Tween Bridge Solar Farm

9.10 Statement of Common Ground with National Highways

Deadline 6 22 September~~4 July~~ 2026

Document Reference: 9.10

Revision 5~~4~~

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1 Introduction

1.1. Purpose of this document

1.1.1. This Statement of Common Ground (hereafter referred to as the 'SoCG') has been prepared to support the Examination of the Development Consent Order (DCO) application (the 'DCO Application') for Tween Bridge Solar Farm (the 'Scheme').

1.1.2. The DCO Application is for a Nationally Significant Infrastructure Project (NSIP) for the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) array electricity generating facility, Battery Energy Storage System (BESS) and associated infrastructure which would allow for the generation and export of electricity.

1.1.3. The SoCG is a 'live' document that has been prepared by the Applicant and National Highways Limited (NH).

1.1.4. The SoCG has been prepared in accordance with the Guidance for examination of DCO applications which was published in 2024 by the Department for Levelling Up, Housing and Communities[1].

1.1.5. This Guidance comments that:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority'.

1.1.6. The aim of this SoCG is to therefore provide a clear position of the progress and agreement made or not yet made between the Applicant and NH on matters relating to the Scheme. Where matters are yet to be agreed, the parties will continue to proactively work to reach agreement.

1.1.7. The SoCG will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and NH.

1 Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (April 2024)

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1.2. Parties to this Statement of Common Ground

1.2.1. This SoCG has been prepared by (1) the Applicant and (2) NH.

1.2.2. NH is the Strategic Highways Authority responsible for operating, maintaining and improving the Strategic Road Network (SRN). The SRN within the vicinity of the Order Limits comprises the M18 and M180 motorways.

1.2.3. Collectively, the Applicant and NH are referred to as 'the parties'.

1.3. Terminology

1.3.1. Section 3 of this document sets out the relevant matters raised though discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:

- "Agreed" indicates where the issue has been resolved between the parties and is not anticipated to be subject to further discussions;
- "Under discussion" indicates where a matter remains in active dialogue between the parties and a final position has not been reached;
- "Not Agreed" indicates where the parties have established a final position that they cannot resolve the matter and it will remain a point of difference.

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2 Record of Engagement

2.1. Summary of consultation and engagement

2.1.1. The parties have been engaged in consultation and engagement throughout the development of the Scheme. Table 2-1 shows a summary of the meetings and correspondence that has taken place between the Applicant and NH in relation to the Scheme. This is limited to engagement which is materially relevant to the contents of this SoCG and does not seek to include every correspondence between the parties (e.g. that which was primarily administrative).

2.1.2. Table 2-1: Record of Engagement

Table 2-1 – Record of Engagement since 2023		
Date	**Method**	**Purpose / Description**
9 March 2023	Email	Email from the Applicant to NH setting out the proposed scope of highways and transportation assessment work to assess the impact of the Scheme proposals on the SRN.
30 October 2023	Technical Memorandum	Technical Memorandum prepared by JSJV on behalf of NH with regard to the proposed highways and transportation work to assess the impact of the Scheme proposals on the SRN.
26 November 2025	Technical Memorandum	Technical Memorandum prepared by JSJV on behalf of NH with regard to the submitted Scheme proposals.
3 December 2025	MS Teams meeting	Meeting to discuss JSJV's (on behalf of NH) Technical Memorandum dated 26 November 2025 in respect of Scheme proposals.
6 February 2026	Email	Request from Applicant for agreement of parameters relating to the traffic and transport impacts of the Scheme.
11 February 2026	Email	Comment from NH on parameters relating to the traffic and transport impacts of the Scheme.
17 February 2026	Email	Issue by the Applicant of proposed Heads of Terms for Option and Cable.

