



Fosse Green Energy

EN010154

8.10 Statement of Common Ground with National Highways

VOLUME

8

Planning Act 2008 (as amended)

Regulation 8(1)(e)

Infrastructure Planning (Examination Procedure)

Rules 2010

24 March 2026

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

Fosse Green Energy Development Consent Order 202[]

8.10 Statement of Common Ground with National Highways

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1. Statement of Common Ground Signatures

This Statement of Common Ground has been prepared and agreed by Fosse Green Energy Limited and National Highways.

Signed on behalf of Fosse Green Energy Limited

Name: Lloyd Sandles

Position: Director

Date: 24/0

Signature

Signed on behalf of National Highways

Name:

Position: Assistant Spatial Planner

Date: 24.

Signature

2. Introduction

2.1 Purpose of this document

- 2.1.1 This Statement of Common Ground (SoCG) relates to the application submitted to the Planning Inspectorate on 18 July 2024 (the Application) by Fosse Green Energy Limited (the Applicant) for a Development Consent Order (DCO) for the Fosse Green Energy solar project (the Proposed Development).
- 2.1.2 This SoCG has been prepared by the Applicant and National Highways (together known as "the Parties") in respect of the Proposed Development.
- 2.1.3 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the Parties and where agreement has not yet been reached. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.
- 2.1.4 In particular, this SoCG focuses on:
- The interaction between the Proposed Development and the Strategic Road Network; and
 - The approach to the assessment of the Proposed Development.
- 2.1.5 As set out in the procedural decision made by the ExA on 22 August 2025 [PD-005], the ExA requires final and signed SoCGs to be submitted at the midpoint of examination. In line with the Examination Timetable set out at Annex A to the Rule 8 Letter [PD-010], this is Deadline 3A (24 March 2026). Further to this, procedural decisions dated 21 November 2025 [PD-007] includes the National Highways as a party with which the Applicant must enter into a SoCG.
- 2.1.6 Application document references are taken from the EN010154 – Fosse Green Energy Examination Library.

2.2 The Proposed Development

- 2.2.1 The Application is for the construction, operation (including maintenance), and decommissioning of a ground-mounted solar photovoltaic (PV) electricity generating station with a capacity exceeding 50 megawatts, with battery storage, onsite substation, and associated infrastructure to generate and export/import electricity. The associated development includes, but is not limited to, access provision, battery storage, underground cabling, areas of landscaping and biodiversity enhancement, and a 400 kV underground Grid Connection Cable to connect the Proposed Development to the national electricity transmission network.
- 2.2.2 The Proposed Development will provide a significant amount of renewable energy over its 60-year operational lifetime supporting resilience, security and affordability of electricity supplies. It would be a critical part of the national portfolio of renewable energy generation that is required to decarbonise the UK's energy supply quickly.

2.2.3 The Proposed Development will help meet the urgent need for this infrastructure to support “energy objectives, together with the national security, economic, commercial, and net zero benefits” as set out in the Overarching National Policy Statement for energy (NPS EN-1) (Ref 1). As such it is infrastructure defined of critical national priority.

2.3 Parties to this Statement of Common Ground

2.3.1 The Parties have been, and continue to be, in direct communication in respect of the Proposed Development.

2.3.2 National Highways has been appointed by the Secretary of State for Transport as a strategic highway company and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN comprises more than 4,500 miles of motorways and major A roads which are at the core of our national transport system.

2.3.3 The Applicant is a partnership between Windel Energy Limited and Recurrent Energy.

2.3.4 Founded in 2018, Windel Energy is a privately held company dedicated to driving the transition towards a sustainable future. Specialising in the origination, development and integration of renewable energy projects and low-carbon disruptive technologies, Windel Energy is at the forefront of clean energy innovation.

2.3.5 With a portfolio exceeding 5 gigawatts of renewable power in various stages of development, Windel's team of talented professionals bring a deep understanding and high level of expertise in land viability, electricity networks, planning (Town and Country Planning Act 1990, Developments of National Significance) and consenting for Nationally Significant Infrastructure Projects, legal processes and construction feasibility.

2.3.6 Windel Energy adopt a long-term ownership approach, ensuring the efficient operation and management of renewable assets. Leveraging an extensive network of relationships, institutional grade infrastructure and in-house industry expertise, Windel is committed to delivering impactful and enduring energy solutions.

2.3.7 Recurrent Energy, a subsidiary of Canadian Solar Inc, is one of the world's largest and most geographically diversified utility-scale solar and energy storage project development, ownership, and operations platforms. With an industry-leading team of in-house energy experts, Recurrent Energy serves as Canadian Solar's global development and power services business.

2.3.8 To date, Recurrent Energy has successfully developed, built, and connected 12 GWp of solar projects and more than 5 GWh of energy storage projects across six continents. As of September 30, 2025, its global pipeline includes approximately 23 GWp of solar power and 73 GWh of energy storage capacity. The company also has over 14 GW of solar and energy storage projects under operations and maintenance (O&M) contracts.

2.4 Terminology

2.4.1 In the tables in Section 3 of this SoCG, 'Matters agreed, not agreed or under discussion' are categorised as follows:

- a. "Agreed" (green) indicates where the issue has been resolved;
- b. "Not Agreed" (red) indicates a final position that a matter cannot be agreed; and
- c. "Under discussion" (amber) indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

3. Record of Engagement

3.1 Summary of consultation

3.1.1 A summary of the meetings and correspondence that has occurred between the Applicant and National Highways is set out in **Table 3-1**.

