

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 4: National Highways comments on submissions received at Deadline 3

1 INTRODUCTION

- 1.1 This document is submitted for Deadline 4 on behalf of National Highways ("NH") in respect of an application by Lime Down Solar Ltd (the "**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**"). This document sets out NH's comments on The Applicant's Response to Submissions Received at Deadline 2 [**REP3-129**] submitted by the Applicant at Deadline 3 in so far as those responses relate to NH's Deadline 2 Comments [**REP2-050**]. For simplicity, we have replicated the table which forms the Applicant's response and added an additional column setting out NH's further comments. This document also sets out NH's comments on the Applicant's response to Question DCO 1.44 of the Examining Authority's First Written Questions [**REP3-128**].

2 NH RESPONSE ON THE APPLICANT'S DEADLINE 3 RESPONSE TO NH'S DEADLINE 2 SUBMISSIONS

Table 3-2: [REP2-050](#)

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
Comments on submissions received at deadlines 1 and 1A					
NH-001	Description and DCO Process	Introduction	1 INTRODUCTION 1.1 This document is submitted for Deadline 2 on behalf of National Highways ("NH") in respect of an application by Lime Down Solar Ltd (the "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"). This document sets out NH's comments on Document PDA-009 entitled The Applicant's Response to Relevant Representations (Part 1) (EXAM/9.1) submitted by the	The Applicant notes this comment.	Noted

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
			Relevant Representations [RR-3426].		
NH-002	Description and DCO Process	Introduction	2 NH'S COMMENTS ON THE APPLICANT'S COMMENTS ON NH'S RELEVANT REPRESENTATIONS (TABLE 3-5 PAGES 633- 749 OF PDA-009) 2.1 Where it was considered appropriate to do so, NH's comments on the Applicant's comments on NH's Relevant Representations have already been set out in NH's Written Representation [REP1-154]. The position is, therefore, just summarised below to assist the ExA on where matters stand. NH's Written Representation [REP1-154] should be referred to for full details of the outstanding matters. NH does not seek to respond to all matters at this stage, given that negotiations are ongoing. However, NH reserves the right to respond further should issues remain unresolved following discussions. 2.2 NH's comments on the Applicant's Comments on NH's Relevant Representations can broadly be divided into three key areas: (1) technical matters, (2) land and book of reference issues (3) response on DCO (including	The Applicant notes this comment and provides responses to the three key matters identified by National Highways below [NH-003 to NH-014] .	Noted

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
			Articles, Requirements, Discharge of Requirements and Protective Provisions).		
NH-003	Construction and Decommissioning	Directional Drilling	Technical Matters 2.3 Discussions with National Highways technical teams about the geotechnical specification for directional drilling in relation to Works 5a 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).	Noted and agreed that 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).	We have received some information regarding the geotechnical specification for directional drilling from internal colleagues. We are reviewing the information received and will provide an update at the next deadline (or before).
NH-004	Description and DCO Process	Book of Reference	Land and Book of Reference Issues 2.4 Detrunked Roads (Plots 13-005 to 13-016, 20-001 to 20-003):-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). The Applicant has confirmed it will update the Book of Reference to remove NH's listed interests however the latest Book of Reference [REP 1-012] still shows NH's interest but in orange font.	In the most recent submission of the Book of Reference [REP 1-012], the Applicant identified that National Highways registered address had been updated since DCO submission, which is reflected as a change in orange in the latest BoR. The Applicant undertook a HMLR refresh of titles affecting plots 13-005 to 13-016, and 20-001 to 20-003, and established that the National Highways interests needed to remain within the plots due to the registered titles affecting those plots not being updated. The Applicant can confirm that once the registered titles	In accordance with NH's standard protective provisions, the Applicant must not be permitted to exercise the powers of the Order to: (a) acquire or use land forming part of; (b) acquire new or existing rights over; or (c) impose or extinguish any restrictive covenants over any part of the strategic road network or land owned by National Highways, or extinguish any

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				affecting those plots have a new edition identifying the LHA as the proprietor, then the National Highways interests will be removed. At this time, the LHA have been captured as the Highway Authority, whilst National Highways have been identified as a registered title interest.	existing rights of or interfere with the apparatus of National Highways in respect of any third party property, except with the consent of National Highways. This has been secured through the agreed protective provisions.
NH-005	Description and DCO Process	Side Roads Order Plots	2.5 Side Roads Order Plots (Plots 21-004 to 21-007): 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 the subsoil, NH have no interest. If works are in the subsoil then agreement by way of an easement is required from NH. The Applicant is requested to provide NH details confirming the depth of the works is requested to provide NH details confirming the depth of the works.	Prior to the most recent submission of the Book of Reference [REP 1-012] , the Applicant undertook a HMLR refresh of titles affecting plots 21-004 to 21-007, and established that the National Highways interests needed to remain within the plots due to the registered titles affecting those plots not being updated. The Applicant can confirm that once the registered titles affecting those plots have a new edition identifying the LHA as the proprietor, then the National highways interests will be removed. The Applicant hasn't removed any legal interests within the subsoil of highways to ensure it is presenting all interests in Part 1 of the Book of Reference [REP 1-012] , even where the works may only affect the operational highways. The Applicant cannot definitively confirm that works would not extend into the subsoil, however this information would be provided to National Highways once confirmed at detailed design stage.	Please refer to NH's previous comment set out in column 4 in relation to this item.