24 February 2026	Email	Email from NH setting out the NH position regarding expectations of what should be prepared by the Applicant to address NH queries
25 February 2026	MS Teams Meeting	Meeting between JSJV, NH and Applicant to discuss the scope / expectations for addressing NH queries.
26 March 2026	Email	Email from Applicant's solicitors providing comments on NH template PPs and details of affected NH land.
27 March 2026	Email	Issue by the Applicant of Technical Note dated March 2026 responding to NH queries.
9 April 2026	Email	Email from NH's solicitors responding to email of 26 March 2026 on PPs and NH land interests.
11 June 2026	MS Teams Meeting	Meeting between JSJV and Pinsent Masons (on behalf of NH) and Applicant to discuss the updated Outline Construction Traffic Management Plan and Protective Provisions.
2 July 2026	Email	Email from NH's solicitors regarding Protective Provisions and NH land interests affected by the Scheme.
7 July 2026	Email	Email from NH's solicitors regarding NH land interests.
14 July 2026	Email	Email from Applicant's solicitors responding to emails of 2 July and 7 July regarding Protective Provisions and NH land interests affected by the Scheme.
~~xxx~~ 06 August 2026	Email	Email from NH's solicitors regarding Protective Provisions and NH land interests affected by the Scheme.
20 August 2026	Email	Email from NH's solicitors regarding Protective Provisions and outline Construction Traffic Management Plan.
21 August 2026	Email	Email from Applicant's solicitors providing comments on PP's.

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3 September 2026	Email	Email from NH's solicitors agreeing to oCTMP wording for M180 renewal works.

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3 Current Position

3.1.1. The table below provides a summary of the current position of the Applicant and NH in relation to specific matters that have been under discussion to date.

3.1.2. Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has not been the subject of detailed discussion; or (ii) not relevant to the discussion between the parties.

3.1.3. As noted above, this is a 'live' document and there are some aspects that are still under discussion between the parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and where agreement had been reached between the parties.

Table 3-1 Current Position:

Ref	Topic	NH Position	Applicant Position	Status
1	Compulsory Acquisition	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. NH considers that there is no compelling case in the public interest for the exercise of compulsory acquisition powers over the NH plots without the inclusion of NH's protective provisions in a form that is	The Applicant is seeking to reach a voluntary agreement with NH for the necessary rights over NH's operational land, and, to this effect, it has issued Heads of Terms to NH for its review. The powers of compulsory acquisition included in the **Draft Development Consent Order (DCO) [Document Reference 3.1**	Under discussion

		acceptable to NH, and that the grant of the DCO without such provisions would result in serious detriment to the SRN (noting that works are proposed both above and below the SRN). See further at point 10 below in respect of the need for appropriate protective provisions. NH is in the process of reviewing the draft Heads of Terms issued by the Applicant, and instructing surveyors to undertake a valuation of the relevant land, but this is notwithstanding its position that, to the extent that the DCO seeks powers of compulsory acquisition over NH's operational land or associated rights, these powers will need to be regulated by appropriate protective provisions. NH ~~awaits sight of the Applicant's **Justification for the Applicant's preferred protective provisions** document, which is due to be submitted at Deadline 4, and will~~ provided its response to the Applicant's **Justification for the Applicant's preferred protective provisions [REP4-064]** ~~that document~~ at Deadline 5 in **NH's Deadline 5 Submission [REP5-063]** and refers to its position as set out in that document.	**Revision 8~~7~~]** are to ensure the deliverability of the Scheme, notwithstanding the Applicant's desire to reach a voluntary agreement with NH. The compulsory powers sought through the Draft DCO therefore provide a contingency in the event an agreement cannot be reached. The Applicant has included comprehensive protective provisions at Part 7 of Schedule 14 to the Draft DCO and considers that these afford a significant level of protection for NH, thus ensuring there would be no serious detriment to the Strategic Road Network (SRN). Nevertheless, the Applicant continues to discuss the terms of these protective provisions in view of the submissions which NH has made to date. ~~In this regard, the Applicant is now awaiting receipt of a full response and revised draft set of protective provisions from NH's legal representatives.~~ Whilst noting that negotiations are ongoing, the Applicant ~~has~~ also set out ~~at Deadline 4~~ its position with regards to the NH protective	

