

**GREAT NORTH ROAD SOLAR AND BIODIVERSITY PARK DEVELOPMENT CONSENT ORDER APPLICATION**

**Issue Specific Hearing 2 (“ISH2”) on the draft Development Consent Order (“dDCO”)**

Tuesday 3<sup>rd</sup> February 2026

**POST HEARING SUBMISSIONS OF NATIONAL HIGHWAYS**

Ross Corser (Pinsent Masons) and Oliver Smith (Aecom) attended virtually, representing National Highways

**1. INTRODUCTION**

- 1.1. This document sets out the post hearing submissions and summarises the oral submissions made by National Highways at ISH2 held on 3 February 2026 in relation to Elements Green Trent Limited’s (the “**Applicant**”) application for development consent for the Great North Road Solar and Biodiversity Park (the “**Project**”).
- 1.2. ISH2 was attended by the Examining Authority (the “**ExA**”), the Applicant, National Highways, and a number of other Interested Parties.
- 1.3. This document does not purport to summarise the oral submissions of parties other than National Highways, and summaries of submissions made by other parties are only included where necessary in order to give context to National Highways’ submissions in response.
- 1.4. The structure of this document generally follows the order of items as they were dealt with at ISH2 set out against the detailed agenda items published by the ExA on 27 January 2026 (the “**Agenda**”). Numbered items referred to are references to the numbered items in the Agenda.

**2. WRITTEN SUMMARY OF NATIONAL HIGHWAYS’ POST HEARING AND ORAL SUBMISSIONS**

<b>Agenda Item</b>	<b>Submission</b>
<b>Item 1</b>	
<b>Overview of the dDCO [REP2-006]</b>	No submissions were made on behalf of National Highways under this agenda item.
<b>Item 2</b>	

**Parts and schedules of the dDCO to include identified articles, differences from guidance, recently made comparable orders, changes made by the Applicant and amendments sought by Interested Parties to these and outline management plans**

2.3 Part 3 Streets - principally comments from National Highways [REP2-093] and Nottinghamshire County Council [REP2- 087]

**Ross Corser, for National Highways**, confirmed that National Highways has no comment in relation to Part 3 and that our understanding is that these powers relate only to local roads and not the strategic road network (“SRN”).

**Ross Corser, for National Highways**, confirmed that National Highways’ position in relation to Requirements 5 (Approved details and amendments to them), 14 (Construction traffic management plan (“CTMP”)), 19 (Decommissioning and restoration) and 22 (Glint and glare) remains as stated in its Statement of Common Ground with the Applicant [REP2-092]. On each of those requirements:

Requirement 5

National Highways requests that Requirement 5 is amended as follows (shown in red):

*5.—(1) With respect to the documents certified under article 41 (certification of plans and documents, etc.) and any plans, details or schemes which have been approved pursuant to any requirement (together the “approved documents, plans, details or schemes”), the undertaker may submit to the county authority ~~or the planning authority~~ **or National Highways** (as applicable) for approval any amendments to any of the approved documents, plans, details or schemes and, following approval by the county authority ~~or the planning authority~~ (as applicable) **or National Highways in respect of amendments which relate to the safety of the strategic road network**, and the relevant approved documents, plans, details or schemes is to be taken to include the amendments as so approved pursuant to this paragraph.*

*(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 county authority ~~or the planning authority~~ **or National Highways** (as applicable) that the subject matter of the 41 approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.*

The Applicant is seeking powers to commence Work 8 over the A1 in two locations (see Sheets 26 and 28 of the Works Plans [APP-019]). The corresponding protections which National Highways typically expects in such circumstances have been removed from its standard protective provisions in Part 5 of Schedule 13 of the draft DCO.

Work 8 is a direct interface with the SRN – any development taking place over an operational highway is as much of a safety concern as development taking place under or to the highway itself.

Accordingly, any amendments to the Work Plans which relate to that specific interface (or any new interface) with the SRN – or indeed any changes to other certified documents which relate to the SRN such as the CTMP – should be subject to National Highways direct approval.

It is not sufficient that such changes should be subject to approval by a third party body that has no interest in, expertise in or relevance to the management and safety of National Highways assets. Even where National Highways was listed as a consultee for the purpose of discharging the requirement, if for whatever reason the Local Planning Authority did not respond to the Applicant with National Highway's position within the 10 week period (see Schedule 14, Paragraph 2(1) of the Order), our client's ability to be consulted and influence the discharge of the requirement will have been lost. This poses a serious safety critical risk to the SRN and is exactly why a direct approval role for National Highways with regard to matters relevant to the SRN is proportionate.

The Applicant has raised concerns around this creating a duplication of the approvals required and states that this is directly contrary to the Government's agenda to streamline and speed up infrastructure consenting.

