

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

FOSSE GREEN ENERGY DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010154

**DEADLINE 2: NATIONAL HIGHWAYS'
COMMENTS ON SUBMISSIONS MADE BY THE
APPLICANT AT DEADLINE 1 AND RESPONSE
TO ExA FIRST WRITTEN QUESTIONS**

1 INTRODUCTION

1.1 This is a written submission made on behalf of National Highways (NH) in respect of the Applicant's comments on the Relevant Representation (REP1-047) submitted on behalf of National Highways and a response to the ExA's first written questions (PD-011).

2 NATIONAL HIGHWAYS RESPONSE TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS

2.1 NH has extracted from the Examining Authority's First Written Questions (PD-011) those questions which are addressed to NH. NH has used the same format table as issued by the ExA with its response provided in the last column to each relevant question.

<u>Question number</u>	<u>Question to</u>	<u>Question</u>	<u>National Highways response</u>
TT.1.16	Applicant, NKDC, LCC, National Highways	<p>Abnormal Indivisible Loads</p> <p>a) Councils and National Highways - is there sufficient detail on the abnormal indivisible loads in the application documents, such as ES Chapter 13: Traffic and Transport [APP-038], the FCTMP [AS-102] and the FCEMP [APP-189] to understand what would be required and the effects? If not, what other information do you consider would be necessary?</p> <p>b) Are there any implications arising from the fact that only a preliminary vehicle swept path assessment has been undertaken for the routes to the Principal Site and the Cable Corridor access points so far (paragraph 5.7.3 in [AS-102])?</p>	<p>a) The National Highways Abnormal Indivisible Loads (AIL) team has not had any engagement to date, nor has there been any engagement on route feasibility work. National Highways had previously understood that the Applicant had contacted NH, via their transport consultant Wynns Ltd, regarding AIL routes to the Navenby area in which An Agreement in Principle (AIP) has been provided. However, it has been established this AIP related to a separate nearby project. Therefore, NH seek to correct the position noted in paragraph 5.20 of its Relevant Representation (REP-1047) with this update.</p> <p>We have encouraged the applicant to engage with our AIL team and we have provided the relevant contact details to do so. Early route feasibility work is encouraged with National Highways to mitigate delays to project delivery.</p> <p>At this early stage, our primary interest regarding Abnormal Load deliveries is to agree the port of delivery and ensure compliance with the Water Preferred Policy, namely using the nearest suitable port of entry to minimise road mileage. With respect to route suitability, it is common at this stage of a project for only a high-level abnormal loads assessment to be undertaken. However, early engagement with local stakeholders is encouraged to identify any potential constraints, such as structures that could render the access route unsuitable. Early engagement with NH is encouraged to avoid any delays to the applicant's programme.</p> <p>b) As set out in a response at (a) above at this stage we would expect applicants to conduct a feasibility study with us to access any proposed routes. The implications if not done could impact on the programme. Once a haulier has been appointed by the applicant, they will undertake the detailed swept path analysis.</p> <p>National Highways must be contacted 8–10 weeks prior to the planned movement, at which point the haulier should initiate engagement. During this period, route suitability will be reassessed in coordination with all relevant structure owners and highway authorities. An application must then be submitted to National Highways and, if approved, the permit will be valid for six months.</p> <p>The Applicant should note that there remains a legal obligation to notify National Highways of the exact date and time of each movement at least five days in advance.</p> <p>Once the application has been submitted to the Abnormal Loads team, any vegetation clearance or street furniture removal required to facilitate delivery will also be coordinated with the National Highways Network Occupancy team.</p>
TT.1.26	National Highways, LCC, Applicant	<p>Cumulative effects</p> <p>a) National Highways - The A46 Newark Bypass has been excluded from further consideration in Appendix 15-A [APP-177] (Long list of cumulative developments) because it is due to be complete in 2028. Is the timescale for the A46 Newark Bypass reasonable given the statement in paragraph 1.2 (b)</p>	<p>a) We continue to work with the Department for Transport to identify the most efficient and cost-effective delivery timescales for the A46 Newark Bypass. We will provide further updates on the delivery timings for the scheme following the publication of the Road Investment Strategy in due course. As this work progresses, we're not in a position to comment on the reasonableness of a specific delivery date. However, for the purposes of the traffic and transport review, the assumption for not including the A46 Newark Bypass in the cumulative impact assessment of the DCO is still reasonable.</p>

		<p>of [RR-201] that National Highways will be working with the Department for Transport to identify delivery timescales over the coming months?</p> <p>b) LCC - The A46 Hykeham relief road has been excluded from the applicant's cumulative assessment in [APP-038] on the basis that its construction period would be prior to the peak construction period for the proposed development (operational from 2026 – point I, page 114 in [APP-038]). Does the applicant's assumption about the time of the A46 Hykeham relief road remain correct?</p> <p>c) Applicant - If there were to be changes to the timescales concerning the delivery of the A46 highway schemes, how do you consider the regular reviews of and updates to the CTMP suggested by National Highways could be accommodated to manage the cumulative construction traffic effects?</p>	<p>It is noted from the Applicant's updated dDCO (REP1-007), requirement 14 of Schedule 2 has been updated to include NH as a consultee to the Construction Traffic Management Plan (CTMP). As set out within NH's Relevant Representation (REP-201). NH are seeking to be an approving body to the CTMP (Requirement 14) and not just a consultee on this matter. This will ensure we can manage changes to original timescales and manage construction traffic and vehicle movements safely and efficiently, minimising disruption and potential hazards to the SRN and major projects. Please see our further comments in this regard at section 1b in the table below.</p>
TT.1.27	LCC, National Highways	<p>Highways alterations</p> <p>Would the dDCO, the FCTMP [AS-102] and the FCEMP [APP-189] adequately secure a mechanism for the approval of the details for the proposed accesses and the other proposed highway alterations identified in the Streets, Rights of Way and Access Plans [AS-007]? If not, what amendments to the dDCO, FCTMP and the FCEMP would be necessary to establish an adequate approval mechanism?</p>	<p>We understand there are no proposed alterations to the layout, nor any proposed creation of accesses for operational or construction purposes, located on the SRN identified in the Streets Rights of Way and Access Plans. All such works are located on the Local Road Network (Fosse Lane and Old Haddington Lane). Therefore, approval of these details will fall under the jurisdiction of the local highway authority (Lincolnshire County Council).</p> <p>Any temporary traffic management measures required on the SRN to facilitate LRN roadworks will be agreed and approved under our protective provisions.</p> <p>We note the current dDCO (REP1-007) does provide the applicant with powers to alter the layout of any street within the order limits, which goes above those alterations identified in the Streets, Rights of Way and Access Plans. The SRN does fall within the extent of the order limits. National Highways is seeking the inclusion of protective provisions which would protect the SRN should the applicant seek to rely on those powers. Discussions on the protective provisions are progressing well and we will update the ExA on those discussions at the next deadline.</p>

3 NATIONAL HIGHWAYS' RESPONSE TO THE APPLICANT'S RESPONSE TO NATIONAL HIGHWAYS' RELEVANT REPRESENTATION

- 2.1 NH has extracted from the Applicant's response to NH's Relevant Representation (REP1-047) those response which address NH's Relevant Representation (REP-201). NH has used the same format table as issued by the Applicant with NH's response provided in the last column to each relevant question. Where National Highway's comments have simply been noted by the Applicant the referenced item does not appear in the table below.
- 2.2 It is noted that the Applicant has agreed to consult National Highways on requirement 12, 13 and 20 as requested within its Relevant Representation (REP-201) and the Applicant has updated the dDCO (REP1-007) in this regard. The Applicant's responses on these requirements do not appear in the table below as NH's concerns are addressed in this regard.

