

**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**

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**Deadline 3: Comments on Applicant's Response to National Highways' Written Representations submitted on behalf of National Highways**

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## 1 INTRODUCTION

- 1.1 This document is submitted for Deadline 3 on behalf of National Highways ("NH") in respect of an application by an application by Lime Down Solar Ltd ("**Applicant**") for an order granting development consent for Lime Down Solar Project ("**DCO**"). The Applicant seeks development consent for proposed authorised development described in Schedule 1 of the draft DCO ("**Authorised Development**"). The table below sets out NH's response on the Applicant's response to National Highways' Written Representation which forms **pages 270-301** of Document **EXAM/9.22** "Applicant's Response to Written Representations" [**REP2-039**] submitted by the Applicant at Deadline 2.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
National Highways <a href="#">REP1-154</a> and <a href="#">REP1-155</a>					
NH-001	Consultation and Engagement	Introduction	<p>1. Introduction</p> <p>1.1 This Written Representation is 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").</p> <p>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</p>	The Applicant confirms that there is ongoing negotiations with National Highways. A draft Statement of Common Ground [ <b>EN010168/EXAM/8.8</b> ] has been prepared and shared with National Highways based on Relevant Representation, ahead of submission at Deadline 2. An update on the progress and current position of the Statement of Common Ground with the National Highways is provided in the <b>Statement of Commonality</b> [ <b>REP1A-010</b> ].	The Statement of Common Ground remains under discussion.

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			<p>outstanding issues between them as far as possible. To the extent that any issues remain unresolved at this stage, NH does not seek to rehearse those matters in this Written Representation but instead continues to rely on the positions advanced in its Relevant representation [RR-3426], which are maintained in full. This Written Representation supplements and updates NH's Relevant Representation in light of the Applicant's comments thereon [PDA-009].</p>		
NH-002	Transport and Access	Protective Provisions	<p>2. Protective Provisions – Overarching Position</p> <p>2.1 The Protective Provisions on the face of the order are not yet agreed, and an updated draft of the Protective Provisions is awaited. NH has provided a full set of proposed protective provisions at Appendix 1 to its Relevant Representation and has set out detailed justifications for each provision (paragraphs 1 through to 21 of the</p>	<p>The Applicant notes this comment and confirms that updated Protected Provisions for the protection of National Highways have been agreed and are included at Part 5 of Schedule 15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.</p> <p>The Applicant welcomes ongoing engagement with National Highways.</p>	<p>The Protective Provisions on the are not yet agreed. Discussions are on going.</p>

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			<p>proposed protective provisions). The Applicant's response to NH's Relevant Representations indicates that it is "progressing discussions" on the Protective Provisions and that draft Protective Provisions are already included in the DCO (Part 5 of Schedule 15). In response, and 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.</p>		
NH-003	Transport and Access	Land and Book of Reference Issues	<p>3. Land and Book of Reference Issues</p> <p>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)</p> <p>3.1 In relation to the cable route crossing beneath the M4 via Horizontal Directional Drilling</p>	<p>The Applicant notes this comment and confirms that 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.</p> <p>The Applicant also confirms that discussions are underway with National Highways about the geotechnical specification for directional drilling and that any</p>	<p>Discussions in relation to the geotechnical specification for directional drilling remain ongoing.</p>

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			<p>(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 and refers to NH to ES Volume 1: Chapter 3 [APP-055]. Work No 5a affects plots 09-018, 09-019, 09-020 and 09-021) (subsoil to the M4).</p> <p>3.2 Discussions with National Highways technical teams about the geotechnical specification for directional drilling are still Any proposed directional drilling under NH's network will require compliance with The Design Manual for Roads and Bridges Chapter CD622 (Managing Geotechnical Risk).</p>	<p>proposed directional drilling under NH's network will require compliance with The Design Manual for Roads and Bridges ("DMRB") Chapter CD622 (Managing Geotechnical Risk).</p>	
NH-004	Transport and Access	Land and Book of Reference Issues	<p>Detrunked Roads (Plots 13-005 to 13-016, 20-001 to 20-003)</p> <p>3.3 There are a significant number of plots where NH originally noted that the roads had been detrunked and transferred to the Local Highway Authority (LHA).</p>	<p>The Applicant acknowledges the explanation of National Highways interests in relation to the Side Road Order for the M4 Scheme affecting plots 13-005 to 13-016, and 20-001 to 20-003. The Applicant can confirm National Highways have been removed as the highway authority over these</p>	<p>The Applicant's response in relation to the De Trunked plots and the Side Road Order plots appears to be mixed up with the comments for the Detrunked Plots (NH-004) referring to the Side Road Order and NH's subsoil rights and the Side Road Order plots (NH-005) not referring to</p>

