

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

GREEN HILL SOLAR FARM DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010170

**DEADLINE 3: NATIONAL HIGHWAYS'
COMMENTS ON THE APPLICANT'S RESPONSE
TO NATIONAL HIGHWAYS' WRITTEN
REPRESENTATION**

1 INTRODUCTION

- 1.1 This is a written submission made on behalf of National Highways ("NH"). The submission responds to the Applicant's comments on the Written Representation submitted on behalf of National Highways [REP1-180]. The Applicant's comments appear in **REP2-048** in section 3.1 on page 11. This part of the response table is incorrectly headed "National Grid Electricity Transmission Plc". Where National Highway's comments have simply been noted by the Applicant the Reference item does not appear in the table below.

2 NATIONAL HIGHWAYS' RESPONSE TO THE APPLICANT'S RESPONSE TO NATIONAL HIGHWAYS' WRITTEN REPRESENTATION

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
NH-002	Transport and Access	Trip generation	<p>NH currently objects to the DCO and the Authorised Development for the reasons set out below: (a) (b) NH has reviewed Chapter 13 – Transport and Access of the Environmental Statement, including the associated Transport Assessment. The construction phase is expected to generate the highest level of traffic associated with the development. NH is satisfied with the trip generation methodology, but the Applicant has not come back on NH's questions on Forecast Trips and Trip Distribution.</p> <p>Therefore, NH has been unable to fully assess the impact on construction traffic generation and routing on the SRN.</p>	This information was provided to National Highways on 11 November 2025. National Highways has confirmed that this is under review and further responses will be provided.	<p>The draft National Highways Statement of Common Ground [REP2-062] outlined agreement on a number of matters with regards to the transport and Traffic assessment of the Scheme. The key aspect still under discussion at that time related to the distribution of forecast construction traffic.</p> <p>Following discussions with the Applicant and clarification provided to National Highways regarding forecast construction traffic distribution, National Highways has determined that no further assessment of construction traffic impacts is required.</p> <p>Based on National Highways review, National Highways are now content with the assessment and consider that when considering the anticipated volume of construction trips affecting SRN junctions, the resulting impact is not significant. Accordingly, National Highways has no further comments on this matter.</p>
NH-003	Development Consent Order	Strategic Road Network	<p>NH requires additional information regarding the proposed works no 5A and 8A outlined in Schedule 1 to the draft order in relation to their impact on the strategic road network (SRN). The nature and scope of the proposed works effecting the SRN is currently unclear.</p> <p>Without the appropriate level of information, it is not possible to effectively assess or manage the potential impact on the SRN.</p> <p>In order to remove its objection, NH require details of the cable crossing marked HV_SP8562_002 on the Crossing Schedule (GH7.18) as part of the Examination including: the cable alignment, duct diameter, capacity (whether more than 1 cable is to be provided for future capacity increased or redundancy/ contingency), confirmation on all parts of our SRN or land NH have an interest in that will be impacted by the proposed work. Notwithstanding NH's Relevant Representation this information remains outstanding.</p> <p>In respect of Work No 8A, NH understand there is no direct access proposed from the SRN; however, the works to facilitate those access works at works no 8a will impact the SRN at specific locations due to a need to introduce temporary traffic management on the SRN. National Highways requires additional information from the applicant as part of the Examination to confirm the</p>	<p>As is typical for major planning applications and applications for development consent, the proposals for the Scheme are for an outline permission with the detailed design, subject to approval via the Requirements, to follow after the grant of consent. This approach is entirely typical of major infrastructure projects, including those promoted by National Highways (NH). It is well understood that a DCO will provide the broad powers and authorisations required to construct, operate, maintain and decommission the authorised development, with those powers being controlled by the Requirements and approved management plans (which must be substantially in accordance with the outline management plans). Where the authorised development interacts with statutory undertakers' assets, those statutory undertakers benefit from Protective Provisions which provide specific controls on the DCO powers that are relevant to that statutory undertaker and their assets.</p> <p>The detail requested by NH as to the cable alignment, duct diameter, and cable capacity has not yet been determined as this forms part of the detailed design of the Scheme. The outline proposal for which development consent is sought is to lay the grid connection cable (Work No. 5A) in the area shown on the Works Plan subject to the relevant provisions in the CDPP Revision A [REP1-151]. The Cable Route</p>	The Applicant's response is noted and National Highways are content to rely on the provisions included in the protective provisions which will ensure that National Highways has approval of the detailed design associated with these proposed works, subject to modifications being discussed with the Applicant.

