

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 6: National Highways Limited's Comments on Responses 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 Applicant's Responses to the Examining Authority's second written questions and requests for information (ExQ2) issued on Monday 27 July 2026 [REP5-097]. NH does not respond separately to the Applicant's Response to Submissions Received at Deadline 4 [REP-098] as the latest position is addressed in NH's Response to Examining Authority's second written questions and requests for information (ExQ2), the responses below and the updated Statement of Common Ground which NH understands will also be submitted at Deadline 6.

2 Applicant's Responses to ExAQ2

EXQ2	Respondent	Question:	Applicant's Response	Response to Question on behalf of National Highways
DCO2.2	The Applicant	Article 2 – Interpretation Q1 National Highways [REP4-098] has requested that a definition of relevant highway authority is required to be included in the dDCO. The applicant is asked to include such a definition or explain why it is not necessary.	Article 2 already includes the requested definition, with article 2(1) providing: <i>"highway" and "highway authority" have the same meaning as in the 1980 Act;</i> The term "relevant" is not defined as its meaning is readily understood.	NH is content that this addresses its request.
DCO2.15	The Applicant	Multiple Requirements – National Highways National Highways [REP4-098] has reiterated its concern that it is not named a consultee in Requirement 3, whilst also maintaining that it must be added as a consultee to Requirements 5, 7, 8, 10, 11, 13, 14, 15, 16 and 20 to protect its position. The ExA seeks to understand from the applicant what issues would arise from acquiescing to National	National Highways is the statutory undertaker responsible for the strategic road network – a series of motorways and major A-roads that are the most heavily used part of the national highway network. National Highways operates under licence, issued by the Department for Transport. The core function of National Highways, as set out in the licence, is the operation and management of the strategic road network. The Scheme is a nationally significant infrastructure project with only limited	As per NH's response to ExQ2 NH is happy with the suggest approach. This just leaves the additions that NH have requested to Requirement 3 and 5 in its response to ExQ DCO2.1 [REP5-127].

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		Highways' request to be directly named in these Requirements.	interactions with the strategic road network. The interactions with the strategic road network are limited to the use of the SRN by construction traffic and the crossing of the SRN by the cable route corridor. Proportionate consultation and oversight for these aspects are provided for by the DCO. As a relevant highway authority, National Highways will be consulted under Requirement 15 (construction traffic management plan). The cable crossing is subject to the protective provisions for National Highways included in Part 5 of Schedule 15 to the draft DCO [REP4-004]. As relevant highway authority, National Highways will also be consulted in respect of decommissioning under Requirement 20. The Outline Construction Environmental Management Plan (CEMP) [REP4-049] makes further targeted provision for National Highways to be consulted on fencing, drainage, and dust creation, as well as any changes or amendments to an approved CEMP that have effect within 10 metres (or otherwise in the vicinity of) the SRN. As a result of ongoing discussions with National Highways, the Applicant has also amended the Outline Operational	

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			Environmental Management Plan [EN010168/APP/7.13] (Revision 6) and the Outline Ecological Protection and Mitigation Strategy [EN010168/APP/7.19] (Revision 5) submitted at Deadline 5 to include an obligation to consult with National Highways where activities are proposed within close proximity or adjacent to the SRN or that could have an impact on the SRN. The proportionate approach set out above ensures that National Highways is fully consulted on all matters under the Requirements that could impact the SRN, and the level of consultation is therefore consistent with National Highways' remit under its licence.	
DCO2.27	The Applicant National Highways	Protected 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 protected provisions with National Highways will be agreed prior to the close of the examination. However, National Highways in its deadline 4	National Highways requested an additional amendment to the protective provisions on 3 August 2026 together with some amendments to the outline management plans. The Applicant has responded and is awaiting final confirmation that the protective provisions and side agreement are now agreed. The Applicant remains confident that agreement will be reached prior to the close of the Examination.	The ExA has NH's response to this question in [REP5-127] and does not comment further.

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		submission [REP4-098] states that <i>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.</i> <i>Following NH's in principal approval, progress with the Applicant on requirements has been minimal (ref NH-007).</i> 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 [REP-030].		
EB2.18	The Applicant Wiltshire Council	Trenchless Techniques – Protection of Root Systems and Soil Structure National Highways response to ExQ1 NH-008 [REP4-098] refers to	The main risks to soil structure from cable installation are compaction by machinery and disruption due to excavation and reinstatement. With the trenchless system, these risks are largely confined to launch and reception pit areas only and	National Highways note Wiltshire Council's comments on this issue (response to ExQ2 EB2.18) [page 29 of [REP5-112]] that the information currently presented does not fully demonstrate that unacceptable impacts on retained and / or protected trees would be