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			The Applicant has confirmed it will update the Book of Reference to remove NH's listed interests.	plots but retained as the subsoil owner due to HM Land Registry titles GR324123 and WT274108, at last edition, still being registered to National Highways.	NH's rights in the subsoil. However, plots 13-005 to 13-016, and 20-001 to 20-003 have been detrunked and NH no longer have an interest. To clarify, in relation to the De Trunked plots NH have no interest. In relation to the Side Road Order plots, confirmation is required as to the depth of the works for these plots. If works are in the subsoil then an easement is required from NH.
NH-005	Transport and Access	Land and Book of Reference Issues	<p>Side Roads Order Plots (Plots 21-004 to 21-007)</p> <p>3.4 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. Accordingly, for these plots, provided works are not in subsoil, NH have no interest. 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.</p>	The Applicant acknowledges the explanation of National Highways interests in relation to the Side Road Order for the M4 Scheme affecting plots 21-004 to 21-007, and will update the plots accordingly at the Deadline 3 to show the local highways authority as the interest holder.	Please see response to NH-004 above.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
NH-006	Hydrology, Flood Risk and Drainage	Land and Book of Reference Issues	<p>Outstanding Information Requests</p> <p>3.5 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. NH asked the Applicant for copies of the following to evaluate how the scheme affects its interest:</p> <ul style="list-style-type: none"> <li>• Plot 13-003 (Conveyance dated 14 February 1958)</li> <li>• Plot 09-018 (Drainage and gully apparatus) (easement/private right)</li> <li>• Plot 09-020 (Drainage and gully apparatus) (easement/private right)</li> <li>• Plot 09-021 (Drainage and gully apparatus) (easement or private right)</li> </ul>	<p>The Applicant during diligent inquiry research, has identified drainage and gully apparatus related to the road network in plots 09-018, 09-020, 09-021, which as the highway authority, have been defined as a National Highways interest. These interests are not contained on HM Land Registry titles related to the land, these are interests that relate to physical apparatus identified during research, and as such no supporting document rights documents can be provided. The Applicant can provide a shapefile of known National highways apparatus.</p> <p>The Applicant has identified National Highways as the successor of a Conveyance dated 14 February 1958 listed on title NT435341. The Applicant is unable to provide the Conveyance document as it is unavailable for purchase at HM Land Registry, potentially due to documents not being shared with HM Land Registry upon registration, or the original document has been lost. The title register can be provided to National highways to provide some further details of</p>	<p>NH is considering the information supplied and will revert. NH would welcome receipt of the shapefile as suggested.</p>

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			<ul style="list-style-type: none"> <li>Plot 13-003 (Conveyance dated 14 February 1958 – Part 3 interest).</li> </ul>	conveyance that is shown on register.	
NH-007	Transport and Access	Protective Provisions	<p>4. Draft DCO Articles</p> <p>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 summary below. The Applicant's response to NH's Relevant Representations [PDA -009] consistently refers to ongoing discussions on the Protective Provisions. Whilst this is the position, the Protective Provisions on the face of the order are not yet agreed and an updated draft of Protective Provisions is awaited.</p>	<p>The Applicant notes this comment and confirms that updated Protected Provisions for the protection of National Highways have been agreed and are included at Part 5 of Schedule 15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.</p> <p>The Applicant welcomes ongoing engagement with National Highways.</p>	The Protective Provisions on the are not yet agreed. Discussions are on going.
NH-008	Transport and Access	Street Works	Article 8 – Street Works: NH has received no information regarding the nature and scope of proposed works beneath the M4 at points 9i and 9j on the Streets Plan. NH seeks confirmation that any	As set out within <b>ES Volume 1, Chapter 3: The Scheme [APP-055]</b> and <b>ES Volume 3, Appendix 3-2: Cable Route Construction Method Statement [APP-183]</b> , a number	Discussions in relation to the geotechnical specification for directional drilling remain ongoing.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			<p>apparatus installed under the SRN will be carried out by HDD rather than open cut method, and the programme for the cable works has not been provided. The Applicant must obtain NH's prior approval for any works undertaken in connection with the SRN. Such consent should not be subject to deemed consent under article 47.</p>	<p>of Avoidance Areas have been identified, including at the M4 and Great Western Railway, where non-intrusive installation methods will be used to avoid direct impacts (refer to <b>ES Volume 2, Figure 3-2 Key Construction Phase Features [APP-082]</b>). The Cable Route corridor crossing of the M4 is proposed as a fully trenchless HDD installation, with launch and reception pits located South and North of the carriageway. The motorway runs east-west through the site with the HDD crossing passing beneath both the eastbound and westbound carriageways. The HDD will be located at a minimum depth to cover of 11.6m below the M4 carriageway. No excavation, pavement breaking, or physical works are required within the M4 carriageway. Surface monitoring will be undertaken using reflectorless total stations positioned off carriageway, meaning no lane access is required.</p> <p>The Applicant confirms that updated Protected Provisions for the protection of National Highways have been agreed and are included at Part 5 of Schedule</p>	<p>The Protective Provisions on the are not yet agreed. Discussions are on going.</p>

