

**Application by RWE Renewables UK Solar and Storage Limited for an Order granting Development Consent for the Tween Bridge Solar Farm
Responses by National Highways Limited to the Examining Authority's First Written Questions**

ExQ1	Question to:	Question:	NH response:
<p>Q4.0.9</p>	<p>All affected persons</p>	<p>Accuracy of the Book of Reference, Land Plans and Points of Clarification</p> <p>APs are asked to please provide comments on the following:</p> <p>a) If they are aware of any inaccuracies in the BoR [APP-021], the Statement of Reasons [APP-019] or the Land Plans [APP-008]. If so, please indicate where these are and provide the correct details.</p> <p>b) Views on whether there may be any reasonable alternatives to CA or Temporary Possession (TP) sought by the applicant.</p> <p>c) Views on whether there are any areas of land or rights that the applicant is seeking the power to acquire that you consider are not needed.</p> <p>d) Details of any other concerns relating to the legitimacy, proportionality or necessity of the CA or TP powers sought by the applicant that would affect the land that you own or have an interest in.</p>	<p>a) NH notes that the Book of Reference [REP1-008] has been updated by the Applicant at Deadline 1 to correct the instances of a typographical error in NH's name, and to remove reference to NH having an interest in plot 7/14.</p> <p>As noted in its Written Representation [REP1-067], NH also requests that it is removed from the Book of Reference in respect of plots 10/12 and 10/15, on the basis that these plots have been vested in the local highway authority.</p> <p>b) NH has no comment in respect of this limb.</p> <p>c) NH has no comment in respect of this limb.</p> <p>d) As outlined in its Written Representation [REP1-067], to safeguard NH's interests and the safety and integrity of the SRN, NH objects to powers of compulsory acquisition being granted in respect of NH's operational land, and to any extinguishment of rights enjoyed by NH for the purposes of carrying on its undertaking. The relevant plots constitute land or rights acquired / obtained by NH for the purpose of maintaining its statutory undertaking. NH considers that there is no compelling case in the public interest for the exercise of compulsory acquisition powers over these plots without the inclusion of satisfactory protective provisions for the benefit of NH on the face of the DCO. The protective provisions for the benefit of NH currently presented in the draft DCO [REP1-004] represent a much-reduced standard of protection than that which NH expects with respect to a development of this nature, which has the potential for substantial impacts on the SRN.</p> <p>In particular, three of the plots over which powers of compulsory acquisition are sought (9/24, 10/21 and 11/25) comprise land forming part of the SRN. In all three cases, powers are sought to lay electrical cables (Work No. 2). The Applicant has indicated to NH that cabling works are not proposed in respect of all three plots, in which case it is unclear why such powers are</p>

			<p>currently sought in respect of those plots. NH notes that cabling works are shown on Sheet 10 of the Street Works, Access and Public Rights of Way Plan in respect of plots 9/24 and 10/21 [REP1-003].</p> <p>In respect of plot 11/25, the Book of Reference [REP1-008] describes this plot as “3860 square metres of highway drain”. NH raised concerns in its Written Representation [REP1-067] regarding the Applicant’s possible reliance on highway drainage apparatus for outfall from the Proposed Development, which is not permissible and would be contrary to Government policy.¹ The Applicant has since advised that it does not anticipate any proposals to outfall surface water runoff into highway drainage apparatus, but NH would reiterate that any such proposals are not legitimate and requests further explanation from the Applicant as to why this plot is required for the Proposed Development.</p>
<p>Q4.0.12</p>	<p>Statutory Undertakers</p>	<p>Protective Provisions</p> <p>Please set out your position with regards to the tests under s127 and s138 of PA2008 as applicable to your respective interests.</p>	<p><u>Section 127</u></p> <p>As set out in respect of Q4.0.9 above, plots 9/24, 10/21 and 11/25 comprise land forming part of the SRN. NH therefore holds an interest in these plots for the purposes of carrying on its undertaking, and section 127 of the Planning Act 2008 is engaged.</p> <p>As noted above, in all cases, powers are sought to lay electrical cabling in these plots (Work No. 2). In respect of plots 10/21 and 11/25, powers are additionally sought to undertake facilitatory works including highway works (Work No. 8). Plot 10/21 comprises an embankment supporting a bridge on which the local highway network overpasses the SRN. As explained in NH’s Written Representation [REP1-067], any works proposed beneath or above the SRN constitute a potential operational and safety risk, and therefore risk serious detriment to NH’s undertaking. It is not possible for this risk to be avoided through replacement land, as no land can replace the existing structure of the SRN – it cannot be re-provided or relocated elsewhere. As such NH does not consider that the test set out in section 127 can be satisfied in respect of these plots.</p> <p><u>Section 138</u></p>

¹ <https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development/strategic-road-network-and-the-delivery-of-sustainable-development> (accessed 19 May 2026)

