

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Lime Down Solar Farm Limited for an Order granting Development Consent for the Lime Down Solar Project

Planning Inspectorate Reference Number: EN 010168

SUMMARY OF ORAL REPRESENTATIONS MADE ON BEHALF OF NATIONAL HIGHWAYS AT ISSUE SPECIFIC HEARING 7

1 INTRODUCTION

- 1.1 This document is a summary of the oral representations made on behalf of National Highways ("**NH**") at ISH7 held on Thursday 17 September 2026 at 9.30am

Agenda Item		NH's Response
Item 4	Outline Construction Environmental Management Plan (oCEMP)	In relation to HDD – NH confirmed that it is content with what is in the CEMP in relation to Horizontal Directional Drilling.

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SUMMARY OF ORAL REPRESENTATIONS MADE ON BEHALF OF NATIONAL HIGHWAYS AT COMPULSORY ACQUISITION HEARING 2 (CAH2)

1 INTRODUCTION

- 1.1 This document is a summary of the oral representations made on behalf of National Highways ("NH") at CAH2 held on Wednesday 23 September 2026 at 9.30am

Agenda Item		NH's Response
Item 6	Statutory Undertakers - Any Statutory Undertaker wishing to speak in relation to an objection or issue raised that is relevant to the effects of the proposed development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA. (Note that specific drafting issues with the protective provisions should be reserved for Issue Specific Hearing 9 on the draft Development Consent Order)	NH is now very close to agreeing Protective Provisions ("PPs") and a Side Agreement with the Applicant. One substantive issue remains outstanding which relates to the proposed extinguishment/inference with NH rights rather than specific drafting of the PPs. However, NH's view is that the potential way to resolve the issue may be via the PP's/Side Agreement. Accordingly there is a close correlation between NH's issue on the proposed extinguishment/inference with NH rights and finalising the PP's. Outstanding Issue The outstanding issue relates to plots listed in Part 3 of the Book of Reference where NH enjoys easements or other private rights over land which it is proposed shall be extinguished, suspended or interfered with. The relevant plots are 13-003 (rights under a Conveyance dated 14 February 1958) and 09-018, 09-019, 09-020 and 09-021 (rights in respect of drainage and gully apparatus). NH has, since its Written Representations [REP1-154], requested additional information about the works proposed on these plots and the nature of existing rights, so that it can assess the impact of the development on those rights. The Applicant has confirmed that supporting documents (such as the conveyance or easement deeds) are unavailable, provided additional utilities information and offered to provide utility line shapefiles instead so as to identify the location of the rights/apparatus affected. Shapefiles were provided on Monday this week, 20 September 2026. NH is reviewing the shapefiles. However, shapefiles alone are insufficient. NH still requires the information originally requested in its Written Representations — namely, details of the works proposed on these plots — in order to understand the impact of the development on its rights. That information has not yet been provided. NH's Position