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			<p>scope and impact of the proposed works in this area. This includes any planned physical changes to the network, general arrangements, all traffic management layouts/arrangement, and road space booking proposals.</p> <p>Notwithstanding NH's Relevant Representation this information remains outstanding.</p>	<p>Corridor provides a flexible width within which the cable may be sited, allowing for detailed design development and survey results to inform the micro-siting of the cable within the Corridor. Similarly, the DCO would provide an outline consent for Work No. 8A, being temporary works to the highway, including provision of accesses, with the design of the required road works and traffic management requirements to follow post-consent, as the detailed design of the Scheme is progressed.</p> <p>The purpose of the Protective Provisions, included at Part 6 of Schedule 15 of the Draft DCO Revision A [REP1-008] is to provide a framework for the Applicant to obtain, from NH, consent to any works that may affect the SRN. This framework includes for the provision of this detailed design information to be submitted to and approved by NH prior to commencing any works, ensuring there is no detriment to NH as a result of the fact that this level of detail cannot be provided at this time.</p>	
NH-004	Development Consent Order	Book of Reference	<p>The book of reference as submitted by the Applicant identifies 15 plots of land owned or occupied by NH for the purposes of its undertaking ("Plots") in respect of which compulsory acquisition powers are sought. The compulsory acquisition powers sought are described in the book of reference as Acquisition of Rights and Imposition of Restrictive Covenants and temporary possession ("Compulsory Powers"). Article 24, 27, 30, 31 and 32 include powers of compulsory possession or interference with existing rights or interests. To safeguard NH's interests and the safety and integrity of the Strategic Road Network ("SRN"), NH objects to the inclusion of the following Plots in the DCO and to Compulsory Powers being granted in respect of them:</p> <p>Temporary possession powers: 11-112, 11-114, 12-127, 12-134, 12-135, 12-149 and 12-150;</p> <p>Acquisition of Rights and Restrictive Covenants: 12-127 and 12-128.</p> <p>The Plots constitute land acquired by NH for the purpose of maintaining its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008. NH considers that there is no compelling case in the public interest for the Compulsory Powers over these Plots.</p>	<p>The Applicant refers NH to the Statement of Reasons [APP-019] which sets out the compelling case in the public interest for the inclusion of compulsory acquisition and temporary possession powers within the Draft DCO Revision A [REP1-008]. The Statement of Need also sets out the urgent need for the Scheme.</p> <p>Section 127 of the Planning Act 2008 (PA08) confirms that compulsory acquisition powers may be included over statutory undertaker land where the Secretary of State is satisfied that:</p> <p>(a) the land or right can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or</p> <p>(b) if purchased, the land can be replaced by other land belonging to or available for acquisition by the undertaker without serious detriment to the carrying on of the undertaking.</p> <p>Section 138 of the PA08 confirms that the Order may include provision for the extinguishment of statutory undertaker rights or removal of apparatus where the Secretary of State is satisfied that this is necessary for the purposes of carrying out the authorised development.</p> <p>The Applicant notes that NH has not indicated that it considers that the inclusion of the power to compulsorily acquire rights in NH's land would cause any serious detriment to its statutory undertaking. The Applicant considers that the inclusion of protective provisions for the benefit of NH within the Draft DCO Revision A [REP1-008] ensures that no serious detriment would be</p>	<p>As per the Representations made at CAH1 on behalf of National Highways the rights being sought over Plots 12-127 and 12-128 are far too wide for National Highways to be able to confirm that the rights are able to be acquired without material detriment as required by section 127 of the Planning Act 2008. NH understand that the Applicant is agreeable to narrowing the extent of the rights.</p> <p>Protective provisions for NH are included in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008], and provide a framework for NH to consent to any works to or affecting its assets.</p> <p>The Articles listed in Paragraph 58(3) needs to include all powers associated with compulsory acquisition and temporary possession; and reference to "save in an emergency should be removed".</p>

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				caused NH's undertaking from the inclusion of compulsory acquisition powers within the DCO as NH's consent is required prior to exercising such powers in respect of the SRN.	
NH-005	Development Consent Order	Protective Provisions	<p>The DCO includes a number of provisions which authorise the interference with statutory powers belonging to NH and/or grant the Applicant powers over the SRN which would have significant safety implications if not properly and proportionately controlled through NH's protective provisions. In addition to article 24, 31 and 32 referenced above, these include articles 8, 10, 12, 14, 16, 17, and 20. 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. By way of further explanation:</p> <p>(i) Article 8 gives the Applicant the power to break open the streets, place and keep apparatus in or under the street etc to those streets referred to at Schedule 4. Schedule 4 includes the A45 which forms part of the strategic network that NH is responsible for at the following locations marked on the Streets Plan (APP-010):</p> <ul style="list-style-type: none"> • Points 11c and 11d • Points 12o and 12n • Points 12i and 12m • Points 12e and 12f • Points 12g and 12h <p>NH understand that there is no intention to break open the street or place apparatus between Points 11c and 11d, Points 12o and 12n and Points 12i and 12m and so these should be removed from Schedule 4. Despite highlighting this in NH's Relevant Representation, the nature and scope of the proposed works between Points 12e and 12f and Points 12g and 12h remains unclear. NH's protective provisions need to govern arrangements for works on this part of the highway.</p>	<p>The Applicant refers NH to the Explanatory Memorandum Revision A [REP1-010], which provides a detailed explanation of each provision of the Draft DCO Revision A [REP1-008].</p> <p>As noted in response to NH-003, it is typical for a development consent order to grant broad powers which are then controlled and managed by the Requirements and the Protective Provisions. The protective provisions at Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] (and shared with NH on 4 November 2025) provide a framework requiring NH approval for works to or affecting the strategic road network.</p> <p>In respect of article 8 specifically, this provides a statutory right for the purposes of s48(3) and s51(1) of the New Roads and Street Works Act 1991 (NRSWA), which relate to the placing of apparatus and the inspection and maintenance etc of such apparatus in streets. This statutory right is provided specifically in respect of the authorised development. It is required in order to lay cables within the highway, including where this is carried out by trenchless methods such as hydraulic directional drilling (HDD) which do not require the breaking of the road surface. The Applicant does not agree that the points identified should be removed from the Schedules to the Draft DCO Revision A [REP1-008].</p> <p>The Applicant notes that this provision is widely precedented, and that the statutory right provided is subject to the provisions of sections 54 to 106 of NRSWA which deal with notice requirements, restrictions on works, safety measures, inspections, liability and information sharing. The statutory right is therefore no different to, for example, the statutory right to carry out street works granted by Schedule 4 to the Electricity Act 1989 to licence holders. Any street works would be carried out in accordance with the standard procedure provided for by NRSWA, and supplemented by the additional protections for NH in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] which include obtaining NH's consent prior to undertaking any works.</p>	<p>NH continues to understand that there is no intention to break open the surface of the A45 and works will be limited to the direction drilling for the laying of the cable and traffic management measures.</p> <p>Notwithstanding this National Highways are content to rely on the protective provisions, for NH included in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008], subject to modifications being discussed and in particular the words "save in an emergency should be removed" from paragraph 58(3).</p>
NH-006	Development Consent Order	Protective Provisions	Article 10 gives the Applicant has the power to temporarily alter the layout and carry out works to the streets specified in column 2 of the table in Part 2 of Schedule 5 which includes the A45. The works listed in	The Applicant does not agree that the points identified should be removed from the Schedules to the Draft DCO Revision A [REP1-008] . As noted above, the Draft DCO Revision A [REP1-008] provides broad powers in order to provide the necessary flexibility to carry out the	NH continues to understand that there is no intention to alter the layout and carry out works on the A45 and works will be limited to the direction drilling for the laying of the cable and traffic management measures.