This argument is misleading for several reasons. Firstly, National Highways is arguably the most experienced developer of nationally significant infrastructure projects in England, having secured and developed dozens of development consent orders in recent years. It is acutely aware of the need to give timely approvals to allow development to proceed, having been in the Applicant's shoes in respect of many of these requirements for many years. Secondly, National Highways is mandated by its statutory licence to act as a facilitator to, and enabler of, development. The idea that National Highways would act as a blocker to development in this regard plainly misunderstands our client's role in the development process. Thirdly, the argument directly pits the need to speed up infrastructure consenting against the need to protect existing infrastructure networks and the public that use them. These are not mutually exclusive concepts.

National Highways does not accept that it should not be consulted on, have a say over or any form of control over changes to documents which lead to direct interfaces with its operational estate, where the corresponding protective provisions are not included in the Order. The Applicant is requested to put forward legally binding assurances with regard to Work No 8 as it interfaces with the SRN, or re-introduce the National Highways protective provisions to the draft DCO as they appear at Appendix 1 of our Written Representation **[REP1-082]**.

Requirement 14

National Highways requests that Requirement 14 is amended as follows (shown in red):

*14.—(1) No phase of the authorised development may commence until a construction traffic management plan for that phase has been submitted to and approved by the county authority, ~~in consultation with National Highways~~ or, National Highways in respect of matters which are relevant to the strategic road network.*

*(2) The construction traffic management plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction traffic management plan.*

*(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction traffic management plan.*

As above and in addition, Requirement 14(1) should be amended to ensure that any detailed CTMP submitted should require National Highways' approval insofar as the matters concerned relate to the SRN. This is a minor and proportionate control which relates to a very limited part of the proposed scheme. This approach has recent precedent and was approved by the Secretary of State in relation to the Viking CCS Carbon Dioxide Pipeline Order 2025 and is required in this case specifically because there is a need to control the construction traffic interface between the Applicant's scheme and National Highways' A46 Newark Bypass DCO, which was granted consent on 1 October 2025 and which borders the southern limits of the scheme.

Even where National Highways was listed as a consultee for the purpose of discharging the requirement, if for whatever reason the Local Planning Authority did not respond to the Applicant with National Highway's position within the 10 week period (see Schedule 14, Paragraph 2(1) of the Order), our client's ability to be consulted and influence the discharge of the requirement will have been lost. This poses a serious safety critical risk to the SRN and is exactly why a direct approval role for National Highways with regard to matters relevant to the SRN is proportionate.

Requirement 19

National Highways requests that Requirement 19 is amended as follows (shown in red):

*19.—(1) Not less than 6 months before the 40th anniversary of the earlier of the date—  
(a) on which the final phase of the authorised development;* or

*(b) 3 years following the date on which the first phase of the authorised development first exports electricity on a commercial basis (as notified to the planning authority pursuant to requirement 3(2)), a decommissioning and restoration plan must be submitted to the planning authority for its approval and to National Highways for approval in respect of matters which relate to the strategic road network, in consultation with the county authority and the Environment Agency.*

*(2) The decommissioning and restoration plan must be in substantial accordance with the outline decommissioning and restoration plan.*

*(3) The decommissioning and restoration plan submitted and approved pursuant to subparagraph (1) must be implemented as approved.*

*(4) Within 28 days of permanently ceasing operations in any phase the undertaker must notify the planning authority and National Highways (where applicable) in writing of the date it permanently ceased operations for that phase.*

*(5) This requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.*

The Applicant is unable to give an accurate picture of the traffic and transport impacts affecting the SRN in this location at the time of decommissioning of the project. It is proportionate that National Highways has this very limited control to allow proper coordination of the decommissioning of the scheme in a way that takes into account the state of the impacts to the SRN and the developments taking place around it, at that time.

Even where National Highways was listed as a consultee for the purpose of discharging the requirement, if for whatever reason the Local Planning Authority did not respond to the Applicant with National Highway's position within the 10 week period (see Schedule 14, Paragraph 2(1) of the Order), our client's ability to be consulted and influence the discharge of the requirement will have been lost. This poses a serious safety critical risk to the SRN and is exactly why a direct approval role for National Highways with regard to matters relevant to the SRN is proportionate.

There is no consistent approach to this requirement across solar DCO schemes. Instead, the precedent shows that it is often widely drawn and not a standard requirement. For example, for the Byers Gill scheme, the DRP must be approved by the LPA in consultation with the Environment Agency. By contrast, for the Cottam scheme, the LPA must approve the DRP in consultation with the Environment Agency and

Natural England. Helios and Stone Street are good examples of schemes where, at the very least, National Highways was given a right to be consulted as part of the approval of the DRP – but for the reasons given above, we do not consider that this is an effective solution to safeguard the interests of the SRN or the travelling public.

Requirement 22

National Highways requests that Requirement 22 is amended as follows (shown in red):

22.—(1) No phase of the authorised development may commence until a glint and glare mitigation strategy for that phase has been submitted to and approved by the planning authority **and National Highways in respect of matters which concern the strategic road network**, ~~in consultation with National Highways.~~

(2) The glint and glare mitigation strategy submitted in accordance with sub-paragraph (1) must be implemented as approved.