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
				This position is captured in the updated SoCG between the Applicant and National Highways.	
NH-006	Description and DCO Process	Outstanding Information Requests	2.6 Outstanding Information Requests: 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. Full details are set out in NH's Written Representations [REP1-154] .	The Applicant acknowledges the request for information from National Highways. After further review, the Applicant has identified the easement listed in plot 13-09 should not be classed as a NH interest, and as such, the Applicant will amend the interest within the BoR at the next submission during examination Within the Book of Reference [APP-4.3], the Applicant has included NH interests against apparatus after conducting research into utilities and apparatus within the Order Land during pre-application. The Applicant commissioned a third-party utility report, via Atkins Utility, who have access to multiple statutory undertakers' data spatially, which was shared to the Applicant. As such, there are no supporting documents such as an easement or register, however the Applicant can share the relevant utility line data with NH to aid their identification of interests.	13-09 is now removed from the Book of Reference. Limited utility information has been received. However, it is noted that the Applicant is unable to provide all supporting data. As such and in the absence of detailed design, the Applicant should be required to obtain NH's consent in the event the activities affect the SRN or any land NH has an interest in. Pursuant to the Protective Provisions, the Applicant cannot exercise compulsory acquisition/temporary possession powers without NH's consent.

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
NH-007	Description and DCO Process	Protective Provisions	DCO 2.7 Protective Provisions:-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 3 detailed justifications for each provision (paragraphs 1 through to 21 of the 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.	As noted protective provisions for the protection of National Highways are included at Part 5 of Schedule 15 (Protective provisions) to the Draft Development Consent Order [REF1-007]. As noted at Issue Specific Hearing 1 (see page 17 and 18 of the Written Summary of the Applicant's Oral Submissions and Responses at Issue Specific Hearing 1 and Responses in Action Points [REP1A-012]), relate entities of Island Green Power are promoting a number of other solar DCOs at varying stages of the consenting process, namely Green Hill Solar Farm. As the Applicant is a subsidiary of Island Green Power, where possible it is seeking a consistent approach with statutory undertakers to protective provisions across its projects. This includes protective provisions for the benefit of National Highways. This approach has been agreed with National Highways and the same form of protective provisions as agreed with National Highways in respect of the Green Hill Solar Farm were included in the Draft	Whilst NH is content in principle with the PP's and Side Agreement reflecting the position agreed at Green Hill, NH has made it clear to the Applicant that there are scheme specifics that need to be agreed before NH is in a position to formally agree the PP's. Following NH's in principal approval, progress with the Applicant on requirements has been minimal. Please see our comments in relation to specific requirements below.

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
				Development Consent Order [REP1-007] at Deadline 1. It is the Applicant's understanding that these are now agreed and, subject to agreement of a number of project specific points, the Applicant and National Highways will enter into a Side Agreement containing the agreed protective provisions.	
NH-008	Description and DCO Process	DCO Articles	2.8 Articles:- 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 reiterated in summary in section 4.1 of NH's Written Representations [REP1-154]. In relation to Article 41 it is noted that the cross referring error to Part 4 of Schedule 12 has not been corrected in the latest draft of the DCO [REP1-007]. Reference should be made to Part 3 not Part 4. In addition, it is noted that TPO7 is not referred to in Schedule 12 but is adjacent to the SRN. The Applicant is requested to review Schedule 12 in light of the TPO and Hedgerow Plan (sheet 9 of 23). It is noted that the Applicant has not responded on these points and has not updated	The Applicant notes this comment. The cross-referencing error in Article 41 has been corrected in the updated draft DCO provided at Deadline 3. The TPO trees listed in Schedule 12 are those trees or groups of trees where the Applicant will need to carry out works to those trees. N/TPO7 is adjacent to the M4 motorway, which will be crossed using trenchless techniques. The trees, being adjacent to the highway, will also be crossed using trenchless techniques. As there is no requirement for works to these trees, the power to do so is not included in the DCO and they have not been listed in Schedule 12. The Applicant confirms that it is seeking to agree the form of protective provisions for National	Article 41 has now been corrected. The Applicant's response in relation to N/TPO7 is in adequate. We remain concerned that trenchless techniques may impact the root system and/or result in soil disruption to N/TP07. NH require evidence and confirmation that the proposed trenchless technique will not impact the roots or disturb the soil in relation to N/TPO7. In the absence of evidence, N/TPO7 should be included in Schedule 12.