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			<p>Part 2, Schedule 5 include the following points on the Streets Plan (APP-010):</p> <ul style="list-style-type: none"> Points 11c and 11d Points 12i and 12m Points 12n and 12o <p>NH understand that no works of alteration are proposed between these points, only traffic management. The points should, therefore, be deleted from Part 2 in Schedule 5. It is otherwise noted the dDCO provides that the Applicant must obtain NH's prior approval for works undertaken under this article in connection with the SRN at paragraph 60 of NH's protective provisions of the applicant's draft DCO. However, such consent should not be subject to deemed consent under article 47 (see below).</p>	<p>authorised development and respond to the development of the detailed design of the Scheme.</p> <p>These powers are then controlled by the Requirements and protective provisions. Protective provisions for NH are included in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008], and provide a framework for NH to consent to any works to or affecting its assets. Paragraph 58(3) provides that the Applicant must not, save in an emergency, exercise the powers in article 10 in relation to the SRN or NH's land without consent.</p>	<p>Notwithstanding this NH are content to rely on the protective provisions, for NH included in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008], subject to modifications being discussed and in particular the words "save in an emergency should be removed" from paragraph 58(3).</p>
NH-007	Development Consent Order	Protective Provisions	<p>Article 12 provides the Applicant with powers equivalent to a temporary traffic regulation order in connection with any road. It is noted that consent is required from the street authority before exercising those powers. However, such consent should not be subject to deemed consent under article 47. In addition, at sub paragraph 3 of Article 12, the Applicant has the power to temporarily close, prohibit the use of, restrict the use of, alter or divert those streets specified in column 2 of the table at schedule 6. The A45, forms part of the SRN referred to at schedule 6. NH requires further information regarding the proposed works listed in Part 1 schedule 6, 'Streets to be Temporarily Closed,' as the nature and scope remains unclear, specifically for the following locations on the streets plan (APP-010):</p> <ul style="list-style-type: none"> 24m section of Nene Valley Way (A45) between points 11c and 11d 19m section of Nene Valley Way (A45) between points 12l and 12m 20m section of Nene Valley Way (A45) between points 12o and 12n <p>The Applicant in required to consult with NH in this regard but does not require NH's consent.</p> <p>The Applicant should be required to obtain NH's consent in the event the activities effect the SRN or any land NH has an interest in line with paragraph 59(3) of the Protective Provisions annexed at Appendix 1. Such consent should not be subject to deemed consent under article 47 (see below).</p>	<p>The Applicant does not agree that the points identified should be removed from the Schedules to the Draft DCO Revision A [REP1-008]. As noted above, the Draft DCO Revision A [REP1-008] provides broad powers in order to provide the necessary flexibility to carry out the authorised development and respond to the development of the detailed design of the Scheme. These powers are then controlled by the Requirements and protective provisions. Protective provisions for National Highways are included in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] and provide a framework for NH to consent to any works to or affecting its assets. Paragraph 58(3) provides that the Applicant must not, save in an emergency, exercise the powers in article 12 in relation to the SRN or NH's land without consent.</p>	<p>NH are content to rely on the protective provisions, for NH included in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008], subject to modifications being discussed and in particular the words "save in an emergency should be removed" from paragraph 58(3).</p>

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NH-008	Development Consent Order	Protective Provisions	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. The Applicant should be required to obtain NH's consent in the event access is required to the SRN in accordance with paragraph 59(3) of the Protective Provisions annexed at Appendix 1. Such consent should not be subject to deemed consent under article 47 (see below).	<p>It is not anticipated that any works to form and lay out a means of access will be required on any of NH's land or affecting the SRN. Any such works would be "road works" as defined in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] and would be subject to the approvals process set out therein.</p> <p>It is noted that paragraph 58(8) provides that article 47 does not apply to any application for consent, agreement or approval required or contemplated by the provisions of Part 6.</p>	NH are content to rely on the protective provisions, for NH included in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008], but Article14 does need to be included in paragraph 58(3) and the words "save in an emergency should be removed" from paragraph 58(3).
NH-009	Development Consent Order	Protective Provisions	<p>Article 16 provides the Applicant with powers equivalent to a temporary traffic regulation order in connection with any road. Consent is required from the traffic authority before exercising those powers however such consent should not be subject to deemed consent under article 47. In addition, at sub paragraph 2 the Applicant has the power to temporarily place traffic signs and signals on those roads specified in column 2 of the table at schedule 8. NH requires further information regarding the proposed works listed in the schedule at the following points on the Streets Plan (APP- 010) as the nature and scope and duration of the proposed works remains unclear:</p> <p>11c and 11d, 12e and 12f, 12g and 12h, 12n and 12o and 12i and 12m.</p> <p>The dDCO allows the Applicant to exercise their powers at article 16(2) without the consent of NH and provides the applicant with deemed approval under section 65 1984 Act. NH must have control over the placing of signage on its network. The Applicant should be required to obtain NH's consent for any signage on the SRN secured through paragraph 59(3) of the Protective Provisions annexed at Appendix 1.</p>	<p>As noted above, as is typical for projects requiring development consent, detailed design information is not available at this time. Any temporary traffic measures would be "road works" as defined in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] and would be subject to the approvals process set out therein.</p> <p>Paragraph 58(3) provides that the Applicant must not, save in an emergency, exercise the powers in article 16 in relation to the SRN or NH's land without consent. It is also noted that paragraph 58(8) provides that article 47 does not apply to any application for consent, agreement or approval required or contemplated by the provisions of Part 6.</p>	NH are content to rely on the protective provisions, for NH included in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] , subject to modifications being discussed and in particular the words "save in an emergency should be removed" from paragraph 58(3).
NH-010	Development Consent Order	Protective Provisions	<p>Article 17 this article 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.</p> <p>Article 20 this article 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 in order to carry out monitor or survey in respect of the authorised development and , carry out surveys or investigations, trial holes, bore holes, ecological or archaeological investigations and place leave or remove apparatus on land in this regard. NH must have control</p>	<p>It is not anticipated that any works to connect to NH's highway drainage infrastructure will be required for the Scheme. Should this change, any such works would be "road works" as defined in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] and would be subject to the approvals process set out therein. Similarly, surveys carried out pursuant to article 20 also fall within the definition of "road works" and be subject to the same approvals process.</p> <p>It is noted that paragraph 58(8) provides that article 47 does not apply to any application for consent, agreement or approval required or contemplated by the provisions of Part 6.</p>	NH are content to rely on the protective provisions, for NH included in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] , but Article17 and 20 do need to be included in paragraph 58(3) and the words "save in an emergency should be removed" from paragraph 58(3).