Table 3-1 Engagement between the Applicant and National Highways

Date	Form of Correspondence	Details
13/12/2023	Meeting – MS Teams	Transport Scoping Meeting - discussion of proposed scope of transport assessment, including cumulative assessment, proposed development parameters, study area, deliverables and programme. Meeting minutes presented within Appendix 13-B: Transport Scoping Presentation and Meeting Minutes of the ES [APP-164] .
21/10/2024	Email	Statutory notification under Section 42 of the Planning Act was sent for the start of Statutory Consultation.
15/11/2024	Meeting – MS Teams	Discussion regarding the potential impacts of the Proposed Development upon the SRN, site access, cable crossing of the A46 and protective provisions. On behalf of the residents of Morton, the feasibility of a direct construction access to the A46 (using an existing farm access) was discussed with National Highways at the meeting. (Note, a direct access was subsequently rendered unviable by National Highways, as it would not comply with the Design Manual for Roads and Bridges – see Ref TT1 in the Potential Main Issues for Examination [APP-193]). Meeting minutes presented within Appendix 13-B: Transport Scoping Presentation and Meeting Minutes of the ES [APP-164] .
19/11/2024	Email	National Highways advised via email that the Fosse Green Energy team should contact their legal team regarding protective provisions.
29/11/2024	Email	Statutory Consultation response received from National Highways.
07/03/2025	Meeting – MS Teams	Addressing Statutory Consultation feedback and agreeing certain assumptions on the methodology for the Traffic and Transport assessment. Meeting minutes presented within Appendix 13-B: Transport Scoping

Date	Form of Correspondence	Details
		Presentation and Meeting Minutes of the ES [APP-164].
03/07/2025	Email	Discussions regarding the requirement for a geometric review at the A46/Fosse Lane/Haddington Lane junction, with confirmation that this will not be necessary.
04/07/2025	Email	Receipt of comments from National Highways on the Potential Main Issues for Examination [APP-193] document.
17/09/2025	Email / Letter	Section 56 notice, letter and email sent to National Highways.
24/10/2025	Relevant Representation	National Highways submitted a relevant representation to the Planning Inspectorate.
12/02/2026	MS Teams Meeting	Discussion between the Applicant and National Highways to discuss outstanding matters listed as 'under discussion' within the SoCG.
04/03/2026 and 05/03/2026	Emails	Exchange of emails between the Applicant and National Highways' AIL team.
12/03/2026 and 13/03/2026	Emails / document	Exchange of emails between the Applicant's legal team and National Highways' legal team confirming that the protective provisions are agreed.

4. Matters agreed, not agreed or under discussion

4.1 Planning Matters

Table 4-1: Planning, Protective provisions, Book of Reference and land ownership

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.1.1	Protective Provisions	<p>The Proposed Development does have an impact on the SRN and to address NH concerns, NH requests that the Applicant includes NH protective provisions in the draft Order. Whilst protective provisions for NH's benefit have not been incorporated into the draft Order as part of the application, NH understand from the Applicant there is an intention to do so. NH is prepared to withdraw its concern in this regard subject to the Applicant agreeing to the inclusion of the NH protective provisions in a form agreed by NH on the DCO.</p> <p>NH considers that without the NH protective provisions, there is a considerable risk of serious detriment to the Strategic Road Network (SRN), as any damage or injury to the SRN or wider highway estate would require funding to rectify that is not within NH's budget.</p>	<p>The Applicant has negotiated and agreed protective provisions with NH. The Applicant will incorporate the NH Protective Provisions in the draft DCO [REP2-005] at Deadline 3A of the Examination, in line with the expectation set by the ExA in its procedural decision.</p> <p>NH's concerns regarding risk of serious detriment to the SRN and wider highway estate have been fully addressed in the drafting of the Protective Provisions to ensure that NH's infrastructure and powers to operate and maintain it are safeguarded.</p>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.1.2	NH owned land	<p>The Book of Reference [REP2-011] as submitted by the Applicant identifies 10 plots of land owned or occupied by NH. 6 of those plots are owned and 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 SRN, NH seeks further information from the Applicant to understand how the new rights will interact with NH assets.</p>	<p>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 [REP2-011], 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 these plots, 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>The Protective Provisions contain a provision that the undertaker must not exercise the power to compulsorily acquire land under article 19 of the DCO under, over, in or on any part of the SRN, or land in which NH has an interest, without NH's consent.</p>	Agreed

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.1.3	Works No 6 and No 9	NH requires additional information regarding Work Nos 6 and 9 outlined in Schedule 1 to the draft order in relation to their impact on the SRN. The full nature and scope of the proposed works affecting the SRN is currently unclear. Without the appropriate level of information, it is not possible to effectively assess or manage the potential impact on the SRN. The inclusion of NH's protective provisions are required to ensure the necessary information is provided at the relevant stages.	<p>The Applicant has provided additional information regarding Works No 6 and No 9 within the Applicant's Response to Relevant Representations (Table 2-7, Section 2 [REP1-047]) and within the Applicant's Response to Written Representations (Table 2-4) [REP2-030].</p> <p>The Protective Provisions required by NH in relation to prior and post-construction approvals for works under, over, in or on the SRN or land in which NH has an interest are agreed. The Applicant will incorporate the NH Protective Provisions in the draft DCO [REP2-005] at Deadline 3A of the Examination, in line with the expectation set by the ExA in its procedural decision.</p>	Agreed
4.1.4	Acquisition of rights in Fosse Lane	The Applicant's draft DCO [REP2-005] includes powers of the acquisition of rights in respect of land interests owned by NH. The title of some of the plots of land (Plots 2/8, 2/10, 2/11, 4/15) are listed on the Land Registry in the name of National Highways Ltd however they form part of the subsoil to Fosse Lane or in the case of plot 4/15 the subsoil to Haddington Lane. Lincolnshire	The Applicant acknowledges 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 is the relevant highway authority. The Land Registry title documents which informed the Book of Reference indicate NH ownership (or part	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>County Council are the highway authority for Fosse Lane and Haddington Lane. As NH are not the highway authority for Fosse Lane or Haddington Lane we do not have any comments in relation to the permanent acquisitions of rights over these plots.</p>	<p>ownership) of these plots. The Applicant will engage with LCC to clarify the land ownership position and, for alterations to the road layout or creation of accesses at Fosse Lane and Old Haddington Lane, will consult with LCC prior to obtaining approvals from them in accordance with DCO Requirement 6.</p>	
4.1.5	Lack of clarity over rights over NH plots	<p>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-exist 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>The Applicant believes that the new rights it is seeking to acquire in plots 2/7, 4/3, 4/5, 4/10, 4/11 and 4/13 can co-exist with National Highways' interests. Proposed directional drilling under the A46 will not affect the operation of the SRN as cable crossings will be provided under the surface of National Highways land. No direct interaction with the A46 carriageway or interference with the existing rights of National Highways is proposed. The location of the cable crossings will be discussed with National Highways at the detailed design stage in respect of feasibility and geotechnical risk. The Applicant will also provide further details to National Highways as part of the feasibility study for Work no 6.</p>	Agreed