Section	Comments from National Highways Relevant Representation	Applicant's Response to National Highways Relevant Representation	National Highways response
1	<p>a. The book of reference as submitted by the Applicant identifies 10 plots of land owned or occupied by NH for the purposes of its undertaking (“Plots”) in respect of which compulsory acquisition powers are sought. The compulsory acquisition powers sought are described in the book of reference as permanent acquisition of new rights (“Compulsory Powers”). To safeguard NH’s interests and the safety and integrity of the Strategic Road Network (“SRN”), NH seeks further information from the Applicant to understand how the new rights will interact with National Highways’ assets.</p> <p>b. The Authorised Development may impact on NH’s major capital project, the A46 Newark Bypass Development Consent Order which received consent on 1st October 2025 by the Secretary of State for Transport. It is necessary for the protection of this project that the Applicant agrees to co-operate with NH in the delivery of the Authorised Development, in a way that safeguards the significant public investment that has been made by NH. Following the conclusion of the Government’s Spending Review, funding for the A46 Newark Bypass scheme has now been confirmed. The Government and National Highways remain committed to maintaining a safe and reliable road network, necessary to stimulate economic growth and enhance opportunities across the country. In the coming months, National Highways will be working closely with Department for Transport to identify delivery timetables for this project. We will update the Applicant on delivery timings, as part of the next Road Investment Strategy which is scheduled to be published in March 2026. Please see our comments on the Schedule 2 requirements at paragraph 7.2 below and our comments on the CTMP at section 5 below. Additionally, we advise the applicant to work closely with Lincolnshire County Council (LCC) to coordinate the Construction Traffic Management Plan for the A46 Hykeham Relief Road project, a scheme also impacted by the authorised development. This plan should be regularly reviewed and updated in line with construction progress.</p>	<p>a. Within the plots along the A46 (4/3, 4/5, 4/10, 4/11, 4/13 and 2/7), as per the Book of Reference [AS-115], it is proposed that cable crossings will be provided under the surface of NH land, installed via directional drilling. No direct interaction with the A46 carriageway or interference with the existing rights of NH is proposed. In terms of plots Plot 2/8, 2/10 and 2/11, it is proposed to create construction access C-002 and operational access O-002 (see Figure 3-1: Construction Compound and Access Locations of the ES [AS-021]) onto the public highway within the extents of this plot, and similarly within Plot 4/15 operational access O-003 is proposed to be created. It is not proposed to interfere with the existing rights of NH in either location.</p> <p>b. The Applicant will work with NH (and LCC) with respect to the A46 Newark Bypass (and A46 Hykeham Relief Road) in the development of the detailed Construction Traffic Management Plan (CTMP) to coordinate the delivery of these projects. As noted below, the Applicant agrees to include National Highways as a consultee within Requirement 14 of Schedule 2 and will submit a version of the Draft DCO [APP-016] with this change to the Examination at the next available examination deadline. It should be noted that the potential cumulative impact of the Proposed Development in combination with these schemes was considered in the ES. As set out in Appendix 15-A: Long List of Cumulative Developments of the ES [APP-177], the A46 Hykeham Relief Road scheme (ID95) was progressed to the cumulative schemes shortlist, and is considered in the cumulative assessment presented in Section 13.10 of Chapter 13: Traffic and Transport of the ES [APP-038]. With regards to the Newark Bypass (ID100), as set out in Appendix 15-A: Long List of Cumulative Developments of the ES [APP-177], there is limited potential for the construction phase to overlap with that of the Proposed Development given the Proposed Development construction is proposed to commence in 2031, where it is anticipated that the A46 Newark Bypass will be constructed prior to this. As such, even if there are minor delays to ID100, there is no scope for operational cumulative effects. As such, this cumulative scheme was not progressed to the short list for cumulative assessment within Chapter 13: Traffic and Transport of the ES [APP-038].</p>	<p>We note the Applicant’s comments that they do not propose to interfere with existing rights of NH. NH are seeking wording within its protective provisions to ensure NH concern is addressed in this regard in terms of the compulsory powers sought and the detailed design for any cable crossings proposed. Discussions on the protective provisions are progressing well and we will provide the ExA with an update at the next deadline in this regard.</p> <p>b. It is noted from the Applicant’s comment and the updated dDCO (REP1-007), requirement 14 of Schedule 2 has been updated to include NH as a consultee to the Construction Traffic Management Plan (CTMP). As set out within NH’s Relevant Representation (REP-201) NH are seeking to be an approving body to the CTMP and not just a consultee on this matter. NH seek the approval of the CTMP to ensure construction traffic and vehicle movements is managed safely and efficiently, minimising disruption and potential hazards to the strategic road network (SRN).</p> <p>It is noted at paragraph 2(2) of Schedule 2 to the dDCO (REP-1-007) deemed approval is granted to an application to discharge a requirement if the Local Planning Authority (LPA) do not give notice of its decision within a ten week period. NH is concerned it will be caught by these deemed approval provisions over which NH have no control when the LPA responds. There are safety implications if NH are not able to comment and approve the CTMP and consider the impacts on the road users of the SRN, particularly in light of the construction programme for the A46 Newark Bypass scheme which is yet to be finalised. This is a fundamental issue of public safety that should not be compromised to enable a private developer to achieve a quicker build programme. The potential implications from a safety perspective of something going wrong far outweigh the Applicant’s case for such a provision. NH has statutory obligations to behave reasonably and support sustainable development and so it should not be forced to work under the pressure of deemed consent.</p>
2	<p>Protecting SRN</p> <p>The impact of works number 6 and 9 on the SRN</p> <p>The Authorised Development is situated to the south-west of Lincoln. Bisecting the north of the site is the A46 trunk road, which is a dual carriageway subject to the national speed limit that forms part of the SRN. We note there will be interaction with the A46, at Work Numbers 6 and 9 which involves the laying of electrical cables under the SRN.</p>	<p>Two trenchless crossing locations, as indicatively shown in Figure 3-12: Indicative Trenchless Crossing Locations of the ES [AS-028], are proposed due to the wide area that the cables originate from. This will decrease the concentration of cables in one area and reduce the overall cable lengths required.</p> <p>The Applicant will work with NH regarding the location of the A46 crossings through the production of a feasibility study for these works. As requested by NH, this will include provision of further information on:</p>	<p>We will continue to work collaboratively with the Applicant on matters relating to the Trenchless crossing locations and protective provisions for technical approvals. We will provide the ExA with an update on the protective provisions negotiations at the next deadline.</p> <p>Additionally, at this stage and before NH can remove its concern in this regard, NH would like to understand if consideration has been given to a single crossing, as this</p>