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			over the operations being carried out on its network and land it has an interest in. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the applicant should be required to obtain NH's consent in the event of any access or works under this article affecting the SRN or any land National Highways has an interest in. This should be secured through paragraph 59(3) of the Protective Provisions annexed at Appendix 1.		
NH-011	Development Consent Order	Protective Provisions	<p>In terms of article 47 which provides for deemed approval where NH does not provide its consent or approval to any provisions under the order within 6 weeks of it being requested where no response is received.</p> <p>(A) 6 weeks is not considered a reasonable period of time to consider every application that may come through under this DCO, some may be more involved than others. 8 weeks would be considered reasonable.</p> <p>(B) In any event, NH is concerned with the deemed consent given the safety implications of works being carried out to or under the strategic road network that may have bypassed its approval processes. This is a fundamental issue of public safety that should not be compromised to enable a private developer to achieve a quicker build programme. NH has statutory obligations to behave reasonably and support sustainable development and so it should not be forced to work under the pressure of deemed consent. The potential implications from a safety perspective of something going wrong far outweigh the Applicant's case for such a provision</p> <p>(C) Inclusion of paragraph 59(8) of NH's proposed protective provisions at appendix 1 would address NH's concerns which would seek to disapply article 47 in the context of any consent relating to the strategic road network.</p> <p>The effect of this is to prevent the Promoter from exercising powers over the SRN or land in which NH has an interest without deemed consent applying. The justification is to ensure open dialogue between the parties so that NH has 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. As a public body, NH is under a duty to act reasonably, and this is expressly provided for in paragraph 59(5) of NH's protective provisions at Appendix 1.</p>	<p>As noted above, paragraph 58(8) of Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] provides that article 47 does not apply to any application for consent, agreement or approval required or contemplated by the provisions of that Part.</p> <p>Any application to NH for consent or agreement will be managed entirely by the protective provisions in Part 6.</p>	This matter is now resolved by the wording included in paragraph 58(8) of Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008]

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NH-012	Development Consent Order	Protective Provisions	<p>There are a number of Requirements included in Schedule 2 of the dDCO which NH has an interest and would expect to be consulted namely Requirements 3, 7, 8, 10, 11, 12, 13, 14, 15, 16 and 21. Reference to consultation with NH is required to be added to these Requirements.</p> <p>The protective provisions currently included in the dDCO are not agreed by NH. Inclusion of NH's protective provisions in a form acceptable to NH (as set out in Appendix 1) are required to ensure the necessary information is provided at the relevant stages and that NH's consent is obtained wherever access or works are to take place over any part of the SRN or land in which NH has an interest.</p>	<p>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 Requirement 15. The Applicant has also updated the OCTMP Revision A [REP1-145] to require consultation with NH in the event a closure or restriction of public rights of way near to the strategic road network are contemplated. The Applicant agrees that protective provisions are the appropriate mechanism to manage the interaction of the Scheme with NH' assets.</p>	<p>NH is no longer pursuing a change to the dDCo to include NH as a statutory consultee in relation to Requirements 7, 8 or 12.</p> <p>In relation to the other Requirements NH maintains its position that it should be consulted and is discussing with the Applicant how approvals may be secured through the outline documents or protective provisions and will update the ExA accordingly.</p>
NH-014	Development Consent Order	Protective Provisions	<p>This range of duties demonstrates that NH must always protect road users/the SRN and ensure the SRN retains its integrity, is free from hazard/safe to use and is available for continual uncongested use all year round subject to precise terms of its Network Management Duty which means NH is duty bound to consider carefully any activity that has the potential to impact on any of NH's statutory duties.</p> <p>As a minimum, therefore, where there is the potential for impact to the SRN the following needs to be secured:</p> <ul style="list-style-type: none"> (a) that NH be held harmless from the impact of third party development; (b) that NH procedures put in place for the protection of property and persons are adhered to in accordance with NH's strict requirements on network occupancy; (c) that any works carried out to the highway, on NH land, underneath the highway, above the highway and to apparatus forming part of the highway estate should be certified by NH and approved by NH on completion of the works; (d) that financial provision should be put in place to ensure that in the event of the Applicant commencing works which may impact the SRN (including for example, underground works beneath the SRN or oversailing above it) and falling into financial difficulty or defaulting on completion of the works, NH has the resources needed to put the SRN and the highway estate into the position it was in before the Applicant commenced works; 	<p>The comment is noted. Protective provisions for NH have been included at Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] and continue to be discussed.</p>	<p>The Applicant's comment is agreed. The protective provisions remain to be agreed but discussions are continuing and an updated will be provided at the next deadline.</p>