4.2 Draft Development Consent Order

Table 4-2: Draft Development Consent Order

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.2.1	Requirement 4 approved details and proposed amendments	<p>NH approval should be sought where any amendments to documents, details or schemes affect the SRN or land NH 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>NH are agreeable to the new proposed wording at requirement 4 submitted by the Applicant at deadline 1.</p>	<p>The Applicant included a new sub-paragraph to Requirement 4 (Approved details and amendments to them) within Schedule 2 of the draft DCO [REP2-005] submitted at deadline 1 as follows:</p> <p><i>“(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.”</i></p>	Agreed
4.2.2	Requirement 7 - Battery Safety Management	NH no longer wishes to be consulted on Requirement 7.	The Applicant acknowledges National Highways’ updated position in relation to the discharge of Requirement 7.	Agreed
4.2.3	Requirement 8 – Landscape and Ecological Management Plan (LEMP)	NH suggests amended wording to paragraph (1) of Schedule 2, Requirement 8 (Landscape and Ecological Management Plan) such that National Highways must be consulted upon regarding the LEMP.	No tree planting is proposed in close proximity to the A46. There are existing hedgerows present along the A46 such that minimal new planting is required in this area – as shown on the Landscape	Under Discussion



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>NH would expect to be consulted on the LEMP 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 and glare mitigation measures.</p> <p>National Highways (NH) wishes to be consulted on Requirement 8 and accepts the comments made under Landscape and Visual Amenity (Section 3.6).</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.</p> <p>As set out in Paragraph 7.1.7 of the Framework LEMP [REP2-021], maintenance measures will be specified and implemented through the detailed LEMP, including a post-construction monitoring programme, which will be formalised, agreed, and incorporated within the detailed LEMP. Furthermore, Paragraph 7.1.11 of the Framework LEMP</p>	<p>Mitigation Plan, which forms Appendix A of the Framework LEMP [REP2-021].</p> <p>The Framework LEMP [REP2-021] 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: <i>“Note, Black Poplar will not be planted adjacent to the A46.”</i> <p>At paragraph 5.3.34: <i>“(e) any trees adjoining the A46 will be managed in accordance with Section 141 of the Highways Act and the new standard LD117 Landscape Design (available at standardsforhighways.co.uk)”</i>.</p> <p>Given the measures set out above, secured via the Framework LEMP [REP2-021], the Applicant proposes that NH consultation on the detailed LEMP is limited to mitigation works within 15m of the A46. If this approach is agreed by NH, Schedule 2, Requirement 8(1) (LEMP) will be updated in the next available iteration of the draft DCO [REP2-005] to reflect this.</p>	



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>[REP2-021] confirms that the results of post-construction monitoring will inform the management plan and, where necessary, management measures may be amended accordingly.</p> <p>In the interests of the safe and efficient operation of the A46 Trunk Road, National Highways requires visibility of and input into this process, specifically to ensure that appropriate glint and glare mitigation measures are implemented and maintained throughout the lifecycle of the solar farm.</p>	<p>This response is also relevant to the Applicant's response to item 3.6.4 below (Ownership of trees planted within the red line boundary).</p>	
4.2.4	Requirement 9 Fencing and other means of enclosure	NH no longer wishes to be consulted on Requirement 9.	<p>The Applicant notes that during the oral submissions made by National Highways at Issue Specific Hearing 2 (ISH2), it was stated that upon further consideration NH no longer requires to be consulted on the provision of fencing and other means of enclosure under Requirement 9 of Schedule 2 to the Draft DCO [REP2-021]. This is subject to the Applicant providing further information, which is set out below.</p> <p>With regards to proposed fencing in the vicinity of the A46, it should be noted that</p>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			<p>the fencing around the solar PV Array Areas will be 'stock proof fence' (i.e., wooden posts and metal wire mesh), as set out in the Proposed Development Parameters [REP1-029]. If a distributed BESS system is progressed, the fencing will comprise a palisade style fence up to 2.5m above ground level, painted in a muted colour sympathetic to the surrounding environment, however (as defined by the Works Plans [AS-105] and Proposed Development Parameters [REP1-029] (Works Area 3)), any palisade fencing will be located more than 20m from the A46, and behind existing hedgerow which adjoins the A46, as shown in the Landscape Mitigation Plan within the Framework Landscape Ecological Management Plan [REP2-021]. As such, it is considered that any fencing will be suitably offset from the A46 to avoid any impacts upon the SRN. Furthermore, as noted in the Framework Operational Environmental Management Plan [REP2-015] (ref. WAT-O6), regular inspection and maintenance of fencing will</p>	



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			<p>be undertaken throughout the operational phase.</p> <p>It is considered that any fencing will be suitably offset from the A46 to avoid any impacts upon the SRN. It should also be noted that any proposed fencing would be located behind the existing hedgerows which adjoin the A46. For clarity on this point, measure TT-C1 of the Framework CEMP [APP-189] submitted to the Examination at Deadline 1 [REP1-031] has been updated. Measure TT-C1 now includes: “Where the DCO Site adjoins the A46, any proposed fencing will be located behind the existing hedgerows which adjoin the A46.” This wording will be included in the next iteration of the Framework CEMP [REP2-013] to be submitted to the examination.</p>	
4.2.5	Requirement 10 – Surface water and foul water drainage	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-	The Applicant acknowledges National Highways’ updated position in relation to the discharge of Requirement 10.	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		development runoff rates. We have reviewed these 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 (REP2-005) .		
4.2.6	Requirement 12 Construction Environmental Management Plan (CEMP)	NH would expect to be consulted on the construction environment management plan. To mitigate environmental impacts during the construction phase and to ensure the SRN is not adversely affected by noise, dust, or other construction-related issues. NH shares a boundary with the application site.	The Applicant included NH as a consultee within Schedule 2, Requirement 12 (Construction Environmental Management Plan) of the draft DCO [REP2-005] submitted at Deadline 1.	Agreed
4.2.7	Requirement 13 Operational Environmental Management Plan (OEMP)	NH would seek to be consulted on the operational environmental management plan to manage long-term environmental risks associated with the site and ensure ongoing protection of the SRN.	The Applicant included NH as a consultee within Schedule 2, Requirement 13 (Operational Environmental Management Plan) in the draft DCO [REP2-005] submitted at Deadline 1.	Agreed
4.2.8	Requirement 14 Construction Traffic Management Plan (CTMP)	NH 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. NH would expect to see signage on the SRN	The Applicant included NH as a consultee within Schedule 2, Requirement 14 (Construction Traffic Management Plan) of the draft DCO [REP2-005] submitted at Deadline 1.	Under Discussion



