

**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010**

**FRODSHAM SOLAR FARM DEVELOPMENT CONSENT ORDER**

**PINS REFERENCE EN010153**

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**WRITTEN SUBMISSION OF ORAL  
REPRESENTATIONS MADE ON BEHALF OF  
NATIONAL HIGHWAYS LIMITED AT ISH1**

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## INTRODUCTION

This is a written submission made on behalf of National Highways Limited in respect of oral submissions made at the Issue Specific Hearing 1 held on Tuesday 2<sup>nd</sup> and Wednesday 3<sup>rd</sup> December 2025

Issue Specific Hearing 1	
Agenda Item [     ]	Oral Submission made on behalf of National Highways Limited (“NH”)
General	NH's case is set out in its Relevant Rep ( <b>RR-031</b> ). It did not repeat every point orally. It relies on the points made in <b>RR-031</b> in full save for the fact that some of the detailed commentary on the order provisions may now change following the amendment to the dDCO ( <b>PD2-006</b> ).
Item 4b, draft DCO (“ <b>dDCO</b> ”) Article 13	<p>There are two instances where the Appellant is seeking powers to change what can pass and repass over certain bridges. The bridges are over the Strategic Road Network (SRN). They are, in practice, maintained by NH.</p> <p>The first is Weaver Lane Bridge. Articles 13(3) and (4) of the dDCO <b>AS-013</b> provide the power for the Applicant to stop up a footway and re-open a bridleway. There are also indications that it might be used for access for emergency vehicles (see the OOEMP <b>APP-137</b> at §2.4.12). NH's concern is twofold. Weaver Lane Bridge has not been assessed for the suitability for either purpose. If it is to be a bridleway then NH considers that the parapet heights will need increasing, to comply with the relevant provisions of DMRB. Moreover, no structural survey has been undertaken to check that the bridge can withstand its new loadings based on the current structural condition (e.g. from emergency vehicles or arising as a result of, e.g. the new parapets) without issue. The problems are obvious: parapet height is a clear safety issue in case things are dropped from horseback accidentally (or people fall from horseback); and the loadings can affect whether, for example, any element of the bridge might deteriorate and drop onto the SRN below. NH therefore considers that somewhere in the dDCO, either in Articles 13(3)-(4) or elsewhere, the route cannot be re-opened as a bridleway until a survey and assessment of the bridge's suitability are undertaken, and any additional works required have been undertaken.</p> <p>The second is Brooks Furlong Bridge, which is currently a restricted byway. The Applicant has indicated an intention to seek the power to allow vehicles along the bridge for the purposes of accessing a carpark (see the OOEMP <b>APP-137</b> at §2.4.13; revised dDCO <b>PD2-</b></p>

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	<p><b>006</b> Art 13(9)) and emergency access (OOEMP <b>APP-137</b> at §2.4.12). Again, no survey has been undertaken to ascertain that the bridge’s structure is sufficient to deal with new loadings from new vehicles. As for Brooks Furlong Bridge, NH therefore considers that the dDCO should secure that the Applicant cannot send cars along the bridge until a survey and assessment has been done and any additional necessary works undertaken to make it safe.</p> <p>In response to the Applicant’s reliance on the fact that vehicles already travel along Brooks Furlong Bridge either without permission or pursuant to private rights of way: (a) the only permitted public route is as a byway (b) to the extent others are crossing without permission it indicates the Bridge is already taking loadings beyond its current intention (c) there may well be a difference in the number and weight of vehicles if the Applicant obtains the permission it seeks and (d) any vehicles crossing pursuant to private rights can be part of the baseline for the assessment but it does not change the need to do one.</p>
<p>Item 4i, dDCO Sched 27</p> <p>NH’s Protective Provisions (“PPs”)</p>	<p>NH is not content with the PPs offered by the Applicant. As set out in NHs <b>RR-031</b> at §3.2 the suite of PPs sought by NH are intended to ensure that there is no harm to the SRN, and that no additional costs are placed on NH (and the taxpayer who ultimately funds it). To that extent the PPs sought include, for example, requirements that</p> <p>(a) Works cannot commence without safety audits (cl 7);</p> <p>(b) The Applicant obtains security and insurance against loss and damage (cll 15-18).</p> <p>Although the Applicant argues that it will not be undertaking works to the SRN (see now paras 3-4 of Sched 27 in <b>PD-006</b>) so these clauses are extraneous, NH disagrees. Some of the works take place in plots very close to the SRN – see e.g. plot 5-1 (AS-006) which is set aside for Works 1 and 6A. Impacts might arise from e.g. dust and detritus, panels being insufficiently secured, and / or cranes in close proximity to the SRN.</p>

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Item 5k, cumulative assessment	<p>As the ExA will have noted this is a very busy area, with much development sought or planned within the next few years. These include:</p> <ul style="list-style-type: none"> <li>• Hynet North West Hydrogen Pipeline (EN060006);</li> <li>• HyNet Carbon Dioxide Pipeline (EN070007);</li> <li>• Intermodal Logistics Park North (TR0510001);</li> <li>• Mersey Tidal Power Project (EN0110006);</li> <li>• Connah’s Quay Low Carbon Power Project (EN010166);</li> <li>• Peak Cluster CCS Pipeline (EN0710001);</li> <li>• Stanlow Hydrogen Ready Modular Combined Heat and Power Project (EN0110007);</li> <li>• Hob Lane Solar Farm (also known as Rake Lane Solar Farm) (CW&amp;C app 25/01339/FUL);</li> <li>• Runcorn Spur Pipeline (SW&amp;C app 25/02108/FUL);</li> <li>• Mynydd Mawr Windfarm (pre-app);</li> <li>• Protos (various applications expected under 2019 planning consent for site);</li> </ul>	

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	<p>Information in the public domain on many of these is sparse at present (as noted e.g. for the Runcorn Spur Pipeline at <b>APP-134</b> §7.3.13-7.3.15). Against that background NH has four points to make.</p> <p>First, NH is content with the cumulative assessment of traffic impacts set out in the TA (<b>APP-134</b>) in Section 7, based on the information available at that time.</p> <p>Second, information may enter the public domain on some of these projects (such as their TAs), either during the course of the examination or prior to the Secretary of State’s decision. This should be taken into account prior to any final decision. NH welcomes the indication from the Applicant during the ISH that this will be done.</p> <p>Third, as set out in NH’s <b>RR-031</b> at §§7.2-7.4 NH is undertaking work to assess cumulative impacts with other projects. Once this is completed NH will review and <i>if</i> it is thought it will be helpful to the examination, NH will submit it. At deadline 1, NH will provide a deadline for when this work will be provided.</p> <p>Fourth, NH notes and welcomes the provisions for managing cumulative impacts set out in 7.0 of <b>APP-135</b> the OCTMP. It would ask that §7.1.5 be amended “as deemed necessary by the LHA <u>and National Highways</u>”.</p>