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
			the latest draft of the DCO [REP1-007].	Highways, which will address NH's remaining concerns.	
NH-009	Description and DCO Process	Protective Provisions	2.9 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.	The Applicant refers National Highways to the response given at NH-007 .	See above response to NH-007
NH-010	Description and DCO Process	Protective Provisions	2.10 Requirements:- NH seeks not merely to be consulted but to review and agree the relevant documents and plans before Requirements are discharged, to ensure no adverse impact on the Strategic Road Network (SRN). The Applicant's response is that NH will already be a consultee where it is the relevant highway authority (Requirements 15 and 16), and that the Protective Provisions in Part 5 of Schedule 15 adequately protect NH's interests. The Applicant has stated that the management plans with the potential to impact the SRN are already captured. Discussions on the form of Protective Provisions are ongoing. NH's position is, however, as follows:	The Applicant notes this comment. NH will be appropriately consulted under Requirements 15 and 16 and has approval rights under the Protective Provisions.	As previously noted, a definition of relevant highway authority is required. It is noted that such a definition is not included in the latest draft of the DCO submitted at Deadline 3. In addition, please see our comments below in relation to each specific requirement.

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
NH-011	Description and DCO Process	Requirement 3	2.11 Requirement 3 (Approved Documents and Plans):- NH raises a specific concern that amendments to approved documents are left to the planning authority to assess, without NH being consulted. NH points to a precedent from the Green Hill Solar Farm DCO examination (same Applicant), where it was agreed that any body consulted on the original approval must be re-consulted on amendments. NH seeks the same amendment for the Lime Down DCO which would mean 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. The inclusion of such wording would mean that should an application be made to amend the CTMP, highways authorities are consultees and would need to be consulted. This change alone however does not meet NH's concerns regarding certified documents being amended and hence NH also require to be a	The modification made to the draft DCO on the Green Hill Solar Farm was to update the definition of "requirement consultee" in Schedule 16 to include, for applications made under Requirement 3 to update an approved document, any consultee in relation to the original approval of that document. This update was included in the draft DCO submitted at Deadline 1. The Applicant is confident that this approach is preferable to listing National Highways as a consultee within Requirement 3, as this would mandate consultation with National Highways on any amendment to any approved document, whether or not National Highways was consulted on the original document, and irrespective of whether the proposed amendments relate to any part of the Scheme near or capable of affecting the strategic road network. The update made to Schedule 16 not only ensures that National Highways will be consulted on amendments to documents that may affect it, but ensures that any named consultee is properly	NH stand by its previous comments that the Schedule 16 change does not resolve NH's concerns regarding certified documents being amended and hence NH also require to be a named consultee in Requirement 3 itself. In addition, the definition of requirement consultee specifically refers to any body or authority named in a requirement as a body to be consulted by the relevant planning authority or in relation to an application made under requirement 3, any body or authority that was required to be consulted in relation to that approval. If NH are not named as an approving body in the requirement, then it will not come within the definition of requirement consultee and will not be consulted. Accordingly, NH maintain that it must be added as a consultee to the requirements noted below (7, 8, 10, 11, 13, 15, 16 and 20) to protect its position.

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
			named consultee in Requirement 3 itself.	consulted on changes to documents they have a confirmed interest in.	
NH-012	Description and DCO Process	Consultee Status	2.12 Other Requirements Where NH Seeks Consultee Status: NH seeks to be consulted on a wide range of Requirements relating to its statutory function, including: - Requirement 5 – Details of Works Nos. 1, 2, 3 and 5a (amendments as per Relevant Representations). - 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 replanting proposals in respect of NH's soft estate. - Requirement 8 – Ecological protection and mitigation strategy. - Requirement 10 - Means of enclosure near the SRN - NH requires the opportunity to review the details for reasons	The Applicant does not consider it appropriate for NH to be a mandatory consultee on the Requirements listed. NH will be consulted in relation to the detailed construction traffic management plan where they are the relevant highway authority, under Requirements 15, 16 and 20. There is only limited interaction between the Scheme and the SRN, and the nature of NH's concerns are such that they can be adequately addressed through Protective Provisions. National Highways' solicitors have confirmed agreement in principle with the draft Side Agreement and form of protective provisions subject to further discussion between the parties on a select number of outstanding points. Negotiations in respect of these points remain ongoing.	The Applicant has not provided a rationale for its rejection of NH's suggested amendment to Requirement 5 so that Works 5a are included. NH note that the Outline CEMP and Outline Operational Environmental Management Plan are Outline only. It is anticipated that the information may be limited. NH will need to be consulted and approve the final versions of these documents. It is very likely that an outline document will be subject to amendments which will require NH's approval. NH's position on the requirements listed is set out in the draft SOCG [REP2-030]. NH's comments on the draft SOCG were provided on 23 April 2026. A response from the Applicant is awaited.