	<p>We understand the construction/decommissioning phases are proposed to take between 24 to 30 months to complete, with commencement anticipated in 2031 and connection to the National Grid by 2033. The operational life of the development is expected to be 60 years, following which there will be the decommissioning phase.</p> <p>Works No 6</p> <p>Works to lay electrical cables up to 33 kV connecting Work No. 1 to Work No. 2 or Work No. 3, and Work No. 4 including works to lay electrical and data cables; joint bays, link boxes, cable ducts, cable protection, joint protection and manholes; marker posts, underground cable marker, tiles and tape, communications chambers, fibre optic cables and lighting and other works associated with cable laying; and tunnelling, boring and drilling works including temporary compounds for the tunnelling, boring or drilling works.</p> <p>The Indicative Trenchless Crossing Locations document (APP-059) show two trenchless cable crossings are proposed across the A46 trunk road. Regarding feasibility, the SRN ground conditions along the proposed cable route are suitable for a trenchless crossing. However, National Highways would like to understand if consideration has been given to a single crossing, as this would have less impact on the SRN and would be a cheaper option.</p> <p>We require further engagement from the Applicant through a business case for our approval for installing any new apparatus in / under our property. We need to understand how the cable route will interact with National Highways' assets and to determine if the cable crossing is feasible. National Highways require details of the cable crossings including: the cable alignment, duct diameter, capacity (whether more than 1 cable is to be provided for future capacity increased or redundancy/contingency), confirmation on all parts of our SRN or land NH have an interest in that will be impacted by the proposed work.</p> <p>The cross-section information provided on ES Figure 3-13 Typical Trenchless Crossings Cross Sections (APP-060) is insufficient to determine the geotechnical risks on the A46 trunk road. Any proposed directional drilling under our network will require compliance with The Design Manual for Roads and Bridges (DMRB) Chapter CD622 (Managing Geotechnical Risk). We advise the Applicant to review the requirements of CD622, which can be found on the Standards for Highways website. Consideration should also be given the potential impact of drilling upon other SRN assets, such as drainage for our review. Additional asset impact may require further approval processes. National Highways protective provisions secures these approvals and requirements.</p> <p>All Cable Works will require monitoring and assurance, with safety risks assessed for monitoring and survey works within the proximity of the A46 live carriageway.</p>	<ul style="list-style-type: none"> • The cable duct specification (diameter, capacity, and whether multiple cables are proposed for future expansion or redundancy); • The proposed method of installation; and • Any related design or construction details. <p>It should be noted that a design has been submitted as part of the DCO Application which incorporates spatial flexibility within the Proposed Development Parameters to account for any localised constraints which may be identified later in the process. As such, the purpose of Figure 3-13: Typical Trenchless Crossings Cross Sections of the ES [APP-060] is not to demonstrate the specific geotechnical risks on the A46 trunk road at specific crossing locations, whereby this could vary from location to location. The geotechnical risks will be established as part of the detailed design stage once final locations of the trenchless crossing locations are known, aligning with other potential factors that may influence the detailed design (e.g. avoiding archaeological resource). It is confirmed that the Applicant will comply with DMRB Chapter CD622, and other relevant requirements for any proposed directional drilling under the NH network. As noted in the response, the NH protective provisions will secure these approvals and requirements.</p> <p>With regards to consideration of the potential impact of drilling upon other SRN assets, such as drainage, it should be noted that a full clash detection exercise would be procured at the detailed design stage, when the design detail for the Proposed Development is more precise. The Framework CEMP [APP-189] (ref. MAD-C1) notes: "To identify any existing infrastructure constraints, both consultation and a desk-based study will be undertaken prior to construction so that appropriate mitigation such as buffers can be incorporated into the design. Cable Avoidance Tool (CAT) scans will also be used by Contractors to check for buried utilities prior to earth breaking site activities. The Applicant will endeavour to engage with utilities providers as appropriate." The clash detection exercise would be undertaken at the earliest appropriate opportunity during the detailed design stage of the Proposed Development and any NH assets identified would be appropriately avoided by design. Production of a detailed CEMP, which is to be developed substantially in accordance with the Framework plan, will be secured under Requirements 12 of the Draft DCO [APP-016]</p>	<p>option would reduce technical and construction risk on the SRN.</p> <p>We also note the typographical error in the applicant's response as highlighted. The reference should be to CD 622.</p>
3	<p>Drainage</p> <p>The Framework Surface Water Drainage Strategy [APP-147] states the Principal Site proposes to occupy agricultural land with no known positive drainage system. Currently rainfall is either absorbed into the ground</p>	<p>Appendix 9-D: Framework SWDS of the ES [APP-147] sets out the approach to surface water management. Surface water runoff will be collected and drained to surface water bodies, either to watercourses, or in certain cases, to ground where a watercourse is not present in the</p>	<p>Following a review of the Deadline 1 submissions, including the Framework Surface Water Drainage Strategy (Clean) (REP1-025) and the Framework Surface Water Drainage Strategy (Tracked) (REP1-026), it is noted that some small areas of impermeable surface are proposed to be attenuated to pre-development runoff rates. We have reviewed these</p>

