

**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010**

**GREEN HILL SOLAR FARM DEVELOPMENT CONSENT ORDER**

**PINS REFERENCE EN010170**

---

**WRITTEN SUBMISSION OF ORAL  
REPRESENTATIONS MADE ON BEHALF OF  
NATIONAL HIGHWAYS LIMITED AT 1SH3 AND  
CAH1**

---

## INTRODUCTION

This is a written submission made on behalf of National Highways Limited in respect of oral submissions made at Issue Specific Hearing 3 on The DCO and Compulsory Acquisition Hearing 1 held on Wednesday 10<sup>th</sup> December 2025.

ISH3	
Agenda Item 3.1	<p><b>Discussion of the draft Development Consent Order (dDCO), involving the applicant and other interested parties (IPs), including:</b></p> <p><b>a) The applicant to provide a brief explanation of its approach to the drafting of the dDCO [REP1-008] and the Explanatory Memorandum [REP1-010], and highlight any key changes made to the dDCO articles or schedules from the originally submitted version</b></p> <p><b>b) Any local authority comments concerning the drafting of the proposed articles and schedules</b></p> <p><b>c) Any comments from other IPs concerning the drafting of the proposed articles and schedules</b></p>
	<p>The DCO includes several articles which grant the Applicant powers over the Strategic Road Network ("SRN"). This could have significant safety implications if not properly and proportionately controlled through protective provisions and these matters are addressed under agenda item 3.2.</p> <p>For agenda item 3.1, it was otherwise noted that there are several Requirements included in Schedule 2 of the dDCO which NH has an interest and would expect to be consulted on. As noted on behalf of North Northamptonshire Council during ISH3 there are strict timescales for condition approvals depending on whether there is a named consultee, so any required consultation needs to be specified. The Applicant has pushed back on adding National Highway as a mandatory consultee.</p> <p>The specific Requirements of concern are set out in NH's written representation (REP1-180) from page 34. 3, 7, 8, 10, 11, 12, 13, 14, 15, 16 and 21. The Applicant has pushed back on adding National Highway as a mandatory consultee</p> <p>The site of the works is close to the A45. The protective provisions deal with road works, and the cable works on and beneath the SRN, but they do not deal with activities near the SRN.</p> <p>By way of example Requirement 10 requires approval of proposed temporary fences, walls, or other enclosures. There are construction compounds in the vicinity of the slip road onto the A45, and National Highways would be concerned about the details of those fences in terms of the ability for those to blow onto the Strategic Rail Network. At the moment there is no mechanism for NH to be involved in those considerations or discussions. If this is not secured through the Requirements it needs to be secured through another mechanism and that could be through the protective provisions which are being discussed with the Applicant.</p>

	<p>A further Requirement is Requirement 16 which deals with the Operational Traffic Management Plan; whilst this Requirement references traffic there is no reference to consultation with the highway authorities which is surprising. We also have condition 21 which deals with decommissioning, and which could involve significant activity which could affect the Strategic Road Network.</p> <p>Requirement 3 also includes the right for the Applicant to submit amendments to any approved document. NH may have been a consultee on the original approved document but then is not referenced in the approval of any amendments.</p> <p>Further detail as to why NH should be a consultee for the Requirements set out above is provided in NH's written representation (REP1-180).</p>
Agenda Item 3.2	<p>Update with respect to the protective provisions included in schedule 15 of the dDCO a) The applicant will be asked by the ExA to provide an update on the negotiations concerning protective provisions. b) Any comments from IPs attending ISH3 concerning protective provisions c) Any ExA questions concerning protective provision</p>
	<p>In the context of this hearing being on the dDCO, it was noted on behalf of NH that the DCO includes several articles which grant the Applicant powers over the Strategic Road Network. This could have significant safety implications if not properly and proportionately controlled through protective provisions. NH must have control over the operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset.</p> <p>The Deadline 1 dDCO [REP1-008] at paragraph 58(3) of Part 6 of Schedule 15 (Protective Provisions) does now provide that the Applicant should only be able to exercise certain powers in the dDCO with NH's consent, although there is currently a carve out for emergency access which is not agreed. These include articles 8 (street works), 10 (power to alter streets), 12 (temporary closure, restriction or prohibition of use of streets and public rights of way) and 16 (Traffic Regulation Measures).</p> <p>Paragraph 58(3) of Part 6 of Schedule 15 needs to be expanded to capture 14 (Access to Works), 17 Discharge of Water), and 20 (Authority to survey and investigate land).</p> <ul style="list-style-type: none"> <li>Article 14 provides the Applicant with powers to carry out works to form and lay out such means of access or to improve existing means of access at any location within the order limits. National Highways network; forms part of that order limit.</li> <li>Article 17 allows the applicant to use any watercourse, public sewer or drain for the drainage of water in connection with the authorised development. NH is concerned this provision potentially allows the applicant to make use of highway drainage infrastructure. This is not acceptable to NH, and the provisions of this article should exclude highway drainage.</li> <li>Article 20 allows the Applicant to enter any land within the order limits effected by the authorised development or enter on any land upon which entry is required to carry out monitor or survey in respect of the authorised development and carry out</li> </ul>