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
			of safety, liability, maintenance, and compliance with DfT Circular 01/2022). - Requirement 11 – Surface Water Drainage Scheme - NH requires an opportunity to review to protect SRN drainage infrastructure, ensure plans accord with DfT Circular 01/2022, to prevent any discharge into SRN systems and to ensure no new third party drainage connections are permitted. - Requirement 13 - CEMP, to ensure safeguards for the SRN. - 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. - Requirement 15 – Final Construction Traffic Management Plan (not just		

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
			the outline). NH's consultee role as relevant highway authority is understood to have been agreed however we are unable to identify the corresponding change in the latest dDCO [REP1-007]. - Requirement 16 - Public rights of way and permissive paths. NH's consultee role as relevant highway authority is understood to have been agreed however we are unable to identify the corresponding change in the latest dDCO [REP1-007]. - Requirement 20 – Final Decommissioning Strategy (not just the outline). NH's consultee role as relevant highway authority is understood to have been agreed and a change has been made to the dDCO [REP1-007].in this regard.		
NH-013	Description and DCO Process	Schedule 16	2.13 Schedule 16 (Discharge of Requirements): It is noted that the latest dDCO [REP1-007] includes the change NH requires.	The Applicant notes this comment and confirms that the change requested was included in the Draft Development Consent Order [REP1-007] submitted at Deadline 1.	Noted

Reference	Theme	Issue	Comments/Issues Raised	Applicant's Response	NH Response
NH-014	Transport and Access	Requirement 15	2.14 Traffic and Transport: NH accepts that no further capacity assessment of the SRN is required but maintains its position on the need for the CTMP under Requirement 15 and the rationale for its proposed changes to that Requirement.	The Applicant confirms that Requirement 15 (Construction traffic management plan) of Schedule 2 (Requirements) to the Draft Development Consent Order [REP1-007] provides that a construction traffic management plan must be approved by Wiltshire Council as relevant planning authority in consultation with National Highways (as relevant highway authority) prior to the commencement of the authorised development. A minor clarificatory change was made to Requirement 15 at Deadline 1 (to ensure consultees were included in the same sub-paragraph) and no further changes are currently being considered. The Applicant welcomes ongoing engagement with National Highways should any further changes be required in the future.	Noted.

3 NH'S COMMENTS ON THE APPLICANT'S RESPONSE TO QUESTION DCO 1.44 OF THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS

ExQ	Respondent	Question	Applicant's Response	NH Response	NH Further Comment
CO1.44	The Applicant National Highways	Requirement 15 - Construction traffic management plan Should Requirement 15(3), which requires the relevant planning authority to consult with South Gloucestershire Council and the relevant highway authority before approving the Construction Traffic Management Plan, also include the requirement to consult with National Highways?	Requirement 15 is required to be approved by the relevant planning authority in consultation with South Gloucestershire Council and the relevant highway authority. This reflects that South Gloucestershire Council, as the relevant planning authority for some of the highway improvement works, would ordinarily be the discharging authority. However, it has been agreed that Wiltshire Council will discharge this requirement in full, including those parts that apply to South Gloucestershire Council's area. Additionally, the relevant highway authority must be consulted. This will be one or all of: Wiltshire Council Highway Authority; South Gloucestershire Council Highway Authority; and National Highways. Precisely which highway authorities are relevant will depend on whether a single CEMP is submitted for approval, or separate CEMPs for individual parts of the Scheme.	Yes. NH is responsible for the safe and efficient operation of the Strategic Road Network. Construction traffic can materially affect the capacity, safety, and physical integrity of that network. Being consulted on the CTMP enables NH to assess and mitigate risks arising from increased HGV movements, abnormal loads, and cumulative impacts at critical junctions and links on the SRN. Consultation with NH is essential to ensure that construction-phase impacts arising from the development are properly managed through appropriate routing, timing, and traffic management measures.	1) A definition of relevant highway authority is required. 2) The ExA's question relates to the CTMP but the Applicant's response refers to the CEMP. Clarity is required, particularly given the reference to either a single CEMP or separate CEMPs.

