



Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**Application by Lime Down Solar Ltd for an order granting Development
Consent for the Lime Down Solar Project**

Planning Inspectorate Reference Number: EN010168

**Deadline 1: Summary of Written Representation submitted on behalf of
National Highways Limited**

1. Introduction

- 1.1. This is a summary of Written Representation made on behalf of National Highways ("NH") in respect of an application by Lime Down Solar Ltd ("Applicant") for an order granting development consent for the Lime Down Solar Project ("DCO"). The Applicant seeks development consent for proposed authorised development described in Schedule 1 of the draft DCO ("Authorised Development").
- 1.2. NH and the Applicant are engaged in ongoing negotiations and continue to work constructively together with a view to resolving and/or narrowing the outstanding issues between them as far as possible

2. Protective Provisions — Overarching Position

- 2.1. Whilst discussions are progressing, NH maintains the draft Protective Provisions included in the Order are not agreed and that its own proposed Protective Provisions (at Appendix 1 of NH's Relevant Representation [RR- 3426]) should be adopted.

3. Land and Book of Reference Issues

Technical Works (Works Nos. 5a and HDD under M4) and plots 09-018, 09-019, 09-020 and to 09-021) (subsoil to the M4)

- 3.1. In relation to the cable route crossing beneath the M4 via Horizontal Directional Drilling (HDD), the Applicant has confirmed the M4 crossing is proposed as a fully trenchless HDD installation at a minimum depth to cover of 11.6 metres below the M4 carriageway. Discussions with National Highways technical teams about the geotechnical specification for directional drilling are still underway. Any proposed directional drilling under NH's network will require compliance with The Design Manual for Roads and Bridges ("DMRB") Chapter CD622 (Managing Geotechnical Risk).

Detrunked Roads (Plots 13-005 to 13-016, 20-001 to 20-003)

- 3.2. The Applicant has confirmed it will update the Book of Reference to remove NH's listed interests.

Side Roads Order Plots (Plots 21-004 to 21-007)

- 3.3. For plots forming part of a Side Roads Order for the M4 scheme, NH confirms that the LHA is responsible, not NH, given the Side Road Order. If works are in the subsoil then agreement is required from NH. The Applicant is requested to provide NH details confirming the depth of the works.

Outstanding Information Requests

3.4. Several plots are included in the Book of Reference as a consequence of drainage and gully apparatus, easements, and conveyances. In relation to these plots, NH's position is that the additional information requested is still required.

4. Draft DCO Articles

4.1. NH's extensive concerns regarding individual DCO articles (Articles 8, 10, 11, 12, 16, 17, 19, 20, 21, 24, 25, 27, 29, 30, 31, 32, 33, 34, 38, 40, 41, 42, and 47) as set out in its Relevant Representations [RR-3426] remain outstanding. NH's concerns are re-iterated in the Written Representation. Whilst the Applicant's response to NH's Relevant Representations [PDA - 009] consistently refers to ongoing discussions on the Protective Provisions an updated draft of Protective Provisions is still awaited.

4.2. The Applicant must obtain NH's prior approval (not merely consult NH) for any works affecting the Strategic Road Network ("SRN") or land in which NH has an interest, including under the street works, layout alteration, temporary closure, traffic regulation, survey, compulsory acquisition, easement override, temporary use, statutory undertaker and tree/hedgerow articles. Such consent should not be subject to the deemed consent mechanism in Article 47, which NH objects to as a matter of principle.

4.3. For Article 11, NH objects to deemed adoption and seeks express exclusion of the SRN.

4.4. For Article 16, all signage must comply with the Traffic Signs Manual Chapter 8 and the DMRB, and NH opposes deemed approval under s.65 of the Road Traffic Regulation Act 1984.

4.5. For Article 17 (Discharge of Water), NH considers deemed consent inappropriate for its drainage infrastructure and notes potential conflict with paragraph 59 of DfT Circular 01/2022, which prohibits new third-party connections into the highway drainage system.

4.6. For Article 27, the Applicant is asked to clarify whether the effect is temporary interference or permanent extinguishment of NH's rights.

4.7. For Articles 40 and 41, NH highlights potential impacts on hedgerows CRH170/172/173 and TPO42/TPO7, BNG commitments and a potential reference error in Schedule 12.

4.8. For Article 42, NH reserves the right to request additions to the certified documents list during the course of the examination.

5. Schedule 2 Requirements

5.1 NH's position is that it should be given the opportunity not merely to be consulted, but to review and agree the relevant documents and plans before they are discharged, to ensure that any changes do not adversely impact the Strategic Road Network (SRN). NH maintains that inclusion of its proposed drafting (shown in red in its Relevant Representations) would address its concerns in each case.

5.2 The Applicant's overarching response is that NH will already be a consultee where it is the relevant highway authority for the discharge of certain Requirements (namely Requirements 15 and 16), and that NH's involvement where its interests may be affected will be controlled by the Protective Provisions. These are not yet agreed.

5.3 Requirement-Specific Positions

- **Requirement 3:** NH seeks the same amendment that the Applicant agreed in the Green Hill Solar Farm dDCO (EN010170, closed 13 April 2026) so that consultees on the original approved document are re-consulted on any amendment, and NH should also be expressly listed as a consultee in Requirement 3.
- **Requirement 5** (Details of Works Nos. 1, 2, 3 and 5a). NH requires amendments to Requirement 5 as set out in its Relevant Representations.
- **Requirements 7, 8, 10, 11, 13, 14:** NH requires an opportunity to review landscape/ecology, enclosure, drainage, and CEMP/OEMP details.
- In relation to **Requirement 11** (Surface Water Drainage Scheme): NH requires the opportunity to review the details of the surface water and foul water drainage system to ensure the integrity of the SRN drainage infrastructure is not interfered with, and that plans accord with DfT Circular 01/2022. NH emphasises that no surface water run-off from the development shall be discharged into the SRN drainage systems and no new third-party drainage connections will be permitted.
- **Requirement 15** (CTMP) and Requirement 16 (PROW): It is understood that NH's role as consultee on the final CTMP and on Requirement 16 has now been agreed with the Applicant.
- **Requirement 16** (Public Rights of Way and Permissive Paths): Whilst not included in NH's Relevant Representation, it has been agreed with the Applicant that NH as relevant highway authority will be consulted on the discharge of this requirement.
- **Requirement 20** (Decommissioning): NH requires consultation on the final Decommissioning Strategy, which is also understood to be agreed.

6. Schedule 16 (Discharge of Requirements)

6.1. NH's concerns in relation to Schedule 16 as set out in its Relevant Representation remains.

7. Traffic and Transport

7.1. NH note and accept that no further capacity assessment of the SRN is required. However, NH maintain the need for the Construction Traffic Management Plan (CTMP) under Requirement 15 and the rationale for changes to that requirement which NH considers necessary.

8. Statement of Common Ground

8.1. A draft Statement of Common Ground has been provided by the Applicant. NH have reviewed the same and have responded to the Applicant noting where matters are and are not agreed. Further discussions are ongoing.