		See also point 8 below.	provisions, including points of disagreement so far as they currently stand, in the **Justification for the Applicant's preferred protective provisions [Document Reference 8.23 Revision 2~~1~~]**. The Applicant has clarified by emails dated 26 March 2026, 27 April 2026, and at a meeting with NH's legal representatives on 11 June 2026 the relevant plots in which NH has an interest and the nature of the interfaces involved with the SRN, which are not extensive and are subject to controls already secured by the Draft DCO, including the protective provisions for National Highways' benefit. Further, the Applicant ~~has~~ made amendments to the Draft DCO **[~~Document Reference 3.1 Revision~~ REP3-006~~7~~]**, the **Land Plans [REP3-002]**, the **Works Plans [~~Document Reference 2.3 Revision 4~~REP3-003]**, and the **Street Works Access and Public Rights of Way Plans [REP3-004]**, ~~submitted~~ at Deadline 3, to clarify that no compulsory acquisition powers or works are	

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			proposed within plots 10/21, and 11/25. The Applicant will continue to engage with NH in relation to the protective provisions as noted. The Applicant has also provided a response to **NH's Deadline 5 submission [REP5-063]** in the **Applicant's Responses to Deadline 5 Submissions [Document Reference 8.28 Revision 1].**	
2	Traffic Management	Having reviewed the PIC data provided within the Technical Note dated March 2026 prepared by the Applicant, NH is satisfied that, in relation to additional projected traffic movements flowing from the Scheme, there is no highway safety pattern or problem at any of the SRN junctions within the study area.	The Applicant notes this response. The Technical Note prepared by the Applicant is appended to this SoCG.	Agreed
3	Baseline Data	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 Scheme and the contents of the Technical Note, and noting NH's desire to take a	The Applicant notes this response. The Technical Note prepared by the Applicant is appended to this SoCG.	Agreed

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		proportionate approach, NH is satisfied at this stage that construction and operational movements associated with the Scheme 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 CTMP [~~APP-182~~REP3-041]** (see point 6 below).		
4	Outline Decommissioning Environmental Management Plan (DEMP)	NH notes that it has been included in the list of identified stakeholders in the updated **Outline DEMP [REP1-030]**.	The Applicant notes this response.	Agreed
5	Outline Battery Safety Management Plan	NH has no further comment at this stage.	The Applicant notes this response.	Agreed
6	Outline Construction Traffic Management Plan (CTMP) **[APP-182]**	NH requests clarity on the impact of construction traffic (namely construction worker movements, shift patterns and timings) on the SRN, arguing previous comments from NH have not been addressed by the Applicant. In particular, no timings are presented, in order to determine whether vehicle movements would occur during peak times at the SRN. NH considers that assessment of the SRN within the	The Applicant ~~has~~ submitted an updated **Outline CTMP [~~Document Reference 7.7 Revision 3~~REP3-041]** at Deadline 3 to add NH to the list of stakeholders / consultees at paragraph 5.1.18, and more explicitly added with relevant information /	Agreed~~Under discussion~~

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		Outline CTMP [~~APP-182~~REP3-041] would allow the peak times of the SRN to be identified. NH provided comments on the Outline CTMP on 4 June 2026, raising a number of points to be addressed by the Applicant. The updated Outline CTMP submitted at Deadline 3 is considered to have addressed these outstanding points. Following The parties' agreement in respect of~~However, see~~ point 11 below, ~~for a further matter to be addressed before~~ the Outline CTMP is now~~can be~~ considered to be agreed.	contact details to the AIL Plan in Section 6.9.	
7	Glint and Glare Assessments **[APP-122 and REP1-025]** and Outline Landscape Ecological Management Plan **[REP1-034]**	NH notes that no dedicated mitigation is proposed in respect of glint and glare effects. The residual effects of glint and glare can have substantial impact on the safety of road users and it is of critical importance to NH that the mitigation applied in the Landscape Ecological Management Plan is satisfactory and suitably maintained to enable establishment. The Applicant is also proposing additional planting in existing planting areas in close proximity to the SRN, which would require	In the Glint and Glare assessments, mitigation is only required where a high impact is predicted on a road. **Environmental Statement Appendices 16.1 and 16.2 [REP1-025 and REP1-026]** conclude that a moderate impact is predicted on separate 0.2km and 1.6km sections of the M180, and a 0.1km section of the A18. On the basis that the predicted impact is moderate, mitigation is not deemed to be required. However, planting has nonetheless been	~~Under discussion~~ Not agreed