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			<p>(e) that NH be indemnified for any loss or damage to the SRN or the highway estate as a result of the works;</p> <p>(f) that the Applicant requests approval from NH before exercising any powers under the dDCO in relation to the SRN or the highway estate (such approval not to be unreasonably withheld) to enable proportionate rights and reservations to be secured for the protection of the SRN through private treaty;</p> <p>(g) that emergency procedures be agreed for NH to access the SRN to carry out works or remove dangerous obstacles resulting from the Authorised Development which pose a risk to life.</p> <p>These provisions are included in the NH protective provisions.</p>		
NH-015	Development Consent Order	Protective Provisions	<p>NH considers that without the NH protective provisions, there is a considerable risk of serious detriment to the SRN, as any damage or injury to the SRN or wider highway estate would require funding to rectify that is not within NH's budget. There is no recourse to public funding for emergency works of this nature and a reserve of funding is not available. Without prejudice to whether the Authorised Development would cause a serious detriment to the SRN, it remains the case that the public purse should not be left to meet or subsidise costs of impacts caused by third party development to the SRN.</p> <p>Further, NH's estate comprises more than just the corpus of the highway (the 'top two spits'). Unlike local roads, where the local highway authority typically controls only the highway strata and sufficient vertical limits above and beneath the highway to maintain necessary apparatus and street furniture, in most cases NH controls the freehold of the land beneath the highway to the centre of the earth and to the heavens above. This estate is held for the benefit of the statutory undertaking, to ensure that the SRN is not compromised and that maintenance or improvement works at any required depth can take place free from risk of trespass or ransom.</p>	The Applicant recognises that serious detriment to NH's undertaking could occur if protective provisions were not included in the DCO. For this reason, protective provisions for the benefit of NG have been included at Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] .	The Applicant's comment is agreed. The protective provisions remain to be agreed but discussions are continuing and an updated will be provided at the next deadline.
NH-016	Development Consent Order	Works Plan	The authorised development is situated between the towns of Northampton and Wellingborough and shares boundaries with the A43, A45, A509 and A428, of which the A45 is part of the Strategic Road Network. We also note that Cable Corridor 2 (CC2), which connects Green Hill E and Green Hill BESS (as referred to within the transport assessment (APP-151) runs adjacent to and under the A45. The Authorised Development includes	Please refer to the Applicant's response to NH-003, above. The requirement that the cable works comply with The Design Manual for Roads and Bridges (DMRB) Chapter CD622 (Managing Geotechnical Risk) is found in paragraph 58(2)(c) of Part 6 to Schedule 15 of the Draft DCO Revision A [REP1-008] .	The Applicant's comment is noted. The protective provisions remain to be agreed but discussions are continuing and an updated will be provided at the next deadline.

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
			<p>Works no 5a and 8a in the DCO which will interface with the A45 Trunk Road and is therefore of interest to NH:</p> <p>Works No 5a</p> <p>We welcome continued engagement from the Applicant to understand how the cable route will interact with National Highways' assets. In order to remove its objection, National Highways require details of the cable crossing marked HV_SP8562_002 on the Crossing Schedule (GH7.18) including: the cable alignment, duct diameter, capacity (whether more than 1 cable is to be provided for future capacity increased or redundancy/contingency), confirmation on all parts of our SRN or land NH have an interest in that will be impacted by the proposed work. The soil management plan and construction traffic management plan appear to have too high level information for us to understand how our SRN would be impacted.</p> <p>The details set out at paragraph 4.2 need to be agreed with National Highways in order for NH to remove its objection to the scheme.</p> <p>Any proposed directional drilling under our network will require compliance with The Design Manual for Roads and Bridges (DMRB) Chapter CD622 (Managing Geotechnical Risk). We advise the applicant to review the requirements of CD622, which can be found on the Standards for Highways website. NH will also need to approve the design information in relation to works No 5a to ensure NH's assets will not be compromised by the authorised works.</p> <p>National Highways protective provisions secure this approval and NH's requirements.</p>		
NH-017	Transport and Access	Detailed Design Protective Provisions	<p>We understand there is no direct access proposed from the SRN; however, the works to facilitate those access works at works no 8a will impact the SRN at specific locations due to a need to introduce temporary traffic management on the SRN. This includes access CR15 marked on the Access to Works Plan (APP-012), located south of the A45 on Grendon Road, and access points CR12 and CR13, also referenced on the Access to Works Plan (APP-012), located off the A45 eastbound slip road at B573 Earls Barton Road. These relate to the access for the construction compound CC2 as described in the transport assessment. (APP-151).</p> <p>National Highways requires additional information from the applicant to confirm the scope and impact of the proposed works in this area. This includes any planned physical changes to the network, general arrangements,</p>	<p>Please refer to the Applicant's response to NH-003, above. The detailed design information required to be provided to NH for any road works include, at (a)(vii) traffic signs and road markings, at (viii) traffic signal equipment and associated signal phasing and timing detail, and at (xv) any proposed departures from DMRB standards. Paragraph 58 of Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] requires the Applicant to obtain National Highways' prior approval for road works, including the detailed design information.</p>	<p>The Applicant's response is noted and National Highways are content to rely on the provisions included in the protective provisions which will ensure that National Highways has approval of the detailed design associated with these proposed works, subject to modifications being discussed with the Applicant.</p>

