

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 5: National Highways Limited's Response to The Examining Authority's
Second Written Questions and Requests for Information (ExQ2)**

1 Introduction

- 1.1 This is a response by National Highways Limited ("NH") to the Examining Authority's second written questions and requests for information (ExQ2) issued on Monday 27 July 2026. Since the response provides a general update on outstanding issues NH does not intend to submit separate submissions responding to the Applicant's submissions made at Deadline 4.
- 1.2 The only other point of note from the Deadline 4 submissions, and that is not covered by ExQ2, is the Applicant states it has amended the Book of Reference to delete plots which have been de-trunked and to note that for the Side Roads Order Plots, NH's interest is only the subsoil. However, from NH's reading of the Book of Reference, the Detrunked plots have not been removed entirely as NH would expect (see plots 13-05, 13-06, 13-08, 13-09, 13-12, 13-013, 13-014, 13-016, 20-001, 20-002, 20-003) and not all the side road order plots have been updated to refer to subsoil only (21-003, 21-004, 21.006 and 21-007).

2 Response to ExAQ2

EXQ2	Question to:	Question:	Response to Question on behalf of National Highways
DCO2.1	All Interested Parties and Statutory Undertakers	Residual Issues with the dDCO and Management Plans The dDCO is an important document and the ExA is under a duty to provide the SoS with a recommended version of the DCO. This is because the SoS is the decision maker. Therefore, even if the ExA were to recommend to the SoS that development consent should not be granted, the ExA must still append a recommended version of the DCO, thus it is important that the ExA is able to put forward the best DCO that it can. The dDCO has been revised four times during the examination to date. A proportion of what has been requested by interested parties has been included in the Order, another proportion has been addressed through the updating of associated management plans, and other elements the applicant has resisted with reasons. While the position of many interested parties and/or statutory undertakers may be that development	

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		consent should not be granted, without prejudice to your position, you are invited to: 1) Outline any remaining or residual issues that you have with any articles, requirements or schedules of the dDCO, set out why the applicant has not yet resolved your concerns or why you are not content with the applicant's justification, and define what remedy or solutions you are seeking (including suggested redrafting if applicable) to address your concerns, and explain (make your case) why the applicant, the ExA and the SoS should consider such amendments to the dDCO. Statutory Undertakers are also alerted to ExQ2 DCO2.23 which specifically relates to protected provisions.	1) On the dDCO the Applicant and NH have agreed additional details to be provided within the protective provisions for NH within Part 5 of Schedule 15 requiring details of any hedgerows and trees that are required to be removed or anticipated to be impacted by the cable or road works, details of any replacement hedgerows and trees and details of tree and hedgerow protective fencing. The changes required are the insertion of the following wording into the definition of detailed design information for both the road works and cable works: <i>"where relevant, details of any hedgerows and trees that are required to be removed or anticipated to be impacted by the [cable][road] works, details of any replacement hedgerows and trees and details of tree and hedgerow protective fencing;"</i> There are further changes to the list of articles that only should be exercised with NH's consent and which should be added to paragraph 53(3) and the rationale for these is explained in DCO2:23 below: • article 11 (construction and maintenance of altered streets); • article 25 (private rights); • article 33 (statutory undertakers); • article 34 (Apparatus and rights of statutory undertakers in closed or restricted streets); and • article 38 (Application of landlord and tenant law). Within ExQ2 the Examining Authority has noted National Highways' other requests: The inclusion of trees reference N/TPO7 in Schedule 12 and the addition of a definition of relevant highway authority in Article 2.

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			In respect of Requirements: Requirement 3, NH maintains its position that National Highways should be given an opportunity to review any variations to the approved documents and plans to ensure that any changes do not adversely impact the SRN. This is in the interest of maintaining the safe and efficient operation of the SRN Inclusion of drafting in red would address National Highways' concern. "Requirement 3 (1) The undertaker may submit any amendments to any approved document to the relevant planning authority for approval in consultation with National Highways and, following approval, the relevant approved document is to be taken to include the amendments approved under this paragraph." Requirement 5 needs to be expanded to include reference to works no 5a to ensure that it specifically includes the cable crossing works across the M4 that will also require the approval of National Highways prior to the commencement of those works. In addition, the works must be in accordance with DMRB standards. The inclusion of drafting in red would address National Highways' concern. "Requirement 5 5. No part of Work Nos. 1, 2 or 3 or 5a may commence until details of— (a) the layout; (b) scale; (c) proposed finished ground levels; (d) external appearance; (e) hard surfacing materials; and (f) vehicular and pedestrian access, parking and circulation areas,

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		2) Outline any remaining or residual issues that you have with any of the management plans/ documents listed below, set out why the applicant has not yet resolved your concerns or why you are not content with the applicant's justification, and define what remedy or solutions or amendments you are seeking to address your concerns within the drafting of the relevant management plan(s)/ document(s): • Outline Construction Environmental Management Plan (Latest Version, Revision 5 [REP4-049]) • Outline Operational Environmental Management Plan (Latest Version, Revision 5 [REP4-051]) • Outline Decommissioning Strategy (Latest Version, Revision 3 [REP3-096]) • Outline Soil Resources Management Plan (Latest Version, Revision 2 [REP3-098]) • Outline Site Waste Management Plan (Latest Version, Revision 2 [REP1-102]) • Outline Public Rights of Way and Permissive Paths Management Plan (Latest Version, Revision 1 [APP-282])	relating to that part have been submitted and approved by the relevant planning authority for that part. (5) Works No 5a must be carried out in accordance with The Design Manual for Roads and Bridges (DMRB) Chapter CD622 (Managing Geotechnical Risk). 2) On the management plans the Applicant has agreed to insert the following wording into the Operational Environmental Management Plan: <i>"The Applicant will engage with National Highways where any of the operational activities are proposed within close proximity or adjacent to the Strategic Road Network (SRN) or that could have an impact on the SRN including (without limitation) replacement activities. The Applicant will also consult National Highways if there are any changes or amendments to the operational environmental management plan that relate to operational activities within close proximity or adjacent to the Strategic Road Network (SRN) or that could have an impact on the SRN."</i> Similar wording is also to be included in the Outline Ecological Protection and Mitigation Strategy: <i>"The Applicant will engage with National Highways in relation to those parts of the ecological protection and mitigation strategy which relate to land within close proximity or adjacent to the Strategic Road Network (SRN) or that could have an impact on the SRN. The Applicant will also consult National Highways if there are any changes or amendments to the ecological protection and mitigation strategy which relates to land within close proximity or adjacent to the Strategic Road Network (SRN) or that could have an impact on the SRN."</i>

