

**APPLICATION BY ELEMENTS GREEN TRENT LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE GREAT NORTH ROAD SOLAR AND BIODIVERSITY PARK**

**DEADLINE 4: NATIONAL HIGHWAYS LIMITED RESPONSE TO EXQ2 (Q2.2.11)**

**25 MARCH 2026**

**1. INTRODUCTION**

- 1.1. This submission is made on behalf of National Highways (“**NH**”) in respect of an application by Elements Green Trent Limited (“**Applicant**”) for an order granting development consent for the Great North Road Solar and Biodiversity Park Project (“**DCO**”). The Applicant seeks development consent for the proposed authorised development described in Schedule 1 of the draft DCO (“**Authorised Development**”).
- 1.2. The Examining Authority issued its second written questions and requests for information (“**ExQ2**”) on 4 March 2026. NH notes the Examining Authority’s request in ExQ2.2.11 for further justification regarding its position that the discharge of Requirements 5 (Approved details and amendments to them), 14 (CTMP), 19 (Decommissioning and restoration) and 22 (Glint and glare) must be subject to NH approval insofar as they relate to the safety and operation of the Strategic Road Network (“**SRN**”). NH’s response to ExQ2.2.11 is as follows.

| <b>ExQ2</b> | <b>Question</b>  | <b>Response</b>   |
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| Q.2.2.11    | <p><b>Requirements 5, 14, 19 and 22</b></p> <p>The ExA understands that National Highways (NH) remain of the view that discharge of these must be approved by NH and the applicant considers this is unreasonable because of the limited interaction between the proposed development and the strategic road network (SRN).</p> <p style="margin-left: 40px;">a. Whilst NH cites precedent in the form of the Viking made DCO can NH provide more comparable</p> | <p>As a matter of course, NH is typically listed as a consultee in respect of Requirements which relate to the exercise of powers or the provision of information which has a direct interface with the SRN. In this case, that is Requirements 5, 14, 19 and 22.</p> <p>This is usually acceptable to NH, where there is no deemed consent provision which applies in relation to applications made by the Applicant to discharge Requirements. In relation to the Applicant’s DCO, the Order provides for deemed consent in Schedule 2, Part 2, Paragraph 2(3), which states:</p> |

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|  | <p>precedents, in terms of interaction with the SRN, or other justification</p> | <p><i>“Subject to sub-paragraph (4), in the event that the relevant authority does not determine an application [for discharge of Requirements] within the period set out in sub-paragraph (1), the relevant authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of the period”.</i></p> <p>In this case, the relevant authority is Newark and Sherwood District Council and the period set out in sub-paragraph (1) is 8 weeks. In other words, if Newark and Sherwood District Council do not respond to the Applicant within 8 weeks with a decision or comments on the application to discharge Requirements 5, 14, 19 and 22, those Requirements will be deemed to have been discharged – irrespective of whether parties with a right to be consulted – such as NH - have issued formal consultation responses.</p> <p>The request of NH is simple and uncontroversial. In respect of matters which are of direct relevance to the SRN only, NH should be listed as an approving body – not a consultee. This is in order to avoid matters which are safety critical being missed and Requirements being discharged as a result of omission by the approving body. The Viking CCS Carbon Dioxide Pipeline DCO (“Viking”) is given as a very recent example of a DCO granted by this Secretary of State with such provisions included. Whether Viking is comparable or not to the interface with the SRN as presented by the Authorised Development is irrelevant – the issue is still a matter of safety critical importance and is NH’s responsibility as statutory consultee to raise as an issue that can and should be addressed by the ExA in its recommendation report and has been addressed by the Secretary of State in a recent DCO decision (Viking).</p> <p>The Applicant’s concern about this being a “double-approval” which may result in delay is understood but is not justified. NH has established systems and protocols in place to meet the service level requirements of Applicants in the discharge of Requirements and is more than able to provide a response within 8 weeks.</p> |
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|  |  | <p>Finally, as explained by NH at ISH2, in post-hearing submissions Deadline 3 [REP3-116], and the developing Statement of Common Ground [REP2-092], the Authorised Development sits adjacent to NH's A46 Newark Bypass scheme (itself a DCO which was consented by Secretary of State on 1 October 2025). The two schemes may overlap in time or interact spatially during construction, necessitating coordinated network management. NH's approval role is therefore proportionate and necessary to manage cumulative impacts on construction traffic and SRN operations.</p> <p>For these reasons, NH maintains that its approval role is proportionate, reasonable and necessary.</p>  |
|  | <p>b. Alternatively, are there amendments to the outline plans that the applicant could make or further information the applicant could provide that would enable NH to accept the applicant's position.</p> | <p>NH has considered whether amendments or additional information from the Applicant would enable NH to accept the Applicant's position and consultation rights only.</p> <p>As stated above, NH's primary concern in respect of the Requirements is in the event that they are deemed discharged without having account of NH's concerns (e.g. if Newark and Sherwood District Council did not respond to the Applicant in the relevant 8 week period). The outline plans cannot address this position as it is written into the DCO at Schedule 2, Part 2, Paragraph 2(3). The only ways to avoid this problem would be:</p> <ul style="list-style-type: none"> <li>(a) through the drafting of the Requirement itself, as NH are proposing; or</li> <li>(b) by altering the deemed approval in Schedule 2, Part 2, Paragraph 2(3) to a deemed refusal, which in NH's view would be disproportionate and would be a valid concern of the Applicant from a delay perspective.</li> </ul> |