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>as part of the construction management plan.</p> <p>NH is seeking to be an approving body to the CTMP and not just a consultee on this matter. To manage construction traffic and vehicle movements safely and efficiently, minimising disruption and potential hazards to the SRN.</p> <p>With the LPA as discharging authority and NH as consultee, NH is concerned it will be caught by these deemed approval provisions that the LPA is subject to over which NH have no control when the LPA responds. As currently drafted, applying deemed consent would mean that the opportunity for NH to be consulted on the CTMP could be bypassed if the LPA do not consult with NH and reply to the discharge application outside of the ten week time frame. This is not considered appropriate given the safety issues at play. 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</p>	<p>With regard to National Highways' request to be an approving body for the CTMP under Requirement 14, the Applicant notes that this has also been raised by the Examining Authority in Question DCO.2.21 of its Written Questions [PD-016].</p> <p>It would be highly unusual for National Highways to be named in the DCO (if granted) as a discharging body in place of the relevant local authority. Whilst the draft DCO [REP2-005] includes two separate discharging bodies split between the county's and district's functions, it is likely that the forthcoming local government re-organisation will result in one discharging body for the DCO requirements in due course.</p> <p>Further, local authorities are well versed in discharging DCO Requirements (as well as conditions of planning permissions) and have a number of processes and procedures in place to do so, including engaging statutory consultees prior to making a discharge decision. Lincolnshire County Council will also be interested to ensure that construction of the Proposed</p>	



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>Newark Bypass scheme which is yet to be finalised.</p> <p>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.</p> <p>A similar requirement requiring approval from NH was accepted on The Viking CCS Carbon Dioxide Pipeline Order 2025.</p>	<p>Development does not have adverse impacts on the strategic road network, because such impacts are likely to have knock-on effects to their own local highway network.</p> <p>In contrast, National Highways would not normally discharge matters under a DCO, and the Applicant is not aware of any made DCOs for solar schemes which name National Highways as a discharging authority. To add in a further discharging authority to a single plan would add unnecessary complexity and the potential for delay, especially in circumstances where one discharging authority is content to approve the Construction Traffic Management Plan (CTMP) but the other is not.</p>	
4.2.9	Requirement 20 Decommissioning	NH would seek to be consulted on the decommissioning environmental management plan. At present, limited information has been provided on the decommissioning phase of the project. The plan should include a transport assessment and construction environmental impacts to ensure that the decommissioning process will not	The Applicant included NH as a consultee within Schedule 2, Requirement 20 (Decommissioning) in the draft DCO [REP2-005] submitted at Deadline 1.	Agreed

Reference	Description of Matter	National Highways Position	Applicant Position	Status
		adversely affect the SRN. This is particularly important where restoration to previous site use is proposed. NH must ensure the integrity of the SRN is protected.		
4.2.10	Amendments to Article 8 of the draft DCO	<p>All known street works should be included in Schedule 4 given that there is not a catch all provision under article 8. It is noted that the works proposed to be carried out beneath the SRN (A46) shown on the Indicative Trenchless Crossing Locations document [AS-028] are not included within that schedule.</p> <p>NH is content to agree the proposed additional wording in Schedule 4, subject to agreement of the Protective Provisions.</p> <p>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. NH notes 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</p>	<p>The Applicant acknowledges National Highways' position that amendments to Schedule 4 are agreed, subject to the Protective Provisions also being agreed. The Applicant confirms that the Protective Provisions, including specific provisions relating to trenchless crossings under the A46, are agreed and will be included in the draft DCO [REP2-005] at Deadline 3A of the Examination, in line with the expectation set by the ExA in its procedural decision.</p> <p>The Applicant agrees that the proposed crossing points under the A46 should be included in Schedule 4 of the draft DCO [REP2-005]. 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.</p>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>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. NH requests the Applicant updates Schedule 4 to include the crossing points on the A46.</p>	<p>Therefore, the Applicant proposes inserting the following wording into Schedule 4 of the draft DCO [REP2-005] - “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 shown [x] on Sheet [x] of the streets, rights of way and access plans”. The draft DCO [REP2-005] and the Streets, Rights of Way and Access Plans [REP2-004] are being updated to reflect these amendments and will be submitted to the Examination in due course.</p>	
4.2.11	<p>Safety implications related to provisions in the draft DCO</p>	<p>The draft Development Consent Order (DCO) [REP2-005] 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.</p>	<p>The Protective Provisions with National Highways are agreed and include approval mechanisms that address National Highways’ concerns in relation to interference with its statutory powers.</p> <p>Under the Protective Provisions, the undertaker must not exercise DCO powers under, over, in or on any part of the SRN or land in which National Highways has an interest without the consent of National</p>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			Highways. Such consent is subject to a series of prior approvals by National Highways which includes stage 1 and 2 safety audits. Construction of works must be carried out to National Highways' reasonable satisfaction and following completion of the works, satisfactory stage 3 and 4 safety audits are required before the issue by National Highways of a final certificate.	