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		the approval of NH's environmental team due to the sensitive ecosystem at these locations. NH therefore requires that Requirement 8 of the draft DCO is amended to include NH as an approving body for the detailed Landscape Ecological Management Plan with regard to the specific elements relevant to the SRN (refer to point 9 below). NH notes that the Applicant does not consider it proportionate to include NH as an approving body in respect of this requirement, however NH is only asking that it be made an approving body in respect of those aspects of the detailed Landscape Ecological Management Plan approved under Requirement 8 insofar as it relates to the SRN. No reason is given by the Applicant as to why it would be disproportionate to include NH in this capacity, given its clear and obvious interest and the need to ensure that the relevant details are sufficiently robust to ensure safety of the travelling public on the network. The reliance on a third party to ensure that outcome – in this case, the Local Planning Authority – is not optimal or necessary and could lead to	proposed as part of the Scheme to reduce the effect further over time. The Applicant agrees that appropriate provision must be made for the ongoing management and maintenance of planting. The proposed management prescriptions for retained and proposed planting are set out in Table 4-1 of the **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 6~~5~~]** . The location of the proposed mitigation planting to screen views of the fencing and panels and in turn to mitigate glint and glare effects are set out on the drawings at **ES Figure 6.4 Landscape and Visual Mitigation Strategy [~~Document Reference 6.4.6.4 Revision 5~~REP4-042] ~~submitted at Deadline 1~~**. A Landscape and Ecology Plan submitted for approval under Requirement 8 of the **draft DCO [Document Reference 3.1 Revision 8~~7~~]** must be substantially in accordance with the Landscape and Visual Mitigation Strategy, therefore	

		safety impacts which would put NH in breach of its statutory licence obligations.	ensuring the proposed mitigation is legally secured. The Applicant considers that the relevant local planning authority is the appropriate consent granting body in respect of the written Landscape and Ecology Management Plan (LEMP) submitted under Requirement 8. However, the Applicant amended the draft Development Consent Order (DCO) at Deadline 1 **[REP1-004]** to include a requirement to consult National Highways in relation to a written Landscape and Ecology Management Plan submitted for approval (insofar as the plan makes provision for matters which relate to NH's functions). The Applicant considers that this approach is sufficient and appropriate in the circumstances, and it would not be proportionate to include National Highways as an approving authority under Requirement 8. No precedent has been cited in support of National Highways' suggested approach to the	

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			drafting of Requirement 8 and the Applicant fails to see how the relevant planning authority is not competent to act as discharging authority in respect of all matters pertaining to the LEMP, particularly in circumstances where National Highways will have been consulted on the LEMP and will have had an opportunity to make its views known, prior to the submission of the same to the relevant planning authority for approval.	
8	Drainage	NH notes the clarification received from the Applicant that it does not currently anticipate any proposals to outfall surface water runoff into highway drainage apparatus, but also notes that the exact surface water outfall locations are to be confirmed at detailed design. To reiterate, any use of existing highway drainage apparatus will not be possible and the Application should be amended to remove any proposed authorisation to do so. NH would draw the Applicant's attention to paragraph 59 of the Government's policy on the SRN and the delivery of sustainable	**ES Technical Appendix 10.1 Flood Risk Assessment Parts 1, 2, and 3 [REP5~~2~~-014~~47~~, REP5~~2~~-016~~49~~, REP2-051]** includes the Outline Surface Water Drainage Strategy for the Scheme. As detailed within **ES Technical Appendix 10.1 Flood Risk Assessment Parts 1,2, and 3** [REP5-014, REP5-016, REP2-051] ~~[REP2-047, REP2-049, REP2-051]~~ the exact surface water outfall locations are to be confirmed at a later stage of design. At this stage however, the Outline Surface Water Drainage Strategy is based on surface water discharging into the numerous	Agreed