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
			<p>all traffic management layouts/arrangement, and road space booking proposals.</p> <p>All works effecting the SRN must be carried out in accordance with permanent design standards and designed to full compliant standard with Design Manual for Roads and Bridges, Manual of Contract Documents for Highway Works and Traffic Signs Regulations and General Directions to ensure the safety and integrity of the SRN. This needs to be reviewed and agreed with National Highways.</p> <p>The requirements for this information are set out within National Highways protective provisions.</p>		
NH-018	Development Consent Order	Compulsory Acquisition	<p>The Applicant's draft DCO includes powers of temporary possession and the acquisition of rights in respect of the land interests owned by NH as set out in the table below referred to in the book of reference.</p> <p>It is noted there are no proposals to permanently acquire the freehold interest of NH land. The proposal is to acquire rights over some of NH's plots. It is unclear whether the new rights can co-exist with the NH interests in the plots or whether NH's interests will be extinguished. NH require further understanding of how the acquired rights proposed by the Applicant will co-exist with NH interests. If NH interests can co-exist with the rights proposed by the Applicant, NH can withdraw its concern in this regard however if NH interests are to be extinguished by the order NH would maintain its objection.</p> <p>The Applicant is seeking to temporarily possess some plots of land that NH own the freehold interest to. The A45 crosses these plots. NH seeks clarity from the Applicant on the reasons temporary possession of this land is sought when article 10 of the DCO would provide the Applicant with the powers to carry out the highway works.</p> <p>The title of some of the plots of land in the table below (where this paragraph is referred to) are listed on the Land Registry in the name of National Highways Ltd. These plots are subsoil to parts of the highway network. The highway has been de-trunked pursuant to an order under section 10 of the Highways Act 1980 and is no longer part of the Strategic Road Network⁵. By virtue of Section 265 of the Highways Act 1980, the de-trunking order has transferred ownership of the operational highway including the subsoil, to the Local Highway Authority (LHA). This means that ownership of these plots is vested in the LHA.</p> <p>The transfer of the registered proprietorship is an administrative exercise that is yet to be undertaken.</p>	<p>Please refer to the Applicant's response to NH-003, above.</p> <p>Paragraph 58(3) provides that the Applicant must not, save in an emergency, exercise the powers in article 31 or 32 (which relate to temporary possession) in relation to the SRN or NH's land without consent. Paragraph 72(3) of Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] provides that the Applicant must acquire or use land, acquire new or existing rights, impose or extinguish restrictive covenants, extinguish rights held by NH or interfere with apparatus of NH, unless NH has consented to this.</p> <p>The Applicant recognises that the ownership, maintenance and responsibility for the operation of local roads (primarily the detrunked A43) rests with the local highway authority. However, as the administrative process to transfer title in the land to the local authority has not been completed, NH continues to be legal owner pursuant to the titles registered with the land registry. To ensure complete accuracy of the Book of Reference Revision A [REP1-012], both the effective interest of the local highway authority, and the legacy but persisting interests of NH in the registered titles, is recorded.</p>	Please see summary of oral representations at CAH1.

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
			Ownership, maintenance, and responsibility for the operation of these roads and land transferred to the LHA and the LHA should be consulted in relation to the possession of these plots. The book of reference should be updated at the next iteration to reflect the legal ownership.		
NH-019	Development Consent Order	Protective Provisions	<p>Whilst the protective provisions included in the Applicant's draft DCO for NH's benefit, include some protections for NH, concerns do remain in relation to the form of those protective provisions and some of the articles. The form of protective provisions included at Appendix 1 of NH's Relevant Representation would address some of those concerns as explain further below. By way of further explanation, the dDCO includes a number of provisions which authorise the interference with statutory powers belonging to NH and/or grant the Applicant powers over the SRN which would have significant safety implications if not properly and proportionately controlled through NH's protective provisions. As the highway authority NH must have control over the operations being carried out on and under its network in order to comply with its duty to co-ordinate the execution of works of all kinds (including works for road purposes) under section 59 of the New Roads and Street Act 1991. Road space booking will be required in connection with any works affecting the SRN so NH can comply with this duty. This is critical from a safety perspective and to protect the structure of the street and the integrity of apparatus in it. Therefore, the applicant should be required to obtain NH's consent in the event the activities effect the strategic road network or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 59(5) of NH's proposed protective provisions at Appendix 1. Inclusion of paragraph 59(3) of NH's proposed protective provisions would address NH's objection to this article, which requires the applicant to obtain NH consent before exercising their right under the articles identified. Such consent should also not be subject to deemed consent under article 47 and paragraph 59(8) disapplies article 47 as explained in the table below. The following articles are of specific concern to NH:</p>	As set out above, the Applicant is confident that the protective provisions in Part 6 of Schedule 15 to the Draft DCO Revision A [REP1-008] provide appropriate protection for NH's statutory undertaking. The concern of NH that the exercise of the DCO powers could cause a safety issue is wholly unfounded, for the reasons set out in detail above.	<p>Unfettered access and possession of the A45 could have significant safety concerns.</p> <p>The protective provisions remain to be agreed but discussions are continuing and an updated will be provided at the next deadline.</p>
NH-020	Transport and Access	Draft DCO Requirements	<p>NH 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.</p> <p>Inclusion of drafting in red would address NH's concern.</p>	Please refer to the Applicant's response to NH-012, above	NH maintains its position that it should be consulted in respect of potential effects on the strategic road network for the reasons noted in its Written Representation..

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
			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		
NH-021	Transport and Access	Draft DCO Requirements	<p>Requirement 7 (1) No part of the authorised development may commence until a written landscape and ecological management plan has been submitted to and approved by the relevant planning authority in consultation with National Highways for that part or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities in consultation with Natural England.</p> <p>NH should be given an opportunity to review the landscape and ecological management plan in the interest of the safe and efficient operation of the SRN and to protect the soft estate of the SRN from potential ecological or landscape-related impacts. Inclusion of drafting in red would address NH's concern.</p>	Please refer to the Applicant's response to NH-012, above	NH is no longer pursuing a change to this Requirement.
NH-022	Transport and Access	Draft DCO Requirements	<p>Requirement 8 (1) No part of the authorised development may commence until a written ecological protection and mitigation strategy has been submitted to and approved by the relevant planning authority in consultation with National Highways for that part or, where the phase falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities in consultation with Natural England.</p> <p>NH should be given an opportunity to review the ecological protection and mitigation strategy to ensure appropriate ecological safeguards are implemented and maintained, with consideration of potential impacts on the SRN. Inclusion of drafting in red would address NH's concern.</p>	Please refer to the Applicant's response to NH-012, above	NH is no longer pursuing a change to this Requirement.
NH-023	Transport and Access	Draft DCO Requirements	<p>Requirement 10 (1) No part of the authorised development may commence until written details of all proposed temporary fences, walls or other means of enclosure, including those set out in the construction environmental management plan, for that part have been submitted to and approved by the relevant planning authority in consultation with National Highways or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities.</p> <p>(2) No part of the authorised development may commence until written details of all permanent fences, walls or other means of enclosure for that part have been</p>	Please refer to the Applicant's response to NH-012, above	NH maintains its position that it should be consulted for the reasons noted in its Written Representation.

