

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

FOSSE GREEN ENERGY DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010154

**WRITTEN SUBMISSION OF ORAL
REPRESENTATIONS MADE ON BEHALF OF
NATIONAL HIGHWAYS LIMITED AT THE ISH1
and ISH2**

INTRODUCTION

This is a written submission made on behalf of National Highways Limited in respect of oral submissions made at Issue Specific Hearing 1 held on the 6th and 7th January 2026 and Issue Specific Hearing 2 held on the 8th January 2026 on the DCO

ISH1	
Agenda Item 3.5	<p>Effects for Traffic and Transport</p> <p>a) the approach to the transport assessment</p> <p>b) predicted traffic generation (construction and operational)</p> <p>c) construction impacts for the strategic and local road networks and public rights of way and proposed mitigation measures</p> <p>d) the potential for cumulative effects</p>
	<p><u>a &b- the approach to the transport assessment and predicted traffic generation (construction and operational)</u></p> <p>National Highways (NH) has reviewed Chapter 13, Traffic and Transport, of the Environmental Statement, reference APP-038. NH is satisfied with the overall approach taken and the conclusions reached in the transport assessment.</p> <p>NH agree with the predicted trip generation and distribution for both construction vehicles and staff, during the construction phase and once the development is operational. Given that the construction works are temporary, and that only minimal movements are expected during peak hours on the Strategic Road Network, we don't consider any further traffic assessments to be necessary. There is also no requirement for additional junction capacity assessments on the A46 trunk road.</p> <p>Finally, NH has agreed requested that we will be consulted and provide approval on the detailed Construction Traffic Management Plan, in line with Requirement 14 of Schedule 2 of the Development Consent Order.</p> <p><u>C- construction impacts for the strategic and local road networks and public rights of way and proposed mitigation measures</u></p> <p>NH has requested to be formally consulted on both the Construction Environmental Management Plan and the Operational Environmental Management Plan, under Requirements 12 and 13 of Schedule 2 of the draft Development Consent Order. This consultation is essential to ensure that any potential environmental impacts on the Strategic Road Network are properly mitigated</p>

during both the construction and operational phases of the development, particularly given that the A46 trunk road shares a boundary with the application site and utilised for construction routing.

In NH's Relevant Representation (RR-201), we highlighted that the Framework Construction Traffic Management Plan CTMP (AS-102) did not include any reference to proposed signage on the Strategic Road Network, nor to the routing of construction vehicles. NH would expect appropriate signage to be provided to guide construction traffic safely from the A46 trunk road onto the Local Road Network and towards the agreed construction access points. This is important to ensure the safe and efficient operation of the Strategic Road Network and to protect all road users, particularly by avoiding situations where HGVs may stop unexpectedly on the carriageway.

These matters should be addressed within the detailed Construction Traffic Management Plan, on which NH seek to be consulted and approving body to under Schedule 2, Requirement 14.

In addition, any temporary traffic management that remains in place for longer than six months, including associated signage, will require a Stage 1 Road Safety Audit and either a Walking Cycling and Hore rising Review assessment or a WCHAR Assessment Note in line with GG 119. This is set out in the protective provisions being discussed with the Applicant.

As set out in GG 142, it is the responsibility of the applicant's design organisation to determine whether a WCHAR assessment is required. Until the details of the proposed traffic management are confirmed, it is not possible to determine whether there would be any impacts on non-motorised users. Discussions on the requirement for WCHAR are still under discussion with the applicant.

D- the potential cumulative effects

The authorised development has the potential to impact NH's major capital project, the A46 Newark Bypass, which received Development Consent on 1 October 2025 from the Secretary of State for Transport.

Given the scale and significance of this scheme, it is important that the authorised development does not undermine the substantial public investment already made by NH. To protect this investment, it is necessary for the Applicant to work collaboratively with NH during delivery of the authorised development. To achieve this NH seeks to be consulted and provide approval to Requirement 14 of the Construction Traffic Management Plan, set out in Schedule 2 of the draft DCO. This consultation will take place during the development of the detailed CTMP, to ensure effective coordination with the delivery of the A46 Newark Bypass scheme.

Abnormal loads

	<p>NH has advised the Applicant to undertake any abnormal load feasibility study as early as possible. Early engagement will help identify potential constraints and avoid delays later in the projects construction programme. NH have also provided advice on how to obtain the necessary approvals and permits for abnormal load movements.</p> <p>The approvals process should begin around 8 to 10 weeks in advance of the planned movements. During this period, NH will re-check route suitability and, where appropriate, issue a permit for the movement of abnormal indivisible loads. The Applicant should also note that there is a continuing legal obligation to notify NH of the exact date and time of each movement at least five days in advance.</p>
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ISH2	
Agenda Item 3.1	Discussion of the draft Development Consent Order (dDCO), involving the applicant and other interested parties (IPs)
	<p>The DCO includes a number of provisions which authorise the interference with statutory powers belonging to NH and/or grant the Applicant powers over the SRN which would have significant safety implications if not properly and proportionately controlled through NH's protective provisions. NH must have control over the operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset.</p> <p>Discussions with the Applicant on the protective provisions are progressing well. We hope to reach agreement on an agreed form shortly and will update the ExA at the next deadline in writing.</p> <p>It was noted in NH Relevant Representation (RR-201) that the directional drilling under the A46 was not included within Schedule 4 of the draft DCO meaning the Applicant did not have powers under article 8 over the A46. We understand the Applicant is proposing to add some wording to the dDCO regarding the proposed crossing points beneath the A46, reference APP-016. Subject to the inclusion of NH's protective provisions, NH supports this approach.</p> <p>NH continues to work with the Applicant on the detailed arrangements for the trenchless crossing locations. The protective provisions for National Highways will ensure that all necessary technical approvals and requirements are secured. We remain content to continue working collaboratively with the Applicant to progress these matters.</p> <p><u>Requirements</u></p>