<p>(ground testing suggests this is limited), ponds in low points or flows overland to existing watercourses.</p> <p>Chapter 4 explains the proposed drainage strategy including methods to mimic the current greenfield drainage arrangements. However, swales will be constructed around the perimeter of the solar PV fields and compounds with capacity for 1 in 100 year + 40% climate change events. Water contained within the swales will either evaporate, infiltrate the ground or be discharged at a controlled rate into adjacent watercourses.</p> <p>Drainage proposals are of particular interest to National Highways to ensure that surface water run-off from the site does not threaten the integrity of National Highways drainage assets. As set out in Paragraph 59 of DfT Circular 01/2022, National Highways will not accept any additional water run-off arising from any change of use into our highway drainage systems, or any new connections into those systems from third party development drainage systems.</p> <p>Paragraph 59 DfT Circular 01/2022</p> <p>To ensure the integrity of the highway drainage systems, no new connections into those systems from third party development and proposed drainage schemes will be accepted. Where there is already an existing informal or formal connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment. The company may require a drainage management and maintenance agreement to be entered into to secure this requirement in perpetuity.</p> <p>If the proposed swales within the Applicant's site outfall into the NH drainage system, this will require careful policy consideration and formal management and maintenance agreement with NH in accordance with paragraph 59 of the DfT Circular 01/2022. A management and maintenance agreement may be required to ensure that the proposed maintenance arrangements for the swales are followed accordingly and do not adversely affect the efficiency or operation of the SRN drainage system.</p> <p>Additionally, if the swales do not outfall into the NH drainage system, we still expect that NH will be consulted on surface water drainage scheme and (if any) foul water drainage system for the Application site. Given the swales close proximity to the SRN, it is essential that they are properly maintained to ensure their efficient operation and to avoid any potential flood risk to the SRN.</p> <p>To address National Highways concerns in relation to the points raised on drainage, we would expect to be consulted on the written details of the surface water drainage scheme and (if any) foul water drainage system required at schedule 2 requirement 10. We would also seek to secure a requirement that no part of the authorised development is carried out until an appropriate management and maintenance agreement has been entered into for reasons explained above. Please see our comments and suggested amendments in the table at paragraph 7.2 in this regard.</p>	<p>vicinity. No surface water drainage will be discharged to National Highway infrastructure during the operation of the Proposed Development.</p> <p>The only potential pathway of discharge to any highway infrastructure would be during the construction and decommissioning works, if runoff cannot be drained on-site or to a watercourse. However, given that access to the Order Limits will not be via the SRN, there would be no potential mechanism for drainage to National Highways' infrastructure during these phases of the Proposed Development.</p> <p>Regarding maintenance, the Framework SWDS [APP-147] (ref. paragraph 4.13.1) notes that the proposed SWDS will be maintained by the Applicant, or another private operator to be confirmed. The provision of a detailed SWDS, to be substantially in accordance with the Framework SWDS, is secured under Requirement 10 of Schedule 2 to the Draft DCO [APP016], with all proposed drainage features maintained according to standard practice.</p> <p>As such, the Applicant does not consider there are any requirements for National Highways to be included as a consultee within Schedule 2, Requirement 10(1) (Surface and foul water drainage) of the Draft DCO [APP-016].</p>	<p>areas and raise no further concerns with the proposed drainage strategy. In addition, we have no further concerns in relation to the proposed swales. Therefore, NH no longer seeks consultation on requirement 10 of Schedule 2 of the dDCO (REP1-007).</p>
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4	<p>Hedgerows</p> <p>The Hedgerow Plan (APP-015) shows the existing hedgerows along the A46 will be unaffected by the proposed solar farm development except for hedge no. 265 along the A46 (see Fig 2.9 (sheet 4 of 16) Rev 02). Hedge no. 265 requires up to 7m of removal. However, it's unclear on the reasons why a section of Hedge no. 265 is required. Please can further detail be provided to National Highways for our review.</p>	<p>Removal of this 7m section of Hedge no.265 is potentially required to accommodate a fence around the Solar PV Array areas within Fields 30 and 31. It should be noted that this removal would not remove any hedgerow immediately adjoining the A46 (i.e. the hedge that runs parallel to the westbound carriageway of the A46) and instead would be the removal of this section of hedge running perpendicular to the A46, between Field 30 and 31. This is best illustrated on Figure 3-17: Maximum Vegetation Removal Plan of the ES [AS-029] (ref. Sheet 4).</p>	<p>NH accepts the response and has no further comments in relation to hedgerows.</p>
5	<p>Additional Interface</p> <p>The Authorised Development will also interface with the SRN in the following way:</p> <p>Landscape Mitigation for Glint and Glare</p> <p>Landscape mitigation is proposed by the Applicant for areas which are likely to have a high or medium impact for glint and glare, or to screen views of the arrays and to reduce the magnitude of effect to low impacts in many locations. It is noted that this will also aid in further screening low impacts. Therefore, this element is required to achieve residual outcomes identified in the assessment.</p> <p>The proposals set out in the Landscape and Ecological Management Plan (LEMP) appear to align with areas where new mitigation is identified as required within the glint and glare assessment. This will need to be reviewed / monitored on the run up to the construction phase and during to ensure that sufficient coverage is provided.</p> <p>Given that some of the receptor points assessed next to the A46 were noted as high without mitigation but lowered to none with mitigation, NH are unclear about the timeframe involved, particularly considering the time it takes for new planting to become established. Hedgerows, which are intended to be maintained at 2–3 metres to achieve mitigation, will take several years to reach effective height and density. Additionally, as all the proposed planting is deciduous, it is important to confirm whether the winter period has been taken into account. Questions also remain about whether the existing hedge, which is to have individual trees planted into it, is already high enough, and whether gaps created during planting have been considered in the assessment. Given these factors, it is important to understand at what point the mitigation measures will be considered fully functional and what provisions will be in place in the interim. A five-year period may not be sufficient for the vegetation to mature to an effective level, and no longer-term provisions, particularly regarding inspection and maintenance, have been noted.</p> <p>NH want to be clear that the individual trees planted within the redline boundary shown in the LEMP will remain the responsibility of Fosse Green Solar Farm, and that NH will not assume any liability for their maintenance. It is also expected that these trees will be managed in accordance with the Section 141 of the Highways Act, which requires the Applicant not to plant within 15 feet from the centre of a made-up carriageway particularly regarding trees that may affect the highway. Reference should be made to the new standard LD117 Landscape Design (available at standardsforhighways.co.uk) concerning appropriate tree size in relation to proximity to the roadside. Furthermore, Black Poplar is not a recommended species for planting adjacent to the road, especially</p>	<p>Additional Interface</p> <p>Landscape Mitigation for Glint and Glare</p> <p>Road Receptors 13 – 16, located along the A46, were considered to have the potential to have High glint and glare impacts after the model run (Table 18 of Appendix 14-D: Glint and Glare Assessment of the ES [AS-092 – AS-096]). This model run assumes 100% sunlight and a baldearth scenario (i.e. no vegetation or obstacles) so represents an absolute worst-case scenario, as per paragraph 4.42 of Appendix 14-D: Glint and Glare Assessment of the ES [AS-092 – AS-096].</p> <p>Following the model run, a visibility assessment is conducted to determine the potential realworld impacts upon Road Receptors 13-16 (paragraph 6.195 and Appendix Q of Appendix 14-D: Glint and Glare Assessment of the ES [AS-092 – AS-096]). Google Earth imagery was used in the visibility assessment to understand the existing conditions (e.g. the level of vegetation/obstacles) and determine the likely real-world impacts, which at the time of preparing the report were slightly outdated (imagery from November 2021). Nevertheless, with consideration of this 2021 imagery, impacts at Road Receptors 13-16 were found to be None after hedgerow infill/allowing to be grown out (see paragraph 7.1 of Appendix 14-D: Glint and Glare Assessment of the ES [AS-092 – AS-096]), as set out in the Framework LEMP [AS-122], e.g. ref. paragraphs 4.1.20 and 5.2.3.</p> <p>Since then, the images have been updated with a timestamp of June 2025. In the updated Google Earth images, the density and height of the hedgerows either side of the A46, which will screen views of the Proposed Development where glint and glare is possible, have increased, whereby these images show that the hedgerows have grown significantly along the A46 since the visibility assessment was conducted. Therefore, mitigation in the form of hedgerow infill is no longer considered needed along this section of the A46 to screen the potential glare impacts. As noted above, impacts at Road Receptors 13-16 were found to be None after hedgerow infill/allowing to be grown out (paragraph 7.1 of Appendix 14-D: Glint and Glare Assessment of the ES [AS-092 – AS-096]), and as such this conclusion remains valid, noting that the increase in hedgerow density has negated the need to infill/gap up the hedgerows along the A46 in order to establish this impact of None at Road Receptors 13-16.</p> <p>As outlined in the Framework LEMP [AS-122] (ref. paragraph 5.3.14) and Framework CEMP [APP-189] (ref. GG-C1), hedgerows will be maintained between 3- 4m (a height that is at least equal to the upper edge of the panels), which will ensure the A46 is appropriately screened from the areas where there's potential for glare impacts to occur.</p>	<p>NH accepts the proposed landscaping mitigation for glint and glare effects adjacent to the A46 trunk road.</p> <p>However, given the timeframe between now and the commencement of construction of the solar sites, which share a direct boundary with the A46 Trunk Road, NH considers ongoing involvement to be essential. Whilst proposed mitigation may be acceptable now, factors such as climate change and climate events introduces uncertainty regarding potential impacts on hedgerow density which could affect what mitigation is acceptable when the authorised development is built out.</p> <p>The principal purpose of the SRN, and of NH licence from the Secretary of State, is to enable safe and reliable journeys for people and goods. Therefore, managing glint and glare is paramount to achieving this objective.</p> <p>As set out in the Framework LEMP (AS-122), maintenance measures will be defined and implemented through the detailed LEMP, alongside the establishment of a post-construction monitoring programme, which will be formalised and agreed as part of that process. For reasons set out above, NH would seek the opportunity to review this information to ensure a suitable monitoring programme is included. NH therefore wishes to be named as a consultee under Schedule 2, Requirement 8(1) (Landscape and Ecological Management Plan) of the Draft DCO [APP-016].</p>