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		concerns regarding the depth of trenchless techniques and the potential to damage root systems and/ or soil structure with respect to trees reference N/TPO7. National Highways remains unconvinced by the details of the applicant's approach and therefore considers these trees should form part of Schedule 12 of the DCO. <u>The Applicant:</u> You are requested to address National Highways' concerns regarding the proposed use of trenchless techniques in the vicinity of trees N/TPO7. Please identify: - the proposed minimum depths and offsets from root protection areas - the assessment undertaken to demonstrate that roots and soil structure will not be adversely affected - the management documents in which these controls would be secured - whether any amendments to dDCO Article 41, Schedule	the extent of disturbance to soil structures is therefore much less compared with open trench installation. The trenchless system is anticipated to install cables at up to 2m depth where the material is most likely to either be structureless clay or limestone rock, the structures of which would not be adversely affected. As stated in Table 4 of the Outline CEMP [REP4-049], HDD will be utilized to avoid damaging roots, maintaining a minimum depth of 1m to bypass the majority of roots, which typically exist in the upper 600mm of soil. All machinery used for trenchless solutions (e.g. HDD) will be situated outside the RPAs of retained trees. Entry and exit points for the trenchless solutions will be sited more than 15m from retained tree stems. Trenchless solution depths will exceed 1m under RPAs. Throughout construction, movement of machinery and storage of materials will be managed to prevent encroachment into RPAs.	avoided in all locations across the Order Limits. Wiltshire Council have requested: "the detailed design to consider the category of tree to ensure that there is no removal of any Category A tree to facilitate the HDD. A clear methodology for dealing with inadvertent drilling returns, bore collapse, settlement or other construction anomalies that may affect root protection areas is required. The Applicant should provide detailed trenchless crossing drawings showing entry and exit points, horizontal and vertical offsets from the Root Protection Area (RPA), and tree-specific assessments where trenchless techniques are proposed within or immediately adjacent to RPAs of Category A, Veteran, or Ancient trees, and protected trees subject to TPOs, thereby demonstrating that there will be no significant loss of rooting volume, and there is no unacceptable risk of soil fracturing, heave, settlement or desiccation affecting the structural rooting environment." National Highways endorse this request and require clarity on how this is to be secured. National Highways would want to be consulted on the details submitted where this relates to N/TPO7.

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		12, or relevant management plans are proposed to address National Highways' concerns. <u>Wiltshire Council:</u> Although trees NTTPO7 are located on National Highways land, please provide your professional opinion on whether the applicant has demonstrated that the proposed trenchless techniques generally across the Order limits would avoid unacceptable impacts on tree root systems and soil structure. If not, please specify: • what additional information is required • whether additional mitigation or controls should be secured • the mechanism by which such controls should be secured • any revised drafting considered to be necessary to the dDCO.	In the event that access is required, temporary ground protection will be employed to safeguard the tree roots. The above measures are included within ES Volume 3, Appendix 10-1 Arboricultural Impact Assessment and Outline Arboricultural Method Statement [APP-206], and apply to NiTP07. The Contractor is to comply with the measures set out in the Arboricultural Method Statement. A detailed Arboricultural Method Statement, based on post-DCO detailed design, will be produced prior to construction commencing and will be included within the detailed CEMP.	

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TT2.4	The Applicant	Outline Construction Traffic Management Plan Q2 ExQ1 TT1.11 asked National Highways to clarify whether deliveries to the proposed development through junctions 17 and 18 should take place after 09:30 and before 16:30 on weekdays (or some other times)? In its response [REP3-151], National Highways stated that due to existing levels of congestion, it is expected that no construction traffic would pass through junctions 17 and 18 of the M4 during the weekday morning (08:00-09:00) and evening (17:00-18:00) peak hours, therefore vehicles should not pass through these junctions until after 09:30 and before 16:30 on weekdays. This would logically mean that vehicles would be arriving on site later than 09:30 depending on the travel time from the M4 to the various site access points. The applicant is requested to review its oCTMP, particularly paragraphs 3.2.6 and section 3.4 to explicitly include the National Highways' requirement in relation to HGVs, as well as advise on any implications this may have on the construction	The Applicant makes note of this comment. The travel times between junction 17 and 18 and the scheme are all within 30 minutes travel time. Therefore, vehicles arriving 09:30 or departing at 16:30 will avoid travelling through junctions 17 and 18 of the M4 during the identified weekday morning (08:00-09:00) and evening (17:00-18:00) peak hours. The Statement of Common Ground with National Highways [REP2-030] set out an agreed position on the proposed construction hours set out in the Outline CTMP and the timing restrictions to avoid peak traffic periods, which would mean that deliveries could use the junction before 09:30 but outside of the AM (08:00-09:00) and PM (17:00-18:00) peak hours. On this basis, the Outline CTMP [REP4-057] remains unchanged on this matter.	NH is content that no update is required to the Outline CTMP

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		timetable and the construction traffic flows on the local construction route network if these strict times to avoid junctions 17 and 18 are imposed.		