		development[2] which mandates that no new connections into highway drainage systems from third party developments and proposed drainage schemes will be accepted. Government policy on this is clear – no third party schemes are permitted to drain into existing highway drains. It is for the Applicant to procure and construct new drainage apparatus to manage its requirements.	watercourses located within the Order Limits. The Applicant confirms that it is not proposing any outfall of surface water runoff into highway drainage apparatus. Amendments ~~have~~ were ~~been~~ made to the Draft DCO [~~**Document Reference 3.1 Revision 7**~~REP5-002], the **Land Plans [REP3-002],** and the **Works Plans [~~Document Reference 2.3 Revision 4~~**REP4-002], to clarify that no compulsory acquisition powers or works are proposed within Plot 11/25, which contains a highway drain.	
9	DCO	NH requests approval rights in respect of the discharge of certain Requirements, including Requirements 5 (approved details and amendments to them), 8 (landscape and ecology management plan), 9 (fencing	The Applicant considers that the relevant local planning authority is the appropriate consent granting body in respect of requirements 5, 8, 9, 11 and 19 of the **Draft Development**	Not Agreed ~~Under discussion~~

[2] https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development/strategic-road-network-and-the-delivery-of-sustainable-development

		and other means of enclosure), 11 (surface and foul water drainage), 16 (construction traffic management plan) and 19 (decommissioning and restoration), to the extent that the phase which is the subject of the relevant discharge application affects the SRN. Further details are set out in NH's Written Representation [REP1-067]. Listing NH as a consultee only is not considered appropriate or sufficient for the reasons set out in NH's Written Representation at section 9. <u>Requirement 5 (approved details and amendments to them)</u> Given that NH requires approval rights in respect of various Requirements as set out below, it is logical that NH should similarly have approval rights in respect of any amendments to documents approved pursuant to those Requirements. More generally, given the close proximity of the Scheme to the SRN and the extent to which various approved details will include matters relevant to the SRN, NH requires an approval right in respect of any amendments to approved details which are related to its undertaking. NH requires the following amendment to Requirement 5:	**Consent Order (DCO) [Document Reference 3.1 Revision <u>8</u>~~7~~].** The Applicant added a requirement to consult NH in relation to plans submitted to the local planning authority for approval under requirements 8, 9, 11 and 19 to the Draft DCO submitted at Deadline 1 **[REP1-004]**. The Applicant considers that this approach is sufficient and appropriate in the circumstances, and it would not be proportionate to include National Highways as an approving authority under Requirement 8, 9, 11, and 19. The Applicant also notes that under Requirements 8, 9, 11, and 19, the Applicant is obliged to consult NH prior to submitting the relevant plans to the planning authority for approval. This will ensure that the Applicant is able to consider and action (as needed) any consultation feedback provided by NH on the relevant plans, before the plans are submitted to the planning authority for approval. This addresses one of the key concerns raised at section 9 of NH's Written	

		5(1) With respect to the plans and documents certified under article 43 (certification of plans and documents, etc.) and any plans, details or schemes which have been approved pursuant to any requirement (together the "approved documents, plans, details or schemes"), the undertaker may submit to the relevant planning authority or both relevant planning authorities (as applicable) or National Highways in respect of matters related to the strategic road network for approval any amendments to any of the approved documents, plans, details or schemes and, following approval by the relevant planning authority or both relevant planning authorities (as applicable) or National Highways, and the relevant approved documents, plans, details or schemes is to be taken to include the amendments as so approved pursuant to this paragraph. *5(2) Approval under paragraph (1) for the amendments to any of the approved documents, plans, details or schemes must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority or both relevant planning authorities (as applicable) and National Highways (if relevant) that the subject matter of the approval sought is*	Representation [**REP1-067]**, to the effect that NH's consultation responses might not reach the Applicant before a decision is made to approve a plan by the relevant planning authority. The Applicant does not consider that it is necessary to make express provision for consultation with NH in respect of matters within the scope of Requirement 5. The Applicant considers that, in the exercise of its discharge functions under Requirement 5 and acting as a responsible public authority, the relevant planning authority can be relied upon to undertake consultation with such bodies as it deems appropriate in relation to the particular amended document or plan for which approval is sought. It would not be appropriate to circumscribe the consultation required to be undertaken by the relevant planning authority, in this regard, given the range of matters which may fall to it to consider as discharging authority under Requirement 5.	