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
				15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.	
NH-009	Transport and Access	Power to Alter Layout	Article 10 – Power to Alter Layout etc. of Streets: NH has no interest in the streets specified in Schedule 5. However, subsection (2) contains non-street-specific powers that may affect NH's interests. Consent under article 10(4) should not be subject to deemed consent under article 47. The Applicant must obtain NH's prior approval for any works undertaken in connection with the SRN.	The Applicant notes this comment and confirms that updated Protected Provisions for the protection of National Highways have been agreed and are included at Part 5 of Schedule 15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.	The Protective Provisions on the are not yet agreed. Discussions are on going.
NH-010	Transport and Access	Construction and Maintenance of Altered Streets	Article 11 – Construction and Maintenance of Altered Streets: NH objects to the deemed adoption mechanism under this article. Article 11 should expressly exclude the SRN. NH does not agree that works on its network should be subject to deemed adoption provisions. The Applicant must obtain NH's prior approval for any works undertaken in connection with the SRN.	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
NH-011	Transport and Access  Socio-Economics, Recreation and Tourism	Public Rights of Way	Article 12 – Temporary Closure, Restriction or Prohibition of Use of Streets and Public Rights of Way: NH has no interest in the streets or public rights of way listed in Schedule 6. However, subsection (1) contains a general power that may affect NH's interests. NH is concerned that the article only requires the Applicant to consult NH, not obtain its consent. Applicant should be required to obtain NH's consent in the event the activities affect the SRN or any land in which NH has an interest.	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.
NH-012	Transport and Access	Traffic Regulation	Article 16 – Traffic Regulation Measures: NH has no interest in the roads specified in Schedule 8, but subsection (1) contains a wider power which may affect NH's interests. NH requires that consent from the traffic authority should not be subject to deemed consent under article 47. The draft order also allows the Applicant to exercise powers under article 16(1) with deemed approval under section 65 of the Road Traffic Regulation Act 1984, which NH opposes – NH must have control over the placing of signage on its network. All signage must be designed in	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			accordance with the Traffic Signs Manual Chapter 8 and the DMRB, and NH seeks clarity on why the Applicant seeks wording deeming compliance with the Traffic Signs Regulations and General Directions 2016. The Applicant must obtain NH's prior approval for any works undertaken in connection with the SRN. Such consent should not be subject to deemed consent under article 47.		
NH-013	Transport and Access  Hydrology, Flood Risk and Drainage	Discharge of Water	Article 17 – Discharge of Water: NH's drainage system is not a public drain, and it is unclear whether the article is intended to apply to NH's drainage infrastructure. NH requires the Applicant to confirm the scope of this article in relation to NH's drains. Although the article requires consent from the owner of the watercourse, drain or sewer, that consent is subject to deemed consent under article 47, which National Highways considers inappropriate in respect of its drainage infrastructure. In addition, if the article is intended to apply to NH's drainage infrastructure this would conflict with government policy. Paragraph 59 of DfT Circular 01/2022 (with which National	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			Highways must comply) provides that no new connections into the highway drainage system from third party development will be accepted. Existing connections may continue only where flow, rate and quality of discharge remain unaltered or are bettered, and may be subject to a drainage management and maintenance agreement in perpetuity. National Highways' objection would be addressed by incorporating paragraph 7(2) of its proposed protective provisions (Appendix 1), which requires the Applicant to obtain National Highways' consent before exercising the right under this article.		
NH-014	Transport and Access	Protective Works to Buildings	Article 19 – Protective Works to Buildings: NH does not have any buildings within the order limits. However, sub-paragraph (4) provides the Applicant with the power to enter land adjacent to a building to carry out protective works, and such adjacent land may form part of the SRN or land in which NH has an interest. The Applicant is requested to clarify whether Article 19(5) includes obtaining the consent of an owner of adjacent building. NH requires	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			that the Applicant obtain NH's consent before exercising any access or works under this article affecting the SRN. Such consent should not be subject to deemed consent under article 47.		
NH-015	Transport and Access	Authority to Survey and Investigate Land	Article 20 – Authority to Survey and Investigate Land: Whilst consent is required from the highway authority for trial holes, boreholes and trenches within the highway boundary, consent is not required for the wider use of the powers (e.g., access to land for surveys). Consent is also not required for any land NH owns outside the highway boundary, and the right extends beyond the order limits. The Applicant should be required to obtain NH's consent in the event any access or works under this article affect the SRN or any land in which NH has an interest. Such consent should not be subject to deemed consent under article 47.	<p>The Applicant notes this comment and refers National Highways to the response given to NH-009.</p> <p>The Applicant does however welcome ongoing engagement with National Highways.</p>	The Protective Provisions on the are not yet agreed. Discussions are on going.
NH-016	Transport and Access	Compulsory Acquisition	Article 21 – Compulsory Acquisition of Land: This article enables the Applicant to compulsorily acquire so much of the Order land as is required for the authorised development. If any part of the SRN is included,	The Applicant notes this comment and refers National Highways to the response given to NH-009.	The Protective Provisions on the are not yet agreed. Discussions are on going.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			NH must have control over operations on its network. The Applicant should be required to obtain NH's consent in the event any access or works under this article affect the SRN or any land in which NH has an interest.	The Applicant does however welcome ongoing engagement with National Highways.	
NH-017	Transport and Access	Compulsory Acquisition	Article 24 – Compulsory Acquisition of Rights/Article 25 – Private Rights: NH object to the power to compulsory acquire rights/private rights without its consent. NH must have control over operations on its network for safety purposes. The Applicant should be required to obtain NH's consent in the event any access or works under this article affect the SRN or any land in which NH has an interest.	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.
NH-018	Transport and Access	Power to Override Easements and Other Rights	Article 27 – Power to Override Easements and Other Rights: NH is unclear whether the effect of this article would be a temporary interference with or a permanent extinguishment of NH's existing interests. The Applicant should confirm how this article is intended to operate in relation to NH's rights. The Applicant should be required to obtain NH's consent in the event any access or works under this article affect	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			the SRN or any land in which NH has an interest.		
NH-019	Transport and Access	Rights Under or Over Streets	Article 30 – Rights Under or Over Streets: NH would not permit uncontrolled oversailing or works underneath its network, which would ordinarily have the protection of a section 50 notice under the New Roads and Street Works Act 1991. NH requires an approval role and control over both the subsoil vested in it and airspace over the SRN. The Applicant must obtain NH's prior approval for any works undertaken in connection with the SRN.	<p>The Applicant notes this comment and refers National Highways to the response given to NH-009.</p> <p>The Applicant does however welcome ongoing engagement with National Highways.</p>	The Protective Provisions on the are not yet agreed. Discussions are on going.
NH-020	Transport and Access	Temporary Use of Land for Constructing the Authorised Development	Article 31 – Temporary Use of Land for Constructing the Authorised Development: Schedule 11 does not include land in which NH has an operational interest, but the article also applies to other Order land. The Applicant should be required to obtain NH's consent before taking temporary possession of any land affecting the SRN or land in which NH has an interest.	<p>The Applicant notes this comment and refers National Highways to the response given to NH-009.</p> <p>The Applicant does however welcome ongoing engagement with National Highways.</p>	The Protective Provisions on the are not yet agreed. Discussions are on going.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
NH-021	Transport and Access	Temporary Use of Land for Constructing the Authorised Development	Article 32 – Temporary Use of Land for Maintaining the Authorised Development: This article grants the Applicant the right to take temporary possession of any land within the order limits without NH's consent during the maintenance period (five years from final commissioning). NH must have control over operations on its network. The Applicant must obtain NH's consent in the event the activities affect the SRN.	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.
NH-022	Transport and Access	Statutory Undertakers	Article 33 – Statutory Undertakers: NH maintains that the Applicant should be required to obtain NH's consent in the event the activities affect the SRN or any land in which NH has an interest.	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.