<p>in this area, and there was no indication provided of the specific species proposed for planting next to the A46.</p> <p>In relation to the LEMP at this stage, NH seek further clarity on:</p> <p>a) what temporary screening will be provided as, i.e. if there are alternate or additional proposals to provide screening if temporary landscape is not sufficient during the construction period plus the post-construction period of 5 years.</p> <p>b) The landscape proposals include monitoring of new landscape, but it is not clear how the management plan accommodates new plantings, which may be required for permanent landscape.</p> <p>c) Establishment maintenance includes a provision to establish and maintain new hedgerow, trees, woodland and tree belts, as well as provide replacements for failed or defective plants during the next planting season. However, after the post-construction 5-year period is complete, there is only a stated requirement in the LEMP to remove dead or dying hedgerow. There needs to be a provision to provide replacement vegetation or temporary screening if removal of landscape elements leads to a state where insufficient screening is available.</p> <p>The Applicant has provided a response to the above a few days before this submission and NH are carrying out an updated assessment and comments will be provided in due course. We will update the Examination at the next deadline in this regard.</p> <p>To address NH's concerns relating to the LEMP outlined above, NH would expect to be consulted on the LEMP. Please see our comments in the table at paragraph 7.2 on requirement 8</p>	<p>Given the worst-case impacts occur during the months of April to October, there will not be seasonality issues with the vegetation.</p> <p>Overall, as the updated Google Earth imagery from June 2025 shows significantly dense hedgerows either side of the A46, and as such there will be no glare impacts upon the A46 given the existing hedgerows will sufficiently screen these impacts. Therefore, no additional measures are required to screen the potential glare impacts upon the A46.</p> <p>Regarding the planting within the Order Limits, this would be the responsibility of the operator with regards to maintenance, and not National Highways. The National Highways comments are noted regarding the management of trees in accordance with the Section 141 of the Highways Act 1980, the new standard LD117 Landscape Design, and the recommendation to avoid the planting of Black Poplar adjacent to the A46 – it should be noted that no tree planting is proposed in close vicinity of the A46 – refer to the Landscape Mitigation Plan, which forms Appendix A of the Framework LEMP [AS-122]. However, the Framework LEMP [AS-122] has been updated, and will be submitted to the Examination, to note the following:</p> <ul style="list-style-type: none"> - At paragraph 5.3.32: “Note, Black Poplar will not be planted adjacent to the A46.” - At paragraph 5.3.34: “(e) any trees within the vicinity the A46 will be managed in accordance with the Section 141 of the Highways Act 1980 and the new standard LD117 Landscape Design (available at standardsforhighways.co.uk) as relevant”. <p>With regards to the requests for clarity in relation to the LEMP:</p> <p>a) No temporary screening is proposed within the Framework LEMP [AS-122], however the Framework LEMP [AS-122] does propose ‘temporary landscape measures’ which include planting establishment/management principles for the screening planting (ref. Paragraphs 5.2.4, 5.3.22 and 5.3.23). The aim of establishment maintenance is to encourage thick, bushy growth, and includes monitoring requirements (ref. paragraphs 5.3.23(d-h)). The Framework LEMP [AS-122] doesn’t distinguish between screening required to mitigate visual effects and screening required to mitigate glint and glare. Note however that the existing hedgerows will be managed at a minimum height of 3m (ref. Paragraph 5.2.10), whilst proposed hedgerows will be planted and managed between 3- 4m (ref. paragraph 5.3.14) for the lifetime of the project. The Framework CEMP [APP189] (ref. ID GG-C1) also notes that “Native hedgerows will be planted/infilled and maintained to deliver a minimum height at least the same as the upper edge of the panels, which is currently proposed to be 3.5m”. These heights are sufficient to avoid a line of sight from the modelled receptors to the maximum upper edge of the proposed panels, which is 3.5m.</p> <p>b) New planting will be planted as part of the construction phase. In the unlikely event that screening planting fails, it will be replaced with like-for-like stock to ensure it performs as intended (and assessed). Refer to paragraphs 5.3.15 and 5.3.23(g) of the Framework LEMP [AS-122].</p> <p>As secured by the Framework LEMP [AS-122], maintenance measures will be specified and implemented as part of the detailed LEMP, including (ref. paragraph 7.1.7) a postconstruction monitoring programme (which</p>	
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		<p>will be formalised, agreed and included within the detailed LEMP) comprising walkover surveys of the Order Limits undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60. As noted in the Framework LEMP [AS-122] (ref. paragraph 7.1.11) results from the postconstruction 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 planting species where planting has failed to establish.</p> <p>Given the measures set out above, and secured via the Framework LEMP [AS-122], the Applicant does not consider it to be necessary for National Highways to be included as a consultee within Schedule 2, Requirement 8(1) (Landscape and ecological management plan) of the Draft DCO [APP-016].</p>	
8	<p>Traffic and Transport – Framework Construction Traffic Management Plan (CTMP)</p> <p>We have reviewed the CTMP (APP-189) and are satisfied with most of the information provided. However, we note the key points below:</p> <p>(a) The construction phase is expected to be 24 months, commencing in 2031 and concluding in 2033 if multiple construction teams are mobilised simultaneously, or up to 30 months if it is built out sequentially.</p> <p>(b) Construction staff working hours are proposed as a 12-hour shift (07:00-19:00) Monday to Friday, and a 6-hour shift (07:00- 13:00) on Saturday. Staff are assumed to arrive between 07:00-08:00 and depart between 18:00-19:00, thereby avoiding the SRN peak hours of 08:00-09:00 and 17:00-18:00.</p> <p>(c) HGV and LGV trips are proposed to occur between 09:00 and 17:00.</p> <p>(d) The proposed HGV routing strategy utilises the A46 (SRN) and A15 to access the Principal Site and Cable Corridor, as shown in Figure 13-4 of the ES.</p> <p>(e) Table 3 indicates 0 two-way trips associated with the Principal Site during SRN peak hours.</p> <p>(f) Table 4 indicates 2 two-way trips associated with the Cable Corridor during the SRN peak hours.</p> <p>(g) Wheel washing facilities will be provided on site. (h) A Stage 1 Road Safety Audit will be conducted post-consent.</p> <p>(i) Section 7.1.5 states that trenchless methods will be utilised when installing the cable between the A46 to avoid any land or road closures along the SRN, which is welcomed by National Highways. National Highways requires further information from the Applicant on Works No 6, to be presented as a business case for review as stated above in section 4 (the proposed works).</p> <p>In addition National Highways has been unable to locate any reference to proposed signage on the SRN for the routing of construction vehicles. National Highways would expect such signage to be proposed to assist vehicles in utilising the A46 trunk road to access the Local Road Network (LRN) and reach the designated construction access points. This is in the</p>	<p>While signage is not explicitly mentioned in the Framework CTMP [AS-102], signage will form a key part of the Temporary Traffic Management and will ensure that traffic utilises the designated routes. The Applicant will engage with NH (and LCC for local roads, as necessary) in developing the signage strategy as part of the detailed CTMP. This will include overall signage strategies for routes, including sign locations and sign face details for approval.</p> <p>While a WCHAR is not included in the DCO Application, it is considered that the requirements of a WCHAR report are sufficiently contained in the submitted Application documents. Points 1 and 2 of GG1429 of the DMRB set out the aims of the WCHAR, as follows:</p> <p>‘The aims of carrying out a walking, cycling and horse-riding assessment are:</p> <ol style="list-style-type: none"> 1) to gain an appropriate understanding of all relevant existing facilities for pedestrians, cyclists and equestrians (users) in the local area; 2) to provide background user information that can be referred to throughout the development of the highway scheme;’ <p>These points are appropriately addressed in the Framework Public Rights of Way Management Plan (PRoWMP) [APP-195] (ref. Sections 2 and 3) and Chapter 13: Traffic and Transport of the ES [APP-038](ref. Section 13.7), noting that the impacts of the Proposed Development will primarily be temporary (during the construction phase) and no permanent changes will be made to the pedestrian, cycle and horse-riding networks associated with the SRN. It is therefore proposed that an exemption certificate will be submitted prior to construction in this respect.</p> <p>In addition, the DMRB document GG142 states that WCHAR applies to “all highway schemes on the motorway and all-purpose trunk road network”, however the Proposed Development is not itself a highway scheme, and therefore this requirement does not apply. Furthermore, the Applicant is not aware of any other energy NSIP, especially a solar NSIP, that has had a WCHAR for this reason. It is not expected that a WCHAR would add value to the determination process and the information required by GG142 is included in the ES and accompanying Appendix 13-E: Transport Assessment Note [APP-167].</p> <p>The comment regarding other road projects is noted and the Applicant will work with NH (and LCC) with respect to the A46 Newark Bypass (and A46</p>	<p>National Highways understands that a review has been undertaken for affects to PROWs and the temporary impacts during construction on the existing pedestrian, cycle and horse-riding network.</p> <p>However, until the details of the signage including positioning of the proposed traffic management are confirmed, it is not possible to determine whether there would be any impacts on non-motorised users. Therefore, we consider a WCHAR is necessary to be produced by the applicant, or an exception certificate produced once the traffic management has been further established.</p> <p>As set out in the Design Manual for Roads and bridges GG 142 Walking, cycling and horse-riding assessment and review, it is the responsibility of the applicant’s design organisation to determine whether a WCHAR assessment is required. NH seek to address this requirement within its protective provisions.</p> <p>In terms of the Applicants comments on the consultation of requirement 14, NH response at 1b of this table applies here, in that NH are seeking an approval role to the CTMP rather than consultation.</p>