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		unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement. <u>Requirement 8 (landscape and ecology management plan)</u> See NH's response above at paragraph 7. NH requires the following amendment to Requirement 8: *8(1) No phase of the authorised development may commence until a written landscape and ecology management plan for that phase has been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable) and National Highways in respect of any phase adjacent to the strategic road network.* <u>Requirement 9 (fencing and other means of enclosure)</u> The Applicant's outline indicative layout plans **[APP-134 & 135]** demonstrate the extent of fencing and enclosures bounding the SRN (for example, see field references D2, D6, D3, D5, D10, D11, D12, D13 etc). Fencing adjacent to the SRN must be designed in	The Applicant confirms that NH would have approval rights in respect of requirement 16, in so far as a particular phase of the Scheme related to the SRN, as the highways authority. An appropriate amendment has been made to the Draft DCO submitted at Deadline 1. The Applicant ~~has~~ included an appropriate definition (of "National Highways") in Article 2 of the draft DCO **[REP3-006],** submitted at Deadline 3.	

		accordance with the Design Manual for Roads and Bridges (DMRB) in order to achieve the necessary safety standards, without which pose unacceptable risk to road users. NH requires the following amendment to Requirement 9 in order to ensure the necessary temporary and permanent fencing meets the required design standards: *9(1) No phase of the authorised development may commence until written details of all proposed temporary fences, walls or other means of enclosure, including those set out in the outline construction environmental management plan, for that phase have been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable) or National Highways in respect of fencing to be erected adjacent to the strategic road network.* *9(2) No phase of the authorised development may commence until written details of all permanent fences, walls or other means of enclosure for that phase have been submitted to and approved by the relevant planning authority or both*		

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		relevant planning authorities (as applicable) or National Highways in respect of fencing to be erected adjacent to the strategic road network. <u>Requirement 11 (surface and foul water drainage)</u> See NH's response above at paragraph 8. NH requires the following amendment to Requirement 11: *11(1) No phase of the authorised development may commence until details of the surface water drainage strategy and (if any) foul water drainage system (including means of pollution control) for that phase have been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable) and National Highways if the relevant phase is adjacent to the strategic road network and includes existing highway drainage infrastructure, such approval to be in consultation with the relevant internal drainage board, the relevant lead local flood authority, the Environment Agency, Yorkshire Water (in respect of its water undertaker functions) and Severn Trent*		

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		Water (in respect of its sewerage undertaker functions). <u>Requirement 16 (construction traffic management plan)</u> NH welcomes the Applicant's confirmation that approval rights will be granted to NH in respect of the CTMP insofar as it relates to matters concerning the SRN. <u>Requirement 19 (decommissioning and restoration)</u> Given the proximity of the Scheme to the SRN and the likely reliance on NH assets to facilitate decommissioning at a later time, NH requires the following amendments to Requirement 19: *19(1) Subject to paragraph (2), not less than 6 months before the 40th anniversary of the date of final commissioning for each part of the authorised development approved under requirement 3, a decommissioning environmental management plan in respect of the relevant part must be submitted to the relevant planning authority or both relevant planning*		

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		authorities (as applicable) and National Highways for approval. *19(5) No decommissioning works for any relevant part must be carried out until the relevant planning authority or both relevant planning authorities (as applicable) and National Highways have approved the decommissioning environmental management plan submitted under paragraph (1) in relation to that part.* *19(7) Within 28 days of ceasing operations at any part of the authorised development the undertaker must notify the relevant planning authority or both relevant planning authorities (as applicable) and National Highways in writing of the date it ceased operations for that part.*		
10	Protective provisions	The protective provisions for the benefit of NH as presented in the draft DCO are not agreed. In NH's view, they 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. NH has a standard set of protective provisions (the 'NH PPs', a copy of which is appended to its relevant representation	The Applicant has included comprehensive protective provisions at Part 7 of Schedule 14 to the Draft Development Consent Order **[D~~D~~ocument Reference 3.1 Revision 8~~7~~]** and considers that these afford a significant level of protection for NH, thus ensuring there would be no serious detriment to the SRN, but which are proportionate to the limited	Under discussion