NH-023	Transport and Access	Apparatus and Rights of Statutory Undertakers in Closed or Restricted Streets	Article 34 – Apparatus and Rights of Statutory Undertakers in Closed or Restricted Streets: This article cross- refers to articles 8, 10, 11 and 12. NH's requires further information to assess the impact of the scheme on its interests in relation to those articles. The Applicant should obtain NH's consent before	The Applicant notes this comment and refers National Highways to the response given to NH-009.  The Applicant does however welcome ongoing engagement with National Highways.	The Protective Provisions on the are not yet agreed. Discussions are on going.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			exercising any powers that affect the SRN.		
NH-024	Transport and Access	Application of Landlord and Tenant Law	Article 38 – Application of Landlord and Tenant Law: NH does not have sufficient information to assess whether this article is likely to affect its interests and has asked the Applicant to clarify the position.	<p>Article 38 is included in order to override landlord and tenant law so far as it would prejudice the operation of any agreement for leasing the whole of the Authorised Development or the right to operate the same or any agreement entered into by the undertaker for the construction, maintenance, use or operation of the Authorised Development. This provision is required to ensure that landlord and tenant law does not impede the construction, use or maintenance of the Authorised Development.</p> <p>The is a model provision and has been included within numerous made solar DCOs including The Fenwick Solar Farm Order 2026, The Tillbridge Solar Order 2025, The East Yorkshire Solar Farm Order 2025, The West Burton Solar Project Order 2025 and The Cottam Solar Project Order 2024.</p> <p>The Applicant also confirms that updated Protected Provisions for the protection of National Highways have been agreed and are included at Part 5 of Schedule</p>	The Protective Provisions on the are not yet agreed. Discussions are on going. In any event, the Applicant should be required to obtain NH consent in the event the activities affect the SRN or any land National Highways has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in NH's proposed protective provisions.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
				15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.	
NH-025	Transport and Access  Arboriculture	Felling or Lopping of Trees and Removal of Hedgerows	Article 40 – Felling or Lopping of Trees and Removal of Hedgerows: NH has environmental mitigation commitments that may be affected by this article and which may put NH in breach of its own statutory obligations. Hedgerows CRH170, CRH173 and CRH172 are located on or near the boundary of the network. NH requires further clarity on the works within Works No. 5a that may impact these hedgerows so it can assess the cumulative impact. If works affect NH's BNG commitments, replacement trees must be provided at a location to be agreed. NH notes the Applicant's response to NH's Written Representations which relate to this Article. NH is unable to locate the information referred to (ES Volume 2 Appendix 3-2 Cable Installation Method [APP-183] and the Ecological Protection and Mitigation Strategy [APP-284]) and therefore is unable to comment further at the moment. Please also see NH's	The Applicant refers to the response provided to National Highways Relevant Representation comments on this matter. Hedgerows CRH170 and CRH173 both lie within an 'Avoidance Area' which are described in <b>ES Volume 2, Appendix 3-2: Cable Installation Method Statement [APP-183]</b> and are where trenchless technologies (such as Horizontal Directional Drilling (HDD)) will be employed for cable installation works. As such CRH170 and CRH172 will not be impacted by the Scheme. Up to a 12 m wide section of CRH172 may be removed temporarily for cable route installation works, to enable construction of a cable trench and temporary haul route as described in Section 2.4 of the <b>Outline Ecological Protection and Mitigation Strategy [REP1-106]</b> . On completion of temporary construction works, any section of hedgerow removed at CRH173 will be reinstated or replanted in accordance with	NH notes these comments, once discussions involved the geotech specifications of the drilling proposals have been resolved we will be better placed to comment on the likely impact on these hedgerows.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			comments in relation to Requirement 7 and 8.	Section 6.3 of the <b>Outline Ecological Protection and Mitigation Strategy [REP1-106]</b> .  The Applicant also confirms that matters relating to acquisition of new or existing rights in land are addressed through the updated Protected Provisions for the protection of National Highways have been agreed and are included at Part 5 of Schedule 15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.	
NH-026	Transport and Access  Arboriculture	Trees Subject to Tree Preservation Orders	Article 41 – Trees Subject to Tree Preservation Orders: NH notes a potential reference error (Part 4 of Schedule 12 is cited but only Parts 1–3 exist). TPO42 is in close proximity to NH's network and NH's comments on cumulative impact apply. TPO7 is not referred to in Schedule 12 but is adjacent to the SRN, and the Applicant is requested to review Schedule 12 in light of the TPO and Hedgerow Plan (sheet 9 of 23). NH also has environmental mitigation commitments that may be affected. NH notes the comments on the reference error and will confirm agreement once	The Applicant notes this comment and confirms that the typographical error identified by National Highways has been corrected within the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.	We have checked Article 41 in the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1. No amendments have been made. The article still refers to Part 4 of Schedule 12.  The Protective Provisions on the are not yet agreed. Discussions are on going. In any event, the Applicant should be required to obtain NH consent in the event the activities affect the SRN or any land National Highways has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			NH has considered the updated Draft Development Consent Order submitted at Deadline 1.		expressly provided in NH's proposed protective provisions.
NH-027	Transport and Access	Certification of Plans and Documents	<p>Article 42 – Certification of Plans and Documents: NH reserves the ability to request the addition of any required plans or documents to those identified in Schedule 12. The Applicant's position is that the list in Schedule 13 is fixed and cannot be amended unilaterally. NH may have comments on those certified documents during the course of the examination, and the matter is to be kept under review.</p>	<p>Where relevant and proportionate National Highways, as the relevant highway authority, has been included as a named consultee in the Requirements contained within Schedule 2 (Requirements) to the Draft Development Consent Order. The Applicant has also added National Highways as a named consultee to Requirement 20 (Decommissioning and restoration) within the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.</p> <p>As a result, National Highways will be consulted by the relevant planning authority on the final Construction Traffic Management Plan, Public Rights of Way and Permissive Paths Management Plan and Decommissioning Plan, all of which are contained at Schedule 13 (Documents and plans to be certified) to the <b>Draft Development Consent Order [REP1-007]</b>. The Applicant has also added wording to paragraph 1 (Interpretation) of Schedule 16</p>	The additional wording in Schedule 16 is welcomed. NH maintain that it may have comments on the certified document list during the course of the examination.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
				(Procedure for the discharge of requirements) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1 which provides that, where an approved document is amended as per Requirement 3 (Approved documents and amendments to them) within Schedule 2 (Requirements), National Highways will also be consulted. As such, the Applicant considers that National Highways will have sufficient opportunity to comment on the certified documents relevant to it and therefore does not consider it proportionate to include any further provision in respect of Schedule 13.	
NH-028	Transport and Access	Deemed Consent	Article 47 – Deemed Consent:- NH objects to the principle of deemed consent applying to any works on or under the SRN, given the safety implications of unreviewed works affecting the strategic road network.	The Applicant notes this comment and confirms that updated Protected Provisions for the protection of National Highways have been agreed and are included at Part 5 of Schedule 15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.	The Protective Provisions on the are not yet agreed. Discussions are on going.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
NH-029	Transport and Access	Schedule 2 Requirements	<p>5. Schedule 2 Requirements</p> <p>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).</p> <p>NH maintains that inclusion of its proposed drafting (shown in red in its Relevant Representations) would address its concerns in each case.</p> <p>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 for its benefit contained in Part 5 of Schedule 15 to the draft</p>	<p>The Applicant notes this comment and confirms that updated Protected Provisions for the protection of National Highways have been agreed and are included at Part 5 of Schedule 15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.</p> <p>The Applicant has also added National Highways, in its capacity as relevant highway authority, as a named consultee within Requirement 20 (Decommissioning and restoration) within the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1 following discussions with National Highways. The Applicant maintains that these measures are proportionate and sufficient in protecting the SRN but welcomes ongoing engagement with National Highways.</p>	<p>The Protective Provisions on the are not yet agreed. Discussions are on going.</p> <p>The addition of NH in its capacity as relevant highway authority as a named consultee in Requirement 20 is welcomed. However, 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).</p> <p>NH maintains that inclusion of its proposed drafting (shown in red in its Relevant Representations) would address its concerns in each case.</p>