4.3 Design Matters

Table 4-3: Design Matters

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.3.1	Trenchless crossing locations	<p>The Indicative Trenchless Crossing Locations document [AS-028] 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, NH 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>NH 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</p>	<p>The Application includes the flexibility for a single trenchless crossing, should the detailed design identify this as being feasible and viable following further geotechnical survey and assessment. The parameters and assessment do not require two trenchless crossings to be built in the event that the Applicant can find a single trenchless crossing solution. This will be explored with National Highways at the post consent, detailed design stage. At this stage however the Applicant has reserved the right for – and assessed - two crossings, in case a single crossing is not feasible or viable.</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>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>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>NH will continue to work collaboratively with the Applicant on matters relating to the Trenchless crossing locations. NH would like to further understand if the Applicant considered a single crossing design, as this would reduce the impact on the SRN.</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> <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. 	
4.3.2	Geotechnical Risks on A46 Trunk Road	<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).</p> <p>This issue relates to geotechnical risk (as noted above) and is subject to further discussion when the proposed cable route</p>	<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 [REP1-029] 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 since these could vary from location to location.</p>	Under Discussion

Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>location is fixed during the detailed design stage. From NH's perspective, it's important for us to be kept informed and able to review/accept proposals in accordance with DMRB CD 622 requirements. This is proposed to be safeguarded through the ongoing Protected Provisions which are under discussion.</p>	<p>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). The Applicant will comply with DMRB Chapter CD622, and other relevant requirements for any proposed directional drilling under the SRN.</p> <p>The NH Protective Provisions to be included in the draft DCO [REP2-005] at Deadline 3A of the Examination make specific provision to secure compliance with the DMRB CD 622 requirements.</p>	
4.3.3	Impact of drilling upon SRN assets	<p>Consideration should also be given to the potential impact of drilling upon other SRN assets, such as drainage. Additional asset impact may require further approval processes. NH protective provisions secure these approvals and requirements. 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>	<p>With regards to consideration of the potential impact of directional drilling under the A46 on other SRN assets, such as drainage, it should be noted that a full clash detection exercise would be undertaken at the detailed design stage, when the design detail for the Proposed Development becomes more precise. The Framework Construction Environmental Management Plan (CEMP) [REP2-013]</p>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>This issue relates to the potential impact of drilling on other NH assets. This issue is stated by the Applicant to be addressed during detailed design through a full clash detection exercise, as set out in the CEMP, and the design amended to avoid these assets. This position will be set out in the finalised Protected Provisions.</p>	<p>(ref. MAD-C1) notes: <i>“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.”</i> 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.</p> <p>The Applicant confirms that the Protective Provisions are agreed. Specific provision is included to enable NH to review and approve detailed designs for cabling works under the A46, as well as all works on, in or over the SRN or land in which NH has an interest. The Applicant will incorporate the NH Protective Provisions in the draft DCO [REP2-005] at Deadline 3A of the</p>	



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			Examination, in line with the expectation set by the ExA in its procedural decision.	



4.4 Alternatives and Design Evolution

Table 4-4: Alternatives and Design Evolution

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.4.1	External lighting	NH consider that lighting details provided are sufficient.	Lighting proposed as part of the Proposed Development is limited to lighting associated with the Onsite Substation and low level lighting on specific operational units that would operate by motion sensors. All lighting would seek to limit impact on other sensitive receptors. Lighting sensors for security purposes would be implemented on all other critical electrical infrastructure and no areas are proposed to be permanently lit. Details of proposed lighting is provided in Chapter 3: Proposed Development of the ES [APP-028] submitted as part of the DCO Application.	Agreed



4.5 Water Environment

Table 4-5: Water Environment

Reference	Description of matter	National Highways Position	Applicant Position	Status
4.5.1	Surface water drainage, surface water run-off, and proposed swales	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 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 [REP2-005] .	<p>The Applicant does not consider that a separate agreement with NH for management and maintenance in respect of surface water drainage or runoff is required for the reasons set out below.</p> <p>Appendix 9-D: Framework Surface Water Drainage Strategy of the ES [REP1-025] of the ES, secured by Requirement 10 (Surface and Foul Water Drainage) of the draft DCO [APP-016] 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 vicinity. No surface water drainage will be discharged to a National Highway infrastructure during the construction, operation and decommissioning of the Proposed Development.</p>	Agreed

4.6 Landscape and Visual Amenity

Table 4-6: Landscape and Visual Amenity

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.6.1	Boundary treatments	NH agree with the boundary treatment proposed and agree that they do not encroach onto land within their ownership.	Boundary treatments related to the Proposed Development do not encroach on land owned by NH. Details of boundary treatments and landscaping are provided in Chapter 10: Landscape and Visual Amenity of the ES [AS-117] and secured in the Framework LEMP [REP2-021] . The Landscape Mitigation Plan (as presented in Figure 7.15-1 of Annex A of the Framework LEMP [REP2-021]) provides details of the landscaping measures provided throughout the DCO Site.	Agreed
4.6.2	Hedgerows	The Hedgerow Plan [AS-112] 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 Figure 2.9). 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 NH for our review.	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 there would not be removal of any hedgerow immediately adjoining the A46 (i.e. the hedge that runs parallel to the westbound carriageway of the A46). Instead there would be the removal of this section of hedge running perpendicular to the A46, between Field 30	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			and 31. This is best illustrated on the Maximum Vegetation Removal Plan [AS-029] (ref. Sheet 4).	
4.6.3	Time frames for Glint and Glare mitigation to take effect	<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.</p> <p>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</p>	<p>Mitigation in the form of hedgerow infill is not considered necessary along this section of the A46 to screen the potential glare impacts.</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 the Glint and Glare Assessment [AS-092 – AS-096]). This model run assumes 100% sunlight and a bald-earth scenario (i.e. no vegetation or obstacles) so represents an absolute worst-case scenario, as per paragraph 4.42 of the Glint and Glare Assessment [AS-092 – AS-096].</p> <p>Following the model run, a visibility assessment was conducted to determine the potential real-world impacts upon Road Receptors 13-16 (paragraph 6.195 and Appendix Q of the Glint and Glare Assessment [AS-092 – AS-096]).</p> <p>Google Earth imagery was used in the visibility assessment to understand the existing conditions (e.g. the level of vegetation/obstacles) and determine the</p>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>mature to an effective level, and no longer-term provisions, particularly regarding inspection and maintenance, have been noted.</p>	<p>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 (paragraph 7.1 of the Glint and Glare Assessment [AS-092 – AS-096]). 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. 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 necessary along this section of the A46 to screen the potential glare impacts and the 2021 conclusion remains valid</p> <p>As outlined in the Framework LEMP [REP2-021], the existing hedgerows will be maintained to a height that is at least equal to the upper edge of the panels, which will</p>	