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
			<p>submitted to and approved by the relevant planning authority in consultation with National Highways or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities.</p> <p>NH should be given the opportunity to review the details of any proposed fences, walls or enclosures if within the vicinity of the SRN for reasons of safety, liability, and maintenance and to ensure compliance paragraph 57 of DfT Circular 01/2022 which sets out any structures “must be located outside of the highway boundary of the SRN. In general terms, structures should be sited sufficiently far from the highway boundary of the SRN so that they cannot topple on to the SRN or undermine its geotechnical integrity”</p> <p>Inclusion of drafting in red would address NH’s concern.</p>		
NH-024	Transport and Access	Draft DCO Requirements	<p>Requirement 11 No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system for that part have been submitted to and approved by the relevant planning authority in consultation with National Highways.</p> <p>NH should be given the opportunity to review the details of the surface water and foul water drainage system to ensure the integrity of the SRN drainage infrastructure is not interfered with and that any plans are in accordance with DfT Circular 01/2022. Please see NH comments at article 17 above. Particular attention must be given where the drainage is adjacent to the SRN or National Highways land, as changes in water management could directly affect the SRN asset. No surface water run-off from the development shall be discharged into the SRN drainage systems.</p> <p>No new drainage connections from third-party developments will be permitted Inclusion of drafting in red would address NH’s concern.</p>	Please refer to the Applicant’s response to NH-012, above	NH maintains its position that it should be consulted for the reasons noted in its Written Representation.
NH-025	Transport and Access	Draft DCO Requirements	<p>Requirement 12 (2) No part of the authorised development may be commenced until a written scheme of investigation for that part has been submitted to and approved by the relevant planning authority in consultation with National Highways or, where the part falls within the administrative areas of multiple planning authorities, each of the relevant planning authorities.</p> <p>NH should be given the opportunity to review the details of the archaeological assessment to ensure appropriate archaeological assessment and mitigation, so NH may share knowledge where its own development may have</p>	Please refer to the Applicant’s response to NH-012, above	NH is no longer pursuing a change to this Requirement.

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
			previously impacted unidentified assets Inclusion of drafting in red would address NH's concern.		
NH-026	Transport and Access	Draft DCO Requirements	<p>Requirement 13 No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority in consultation with National Highways or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities.</p> <p>NH should be given the opportunity to review the details of the construction environment management plan to ensure mitigation of environmental impacts during the construction phase and to ensure the SRN is not adversely affected by noise, dust, or other construction related issues. Inclusion of drafting in red would address NH's concern.</p>	Please refer to the Applicant's response to NH-012, above	NH maintains its position that it should be consulted not least as the outline of this plan cross refers to the CTMP and vice versa.
NH-027	Transport and Access	Draft DCO Requirements	<p>Requirement 14 (1) Prior to the date of final commissioning for any part of the authorised development, an operational environmental management plan for that part must be submitted to and approved by the relevant planning authority in consultation with National Highways or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities.</p> <p>NH should be given the opportunity to review the details of the operational environment management plan to ensure the management of long-term environmental risks associated with the site and ensure ongoing protection of the SRN. Inclusion of drafting in red would address NH's concern.</p>	Please refer to the Applicant's response to NH-012, above	NH is no longer pursuing a change to this Requirement.
NH-028	Transport and Access	Draft DCO Requirements	<p>Requirement 15 (1) No part of the authorised development may commence until a construction traffic management plan for that part must be submitted to and approved by the relevant planning authority in consultation with National Highways or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities.</p> <p>NH should be given the opportunity to review the details of the construction management plan to manage the construction traffic and vehicle movements safely and efficiently, minimising disruption and potential hazards to the SRN. Inclusion of drafting in red would address NH's concern.</p>	Please refer to the Applicant's response to NH-012, above	NH understand that the Applicant is now prepared to include NH as a consultee.

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
NH-029	Transport and Access	Draft DCO Requirements	<p>Requirement 16 (1) Prior to the date of final commissioning of the authorised development, an operational traffic management plan must be submitted to and approved by the relevant planning authority in consultation with National Highways or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities.</p> <p>NH should be given the opportunity to review the details of the operational traffic management plan to ensure that traffic generated during the operation of the development does not adversely affect the safety or capacity of the SRN. Inclusion of drafting in red would address NH's concern.</p>	Please refer to the Applicant's response to NH-012, above	NH understand that the Applicant is now prepared to include NH as a consultee.
NH-030	Transport and Access	Draft DCO Requirements	<p>Requirement 21 (6) No decommissioning works must be carried out until the relevant planning authority has approved the decommissioning plan submitted in relation to those works, in consultation with the Environment Agency and National Highways.</p> <p>NH should be given the opportunity to review the details of the decommissioning plan. This should include a transport assessment and construction environmental impacts to ensure that the decommissioning process will not adversely affect the SRN. This is particularly important where restoration to previous site use is proposed. Inclusion of drafting in red would address NH's concern.</p>	Please refer to the Applicant's response to NH-012, above	NH maintains its position that it should be consulted and is discussing with the Applicant how approvals may be secured through the outline documents or protective provisions and will update the ExA accordingly.
NH-031	Transport and Access	Cumulative Peak traffic flows	<p>The Authorised Development will also interface with the Strategic Road Network in the following way:</p> <p>(a) Traffic and Transport – Construction Phase National Highways have reviewed Chapter 13 – Transport and Access of the Environmental Statement (APP-050), including the associated Transport Assessment provided by the Applicant. NH offers the following comments which have also been shared with the Applicant:</p> <p>The consultant has considered relevant development policies, including the National Planning Policy Framework and Strategic Road Network guidance, in the preparation of the Transport Assessment. However, NH note that 2029 has been used as the forecast year for cumulative impact assessment. NH requires clarification on this selection, as peak construction activity may occur earlier and some assumed highway improvements may not be in place at that time.</p>	<p>Please refer to the Applicants response to comment 'NH-053' in The Applicant's Responses to Relevant Representations [REP1-161].</p> <p>The Applicant acknowledges that the trip generation methodology is agreed. The further information requested was provided to National Highways on 11 November 2025. National Highways has confirmed that this is under review and further responses will be provided.</p>	Please see NH's response to NH-002