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			DCO. The Applicant has stated that the management plans with the potential to impact the SRN are already captured. As set out above, the parties are progressing discussions in respect of the form of Protective Provisions.		
NH-030	Transport and Access	Requirement-Specific Positions	<p>5.3 Requirement-Specific Positions</p> <p>Requirement 3 (Approved Documents and Plans): Requirement 3 permits the undertaker to submit any amendments to any approved document to the relevant planning authority for approval and, following approval, the relevant approved document is to be taken to include the amendments approved under that Requirement.</p> <p>The relevant planning authority must not approve any amendments to any approved document unless it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental</p>	<p>Following discussions with National Highways, The Applicant has added wording to paragraph 1 (Interpretation) of Schedule 16 (Procedure for the discharge of requirements) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1 which provides that, where an approved document is amended as per Requirement 3 (Approved documents and amendments to them) within Schedule 2 (Requirements), National Highways will also be consulted. As noted, this is in line with the same provision made in respect of the draft Green Hill Solar Farm Order 202.</p> <p>That Applicant considers that this, in combination with the updated Protected Provisions for the protection of National Highways which have been agreed and are included at Part 5 of Schedule 15</p>	<p>NH position on Requirement 3 remains as set out, despite the additional wording now inserted by the Applicant at Schedule 16. The Schedule 16 change however, does not meet NH's concerns regarding certified documents being amended and hence NH also require to be listed as a consultee in Requirement 3 itself.</p>