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			<p>ensure the A46 is appropriately screened from the areas where there's potential for glare impacts to occur.</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, the updated Google Earth imagery from June 2025 shows dense hedgerows either side of the A46. There will be no glare impacts upon the A46 as the existing hedgerows will provide sufficient screening. No additional measures are required.</p>	
4.6.4	Ownership of trees planted within the red line boundary	NH want to be clear that the individual trees planted within the redline boundary shown in the Framework LEMP [REP2-021] 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	Regarding the planting within the DCO Site, this would be the responsibility of the operator with regards to maintenance, and not National Highways. Furthermore, the National Highways comments are noted regarding the management of trees in accordance with Section 141 of the Highways Act, the new standard LD117 Landscape Design, and the recommendation to avoid the planting of Black Poplar adjacent to the A46 – it	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>particularly regarding trees that may affect the highway.</p> <p>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 in this area, and there was no indication provided of the specific species proposed for planting next to the A46.</p>	<p>should be noted that no tree planting is proposed in close proximity to the A46 – as shown on the Landscape Mitigation Plan, which forms Appendix A of the Framework LEMP [REP2-021].</p> <p>The Framework LEMP [REP2-021] 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: “<i>Note, Black Poplar will not be planted adjacent to the A46.</i>” <p>At paragraph 5.3.34: “(e) any trees adjoining the A46 will be managed in accordance with Section 141 of the Highways Act and the new standard LD117 Landscape Design (available at standardsforhighways.co.uk)”.</p> <p>The indicative species mix for individual trees is presented within the Table 3 of Section 5 of the Framework LEMP [REP2-021]. It would comprise native species appropriate for the location.</p>	
4.6.5	Temporary screening (LEMP)	NH seek further clarity on what temporary screening will be provided as, i.e. if there	No temporary screening is proposed within the Framework LEMP [REP2-021] ,	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>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>however the Framework LEMP [REP2-021] does use the wording ‘temporary landscape measures’ which are landscaping measures to be taken during construction (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 [REP2-021] does not 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 [REP2-013] (ref. ID GG-C1) also notes that “<i>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</i>”. These heights are sufficient to avoid a line of sight</p>	

Reference	Description of Matter	National Highways Position	Applicant Position	Status
			from the modelled receptors to the maximum upper edge of the proposed panels, which is 3.5m.	
4.6.6	Landscape proposals – new planting within the LEMP	NH is unclear on how the Framework LEMP [REP2-021] accommodates new plantings, which may be required for permanent landscape.	New planting will be planted as part of the construction phase. In the unlikely event that 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 [REP2-021] .	Agreed
4.6.7	Establishment maintenance	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 Framework LEMP [REP2-021] 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. The Applicant has provided a response to the above and NH are carrying out an	As secured by Paragraph 7.1.7 of the Framework LEMP [REP2-021] , 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) comprising walkover surveys of the DCO Site undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60. As noted in Paragraph 7.1.11 of the Framework LEMP [REP2-021] 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	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		updated assessment and comments will be provided in due course. NH will update the ExA at the next deadline in this regard.	example, replacement planting and/or changes to planting species where planting has failed to establish.	

4.7 Traffic and Transport

Table 4-7: Traffic and Transport

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.7.1	Legislation and Policy	NH are content with the information provided in Chapter 13: Traffic and Transport of the ES [APP-038] which address our traffic and transport comments raised in the PMIE document, June 2025.	The Applicant considers that Chapter 13: Traffic and Transport of the ES [APP-038] has identified and appropriately considered all applicable legislation and policy.	Agreed
4.7.2	Methodology	NH are content with the information provided in Chapter 13: Traffic and Transport of the ES [APP-038] which address our traffic and transport comments raised in the PMIE document, June 2025.	The methodology adopted within Chapter 13: Traffic and Transport of the ES [APP-038] is considered acceptable.	Agreed
4.7.3	Baseline	NH are content with the information provided Chapter 13: Traffic and Transport of the ES [APP-038] which address our traffic and transport comments raised in the PMIE document, June 2025.	The baseline conditions which are detailed in Chapter 13: Traffic and Transport of the ES [APP-038] are representative of the baseline site conditions.	Agreed
4.7.4	Assessment Results	NH are content with the information provided in Chapter 13: Traffic and Transport of the ES [APP-038] which address our traffic and transport comments raised in the PMIE document, June 2025. We are content that the proposed development will result in minimal traffic	The assessment results set out within Chapter 13: Traffic and Transport of the ES [APP-038] , including likely significant effects anticipated, are acceptable.	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		impact on the A46 during SRN peak hours. Additionally, we are content that the construction and decommissioning phases will have minimal impact on the A46, the nearest section of the SRN.		
4.7.5	Mitigation	NH are content with the information provided in Chapter 13: Traffic and Transport of the ES [APP-038] which address our traffic and transport comments raised in the PMIE document, June 2025.	The proposed mitigation measures set out within Chapter 13: Traffic and Transport of the ES [APP-038] , and are considered acceptable.	Agreed
4.7.6	Management Plans	National Highways would expect to be consulted on the CEMP, to mitigate environmental impacts during the construction phase and to ensure the SRN is not adversely affected by noise, dust, or other construction-related issues.	The measures to mitigate environmental impacts during the construction phase and to ensure the SRN is not adversely affected by noise, dust, or other construction-related issues are secured within Section 3.9 of the Framework CEMP[REP2-013] , Section 3.10 of the Framework OEMP [REP2-015] , and Section 3.9 of the Framework DEMP [REP2-017] secured by requirements 12 (Construction Environmental Management Plan), 13 (Operational Environmental Management Plan), 14 (Construction Traffic Management Plan), and 20 (Decommissioning) under Schedule 2 in the draft DCO [REP2-005] .	Agreed

