



Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Green Hill Solar Farm Limited for an Order granting Development Consent for the Green Hill Solar Farm Project

Planning Inspectorate Reference Number: EN010170

DEADLINE 4: NATIONAL HIGHWAYS' COMMENTS ON THE DEADLINE 3 SUBMISSIONS

1 INTRODUCTION

- 1.1 This written representation is made on behalf of National Highways ("NH"). The submission responds to the changes to the draft Development Consent Order as shown in Revision C [REP3 – 025].

2 COMMENTS ON THE DDCO

- 2.1 NH's comments on the changes to the dDCO are summarised in the table below. NH's comments on the dDCO set out in NH's Written Representation [REP1-180] remain to be addressed.

Reference	Change/Issue Raised	NH's Response
Schedule 2 Requirements	Requirement 16(3) has been updated to include consultation with the relevant planning authority rather than highway authority and no other updates to deal with the consultation with National Highways have been made.	Requirement 16(3) should refer to consultation with the relevant highway authority. NH understood from the Issue Specific Hearings that NH would also be consulted on Requirement 15 but no update has been made. 15(3) should refer to highway authority rather than planning authority. As set out in NH's Deadline 3 response document REP3-092 NH maintains its position that it should be consulted on Requirement 3, 10, 11, 13 and 21
Schedule 9 Land in which new Rights may be acquired	Plots 12-127, 12-128-a, 12-128-b now have their own row in the table which limits the rights to: install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain electrical underground cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other ancillary apparatus and structures (including but not limited to access chambers, manholes and marker posts) and any other works necessary;	<p>The rights remain widely drawn and notwithstanding this change NH would note that these plots constitutes land acquired by National Highways for the purpose of maintaining its statutory undertaking. 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> <p>Where apparatus is co-located in the highway (which is commonplace), that apparatus has been authorised by NH or has been installed through industry standard processes (such as under the New Roads and Street Works Act 1991), where statutory protection is afforded to NH as the highway or street authority. Whilst NH is prepared to grant a sub surface interest or right to co-locate apparatus in the highway, where it is geotechnically possible and respecting other apparatus that is</p>

	<p>continuous vertical and lateral support for the authorised development;</p> <p>restrict the altering of ground levels, restrict and remove vegetation and restrict the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the right or damage the authorised development</p>	<p>in, on, under or over the highway – the interest must be proportionate and necessary and cannot be to the detriment of NH, the SRN or other undertakers. It cannot be acceptable that apparatus is placed in, on, under or over the SRN through a DCO by disapplying statutory protections that NH has and not accepting to acquiesce to the terms which are required by NH to manage its network in accordance with regulatory requirements.</p> <p>NH continues to object to the Compulsory Powers for the acquisition of rights. The inclusion of Article 24 within paragraph 58(3) of NH's proposed protective provisions in Part 6 of Schedule 15 of the dDCO [REP3-024] and the deletion of "save in emergency" at the start of paragraph 58(3) would address NH's objection in relation to the compulsory acquisition of rights.</p> <p>NH is legally obliged to co-operate with third parties exercising planning or highway functions, which includes the Applicant in this statutory process. NH is prepared to engage fully and assist in whatever way is reasonable to ensure that the Authorised Development proceeds as quickly and efficiently as possible.</p>
Part 6	<p>Part 6 includes the Protective Provisions for the benefit of National Highways. The schedule of changes suggest that changes have been made to reflect current discussions but this is not the case.</p>	<p>The protective provisions as currently in the dDCO are not agreed by NH and NH and the Applicant are still to agree a set of protective provisions that are acceptable to NH.</p> <p>As noted in the Applicant's response to ExAQ1 question 2.61, NH and the Applicant continue to discuss the form of protective provisions. The Applicant's legal advisors had a virtual meeting with NH on 16 December 2025 and there is an action on the Applicant to provide NH with an updated version of the protective provisions prior to Deadline 4. The updated protective provisions are awaited.</p>