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
			<p>NH note that the construction of the scheme is anticipated to commence in 2027 and be completed by 2029. The construction phase is expected to generate the highest level of traffic associated with the development.</p> <p>NH has asked the Applicant provide further clarification regarding the use and justification of proxy site data, the construction traffic generation, and trip distribution at key SRN junctions (A14 Junction 2 (A14 – A508 Junction), A14 Junction 8 (A14 – A43 Junction), A14 Junction 9 (A14 – A509 Junction), A45 Junction 14 (A45 – A509 Junction), A45 Junction 10 (A45 – B573 – Station Road Junction) and A45 Barnes Meadow Interchange. NH is now satisfied with the trip generation methodology, but the Applicant has not come back on NH's questions on Forecast Trips and Trip Distribution. Therefore, National Highways have been unable to fully assess the impact on construction traffic generation and routing on the SRN.</p>		
NH-032	Transport and Access	Operational Phase	Once operational, the scheme will generate minimal traffic, with fewer than one maintenance visit per day per site, typically undertaken by light vans or 4x4 vehicles set out in Chapter 13 – Transport and Access of the Environmental Statement (APP 050). This level of activity is not expected to result in any material impact on the SRN.	The Applicant notes this comment and agrees.	No further action required
NH-033	Transport and Access	Decommissioning Phase	NH note from Chapter 13 – Transport and Access of the Environmental Statement (APP- 050) that vehicle movements associated with the decommissioning phase are not expected to exceed those generated during the construction period.	The Applicant notes this comment and agrees.	No further action required
NH-034	Transport and Access	Abnormal loads	<p>NH understands the project will require abnormal loads for specific equipment and materials (elements such as transformers) to the site on the SRN. NH encourages the Applicant to engage with NH early in the process to establish an effective movement strategy. Please note that a Special Orders will be required for loads exceeding 150 tonnes pursuant to section 44 of the Road Traffic Act 1988. This falls outside of the DCO process.</p> <p>The Applicant has contacted NH through their transport consultant, Wynns Ltd. A feasibility study has been completed assessing the suitability of the network for the proposed route of the abnormal load from the Port of Tilbury to the BESS site at Grendon for 183-tonne loads.</p>	<p>Noted and agreed.</p> <p>The OCTMP Revision A [REP1-145] sets out the Abnormal Load notification process that will be followed.</p>	No further action required

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
			The Applicant has been advised that feasibility studies are high-level assessments designed to determine whether the network is structurally capable, at this stage, of accommodating the proposed heavy loads. The applicant must submit a formal applications closer to the actual movement date once a haulier has been appointed. At that time, route suitability will be re-checked with all relevant structure and road owners, and a Special Order permit for the movement will be issued.		
NH-035	Statement of Common Ground	Statement of Common Ground	To date, NH has not entered discussions with the Applicant on the Statement of Common Ground other than in relation to the structure, and no matters have been discussed or agreed concerning the Statement of Common Ground and a draft Statement of Common Ground is awaited.	The Applicant issued the latest draft SoCG to NH on 11 November 2025 and will continue to engage with NH to seek to reach agreement on all transport matters within the SoCG. The current draft is submitted at Deadline 2 [EX2/GH8.3.7].	The Applicant's response is noted and NH confirm that engagement has occurred on the SoCG
NH-036	Development consent Order	Protective Provisions	<p>The protective provisions currently in the draft DCO [APP-017] at Part 6 Schedule 15 are not agreed by NH. NH's template form was provided to the Applicant on 25th July 2025 and return comments were received on 9th September. That mark-up was quite substantive. This is due to the Applicant splitting out the works the subject of the protective provisions into road works – works which affect the surface of the Strategic Road Network and cable works – works which are to take place beneath the SRN in NH land via directional drilling. NH has no objection to that approach.</p> <p>In splitting the works there have, however, been a number of assumptions made by the Applicant around particular provisions not being applicable to the cable works which is not necessarily the case. By way of example the cable works will require a bond, road booking space and a provisional certificate. There have also been a number of amendments to NH's standard form Protective Provisions and the need for the amendment has not been justified or is unclear. There are also amendments NH will not agree to such as to the indemnity provisions. NH require a full indemnity which should be unconditional and unequivocal. National Highways must be held harmless from the impact of third-party development;</p> <p>An updated draft of the protective provisions has been received by the Applicant and NH will continue to discuss the protective provisions with the Applicant in an effort to reach agreement. An updated draft of the protective provisions which NH is prepared to accept and reflect the last draft of the protective provisions sent to the Applicant is included at Appendix 1 to this Written Representation.</p>	<p>The form of protective provisions in the Draft DCO Revision A [REP1-008] has been updated to reflect the latest version provided by the Applicant to NH. The Applicant awaits further comments from NH and is confident that protective provisions will be agreed by the end of Examination.</p> <p>The justifications provided by NH are noted. The Applicant considers that the form of protective provisions provided in Draft DCO Revision A [REP1-008] is consistent with those justifications.</p>	As noted above the form of protective provisions in the Draft DCO Revision A [REP1-008] are not agreed by NH but discussions are continuing.

Reference	Theme	Issue	Comments/Issue Raised	Applicants Response	National Highways Response
			A full justification for each of the key provisions and definitions of National Highways protective provisions is set out below:		