Reference	Description of Matter	National Highways Position	Applicant Position	Status
			Note the proposed amendments to the draft DCO [REP2-005] in Table 3.2 above (specifically item reference 3.2.1) which have been made in response to discussions between the Applicant and NH regarding consultation.	
4.7.7	Signage	NH are satisfied with the majority of the information provided within the CTMP. 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 interest of ensuring the safe and efficient operation of the SRN and protecting all road users. NH want to avoid situations where HGVs stop unexpectedly on the carriageway due to missed junction exits and cause confusion to other road users.	While signage is not explicitly mentioned in the Framework Construction Traffic Management Plan (CTMP) [REP2-023] , signage will form a key part of the Temporary Traffic Management and to 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. As noted above, the Applicant included NH as a consultee under Requirement 14 (Construction Traffic Management Plan) in Schedule 2 of the draft DCO [REP2-005] submitted at Deadline 1.	Agreed
4.7.8	Traffic model - 2032 base year model.	National Highways is satisfied with the use of the 2022, 2023, and 2025 survey years and the application of TEMPro growth	As set out in Chapter 13: Traffic and Transport of the ES [APP-038] , three different survey years have been used for	Agreed

Reference	Description of Matter	National Highways Position	Applicant Position	Status
		factors to project the future baseline year of 2032 as set out in Chapter 13: Traffic and Transport of the ES [APP-038] .	the assessment (2022, 2023 and 2025), which have each been factored up to the future baseline year of 2032 using growth factors extracted from TEMPro.	
4.7.9	HGV Trip Generation	NH agree with the assessment undertaken and acknowledge the adjustment of the HGV trip window to 09:00-17:00 which are set outside of SRN peak hours.	As set out in Chapter 13: Traffic and Transport of the ES [APP-038] , forecast HGV trips have been broken down into hourly two-way trips, and the distribution of HGV and non-HGV trips along the SRN (A46) split across different routes dependent on where the works across the Principal Site are taking place as different zones utilise different vehicle routing. The HGV trip window has been adjusted to eight hours (09:00-17:00) so that no trips occur within the SRN during the traditional AM and PM network peaks. During the assessed AM and PM development peaks, the assessment also indicates that there are Negligible impacts for all link and junction receptors in the SRN.	Agreed
4.7.10	A46 east and west of Halfway House Roundabout, A46 East of Fosse Lane and A46 slip roads with Fosse Lane.	NH agree with the conclusions of the assessment undertaken.	Commentary and analysis on trip generation and distribution and the modal split (in particular the A46) is presented within Chapter 13: Traffic and Transport of the ES [APP-038] , and supporting appendices which includes traffic flow diagrams for the whole study area.	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			<p>Chapter 13: Traffic and Transport of the ES [APP-038] concludes that there are no residual significant effects of the Proposed Development on any of the Traffic and Transport receptors in the construction and decommissioning phase, including at the A46 east and west of the Halfway House Roundabout, the A46 East of Fosse Land and the A46 slip roads with Fosse Lane. See Section 13.4 and 13.7 of Chapter 13: Traffic and Transport of the ES [APP-038], Appendix 13-C: Traffic and Transport Significance Assessment Summary of the ES [APP-165] and Appendix 13-D: Receptor Traffic Flow Tables of the ES [APP-166].</p>	
4.7.11	Further junction capacity assessment	NH agree with the conclusions of the assessment undertaken.	<p>Chapter 13: Traffic and Transport of the ES [APP-038] and its supporting appendices presents commentary and analysis on trip generation and distribution and the modal split (in particular the A46) which includes traffic flow diagrams for the whole study area. During engagement with NH it was stated that the trip generation would be robust and there would be no development trips in the standard network peak which would trigger the need for further junction capacity assessments.</p>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			See Section 13.4 and 13.7 of Chapter 13: Traffic and Transport of the ES [APP-038], Appendix 13-C: Traffic and Transport Significance Assessment Summary of the ES [APP-165] and Appendix 13-D: Receptor Traffic Flow Tables of the ES [APP-166].	
4.7.12	Construction Traffic Management Plan (CTMP)	As outlined within the Framework CTMP Rev 2 [REP2-023] and NH's 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.	A Framework CTMP [AS-102] has been produced which and has been submitted with the DCO Application. The Framework CTMP [REP2-023] outlines that a Road Safety Audit will be carried out post consent for any temporary traffic management measures on the SRN that are in place for more than 6 months. The Applicant confirms that under the Protective Provisions no works under, over, in or on the SRN will commence until stage 1 and 2 RSAs have been carried out. All recommendations or exceptions raised by the RSAs must be approved by NH. The agreed provisions will be included in the draft DCO [REP2-005] at deadline 3A of the examination.	Agreed

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.7.13	Requirement for WCHAR	<p>NH require a Walking, Cycling, and Horse-Riding Assessment and Review (WCHAR), or alternatively, an exception certificate must be provided. This is also provided for in NH protective provisions.</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. 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.</p> <p>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>Whilst a WCHR assessment and review is included as standard in the NH protective provisions as part of the prior approvals process for detailed design, for the reasons set out below, the Applicant does not consider that a WCHR assessment and report is required in relation to the Proposed Development.</p> <p>The DMRB document GG142 states that WCHAR applies to "<i>all highway schemes on the motorway and all-purpose trunk road network</i>", however Fosse Green Energy is not itself a highway scheme, 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 adds value to the determination process and the information required by GG142 is included in the ES and accompanying Transport Note.</p> <p>The Applicant will incorporate the NH Protective Provisions in the draft DCO [REP2-005] at deadline 3A of the examination, in line with the expectation set</p>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			<p>by the ExA in its procedural decision. Under the heading ‘Prior approvals and security’, the undertaker is required to submit detailed designs of any works to, or signalisation on, the SRN for approval by National Highways. This includes, specifically, information demonstrating that, where relevant, a walking, cycling and horse riding assessment and review process will be carried out.</p> <p>A meeting between the Applicant and NH was held on 12 February 2026 where it was agreed that a WCHAR or exemption certificate will be submitted at detailed design stage once the proposals for traffic management and signage have been further developed.</p>	
4.7.14	Abnormal Loads	NH understand the Proposed Development 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. NH implement a Water Preferred Policy which promotes use of water transport for the	The Applicant acknowledges the comments provided by National Highways in relation to abnormal loads. The Applicant will continue to work collaboratively with NH and the Local Highways Authority in order to obtain the necessary approvals/permits for access to the DCO Site by abnormal loads.	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>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, NH 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 [REP2-023], 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. 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</p>	<p>The Applicant contacted the National Highways AIL team on 4 March 2026 and received a response from them on 5 March 2026 setting out the Special Order application process and the required route if Special Order loads for the project arrive at Immingham Docks. The Applicant notes the recommended 8-10 week timeline for Special Order applications and will liaise with the National Highways AIL team further at detailed design stage, once the port of entry has been identified.</p>	