The Applicant's Environmental Statement Volume 4, Appendix 16.1 Glint and Glare Assessment [EN010162/APP/6.4.16.1] demonstrates above tolerance impacts to parts of the SRN requiring mitigation to be agreed. This mitigation is secured by Requirement 22(1).

National Highways considers it both appropriate and proportionate to have a role in agreeing that mitigation and assessing its likely effectiveness in order to preserve the safety of road users. National Highways is seeking only a proportionate approval right limited to matters affecting the SRN. It is not seeking wider approval powers over other aspects of the glint and glare assessment that could inhibit the Applicant's ability to commence works.

The Applicant proposed that National Highways have a right to be consulted on the mitigation strategy, however this does not offer an effective solution. If for whatever reason the Local Planning Authority did not respond to the Applicant with National Highway's position within the 10 week period (see Schedule 14, Paragraph 2(1) of the Order), our client's ability to be consulted and influence the discharge of the requirement will have been lost. This poses a serious safety critical risk to the SRN and is exactly why a direct approval role for National Highways with regard to matters relevant to the SRN is proportionate.

**The ExA** acknowledged that approval rights proportionate to the degree to which National Highways' assets are affected by the Project are being sought, and asked the

Applicant to confirm whether they are broadly in agreement with National Highways on these requirements.

**Matthew Sharpe, for the Applicant**, explained that an approval right for National Highways is not an agreed position. To date, discussions with National Highways have been constructive and the majority of National Highways' submissions have related to the scope of the assessment and technical highways matters, which have been agreed.

**Mr Sharpe** confirmed that there are no physical works proposed that would affect the SRN and responded to National Highways on each of the requirements:

Requirement 14

The outline CTMP [REP2-048] makes a number of commitments, including the use of construction routes. It is the Applicant's position that the County Council, acting as a reasonable authority, can approve the detailed matters set out within the CTMP (such as site access points, road safety audits, internal access roads etc.). The Applicant suggested that consultation with National Highways is sufficient.

Requirements 19 and 22

The Applicant has the same position here as with Requirement 14, i.e. National Highways should not have approval powers (which sit with the local planning authority) but will be consulted, and this is already included in the dDCO [REP2-006]. This will ensure that any matters raised by National Highways at the detailed stage are considered by the Applicant.

**Ross Corser, for National Highways**, confirmed that National Highways has statutory obligations to the SoS in relation to matters of safety on the SRN. Therefore, National Highways should have control as to whether approval is given for such matters. The DCO gives the Applicant deemed consent if the local planning authority does not respond in the allocated time. In such circumstances, National Highways' view would not be considered. There is no real consistent approach or precedent across DCO projects: this is a project-by-project decision taken by the SoS. As National Highways is requesting approval rights insofar as they relate to the SRN only, a proportionate right is being sought.

**Matthew Sharpe, for the Applicant**, stated that an approval right in relation to the Project's interface with the SRN will not be agreed. The Applicant is happy to consult National Highways but not give approval rights for things that may fetter Project delivery.

<b>Item 3</b>	
<p><b>Schedule 13 of the dDCO – Protective Provisions</b></p> <p>3.2 The ExA will invite the statutory undertakers and other parties that would benefit from the protective provisions to comment.</p>	<p>See below.</p>
<p>3.1 The ExA will invite the applicant to provide an update on protective provisions.</p>	<p><b>Peter Nesbit, for the Applicant</b>, confirmed that the position regarding National Highways’ protective provisions had been adequately addressed at ISH2. He noted that although some matters remain outstanding, negotiations are progressing, and the Applicant is confident that a solution can be reached to give National Highways assurance that Works No.8 will not affect the SRN.</p> <p><b>Ross Corser, for National Highways</b>, welcomed Mr. Nesbitt’s comments the approach to the protective provisions and reiterated that, at this stage, National Highways is unable to withdraw its objection to the Project unless either:</p> <ol style="list-style-type: none"> <li>1. the Applicant provides a legally binding commitment not to carry out works affecting the SRN, and both parties agree a form of National Highways’ protective provisions; or</li> <li>2. the Applicant reinstates the drafting that National Highways included in its standard protective provisions to address the scenario created by the proposed works.</li> </ol> <p>In the absence of those commitments, National Highways requests that the ExA recommend to the SoS that the protective provisions appended to its written representations [REP1-082] – along with the proposed amendments to Requirements 5, 14, 19 and 22 – be incorporated into the final DCO.</p> <p>If any further justification as to why the main clauses in National Highways’ protective provisions are required, <b>Mr Corser</b> confirmed that this is set out at pages 10 to 12 of National Highways’ written representation [REP1-082] and more detail can be provided to the ExA if needed.</p>
<b>Item 4</b>	

<b>Opportunity for any further comments from Interested Parties on the dDCO and Applicant's response</b>	No submissions were made on behalf of National Highways under this agenda item.
<b>Item 5</b>	
<b>Any other matter</b>	No submissions were made on behalf of National Highways under this agenda item.