

Application (the “Application”) by RWE Renewables UK Solar and Storage Limited (the “Applicant”) for an Order granting Development Consent for the Tween Bridge Solar Farm (the “Proposed Development”)

Summary of Oral Submissions made by National Highways Limited (“NH”) at Issue Specific Hearing 2 (“ISH2”) on 23 June 2026 and the Compulsory Acquisition Hearing (“CAH”) on 24 June 2026

1. Summary of NH Oral Submissions at ISH2

- 1.1 Ross Corser of Pinsent Masons LLP, on behalf of NH, made submissions under Agenda Item 3 (Development Consent Order) in the context of Requirement 22 (Consultation).
- 1.2 Mr Corser queried whether NH (in its capacity as consultee to certain Requirements) would have sight of the submission made by the Applicant to the Council following consultation with NH. Mr Corser welcomed confirmation from Tom McNamara of TLT LLP, on behalf of the Applicant, that the Applicant would seek to amend Requirement 22 to provide for this, and to provide that the summary consultation report submitted to the Council must append copies of the consultation responses received.
- 1.3 Mr Corser also noted that the timeframe provided for consultation responses within Requirement 22 (21 business days) seemed tight and risked being missed by NH officers, given its divergence from precedent. Mr Corser confirmed he would seek instructions on this from NH officers.

Post-hearing note:

- 1.4 *NH will provide updated comments on Requirement 22 following sight of the Applicant’s proposed amendments.*
- 1.5 Mr Corser made further submissions under Agenda Item 4a (Transport and Access). The ExA requested an update from the Applicant and NH on discussions regarding the interface between the Proposed Development and NH’s M180 renewal works, and the need for an interface agreement.
- 1.6 Mr Corser confirmed that the progression of an interface agreement had not been the key focus of negotiations between NH and the Applicant to date. Protective provisions (PPs) had instead been the focus, and these do not currently provide for an interface agreement. Mr Corser also noted the current uncertainty regarding programming for the M180 renewal works, and suggested that the parties could either agree to seek to progress an interface agreement now within the timescales of the Examination, or include this as a requirement of the oCTMP. Mr Corser noted that this latter approach has precedent on other DCOs. Mr Corser confirmed that NH was open to discussions with the Applicant as to how to move this forward with greater certainty.
- 1.7 The ExA requested that greater clarity be provided on this by Deadline 4, with confirmation of the parties’ precise position and preference for securing mechanisms. Mr Corser confirmed this was achievable from NH’s perspective.

Post-hearing note:

- 1.8 *During ISH2, submissions were made by Mr McNamara for the Applicant and Mr Thomas of Doncaster City Council in respect of the City Council’s request for a section 278-style agreement dealing with highway works. NH did not have the opportunity to make submissions on this point during the hearing, but wishes to lend its support to the submissions made by Mr Thomas. NH would direct the ExA to the NH PPs agreed on the Great North Road Solar, Green Hill Solar, Lime Down Solar and Fosse Green Solar projects – which reflect, to all intents and purposes, a section 278 agreement. It is highly common for section 278 terms to be incorporated into PPs in this way.*
- 1.9 *In respect of Mr McNamara’s submissions regarding the “one stop shop” principle of DCO consenting, NH would note that this principle works if the powers to be secured in the DCO are constrained in such a way as to provide certainty for bodies who are affected. However, in the case*

of the Proposed Development, the suite of works has been widely drawn, with limited controls, to maximise the Applicant's flexibility.

- 1.10 *NH would additionally note that the terms of the draft DCO were not subject to consultation with statutory bodies or presumably other parties prior to its submission. NH, for example, had no ability to direct the terms of these provisions. The Applicant is of course not under any requirement to consult on the draft DCO in this way, however if the Applicant wishes to rely on the fact that the terms of the DCO secure all the controls required for the Proposed Development, then insofar as those terms affect the highway network, they need to be acceptable to the relevant highway authorities. NH would submit that this is particularly the case given the broadness of the powers sought in the Application. From NH's perspective, this is primarily for safety reasons, noting that millions of people use the SRN every day, however cost and budgetary considerations are also relevant.*
- 1.11 *For these reasons, NH does not consider that it is proportionate for the Applicant to argue that the controls over the Proposed Development must be limited to those currently provided within the DCO, to the detriment of other parties who must ultimately be left to bear the burden.*

2. Summary of NH Oral Submissions at the CAH

- 2.1 Ciar Donnelly of Pinsent Masons LLP, on behalf of NH, made submissions under Agenda Item 3c (Statutory Undertakers). Ms Donnelly confirmed that some progress had been made between the Applicant and NH on negotiation of PPs and the parties were in a better position than had been the case at Deadline 1.
- 2.2 Ms Donnelly confirmed that a key outstanding issue related to the so-called "veto" provisions which Mr McNamara had referred to earlier in the hearing (what Mr McNamara described as provisions which seek to restrict the exercise of powers secured in the DCO without the relevant statutory undertakers' consent).
- 2.3 Ms Donnelly noted that Mr McNamara had confirmed the Applicant's intention to submit a position statement at Deadline 4 setting out the Applicant's position on the status of negotiations on the various sets of PPs, including its position on the proposed "veto" provisions, with details of supporting precedent and guidance. Ms Donnelly confirmed that NH would wish to review that statement and provide its response at Deadline 5.
- 2.4 The ExA queried how these "veto" provisions are typically dealt with on other schemes. Ms Donnelly confirmed that they form part of NH's template PPs and so are always requested by NH. Ms Donnelly confirmed that NH can point to precedent of these provisions being accepted, albeit each scheme is different and there have been specific exceptions.
- 2.5 The ExA noted that another concern raised by NH in its representations is the proposed horizontal directional drilling (HDD) works beneath the SRN. The ExA asked for details of NH's specific concerns and how this had been addressed in respect of other schemes.
- 2.6 Ms Donnelly confirmed that NH considers this issue capable of being addressed with appropriate controls in place, and that such controls are provided in NH's proposed form of PPs. Ms Donnelly noted that these controls, together with the "veto" provisions discussed above, were the main outstanding issues in respect of the NH PPs. However, Ms Donnelly noted that positive discussions had taken place with the Applicant on this point and that NH is hopeful that agreement can be reached on this aspect of the PPs before close of Examination.
- 2.7 The ExA requested that NH submit its preferred form of PPs at Deadline 4. Ms Donnelly confirmed that NH would do so.

30 June 2026