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>currently been ruled out due to structural and negotiability issues. Please confirm whether any route feasibility work has been undertaken with National Highways AIL team.</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>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>		
4.7.15	Notification for AIL movements	NH 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 NH, and if approved, the permit will be valid for six months. The Applicant should note that	The Applicant acknowledges the comments provided by NH in relation to abnormal loads. The Applicant made contact with the NH AIL team on 4 March 2026 and will work collaboratively with them and with the Local Highway Authority to obtain the necessary approvals/permits for access to the DCO Site by abnormal loads.	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		there remains a legal obligation to notify us of the exact date and time of each movement at least 5 days in advance.		

4.8 Other Environmental Topics

Table 4-8: Glint and Glare

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.8.1	Glint and Glare	<p>NH agrees with the conclusions of the assessment undertaken.</p> <p>NH wishes to be consulted on Requirement 8 – Framework Landscape and Ecological Management Plan (LEMP) [REP2-021] to ensure we have input into monitoring and management adjacent to the A46 trunk road.</p>	<p>The glint and glare model used in the ES (see Appendix 14-D: Glint and Glare Assessment of the ES [REP1-027, AS-093, AS-094, AS-095, AS-096] has been run at 1.5m in height and it also assesses the visibility at 2.5m in height. This incorporates everything that would be using a road, including HGVs. Within the assessment presented in Chapter 14: Other Environmental Topics of the ES [APP-039], mitigation has been proposed such that there is enough coverage during the times of year where the potential for glare impacts may occur on road users including HGVs. This mitigation is secured by the Framework LEMP [REP2-021] submitted with the DCO application. For example, proposed mitigation measures include native hedgerows to be planted/infilled and maintained to a height at least matching the height of the solar panels (i.e. expected to be 3.5m based on the maximum parameters) along panel boundaries, field boundaries, and</p>	Under Discussion



Reference	Description of Matter	National Highways Position	Applicant Position	Status
			<p>bridleway boundaries as shown in Figure 7.15-1 of Annex A of the Framework LEMP) [REP2-021].</p> <p>The Applicant considers that NH can be consulted on Schedule 2, Requirement 8(1) (LEMP) for any mitigation works identified in the detailed LEMP within 15m of the A46 and confirms that the draft DCO [REP2-005] will be updated at a future deadline reflects this.</p>	

4.9 Cumulative Effects and Interactions

Table 4-9: Cumulative Effects and Interactions

Reference	Description of Matter	National Highways Position	Applicant Position	Status
4.9.1	Cumulative assessment methodology during the peak construction period.	NH agree with the conclusions of the assessment undertaken. If there are issues in the future on programme progress these will be communicated by NH and LCC as the scheme promoters.	The cumulative assessment and list of schemes was discussed and agreed with NH in a meeting held in March 2025. The cumulative assessment is presented in Chapter 13: Traffic and Transport of the ES [APP-038] and Chapter 15: Cumulative Effects and Interactions of the ES [APP-040]. There are no significant cumulative traffic and transport effects reported.	Agreed
4.9.2	Cumulative Road Schemes	It is stated within the Framework CTMP [REP2-023] 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. The A46 Newark Bypass has now been consented and timescales for delivery will	The comment is noted and 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 CTMP to coordinate with the delivery of these projects. As noted above, the Applicant included NH as a consultee under Requirement 14 (Construction Traffic Management Plan) in Schedule 2 of the draft DCO [REP2-005] submitted to the examination at Deadline 1.	Under Discussion

Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>not be available until March 2026. This further supports the request to be consulted and provide approval to the CTMP under requirement 14.</p> <p>National Highways continues to work with the DfT to identify the most efficient and cost-efficient delivery timescales for the A46 Newark Bypass. National Highways will provide further updates on the delivery timings for the scheme following the publication of the Road Investment Strategy 3 in due course. National Highways also note that Requirement 2 of the made Development Consent Order for the A46 Newark Bypass states that the authorised development must not begin later than the expiration of five years beginning with the date that the Order came into force, which was the 22nd October 2025.</p> <p>As set out in 3.2.8, NH wishes to be the approving body to the CTMP.</p>	<p>As set out at 3.2.8 above, the Applicant does not consider that it is necessary for NH to be an approving body under Requirement 14. The Applicant's position has also been set out in response to the ExA's written question DCO.2.21 [PD-016].</p>	
4.9.3	A46 Newark Bypass DCO	<p>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</p>	<p>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</p>	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
		<p>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.</p>	<p>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> <p>The Applicant will work with National Highways and LCC with respect to the A46 Newark Bypass and A46 Hykeham Relief Road in the development of the detailed CTMP to coordinate with the delivery of these projects. As stated at paragraph 7.5.2 of the Framework CTMP [REP2-023], the Transport Co-ordinator, who takes responsibility for implementing the CTMP, is required to liaise as appropriate with local transport and traffic groups, local planning authorities and local highway authorities.</p>	
4.9.4	Construction Traffic Management Plan	Additionally, we advise the applicant to work closely with Lincolnshire County	This comment is noted and the Applicant will work with NH (and LCC) with respect to	Agreed



Reference	Description of Matter	National Highways Position	Applicant Position	Status
	<p>for the A46 Hykeham Relief Road project</p>	<p>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>NH and LCC as the promotor of the schemes should be considered for updates on the programme progress and for the development of the CTMP under the Schedule 2 requirements.</p>	<p>the A46 Newark Bypass (and A46 Hykeham Relief Road) in the development of the detailed CTMP to coordinate the delivery of these projects.</p> <p>LCC and NKDC will be consultees on the approval of the CTMP.</p>	

References

- Ref 1 Department for Energy Security & Net Zero (2023). Overarching National Policy Statement for Energy (EN-1). Available at: [EN-1 Overarching National Policy Statement for Energy](#)