			<p>There are also various plots (7/7, 7/13, 7/17, 11/22, 11/24, 12/6, 12/8, 12/9, 12/10, 12/11, 12/12 and 12/13) over which NH benefits from rights required for the purposes of its undertaking, as set out in NH's Written Representation [REP1-067]. Section 138 is therefore engaged in respect of these plots.</p> <p>As yet the Applicant has not provided evidence demonstrating that any proposed extinguishment of these rights (in pursuance of the broad powers conferred by article 35 of the draft DCO [REP1-004]) would be necessary for the purposes of the Proposed Development. As such NH does not currently consider it is possible to conclude that the test set out in section 138 can be satisfied in respect of these plots.</p>
Q13.0.1	Applicant and National Highways	<p>Strategic Road Network</p> <p>ES paragraph 12.3.36 [APP-049] states in full:</p> <p><i>"The SRN was not assessed on the basis that the number of vehicle movements associated with the temporary construction period are considered to be comparable to typical daily variation on the SRN."</i></p> <p>Where is the evidence to support this assertion? Can the applicant please provide this if it has not already been provided? Please also provide evidence to support the statement at ES paragraph 12.3.37.</p> <p>Could National Highways please provide its view on this?</p>	<p>NH has engaged with the Applicant on the deficiencies of the transport assessment within the ES, and (as set out in NH's Written Representation [REP1-067]) the Applicant has provided more information in the form of a technical note dated March 2026. The technical note addresses the collection of PIC data, traffic flow data for the SRN, and further information on the number, type and impact of construction vehicle and worker movements associated with the Proposed Development on the SRN.</p> <p>NH has reviewed the additional information provided by the Applicant to assess likely impacts of the Proposed Development on the SRN. Although NH would in the ordinary course expect a much more detailed assessment of the SRN to be undertaken for a development of this type, having regard to the specific circumstances of the Proposed Development and noting NH's desire to take a proportionate approach, NH is satisfied at this stage that construction and operational movements associated with the Proposed Development are unlikely to result in a severe impact on the SRN. However, this is subject to the implementation of satisfactory securing mechanisms within the Outline Construction Traffic Management Plan [APP-182], and NH reserves its position pending receipt of an updated version of this document (expected for Deadline 2). NH has also requested approval rights over the detailed Construction Traffic Management Plan which has been agreed by the Applicant and is now reflected in the draft DCO [REP1-004].</p>
Q13.0.4	Applicant	<p>Personal Injury Collisions</p> <p>ES paragraph 12.4.36 [APP-049] states in part that Personal Injury Collision (PIC) data</p>	<p>NH has previously requested that the Applicant consider PIC data covering the most recent five-year period, excluding 2020 and 2021 (including for the relevant SRN junctions), in its assessment. However, having reviewed the</p>

		<p>has been obtained from CDC and NLC for the most recent five-year period (January 2020 – January 2025 for CDC and May 2020 – May 2025 for NLC). Is this the most recent data? If not, could the applicant please update the assessment?</p>	<p>updated PIC data provided within the Applicant’s technical note referred to in respect of Q13.0.1 above, NH is satisfied that, in relation to additional projected traffic movements flowing from the Proposed Development, there is no highway safety pattern or problem at any of the SRN junctions within the study area.</p>
<p>Q13.0.15</p>	<p>National Highways and applicant</p>	<p>M180 Renewal</p> <p>Paragraph 7.1 of National Highways RR [RR-022] states in full:</p> <p><i>“As noted above, the Authorised Development has the potential to impact on NH’s proposed renewal works to the M180 (between Junctions 2 and 3 in both directions) which are currently programmed to commence in 2028/2029 with completion in 2030. It may be necessary for the protection of these works that RWE agrees to cooperate with NH in the delivery of the Authorised Development, to the extent that the two sets of works interact. This may include a requirement for RWE to enter into an interface agreement with NH in order to safeguard the renewal works.”</i></p> <p>Could National Highways please explain the likely extent, scope and timing of the renewal works? In addition, could National Highways and the applicant please confirm how and by what mechanism any co-operation of the type referred to would be achieved?</p>	<p>As the ExA has noted, the M180 renewal works are currently programmed to commence in 2028/2029, with completion expected in 2030. The works would affect the section of the M180 between Junctions 2 and 3, in both directions, and will involve full reconstruction of the ageing concrete road.</p> <p>NH has suggested that cooperation between the Applicant and NH in respect of any interaction between the M180 renewal works and the Proposed Development may need to be achieved through entry into an interface agreement. NH would suggest that the Outline Construction Traffic Management Plan [APP-182] or NH protective provisions incorporates a requirement to enter into an interface agreement to the extent necessary once any temporal or other overlap is known. The interface agreement would regulate the carrying out of works in the vicinity of the SRN to the extent necessary to safeguard delivery of the M180 renewal works. NH regularly enters into agreements of this type where third party works are likely to overlap with NH’s own planned works, so has example agreements which could be drawn upon.</p>