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		• Outline Landscape and Ecological Management Plan (Latest Version, Revision 2 [REP3-100]) • Outline Ecological Protection and Mitigation Strategy (Latest Version, Revision 4 [REP4-055]) • Outline Skills, Supply Chain and Employment Plan (Latest Version, Revision 1 [APP-285]) • Outline Battery Safety Management Plan (Latest Version, Revision 3 [REP3-106]) • Outline Construction Traffic Management Plan (Latest Version, Revision 4 [REP4-057]) • Outline Archaeological Mitigation Strategy (Latest Version, Revision 1 [APP-230]) • Outline Drainage Strategy (Latest Version, Revision 4, [REP4-021, REP4-023, REP4-025, REP4-027, REP4-029, REP4-031, REP4-033, REP4-035]) • Outline Water Resources Strategy (Latest Version, Revision 1 [APP-290])	With those insertions (and noting the ExA's addition requested to the Outline Construction Traffic Management Plan (ExQ2 TT2.4) NH has no further issues on the management plans/ documents listed.

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DCO2.27	The Applicant National Highways	Protective Provisions for National Highways In response to ISH4 Action Point 9 [REP4-087] the applicant provided a summary of negotiations with statutory undertakers on protected provisions. The ExA notes the applicant's statement that it is confident that protective provisions with National Highways will be agreed prior to the close of the examination. However, National Highways in its deadline 4 submission [REP4-098] states that whilst National Highways is content in principle with the protected provisions and Side Agreement reflecting the position agreed at Green Hill, National Highways 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 (ref NH-007). Notwithstanding ExQ2 DCO2.15 and DCO2.23 above, the ExA would welcome an honest and realistic position from the applicant and National Highways on the likelihood of agreeing protected provisions for Lime Down before the anticipated close of this examination on 21 October 2026, particularly noting the absence of any updates to the SoCG since deadline 2 [REP2-030].	NH can confirm that the protective provisions and side agreement that are in discussion with the Applicant are largely agreed subject to the changes highlighted in the response to ExQ2 DCO2.1 above. NH needs, however, to be satisfied that all its concerns have been addressed so that NH is certain that no further changes to the protective provisions are required. An update on NH's outstanding concerns is set out below and based on that update NH is highly confident that the protective provisions will be capable of being agreed in advance at the anticipated close of this examination on 21 October 2026. Updates to the Statement of Common Ground are being progressed. By way of update: - On the requirements where NH has sought to be a consultee and the Applicant has resisted this i.e.: R7 – landscape and ecological management plan R8 – ecological protection and mitigation strategy R10 (1) and (2) – fencing and other means of enclosure R11 – Surface and foul water drainage R13 – construction environmental management plan R14 – operational environmental management plan there is now agreement that NH's concerns will be addressed through updates to the relevant outline management plans as set out in NH's response to EXQ2 DCO2.1 above. NH's comments on Requirement 3 and 5 remain. - On the geotechnical specification for directional drilling in relation to Works 5a, NH can confirm that the Applicant's submission at Deadline 4 responding to NH's Deadline 3 submission is correct i.e. <i>"comments and documentation for</i>

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			<i>the CD622 M4 HDD crossing have been accepted by National Highways, and the Applicant is currently on finalising the submission pack for formal acceptance."</i> This just leaves an outstanding Information Request relating to several plots being 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 to enable NH to understand the impact of any interference with drainage and gully apparatus, easements, and conveyances. In this regard the shapefiles, which the Applicant has agreed to provide, are awaited.
DCO2.23	All Statutory Under-takers Wiltshire Council	Status and Proposed Revisions As per the examination timetable, all Statutory Undertakers and Wiltshire Council are requested to submit their proposed version of protective provisions that they wish to see included for their benefit in the dDCO but have not been agreed by the applicant. Please also set out why you are not content with the applicant's version in Schedule 15 of Revision 4 of the dDCO [REP4-004], and explain why the ExA and Secretary of State should prefer your suggested drafting.	Please see response to DCO2.1 above in terms of the amendments required to the protective provisions for the benefit of NH. In terms of the justification for the additional articles to be inserted into paragraph 53(3), as explained in NH's Written Representation [REP1-154]: Article 11 (construction and maintenance of altered streets): NH do not agree to deemed adoption and the Applicant would need to comply with the adoption and maintenance provisions included in NH's standard proposed protective provisions. The undertaker should not be able to absolve itself from responsibility in the way proposed by the article. The applicant should be required to obtain NH's consent in the event the activities affect the strategic road network or any land NH has an interest in. Article 25 (private rights) NH objects 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

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			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. 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. 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 exercising any powers that affect the SRN. information to assess the impact of the scheme on its interests in relation to those articles. The Applicant should obtain NH's consent before exercising any powers that affect the SRN; and 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.