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			<p>effects in comparison with those reported in the environmental statement. Sub-paragraph (3) indicates that "approved document" means any document certified under article 42 (certification of plans and documents, etc.) and any plans, details or schemes which have been approved pursuant to any requirement.</p> <p>This could involve changes to the work plans and it is left to the planning authority to determine whether those changes will give rise to a materially new or materially different environmental effect. National Highways would expect to be consulted on that decision. This issue was raised in the Green Hill Solar Farm dDCO examination (Planning Inspectorate DCO Reference EN010170) which closed on 13 April 2026 and for which the Applicant is the same as for the Lime Down DCO. During the Green Hill Farm dDCO examination, the Applicant agreed to update Paragraph 1 of Schedule 16. The revised text of Schedule 16 is provided in Appendix 1 to this Written Representation. The revised</p>	<p>(Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1, are proportionate and sufficient in protecting National Highways' interests.</p>	

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			<p>wording means that in relation to an application made under requirement 3 to amend an approved document, any body or authority that was required to be consulted in relation to the approval of that approved document is required again to be consulted.</p> <p>NH require the same amendment to the Lime Down dDCO. The inclusion of such wording would mean that should an application be made to amend the Construction Traffic Management Plan, highway authorities are consultees and would need to be consulted on any application to amend. This change alone, however, does not meet NH's concerns regarding certified documents being amended and hence NH also require to be listed as a consultee in Requirement 3 itself.</p>		
NH-031	Transport and Access	Requirement-Specific Positions	5.4 Additionally, NH seeks to be consulted on the discharge of a wide range of Requirements, including Requirements 3, 7, 8, 10, 11, 13, 14, in relation to matters	National Highways, in its capacity as relevant highway authority, is named as a consultee for Requirements 15 (Construction traffic management plan), 16 (Public rights of way and permissive paths) and 20 (Decommissioning and	NH position on requirement specific positions remains as set out. NH seeks to be consulted on the discharge of a wide range of Requirements, including Requirements 3, 7, 8, 10, 11, 13, 14, in relation to matters relating to NH's statutory function and/or any