<p>interest of ensuring the safe and efficient operation of the SRN and protecting all road users. We want to avoid situations where HGVs stop unexpectedly on the carriageway due to missed junction exits and cause confusion to other road users. To address NH's concern in this regard NH would expect to be consulted and provide approval to the construction traffic management plan required at requirement 14 of the Draft DCO. Please see our comments in the table at paragraph 7.2 below in this regard.</p> <p>For any temporary traffic management signs installed on the A46, National Highways must review and approve the proposed signage. Therefore, full details including sign dimensions must be submitted for approval, such approval would be secured under National Highways protective provisions. All signage must be designed in accordance with the Department for Transport's requirements, as set out in the Traffic Signs Manual, Chapter 8, and must also comply with the Design Manual for Roads and Bridges (DMRB). This is also set out within our protective provisions.</p> <p>As outline within the Framework Construction Traffic Management Plan Rev 2 (AS-102) and our protective provisions, A Stage 1 Road Safety Audit (RSA) will be undertaken for any temporary traffic management measures on the SRN that remain in place for longer than six months, in accordance with DMRB GG 119.</p> <p>Additionally, in line with this process, a Walking, Cycling, and Horse-Riding Assessment and Review (WCHAR) will be required, or alternatively, an exception certificate must be provided. This is also provided for in National Highways protective provisions.</p> <p>It is stated within the CTMP that the proposed A46 North Hykeham Relief roundabout and A46 Newark Bypass are anticipated to be constructed in advance of the Proposed Development's peak construction phase year of 2032, and therefore will form part of the future highway network. These network upgrade schemes are not expected to overlap with the proposed construction phase of the Proposed Development which is anticipated to start at its earliest in 2031. However, as stated above A46 Newark Bypass has now been consented and timescales for delivery will not be available until March 2026. This further supports the request to be consulted and provide approval to the CTMP under requirement 14. Please see our comments at paragraph 7.2 below.</p>	<p>Hykeham Relief Road) in the development of the detailed CTMP to coordinate the delivery of these projects. As noted below, the Applicant agrees to include National Highways as a consultee within Schedule 2, Requirement 14 and will submit an updated Draft DCO [APP-016] to the Examination at the next available deadline. It should be noted that the potential cumulative impact of the Proposed Development in combination with these schemes was considered in the ES. As set out in Appendix 15-A: Long List of Cumulative Developments of the ES [APP-177], the A46 Hykeham Relief Road scheme (ID95) was progressed to the cumulative schemes shortlist, and is considered in the cumulative assessment presented in Section 13.10 of Chapter 13: Traffic and Transport of the ES [APP-038]. With regards to the Newark Bypass (ID100), as set out in Appendix 15-A: Long List of Cumulative Developments of the ES [APP-177], there is limited potential for the construction phase to overlap with that of the Proposed Development (construction proposed to commence in 2031) even if there are minor delays to ID100, and there is no scope for operational cumulative effects. As such, this cumulative scheme was not progressed to the short list for cumulative assessment within Chapter 13: Traffic and Transport of the ES [APP-038].</p>	
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9.	<p>Abnormal Loads</p> <p>NH understand the project will require abnormal loads for specific equipment and materials (elements such as transformers) to the site on the SRN. It should be noted that approval to move by road is not automatic. We implement a Water Preferred Policy which promotes use of water transport for the largest/heaviest abnormal loads (such as nearest suitable coastal ports, inland water/ rivers, beach landings). This is intended to keep the road usage to a minimum wherever possible to minimise disruption to other road users. Once a strategy for movement has been agreed, we issue what is called an 'Agreement in Principle'. This is in addition to any route feasibility work that we may agree to carry out.</p> <p>As stated within the Framework CTMP (APP-199), a specialised haulage service will be appointed to allow Abnormal Indivisible Loads (AILs) to be transported, with the necessary escort, permits and traffic management in place. The Applicant will consult with the relevant highways authorities to ensure the correct permits are obtained. The police will also be given advanced notification under the Road Vehicle Authorisation of Special Types Order 2003.</p> <p>The Applicant has contacted NH through their transport consultant, Wynns Ltd, regarding AIL routes to the Navenby area . Agreement in Principle has been given to use the Port of Immingham via A15/A46 subject route suitability. This is for 139,000kgs transformers. Access via the River Trent berth at Staythorpe has currently been ruled out due to structural and negotiability issues.</p> <p>National Highways must be contacted 8–10 weeks prior to the planned movement, at which point the haulier should initiate contact. During this period, route suitability will be reassessed in coordination with all relevant structure owners and highway authorities. An application must then be submitted to National Highways, and if approved, the permit will be valid for six months.</p> <p>The Applicant should note that there remains a legal obligation to notify us of the exact date and time of each movement at least 5 days in advance.</p>	<p>It should be noted that abnormal loads have been assessed within Chapter 13: Traffic and Transport of the ES [APP-038] (with regards to 'Large Loads'). As noted in paragraph 13.7.61, all link and junction receptors were judged to have Negligible impacts for Large Loads with the exception of L8 (A46 west of Hykeham Roundabout), which was judged to have a Minor impact in this category. As noted in the comment by NH, abnormal vehicles are discussed in the Framework CTMP [AS102].</p> <p>As noted below, the Applicant agrees to include National Highways as a consultee within Schedule 2, Requirement 14 (Construction traffic management plan). and will submit an updated version of the Draft DCO [APP-016] to the Examination at the next available deadline. As a result, NH will be a prescribed consultee in respect of the final CTMP, whereby the Applicant will continue to work collaboratively with NH in order to obtain the necessary approvals/permits for access to the Order Limits by abnormal loads.</p>	<p>It is noted within the current Framework Construction Traffic Management Plan (AS-102) routing as the port of entry is not yet known. Therefore, will be carried out a later stage, once the port of entry has been determined.</p> <p>NH seek to correct the position set out within its Relevant Representation (REP1-047), the National Highways Abnormal Indivisible Loads (AIL) team has not had any engagement to date, nor has there been any engagement on route feasibility work. National Highways had previously understood that the Applicant had contacted NH, via their transport consultant Wynns Ltd, regarding AIL routes to the Navenby area in which An Agreement in Principle (AIP) has been provided. However, it has seen been established this AIP related to a separate nearby project.</p> <p>Early route feasibility work is encouraged with National Highways to mitigate delays to project delivery. We encourage engagement with our AIL team and we have provided the relevant contact details to do so previously, please see below.</p> <p>Abnormal Loads email: abnormal.loads@nationalhighways.co.uk</p> <p>At this early stage, our primary interest regarding Abnormal Load deliveries is to agree the port of delivery and ensure compliance with the Water Preferred Policy, namely using the nearest suitable port of entry to minimise road mileage. With respect to route suitability, it is common at this stage of a project for only a high-level abnormal loads assessment to be undertaken. However, early engagement with local stakeholders is encouraged to identify any potential constraints, such as structures that could render the access route unsuitable.</p> <p>Agreement in Principle (to approve the port of entry) needs to be obtained from us as early as possible to avoid any potential delays to delivery. AIL movement refusal risk lies with the applicant and the project.</p> <p>In terms of the CTMP, NH's response at 1b of this table applies here, in that NH are seeking an approval role to the CTMP rather than consultation.</p>
10	<p>Compulsory Acquisition</p> <p>6.2 The title of some of the plots of land in the table below (where this paragraph is referred to) are listed on the Land Registry in the name of National Highways Ltd however they form part of the subsoil to Fosse Lane. Lincolnshire County Council are the highway authority for Fosse Lane. As National Highways are not the highway authority for Fosse Lane we do not have any comments in relation to the permeant acquisitions of rights over these plots.</p>	<p>6.2 The Applicant notes that plots 2/8, 2/10, 2/11 (subsoil rights only) and 4/15 are not part of the SRN and that these plots sit within the local highway network for which Lincolnshire County Council (LCC) is the relevant highway authority. The Land Registry title documents which informed the Book of Reference indicate NH ownership (or part ownership) of these plots. The Applicant will engage with LCC to clarify the land ownership position and, if required, agree an appropriate level of protection for relevant parts of the local highway.</p>	<p>6.2 NH note the Applicant's position and have no further comments</p> <p>6.3 Discussions between NH and the Applicant on the protective provisions are still ongoing however they are</p>