	<p>surveys or investigations, trial holes, bore holes, etc. NH must have control over the operations being carried out on its network and land.</p> <p>The protective provisions currently included in the dDCO are not agreed depart from NH's standard form in several respects including dealing with the settlement of NH's costs and indemnities. Discussions are continuing and we are due to meet with the Applicant. NH will continue discussions and will update the ExA on the further changes required at future deadlines if agreement is not reached</p> <p>It was confirmed that NH's concerns regarding deemed consent are now covered by the NHs' protective provisions in the updated dDCO.</p>
--	--

CAH1	
<b>Agenda Item 3.1</b>	<p><b>Summary of cases from Affected Persons attending CAH1 Affected persons (AP) attending CAH1 will be asked in turn by the ExA to summarise their cases with respect to the compulsory acquisition (CA) and temporary possession (TP) powers sought by the applicant. Affected persons in explaining their cases should explain whether they consider the powers sought by the applicant do or do not accord with conditions stated in section 122 (Purpose for which compulsory acquisition may be authorised) of the Planning Act 2008 and the 'Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land' (Department for Communities and Local Government, 2013).</b></p>
	<p>The book of reference as submitted by the Applicant identifies plots of land owned or occupied by NH for the purposes of its undertaking in respect of which compulsory acquisition powers are sought.</p> <p>The compulsory acquisition powers sought are described in the book of reference as Acquisition of Rights and Imposition of Restrictive Covenants and temporary possession. There are no proposals to permanently acquire the freehold interest of NH land.</p> <p>The land affected and included in the book of reference includes stretches of the A45, including the highway verge and central reservation, which is owned and occupied by NH for the purposes of its undertaking. NH's overall complaint is that to grant the Applicant possession powers over the Strategic Road Network would have significant safety implications if not properly and proportionately controlled through NH's approval processes. The expectation is that control is secured through the protective provisions.</p>

	<p>NH would not permit uncontrolled oversailing or works underneath its network which would originally have the protection of section 50 pursuant to the New Roads and Street Works Act 1991. NH would need to consider the safety implications of such work and its interface with NH's assets. NH would expect to have an approval role and for compulsory acquisition and temporary possession powers not to be exercised without its consent..</p> <p>The Deadline 1 dDCO at paragraph 58(3) of Part 6 of Schedule 15 does now provide that the Applicant should only be able to exercise the possession powers in the dDCO under Articles 21 (compulsory acquisition of land), 25 (private rights), 31 (temporary use of land for constructing the authorised development and 32 (temporary use of land for maintaining the authorised development) with NH's consent, although there is currently a carve out for emergency access which is not agreed. Missing from paragraph 58(3) is reference to article 24 (rights and restrictive covenants) and Article 30 which provides the applicant with the power to enter and use the subsoil or airspace over any part of NH's network within the order limits without NH's consent.</p> <p>Acquisition of Rights and Restrictive Covenants are sought in respect of plots: 12-127 and 12-128 which is part of the A45, highway verge and central reservation. There are a long list of rights beginning on page 94 of the Deadline 1 dDCO running to page 96. A number of these are rights are not limited to the sub-soil. NH require further understanding of how the acquired rights proposed by the Applicant will co-exist with NH interests. If the rights required are limited to the sub-soil cable crossing as indicated by the Applicant's representatives, then those plots should have their own entry with the specific rights listed in the schedule to the dDCO. Unless the rights are constrained in that way it cannot be said that the acquisition of those rights can be purchased without serious detriment to the carrying on of NH's undertaking as required by section 127(6) of the Planning Act 2008.</p> <p>Finally, NH would note that the Book of Reference has been updated to reflect NH comments regarding highway which has been detrunked and NH do not have any further comments.</p>
--	--