		[RR-022]) which it considers proportionate and appropriate in respect of a scheme of this nature and which it requires to be secured on the face of the DCO. Justification for various provisions within the NH PPs has been provided to the Applicant by email and is further supplemented in NH's written representation. NH requests that the Applicant update the NH protective provisions in the DCO to align with the NH PPs at the earliest opportunity. The current draft protective provisions omit most of the key provisions which would ensure NH is suitably protected from impacts and which NH can reasonably expect to be included given the weight of precedent in other DCOs (both made and before the Secretary of State) for impacts of this nature. The Applicant has, to date, failed to justify why the protective provisions provided in the draft DCO for NH's benefit are sufficient to protect NH from impact or why the Scheme justifies a departure from the position which many other developers have reached with NH. NH is currently considering the Applicant's latest response regarding the draft protective provisions – although positive	interface between the Scheme and the SRN in this case. The Applicant is engaging with NH in relation to Protective Provisions to be included in the Draft DCO. The Applicant and NH have made positive progress in reducing the areas of disagreement on the Protective Provisions to be included in the **Draft Development Consent Order [Document Reference 3.1 Revision 8~~7~~].** ~~The Applicant now awaits a full response and revised set of protective provisions from NH's legal representatives for consideration.~~ NH's legal representatives provided a revised set of protective provisions on 6 August 2026. The Applicant reviewed NH's revised drafting and provided its detailed response on 21 August 2026. The Applicant is now awaiting NH's further response. The Applicant notes that this latest round of discussions has been helpful in	

		progress has recently been made, the protective provisions are not yet considered to be agreed. NH also refers to its position set out in its **Deadline 5 Submission [REP5-063].**	further narrowing the areas of disagreement. The Applicant will continue to liaise with NH to seek to agree the protective provisions for the benefit of NH prior to the close of Examination. The Applicant is confident that further positive progress can be made on the Protective Provisions~~, following a meeting with NH on 11 June 2026, during which the Applicant clarified the nature and extent of the interface between the Proposed Development and the SRN.~~	
11	M180 renewal	The Scheme 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 the Applicant agrees to cooperate with NH in the delivery of the Scheme, to the extent that the two sets of works interact. ~~NH has reviewed the wording included by the~~	The Applicant notes the potential interface and agrees that close coordination will be required during delivery. The Applicant is continuing to engage with NH and would be pleased to discuss the potential interface further with NH as part of this. The Applicant included further wording in relation to a potential	~~Under discussion~~Agreed

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		~~Applicant in the latest version of the Outline CTMP and will be responding at Deadline 4 with proposed amendments for the Applicant to consider.~~At Deadline 4 NH made submissions proposing amendments to the Applicant's proposed wording in the **Outline CTMP [REP3-037]** dealing with the need for an interface agreement. NH and the Applicant have subsequently exchanged further iterations of this wording and NH understands that a form of words has now been agreed as follows: *If the M180 renewal works will commence or be ongoing during the construction phase of the authorised development and it is considered by NH (acting reasonably) that a construction coordination agreement is required to manage any interface between the works, the ~~undertaker~~Applicant will use reasonable endeavours to enter into a construction coordination agreement with NH on such terms to be agreed between the parties.*	interface agreement in the **Outline CTMP [~~Document Reference 7.7 Revision 3~~REP3-037]** submitted at Deadline 3. The Applicant notes that NH ~~will be~~ submitted ~~ing~~ comments on this wording at Deadline 4, providing its view that the wording now included in the Outline CTMP is insufficient, and proposing alternative drafting. As set out in the Applicant's ~~and will provide a~~ response to these comments at Deadline 5, the Applicant did not accept the form of commitment sought by NH in its Deadline 4 submissions, the effect of which would have been to require the Applicant to enter into an agreement, the terms of which are not known and would be effectively at NH's discretion. The Applicant and NH's legal representatives subsequently exchanged further correspondence on this matter and have now reached agreement on an alternative form of wording. The **O~~o~~utline CTMP [Document Reference 7.7 Revision**	

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			5] has been updated at Deadline 6 to incorporate the wording agreed between the parties.	

DRAFT

4 Signatures

This Statement of Common Ground is agreed upon:

On behalf of National Highways Limited:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

DRAFT

5 Appendix – Transport Technical Note addressing queries raised by National Highways (TR06, March 2026)

DRAFT