	<p>6.3 It is noted there are no proposals to permanently acquire the freehold interest of NH land. The proposal is to acquire rights over some of NH's plots. It is unclear whether the new rights can co-exist with the NH interests in the plots or whether NH's interests will be extinguished. NH require further understanding of how the acquired rights proposed by the Applicant will coexist with NH interests. If NH interests can co-exists with the rights proposed by the Applicant, NH can withdraw its concern in this regard however if NH interests are to be extinguished by the order NH would maintain its objection.</p>	<p>6.3 The Applicant believes that the new rights it is seeking to acquire in plots 2/7, 4/3, 4/5, 4/10 and 4/13 can co-exist with NH interests. Proposed directional drilling under the A46 will not affect the operation of the highway, however the exact location of the cable crossings will be discussed with NH at the detailed design stage in respect of feasibility and geotechnical risk. The Applicant will provide further details to NH as part of the feasibility study for Work No. 6 (referred to in section 2 above).</p>	<p>progressing well. NH would seek to address its concerns in this regard within the protective provisions to ensure NH's has a role in the approval of the detailed design for the cable crossing under the SRN or land NH has an interest in to ensure the cable routes do not interfere with NH assets and can co-exist.</p>
<p>11</p>	<p>Draft DCO</p> <p>Article 8</p> <p>(1)the Applicant may enter on so much of any of the streets specified in Schedule 4 (streets subject to street works) and may— (a) break up or open the street, or any sewer, drain or tunnel under it; (b) drill, tunnel or bore under the street; (c) place and keep apparatus under the street; (d) maintain, change the position of or remove apparatus under the street; (e) repair, replace or otherwise alter the surface or structure of the street or any culvert under the street; and (f) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (e).</p> <p>It is NH's understanding that all known street works should have been included in Schedule 4 given that there is not catch all provision under article 8. It is however noted that the works proposed to be carried out beneath the SRN (A46) shown on the Indicative Trenchless Crossing Locations document (APP-059) are not included within that schedule. Any works taking place under the SRN (such as tunnelling for a pipeline) are street works pursuant to the New Roads and Street Works Act 1991 (NRSWA). Such works cannot take place without the street authority's approval. Section 51 of NRSWA provides:</p> <p>Prohibition of unauthorised street works. (1) It is an offence for a person other than the street authority— (a) to place apparatus in a street, or (b) to break up or open a street, or a sewer, drain or tunnel under it, or to tunnel or bore under a street, for the purpose of placing, inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, or of changing the position of apparatus or removing it, otherwise than in pursuance of a statutory right or a street works licence.</p> <p>The word "in" is defined with the NRSWA under section 105 as follows: Minor Definitions in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, over, across, along or upon it</p> <p>The definition of "in", which is used to in section 51 NRSWA, makes it clear this would also apply to apparatus under the SRN. Whilst we note the Applicant is seeking to acquire rights over land beneath the SRN, given that the apparatus is beneath the highway surface powers under article 8 are also required to ensure an offence is not committed under section 51 NRSWA. Given the depth of the apparatus a 2 stage process is required; the need for both the street works authority under NRSWA and the land rights.</p>	<p>Article 8</p> <p>The Applicant agrees that the proposed crossing points under the A46 should be included in Schedule 4 of the Draft DCO [APP-016]. However, as National Highways will appreciate, the exact crossing points have not yet been determined, and will not be until the detailed design stage, which will be undertaken post-consent. Therefore, the Applicant proposes inserting the following wording into Schedule 4 of the Draft DCO [APP-016] - "those parts of the A46 that are within the limits of deviation of Work No. 6" with the description of the street works being "Street works to facilitate underground cable installation works for the length of the A46 shown in green patterned hatching on Sheet 4 of the streets, rights of way and access plans". The Draft DCO [APP-016] and the Streets, Rights of Way and Access Plans [AS-106] have been updated to reflect these amendments and will be submitted to the Examination at the next available examination deadline.</p>	<p>NH are content for the Applicant's proposed wording within this response and amendments made to Schedule 4 of the dDCO (REP1-007), subject to agreement of the NH's Protective Provisions. The protective provisions would seek to protect NH assets whilst the applicant is exercising powers pursuant to article 8.</p>

	To address National Highways concerns, we would request the Applicant updates Schedule 4 to include the crossing points on the A46.		
12	<p><u>Requirement 4 approved details and amendments to them</u></p> <p>(1) With respect to any documents, details or schemes which have been approved pursuant to any requirement (the “Approved Documents, Plans, Details or Schemes”), the undertaker may submit to the relevant planning authority and to National Highways where any amendments effect the strategic road network or land National Highways have an interest in for approval any amendments to any of the approved Documents, Plans, Details or Schemes and, following approval by the relevant planning authority, the relevant Approved Documents, Plans, Details or Schemes are to be taken to include the amendments as so approved pursuant to this paragraph.</p> <p>(2) Approval under sub-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 and National Highways where the amendments effect the strategic road network or land National Highways have an interest in that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</p> <p>In addition to the approval of the Local Planning Authority, National Highways approval should be sought where any amendments to documents, details or schemes effect the SRN or land National Highways has an interest in. For any variations to the approved documents and plans, NH must ensure that changes do not adversely impact the SRN, namely the A46 Trunk Road. This is in the interest of maintaining the safe and efficient operation of the SRN.</p> <p>Inclusion of drafting in red would address NH’s concern</p>	<p><u>Requirement 4 approved details and amendments to them</u></p> <p>The Applicant proposes to include a new sub-paragraph to Requirement 4 of Schedule 2 to the Draft DCO [APP-016] as follows:</p> <p>“(2) In determining whether to approve any amendments to any of the approved Documents, Plans, Details or Schemes, the relevant planning authority must re-consult all consultees that were required to be consulted on those Documents, Plans, Details or Schemes when those Documents, Plans, Details or Schemes were originally approved.”</p> <p>The Draft DCO [APP-016] will be submitted to the Examination at the next available examination deadline.</p>	NH are agreeable to the Applicant’s proposed wording within this response and note the Applicant has updated dDCO at Schedule 2 (REP1-007). NH concern is addressed in this regard
14	<p><u>Requirement 8 Landscape Ecological Management Plan</u></p> <p>(1) No part of the authorised development may commence, and no part of the permitted preliminary works for that part comprising vegetation removal, may start until a landscape and ecological management plan has been submitted to and approved by the relevant planning authority, following consultation with Lincolnshire County Council, Natural England and the Environment Agency and National Highways.</p> <p>(2) The landscape and ecological management plan must be substantially in accordance with the framework landscape and ecological management plan and for that part of the authorised development to which it relates must include details of how the plan proposals will contribute to the achievement of a minimum of 30% biodiversity net gain in habitat units, 50% biodiversity net gain in hedgerow units and 10% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development based on the metric used to calculate those percentages specified in the Biodiversity Net Gain Report.</p> <p>(3) Each landscape and ecological management plan approved under sub-paragraph (1) must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which each plan relates.</p>	<p><u>Requirement 8 Landscape Ecological Management Plan</u></p> <p>Given the measures secured via the Framework LEMP [AS-122], as set out above, the Applicant does not consider it to be required for National Highways to be included as a consultee within Schedule 2, Requirement 8(1) (Landscape and ecological management plan) of the Draft DCO [APP-016].</p>	NH comments at section 5 above also apply here. NH wishes to be named as a consultee under Schedule 2, Requirement 8(1) (Landscape and Ecological Management Plan) of the Draft DCO [APP-016].