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			<p>relating to NH's statutory function.</p> <p>Requirement 5 (Details of Works Nos. 1, 2, 3 and 5a). NH requires amendments to Requirement 5 as set out in its Relevant Representations.</p>	<p>restoration) within Schedule 2 (Requirements) to the <b>Draft Development Consent Order [REP1-007]</b> . In addition to this, the Applicant has included updated and agreed Protected Provisions for the protection of National Highways at Part 5 of Schedule 15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1.</p> <p>The Applicant therefore considers these measures to be proportionate and sufficient in protecting National Highways' interests without including unnecessary consultee requirements which may delay discharge of Requirements and impede the future delivery of the Scheme. The Applicant does however welcome ongoing engagement with National Highways.</p>	<p>interest in land which should sufficiently address the Applicant's concern that NH having a consultee role will unnecessarily delay discharge of requirements. NH has no intention to unnecessarily impede the delivery of the scheme but requires to be consulted in order to protect the SRN and NH's land interest. In relation to the PP's, the Protective Provisions on the are not yet agreed. Discussions are on going.</p>
NH-032	<p>Transport and Access</p> <p>Ecology and Biodiversity</p>	Landscape and Ecological Management Plan	Requirement 7 (Landscape and Ecological Management Plan)- NH requires the opportunity to review the landscape and ecological management plan, arboricultural assessment/tree protection measures, and any	The Applicant notes this comment and refers National Highways to the response given to NH-031.	See response to NH-031 above

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
	Landscape and Visual  Arboriculture		replanting proposals in respect of NH's soft estate.	The Applicant does however welcome ongoing engagement with National Highways.	
NH-033	Transport and Access  Ecology and Biodiversity	Ecological Protection and Mitigation Strategy	Requirement 8 (Ecological Protection and Mitigation Strategy): NH requires the opportunity to review the details proposed in the ecological protection and mitigation strategy.	The Applicant notes this comment and refers National Highways to the response given to NH-031.  The Applicant does however welcome ongoing engagement with National Highways.	See response to NH-031 above
NH-034	Transport and Access	Means of Enclosure	Requirement 10 (Fencing and other means of Enclosure): NH requires the opportunity to review the details of any proposed fences, walls, or enclosures if within the vicinity of the SRN, for reasons of safety, liability, and maintenance, and to ensure compliance with paragraph 57 of DfT Circular 01/2022.	The Applicant notes this comment and refers National Highways to the response given to NH-031.  The Applicant does however welcome ongoing engagement with National Highways.	See response to NH-031 above
NH-035	Transport and Access  Hydrology, Flood Risk and Drainage	Surface Water Drainage Scheme	Requirement 11 (Surface and foul water drainage): 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	The Applicant notes this comment and refers National Highways to the response given to NH-031.  The Applicant does however welcome ongoing engagement with National Highways.	See response to NH-031 above

