

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

FOSSE GREEN ENERGY DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010154

**DEADLINE 5: NATIONAL HIGHWAYS'
COMMENTS ON SUBMISSIONS MADE BY THE
APPLICANT AT DEADLINE 4**

1.1 This is a written submission made on behalf of National Highways in response to the Applicant's deadline 4 response (REP4-018) to National Highways deadline 3 and 3A submissions

1. National Highways has extracted from the Applicant's response to deadline 3 and 3A submissions (REP4-018) those responses which are addressed to National Highways that remain outstanding at table 3-1c

<u>Comments from National Highways deadline 2 submission</u>	<u>Applicant's Response to National Highways</u>	<u>National Highways response</u>
<p>NH has reviewed the documentation submitted by the Applicant at deadline 1 and is now satisfied with the proposed fence locations.</p> <p>These appear consistent with Strategic road network and the delivery of sustainable development Circular 01/2022 requirements. Therefore, NH no longer seeks to be consulted on Requirement 9.</p> <p>It is noted that the proposed fence line does sit directly behind the existing hedgerow adjacent to the A46. It is possible during installation, damage could be caused to the roots of the hedgerow due to the close proximity. Should damage be caused to the hedgerow to insecurely root the plant, NH may seek to remove the hedgerow under its powers under the Highways Act 1980 should it become a safety concern and threat of falling down on the adjacent A46.</p> <p>This further support NH's request to be a named consultee on Requirement 8 Landscape and Ecological Management Plan (LEMP) of the draft DCO, which states that existing hedgerows are being relied upon for glint and glare mitigation. Therefore, any damage to these hedgerows during the installation of the fence may effect the glint and glare mitigation measures proposed in the LEMP. This would be of interest to National Highways.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.13), the Applicant is agreeable to including National Highways as a consultee in relation to Requirement 8 (Landscape and ecological management plan) with the caveat that consultation with National Highways with regard to the detailed LEMP is limited to mitigation works within 15m of the A46. The Applicant has amended the wording of Requirement 8 of Schedule 2 accordingly. The relevant amendments were made to the Draft DCO [REP3A-004], as submitted at Deadline 3A.</p>	<p>As set out in National Highways deadline 4 submission (REP4-025), National Highways seek to understand from the Applicant how the distance of '15m' has been established as appropriate to NH interests. An explanation of the proposed '15m' is required from the Applicant to demonstrate there are no LEMP mitigation works beyond that distance with the potential to affect NH interests.</p>
<p>NH propose the following wording for requirement 14:</p> <p><i>(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 in respect of effects on the strategic road network National Highways and in respect of effects on the local road network, the local highway authority</i></p> <p><i>(2) The construction traffic management plan must be substantially in accordance with the framework construction traffic management plan.</i></p> <p><i>(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.</i></p> <p>Similar wording proposed at sub-paragraph 1 was adopted on the The Viking CCS Carbon Dioxide Pipeline Order 2025.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.21) it is not proposed to add National Highways as an approving body to Requirement 14 of the Draft DCO [REP3A004]. The Applicant considers that adding 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 CTMP but the other is not.</p>	<p>As set out in National Highways' Deadline 4 submission (REP4-025), National Highways maintains its position that it should be an approving body, rather than a consultee, in respect of the Construction Traffic Management Plan (CTMP). This is a limited and proportionate request, directed at ensuring that requirements which engage the safety of the Strategic Road Network (SRN) cannot be inadvertently discharged through administrative oversight.</p> <p>National Highways does not accept the Applicant's suggestion that granting National Highways approval rights would introduce undue complexity or risk delay. National Highways has well-established processes for responding to applications within statutory timescales and is subject to a regulatory duty to act as a facilitator and enabler of development. These processes have been successfully applied under previously made orders where National Highways has been granted an approval role, including The Viking CCS Carbon Dioxide Pipeline Order 2025 and The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015.</p> <p>Further, as confirmed in its Deadline 4 submission (REP4-025), National Highways is not opposed to being included within the deemed consent provisions at paragraph 2 of Schedule 15 of the draft Development Consent Order (REP3A-004), should this be considered necessary to address the Applicant's concerns regarding potential delay.</p>

		<p>In the Applicant's response, concern is raised that the involvement of more than one discharging authority in respect of the CTMP may cause delay. National Highways notes that multiple discharging authorities have been provided for previously, and that Schedule 2, Part 2 of The Viking CCS Carbon Dioxide Pipeline Order 2025 contains drafting which expressly addressed scenarios where more than one discharging authority was involved. Similar drafting could be adopted here if considered necessary</p>
<p>b) National Highways considers the wording adequate. Not every AIL movement will require a road condition survey, as the applicant has outlined. This will be determined on a case by-case basis, depending on current road conditions, any existing concerns regarding the roads used in the route, or if the applicant wishes to ensure they can demonstrate no damage has occurred during the AIL movement. When a formal Special-Order application (abnormal load that exceeds the limits set out the Special Types General Order (STGO) is received we will consult the relevant road owners. The road and structure owners will then advise whether they require pre- and post-movement inspections, and this will be included as a condition of the move within the permit and agreed route. For the heavier loads this is common, but at this stage it is too early to for definite whether this would be needed. For further information please see annexed notification requirements for the movement of Abnormal Indivisible Loads.</p>	<p>Whilst the Applicant acknowledges National Highways response, as set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. TT.2.05), paragraph 7.3.4 of the Framework CTMP [REP3-032] has been updated (submitted to the Examination at Deadline 3) to note: "<i>In addition, a separate road condition survey may will be carried out for the abnormal vehicle routes (transformer and cable drums) for the transformer to the Principal Site, covering the route between the A46 junction and the proposed site access on Bassingham Road (C-009) i.e. via Haddington Lane.</i>" This update ensures that a road condition survey will be carried out for the AIL route, for both the AIL for the transformer and also the other (cable drum) AIL routes, between the A46 junction and the proposed site access on Bassingham Road (C-009).</p>	<p>National Highways considers this wording acceptable.</p>