	National Highways would expect to be consulted on the landscape and ecological management plan. Required in the interest of the safe and efficient operation of the Trunk Road and to protect the soft estate of the Trunk Road from potential ecological or landscape-related impacts including glint & glare mitigation measures. Please see our comments at paragraph 5.3- 5.8 above. Inclusion of drafting in red would address NH's concern.		
15	<p><u>Requirement 9 Fencing and other means of enclosure</u></p> <p>1) No part of the authorised development may commence, and no part of the permitted preliminary works for that part comprising the provision of temporary means of enclosure, may begin until written details of all proposed temporary fences, walls or other means of enclosure, including those set out in the construction environmental management plan, for that part have been submitted to and approved by the relevant planning authority in consultation with National Highways.</p> <p>(2) No part of the authorised development may commence until written details of all permanent fences, walls or other means of enclosure for that part have been submitted to and approved by the relevant planning authority in consultation with National Highways.</p> <p>(3) The details submitted under sub-paragraph (2) must be in accordance with the Proposed Development parameters and the design commitments.</p> <p>(4) Any construction site must remain securely fenced in accordance with the approved details under sub-paragraph (1) at all times during the construction of the authorised development.</p> <p>(5) Any temporary fencing must be removed on completion of the construction of the part of the authorised development for which it was used.</p> <p>(6) Any permanent fencing, walls or other means of enclosure for that part approved under subparagraph (2) must be completed prior to the date of final commissioning in respect of such part.</p> <p>(7) Any permanent fencing, walls or other means of enclosure must be properly maintained for the operational lifetime of the part of the authorised development to which it relates</p> <p>NH would expect to be consulted on the provision of temporary and permanent fences, walls and other means of enclosures. We understand fencing is proposed to secure the Solar site which shares a boundary to the A46. NH would want to review the details of the fencing proposed, the location and its potential impacts on the SRN. For example, NH would want to avoid the possibility of fencing being blown on the SRN. This is required for reasons of safety, liability, and maintenance in accordance with paragraph 57 of DfT Circular 01/2022:</p> <p><i>For reasons of safety, liability and maintenance, any physical infrastructure that is necessary to mitigate the environmental effects of or on development must be located outside of the highway boundary of the SRN. In general terms, structures should be sited sufficiently far from the highway boundary of the SRN so that they cannot topple on to the SRN or undermine its geotechnical integrity. Alternatively, an appropriate</i></p>	<p>Requirement 9 Fencing and other means of enclosure</p> <p>The Applicant notes that during the oral submissions made by National Highways (NH) at Issue Specific Hearing 2 (ISH2), it was stated that upon further consideration NH no longer require to be consulted on the provision of fencing and other means of enclosure under Requirement 9 of Schedule 2 to the Draft DCO [APP-016]. This is reflected in the Applicant's written summaries of oral submissions at ISH2 and NH indicated that this would be reflected in its Deadline 1 submission.</p>	<p>NH updated and corrected the position it took on requirement 9 at the ISH2 within its summary of oral submissions (REP1-073)</p> <p>NH require some further information before it can reconsider its position on requirement 9.</p> <p>NH requires further information 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).</p> <p>In general terms, structures should be located sufficiently far from the SRN 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.</p> <p>At present, no plans have been submitted that clearly show the distance from the SRN, including foundation design and parameters.</p>

	<p><i>structural assessment that accords with the DMRB must be provided. A Road Restraints Risk Assessment must also be carried out where any furniture, structures or other features would be sited adjacent to the SRN.</i></p> <p>Inclusion of drafting in red would address NH's concern.</p>		
16	<p>Requirement 10 Surface and foul water drainage</p> <p>No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system have been submitted to and approved by the lead local flood authority and the relevant planning authority in consultation with National Highways.</p> <p>(2) The written details under sub-paragraph (1) must be substantially in accordance with the framework surface water drainage strategy.</p> <p>(3) Any scheme approved under sub-paragraph (1) must be implemented as approved.</p> <p>(4) <i>Where any scheme approved under sub-paragraph (1) includes an outfall or connection into National Highways drainage infrastructure, no part of the authorised development may commence until the undertaker has entered into a management and maintenance agreement with National Highways.</i></p> <p>National Highways would seek to be consulted on the details of the surface water drainage scheme. This is to protect the integrity of the SRN drainage infrastructure, in accordance with DfT Circular 01/2022. It is currently unclear if a connection or outfall is proposed to 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. Please see our comments at paragraphs 4.7- 4.12.</p> <p>Inclusion of drafting in red would address NH's concern</p>	<p>Requirement 10 Surface and foul water drainage</p> <p>As set out above, no surface water drainage will be discharged to National Highway infrastructure. As such, the Applicant does not consider it to be necessary for National Highways to be included as a consultee within Requirement 10 of Schedule 2 of the Draft DCO [APP-016].</p>	<p>Please see our response to section 3 above. NH no longer seeks consultation on requirement 10 of Schedule 2 of the dDCO (REP1-007). NH no longer require the amendments proposed at requirement 10 (4) as this can be addressed within the protective provisions.</p>
19	<p>Requirement 14 Construction Traffic Management Plan</p> <p>(1) No part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority and National Highways.</p> <p>(2) The construction traffic management plan must be substantially in accordance with the framework construction traffic management plan.</p> <p>(3) The construction of any part of the authorised development must be carried out in accordance with the approved construction traffic management plan for that part.</p> <p>National Highways would seek to approve the construction traffic management plan. To manage construction traffic and vehicle movements safely and efficiently, minimising disruption and potential hazards to the SRN. Additionally, as discussed in paragraph 1.2(b) above the Authorised Development will impact on NH's major capital projects including A46 Newark Bypass Project which received consent on 01 October 2025 by the Secretary of State. It is necessary for the protection of this project that the Applicant agrees to co-operate with NH in the</p>	<p>Requirement 14 Construction Traffic Management Plan</p> <p>The Applicant agrees to include National Highways as a consultee within Schedule 2, Requirement 14 and will submit a version of the Draft DCO [APP-016] to the Examination with this change at the next available deadline.</p>	<p>NH response at 1b of this table applies here, in that NH are seeking an approval role to the CTMP rather than consultation</p>

	<p>delivery of the Authorised Development, in a way that safeguards the significant public investment that has been made by NH.</p> <p>Furthermore, as set out above, National Highways would expect to see signage on the SRN as part of the construction management plan. Please see our comments at paragraph 5.13</p> <p>Inclusion of drafting in red would address NH's concern.</p>		
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