		Without receipt of this information, NH is unable to ascertain the impact of the proposed compulsory acquisition powers on its rights and apparatus in the locations identified, and is therefore unable to finalise its PP's. NH seeks reassurance from the Applicant that the strategic road network will not be adversely affected by any interference with NH's rights in the locations identified. Pending resolution of this issue, NH hopes to be in a position to finalise PP's with the Applicant. The ExA sought confirmation that the parcels being referred to are the ones that are in the M4 and that NH are requesting information about how the works are to be undertaken. In response, NH confirmed that that NH's drainage and gulley rights could be affected by the works underneath the SRN. The Applicant's solicitor confirmed that the parties are nearly agreed on the PP's. It was also confirmed that the Applicant has provided the information it has available and that the Book of Reference takes a precautionary approach so where historic conveyances are revealed on the title, the Book of Reference refers to those even if it is not able to obtain a copy of the document. The Applicant confirmed it has also provided utility search information where there is known apparatus and this information is also included in the Book of Reference. The Applicant's solicitor confirmed that, in terms of how it is crossing the M4, separate discussions are taking place with NH in terms of the nature of that crossing and the technical details of that and that the PP's give NH's approval of the nature of that of that crossing. Accordingly, the Applicant's view is that NH would be able to take into consideration any drainage concerns as part of their approval of the technical detail of the crossing. The Applicant confirmed that it is checking whether any further information can be provided to NH but its position is that PP's are broad in terms of what they capture and so it thinks the point is covered. In light of the above, the ExA queried how the stalemate between the parties can be resolved. In response NH confirmed that whilst the Applicant's point is noted, and whilst pursuant to the PP's NH will be need to consent to the exercise of the CP powers, if the Applicant does not have the information now to satisfy NH, how can NH be confident that the Applicant will have that information in the future. On that basis, and with a view to avoid impacting any delivery timetable, it is considered better for all parties for NH to have a full understanding of both the location of the rights affected and details of the anticipated works on these plots so a view can be reached and any mitigation measures considered to protect the SRN.
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		The ExA noted that given the above, presumably all the risk is on the Applicant since if NH is not content, it will not issue consent under the PP's. In response, NH noted that whilst the risk is on the Applicant, since the drainage and gully easements/rights are underneath the M4, if there is further information it would be useful to for NH to have that now, notwithstanding that the PP's are NH's backstop. The ExA identified a "catch-22" situation: NH holds information about its own existing drainage arrangements on the M4 at this location, and it is not for the Applicant to supply that information back to NH. What NH is seeking is greater detail about the Applicant's proposed works and how they may affect drainage. The Applicant's position is that this level of detail is not yet available, as it falls within the detailed design stage, which comes later. The Applicant confirmed that they can only provide information about their own works and the potential interaction with drainage — not about NH' existing rights, which NH already holds. It was acknowledged that this creates a risk for the Applicant: if sufficiently detailed information cannot be provided at the appropriate time for NH to grant approval, the issue would need to be resolved then. However, no further information can be provided at this stage. The ExA pressed NH to seek to try to resolve the stalemate over the protected provisions, noting that: There is still a detailed design phase to come. If that phase takes the Applicant longer to complete, NH retains the ultimate safeguard — it can withhold consent if it is not satisfied with the detailed design. NH accepted that its concern was about understanding the nature of the works that could affect its drainage and gully rights. NH confirmed that if no further information is available at this stage, instructions to agree the protected provisions on the basis that no additional detail will be forthcoming would be sought. NH confirmed it has no other issues with the CA/TP of rights as set out in the Book of Reference.
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SUMMARY OF ORAL REPRESENTATIONS MADE ON BEHALF OF NATIONAL HIGHWAYS AT ISSUE SPECIFIC HEARING 9

1 INTRODUCTION

- 1.1 This document is a summary of the oral representations made on behalf of National Highways ("NH") at ISH9 held on Wednesday 23 September 2026 at 2pm and if required on Thursday 24 September 2024.

Agenda Item		NH's Response
2.3	Article 8 to 16 (in relation to streets) - Local Highway Authority and National Highways Protective Provisions	In relation to Article 8: NH confirmed that once Protective Provisions ("PPs") are agreed NH will be content with the wording in Article 8. NH and the Applicant are close to agreeing the PPs and NH agrees with the Applicant that there is no reason why the PPs will not be agreed before the end of the Examination. In relation to Article 10: NH confirmed that given the changes to the CTMP and the proposed PP's which are close to being agreed, NH are content that its previous concerns in relation to Article 10 will be dealt with.
2.4	Article 17 – Discharge of Water	Now agreed as Article 17 is now covered by NH's PP's so that the Applicant cannot exercise rights in Article 17 without the consent of NH.
2.6	Articles 40 and 41 – Felling and Lopping of Trees and Removal of Hedgerows and Trees subject to Tree Preservation Order	NH is content with Article 40. Its previous concern is addressed through PP's providing that the detailed information that needs to be submitted to National Highways is to include "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; In addition, this article has been added to paragraph 53(3) of National Highway's protective provisions in Part 5 of Schedule 15 so National Highways' consent is required were the article is to be exercised on the SRN or on land in which National Highways has an interest. The <i>Outline Ecological Protection and Mitigation Strategy</i> (EPMS) [REP1-106] has been updated to confirm that the Applicant will engage with National Highways in relation to those parts of the <i>ecological protection and mitigation strategy</i> 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. the outline Ecological Protection and Mitigation Strategy [APP-284]). There was some discussion in relation to Article 41 and in particular in relation to N/TPO7. The Applicant noted that this tree is located adjacent to the M4 motorway and it is therefore obviously concern that any works undertaken via the HDD in that location might interact with the tree. The Applicant noted that there is no need to fell N/TP07 and that commitment will be captured in one of the plans. The Applicant is checking and will confirm the relevant plan. It is understood that Wiltshire Council are reviewing the position and that a response from both the Applicant and the Council are anticipated at Deadline 7. NH are content with the position given it will have agreed PP's as per the Article 40 comments above. Post hearing note: NH's position is as set out above. Nonetheless, NH's reserves its position in relation to N/TPO7 pending receipt of Wiltshire Council and the Applicant's response anticipated at Deadline 7. If required, NH's further response following the additional information at Deadline 7 will follow at Deadline 8.
2.7	Schedule 2 – Requirements - Requirement 3: Consideration of insertion of National Highways as a consultee for any amendments to approved documents - Requirement 5: Consideration of the suggested insertion of Work No. 5a and associated text	Requirement 3:- The Applicant maintains its position that it does not consider it necessary to consult with NH on any amendment to any document. The Applicant confirmed that it does not think it will be able to agree this point with NH and noted that it is a point NH are taking across a range of DCO's. It is accepted that the Applicant has made the change to Schedule 16, which means that if NH are consulted on the original plan, they will be consulted on any changes. Additionally, where NH are specifically referred to in the requirements as a person to be consulted, it is accepted that NH will be consulted in that scenario. NHs' concern, however, relates to circumstances where changes are made to the approved documents — that is, the certified documents (for example, the works plans or the access to works plans) — and those changes have an impact on the strategic road network ("SRN"). In such cases, NH would not be consulted on those changes. It is those changes which could