ISH2	
Agenda Item 3.1	Discussion of the draft Development Consent Order (dDCO), involving the applicant and other interested parties (IPs)
	<p>NH stated in its relevant representation (RR-201) that we wished to be consulted on Requirements 4, 7, 8, 9, 10, 12, 13, 14 and 20 and provide approval to requirements 4 and 14.</p> <p>We understand the Applicant has agreed to include NH as a consultee for the Schedule 2 requirements relating to Requirement 12, the Construction Environmental Management Plan; Requirement 13, the Operational Environmental Management Plan; Requirement 14, the Construction Traffic Management Plan; and Requirement 20, decommissioning. NH maintain its position we seek approval of the CTMP under requirement 14.</p> <p>The applicant has proposed to include a new sub-paragraph within Requirement 4 to ensure that the relevant planning authority must re-consult all consultees who were originally required to be consulted on those documents, plans, details or schemes. National Highways agrees with this approach and will reflect this change in the next iteration of the draft Statement of Common Ground.</p> <p>Following further review, NH no longer wishes to be consulted on Requirement 7, Battery Safety Management. We will reflect this change in our next representation and the draft Statement of Common Ground.</p> <p>NH suggested at the ISH2 that we no longer seek consultation on Requirement 9 Fencing and other means of enclosure. However, we wish to update and correct that position. NH requires further information from the Applicant and clear proposals demonstrating adequate set-back distances from the edge of the carriageway to ensure compliance with policy (DfT Circular 01/2022, paragraph 57) before it can withdraw its concern in this regard and request to be consulted on this requirement. In general terms, structures should be located sufficiently far from the Strategic Road Network boundary so that they cannot topple onto the SRN or undermine its geotechnical integrity. In addition, sufficient space must be retained to allow NH to undertake all routine and emergency maintenance activities for the A46 trunk road. At present, no plans have been submitted that clearly show the distance from the SRN, including foundation design and parameters.</p> <p>National Highways maintain its position on requirements 8 and 10. National Highways wishes to be consulted on requirement 8 Landscaping Ecology Maintenance Palan, the principal site including solar sites shares a direct boundary with the A46 trunk road. As indicated in Paragraph 7.1.7 of the Framework LEMP [AS-101], maintenance measures will be specified and implemented as part of the detailed LEMP, a post-construction monitoring programme (which will be formalised, agreed and included within the detailed LEMP). Additionally, as noted in Paragraph 7.1.11 of the Framework LEMP [AS-101] results from the post-construction monitoring will feed into the management plan and, if required, management may be amended accordingly based on this monitoring; for example, replacement planting and/or changes to</p>

ISH2	
Agenda Item 3.1	Discussion of the draft Development Consent Order (dDCO), involving the applicant and other interested parties (IPs)
	<p>planting species where planting has failed to establish. National Highways requires view and an input into this information in the interest of the safe and efficient operation of the Trunk Road specifically for glint and glare mitigation measures.</p> <p>Finally, we wish to be consulted on Requirement 10 (surface water and foul water drainage). It is essential that National Highways protect the integrity of the Strategic Road Network drainage infrastructure, in line with DfT Circular 01/2022. At the moment, it isn't clear whether a connection or outfall is being proposed NH's drainage network. If a connection is proposed, this would need to be considered by NH, and if agreed, a maintenance and management agreement may be required. Whilst NH consent for any connections to its drainage network will be sufficiently managed under the protective provisions in the current form agreed with the Applicant, there are Swales proposed within the solar sites adjacent to the SRN and National Highways do have concerns about the flood risk if not properly maintained which is a clear safety risk to the SRN. For this reason National Highways seek consultation on the surface water and foul water drainage plan to ensure the safety of the SRN is protected. If a connection is proposed, this would need to be considered by National Highways, and if agreed, a maintenance and management agreement may be required.</p> <p>NH has had difficulty reviewing Appendix 9-D, the Framework Surface Water Drainage Strategy within the Environmental Statement. While we have attempted to review it, we're currently unable to assess the drainage information in terms of its impact on the Strategic Road Network. The document is around 18 megabytes and is too large to navigate effectively, which makes it unsuitable for review in its current format. To support our assessment, we require focused information relating specifically to the areas adjacent to the A46. That should clearly show the local topography, the catchment area, existing drainage assets—particularly where there are interfaces between the highway and third-party ditches, as well as the proposed drainage infrastructure, flow directions, and outfall locations. Ideally, this information would be provided as a series of linked drawings along the A46 interface, in a manageable file size that allows us to easily open, view, and zoom into the details.</p>