwater during more frequent events, and any loss can have significant and wider reaching impacts.

3.23 NLC remains concerned about the residual risk associated with locating higher risk infrastructure within Flood Zone 3b. In the event of damage, failure or fire, there is potential for contaminants to enter the wider water environment, which could result in a significant pollution incident. Given that alternative areas within the site appear to be available outside of Flood Zone 3b, the current layout does not represent a risk-based or policy-aligned approach.

3.24 It remains NLCs position that it objects to the location of infrastructure in FZ3b and has particular concerns about the impact of BESS areas within Flood Zone 3b due to associated fire and pollution risk and about the potential local flood risk impact of the proposed 300mm gravel base for BESS, inverters and spare containers within Flood Zone 3b.

3.25 NLC as LLFA supports the use of above-ground attenuation features such as swales and basins, which not only assist in managing runoff but also offer biodiversity benefits and align with SuDS best practice. There is no clear justification as to why the Applicant has above-ground, sealed SuDS features, which would provide far greater control, visibility, and long-term manageability. Furthermore, the use of below-ground systems within both BESS and substation areas is not supported, given the need for accessible and maintainable infrastructure in high-risk environments.

3.26 Above-ground attenuation, including lined basins or lagoons, should be prioritised as standard unless robust evidence demonstrates otherwise. This approach would better align with good SuDS practice and provide a more effective response to emergency scenarios. NLC therefore does not support the Applicant's proposals set out in the Outline Surface Water Drainage Strategy.

(vi) Fees

3.27 The Applicant has resisted the Council's suggested wording for to paragraph 4 of Part 2 of Schedule 2 of the Draft DCO [REP6-002]. NLCs view it is clear that in the most recent amendments to the Fees Regulations, the government recognises that LPAs should have the ability to recover their costs in dealing with development proposals. That the Applicant has resisted all suggestions for the councils to be able to do so is disappointing. NLCs strongly advocates its suggested wording.

4.0 Overall Conclusions

4.1 Overall it is NLCs position that the Application in its current form is deficient. In particular, as explained above and throughout the process there are question marks over the definition of the project and whether it satisfies the legal requirements in respect of EIA development.

4.2 There are shortcomings in the assessment of landscape and visual impacts. The Applicant did provide some further information under duress after the ExAs intervention during ISH3, however NLC does not consider that the updated information provides an adequate assessment of the landscape and visual effects for a development of this scale and nature. The Council does not consider that there is robust justification for locating BESS infrastructure in flood zone 3, functional floodplain and the area at highest risk of flooding. This is particularly the case given the substantial amount of overplanting proposed. As Lead Local

Flood Authority the Council also objects to the proposed drainage proposals which do not reflect good practice.

4.3 There are further shortcomings in respect of archaeology because of the absence of adequate pre-determination assessment. The Applicant is right to say that requirements for field evaluation should be proportionate, as set out in NPS – EN1, however in this case it is the Council's firm view that further investigation is required for the reasons set out in its LIR and in the SoCG. In accordance with NPS EN-1 paragraph 5.9.28, the Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets.

4.4 The difficulty in this case is that insufficient pre-determination investigation has taken place to allow NLC to make a properly informed judgment on this. In considering whether the potential harm arising from the proposals is outweighed by the public benefits, including CNP, NLCs comments in respect of the Assessment of the Scheme's Impact, above, should be borne in mind.

4.5 In respect s66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, NLC considers that the proposals would be likely to lead to less than substantial harm to the setting of Dirtness Pumping Station and that harm could be outweighed by the public benefits of the scheme, subject to the SoS's conclusions on the matters raised in section 3(ii) above and the weight to be given to those benefits.

4.6 Overall, NLCs position is that, at this stage, the shortcomings highlighted in respect of the evidence submitted to the examination indicates that the DCO should not be granted. Nevertheless, if the Secretary of State is minded to give full weight to the purported benefits, despite NLCs concerns in this regard, it is considered likely that the urgent need for CNP Infrastructure and the contribution the proposed development would make to achieving national energy objectives would outweigh the harms arising from the proposals.