	suggested by National Highways have a material effect on the SRN and therefore impact on NH's ability to maintain the safe and efficient operation of its network. NH has this issue outstanding on a number of DCOs with Island Green Power. However, there is an example of where such amendments have been approved in connection with a non-solar scheme, namely the London Luton Airport Expansion DCO. NH accepts that the Applicant may well wish to have consistency over its suite of DCOs, but there are other wider examples where National Highways have obtained changes to the DCO to ensure that it is consulted on changes to certified documents so as to protect the SRN. Post Hearing Note: NH are best placed to assess whether any amendment, however seemingly minor, may impact the SRN. However, NH agrees that it is not appropriate for the Applicant to consult with NH on every change to a certified document. Nonetheless, NH need to be satisfied that no amendments proposed affect the SRN or any of NH's interests. Accordingly, NH require a minor amendment to Requirement 3 which secures that NH are consulted on amendments to certified documents but only in relation to the operation of the SRN and any land that NH hold an interest. The following change in red below would address NH's concerns in light of the Applicant's comments at the hearing. The suggested change has been raised directly with the Applicant. (1) The undertaker may submit any amendments to any approved document to the relevant planning authority for approval (in consultation with National Highways where relevant, in the context of the operation of the Strategic Road Network or any of its interests in land), and, following approval, the relevant approved document is to be taken to include the amendments approved under this paragraph Requirement 5:- Despite being on the agenda, Requirement 5 was not considered. For completeness however, NH's position is set out below: Amendments are also required to Requirement 5 as set out in NH's Relevant Representations [RR 3426] to add work 5a to ensure that it specifically includes the cable crossing works across the M4 and to ensure NH are consulted before commencement of those works. Requirement 5 requires no part of works 1, 2,3 may commence until details of the layout, scale, proposed finished ground levels, external appearance, hard surfacing materials and vehicular and pedestrian access, parking and circulation areas relating to that part have been submitted and
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		approved by the relevant planning authority for that part. We are suggesting that the controls by the LPA are added to so that NH approves details where those matters relate to highway matters ie "and where the details relate to highways matters approved by the relevant highway authority for that part" at the end of 5(1). This is not a wholesale approval power but it is limited to where details relate to highway matters. Cables are a integral part of the scheme so it is appropriate for these elements to be controlled by this requirement. NH are requesting an additional layer of protection given the implications for the SRN. In addition, the works must be in accordance with DMRB standards. Post Hearing Note:- The above goes to the heart of NH's issue in relation to protecting the SRN including NH's drainage and gully assets as set out in the summary of oral submissions made at the CAH2. Being able to have visibility on detailed design is crucial for NH in order to protect its assets/infrastructure. In relation to DMRB, in other Solar DCO's (like The Drovers) the oCTMP has been updated to secure commitment in relation to DMRB. The same is requested here. The suggested change to Requirement 5 and the oCTMP has been raised directly with the Applicant.
Item 3	Protective Provisions The ExA will also invite statutory undertakers and other parties that would benefit from the protective provisions to comment on their outstanding issues, the steps/redrafting required to address those issues, and the implications if the applicant's draft protective provisions are retained in the recommended DCO	NH's position is as set out at CAH2 this morning. NH will take away the points raised at the hearing this morning for further discussion following which NH will try to seek agreement with the Applicant. NH have nothing further to add at this stage.

	submitted to the Secretary of State	
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