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			shall be discharged into the SRN drainage systems and no new third-party drainage connections will be permitted.		
NH-036	Transport and Access  Construction and Decommissioning	Construction Environmental Management Plan	Requirement 13 (Construction Environmental Management Plan): NH requires the opportunity to review the CEMP to ensure appropriate safeguards are implemented and maintained, with consideration of potential impacts on the SRN.	The Applicant notes this comment and refers National Highways to the response given to NH-031.  The Applicant does however welcome ongoing engagement with National Highways.	See response to NH-031 above
NH-037	Transport and Access	Operational Environmental Management Plan	Requirement 14 (Operational Environmental Management Plan): NH requires the opportunity to review the operational environmental management plan to ensure the management of long-term environmental risks associated with the site and ongoing protection of the SRN.	The Applicant notes this comment and refers National Highways to the response given to NH-031.  The Applicant does however welcome ongoing engagement with National Highways.	See response to NH-031 above
NH-038	Transport and Access	Construction Traffic Management Plan	Requirement 15 (Construction Traffic Management Plan): NH requires the opportunity to review the details of the construction traffic management plan. The Applicant notes that NH was involved as a consultee during the preparation of the outline Construction Traffic Management Plan [APP-287]. NH's position is that it also needs to be a	Requirement 15 (Construction traffic management plan) of Schedule 2 (Requirements) to the <b>Draft Development Consent Order [REP1-007]</b> provides that, before approving the final construction traffic management plan the relevant planning authority must consult with	The position is noted and welcomed.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			consultee on the final Construction Traffic Management Plan, rather than just the outline, as matters may change. It is understood this has now been agreed with the Applicant.	National Highways in its capacity as relevant highway authority.  As such, National Highways will be consulted in respect of the final construction traffic management plan (which must be substantially in accordance with the outline version) as part of the discharge of Requirement 15 in accordance with Schedule 16 (Procedure for the discharge of Requirements).	
NH-039	Transport and Access  Socio-Economics, Recreation and Tourism	Public Rights of Way and Permissive Paths	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.	The Applicant notes this comment and welcomes ongoing engagement with National Highways.	The position is noted and welcomed.
NH-040	Transport and Access  Construction and Decommissioning	Decommissioning Plan	Requirement 20 (Decommissioning and Restoration): NH requires the opportunity to review the decommissioning plan, including a transport assessment and construction environmental impacts, to ensure the decommissioning process will not adversely affect the SRN. The Applicant referred to its position on NH's involvement as a	Requirement 20 (Decommissioning and restoration) of Schedule 2 (Requirements) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1 provides that, before approving the final decommissioning plan the relevant planning authority must consult with National Highways in	The position is noted and welcomed.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
			consultee on the various management plans, including the outline Decommissioning Strategy. NH's position is that it also needs to be a consultee on the final Decommissioning Strategy, rather than just the outline, since matters may have changed. It is understood this has now been agreed with the Applicant.	its capacity as relevant highway authority.  As such, National Highways will be consulted in respect of the final decommissioning plan (which must be substantially in accordance with the <b>Outline Decommissioning Strategy [REP1-100]</b> ) as part of the discharge of Requirement 20 in accordance with Schedule 16 (Procedure for the discharge of Requirements).	
NH-041	Transport and Access	Discharge of Requirements	6. Schedule 16 (Discharge of Requirements)  6.1 NH's concerns in relation to Schedule 16 as set out in its Relevant Representation remains.	Following discussions with National Highways, The Applicant has added wording to paragraph 1 (Interpretation) of Schedule 16 (Procedure for the discharge of requirements) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1 which provides that, where an approved document is amended as per Requirement 3 (Approved documents and amendments to them) within Schedule 2 (Requirements), National Highways will also be consulted. As noted, this is in line with the same provision made in respect	The position is noted and welcomed. NH's concern in relation to Requirement 3 remains as set out.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
				<p>of the draft Green Hill Solar Farm Order 202[*].</p> <p>That Applicant considers that this, in combination with the updated Protected Provisions for the protection of National Highways which have been agreed and are included at Part 5 of Schedule 15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1, are proportionate and sufficient in protecting National Highways' interests.</p>	
NH-042	Transport and Access	Construction Traffic Management Plan	<p>7. Traffic and Transport</p> <p>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.</p>	<p>The Applicant notes this comment. Requirement 15 (Construction traffic management plan) of Schedule 2 (Requirements) to the <b>Draft Development Consent Order [REP1-007]</b> provides that, before approving the final construction traffic management plan the relevant planning authority must consult with National Highways in its capacity as relevant highway authority.</p> <p>That Applicant considers that this, in combination with the updated Protected Provisions for the protection of National Highways</p>	The position is noted and welcomed.

Reference	Theme	Issue	Comments/Issue Raised	Applicant's Response	NH Response
				<p>which have been agreed and are included at Part 5 of Schedule 15 (Protective Provisions) to the revised <b>Draft Development Consent Order [REP1-007]</b> submitted at Deadline 1, are proportionate and sufficient in protecting National Highways' interests.</p> <p>The Applicant also welcomes ongoing engagement with National Highways.</p>	
NH-043	<p>Consultation and Engagement</p> <p>Transport and Access</p>	Statement of Common Ground	<p>8. Statement of Common Ground</p> <p>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.</p>	The Applicant notes this comment.	The Statement of Common Ground remains under discussion.