

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**Application by Light Valley Solar Limited for an Order granting Development Consent for the
Light Valley Solar Project.**

Planning Inspectorate Reference Number: EN0110012

**Deadline 1: Summary of Written Representation submitted on behalf of
National Highways Limited**

1. OVERVIEW

- 1.1 This is a summary of the Written Representation made on behalf of National Highways ("NH") which sets out the outstanding matters in connection with an application by Light Valley Solar Limited ("**Applicant**") for an order granting development consent for the Light Valley Solar Farm Project (Planning Inspectorate Reference: EN0110012).
- 1.2 NH is the statutory body responsible for England's motorways and major A-roads (the strategic road network or "SRN"). NH supports the proposed development and highway mitigation works but currently **objects** to the application for the proposed Development Consent Order (DCO). However, NH expresses willingness to engage constructively with the Applicant to resolve the outstanding matters, which it believes is achievable within the Examination period.
- 1.3 NH has previously submitted a Relevant Representation in connection with the proposed DCO. NH does not seek to rehearse those matters in this Written Representation but instead continues to rely on the positions advanced in its Relevant Representation as updated by the Written Representation.

2. UPDATE ON TECHNICAL MATTERS

Traffic Management

- 2.1 The key interfaces between the Authorised Development and the SRN that will be impacted include sections of the A64 to the north, the M62 to the south, and the A1(M) to the west. NH's concerns regarding impacts on the SRN and how / the extent to which these have been addressed within the application documents was set out in NH's Relevant Representation. NH can confirm that each of the points raised in NH's Relevant Representation in relation to Traffic and Movement have been resolved between NH and the Applicant, subject to certain updates to the Requirements in Schedule 2, Schedule 16 of the dDCO and the draft plans as noted below:
- 2.1.1 Requirement 19 should be updated to include NH as a consultee when the final DEMP is submitted for approval. This would be consistent with other draft DCO's such as that for the Green Hill Solar Farm [EN10170].
- 2.1.2 Schedule 16 of the dDCO is inconsistent with changes that have been made to other dDCOs. In the case of the Greenhill Solar by the close of the examination Schedule 16 was updated to include the following:

Interpretation

1. (1) In this Schedule—

"discharge" means any consent, agreement or approval required by—

- (a) a requirement;
- (b) a document referred to by a requirement; or
- (c) a document that has been approved pursuant to a requirement;

"requirement consultee" means—

- (a) any body or authority named in a requirement as a body to be consulted by the relevant planning authority in discharging that requirement; and
- (b) in relation to an application made under requirement 3 to amend an approved document (as defined in requirement 3), any body or authority that was required to be consulted in relation to the approval of that approved document; and

"start date" means the date of the notification given by the Secretary of State under paragraph 4(2)(b).

(2) In the event an application is made to discharge more than one consent, agreement or approval, this must be treated as though separate applications were made for the discharge of each consent, agreement or approval.

- 2.1.3 The Applicant has indicated that signage would be agreed with relevant highway authorities prior to commencement of construction, which is welcome. NH's position is that as the A1(M) is under motorway regulations NH would not, however, permit any construction directional signage on the A1(M) and the Outline Construction Traffic Management Plan ("**oCTMP**") should acknowledge this.
- 2.1.4 The Applicant has confirmed that as reported in the Abnormal Load Report (Annex C of TA), the operator will accord with the relevant processes to agree access to the Proposed Development and further that the relevant team within National Highways have been made aware of the AIL requirements for this project. NH are content with this position. This commitment should also be referenced in the oCTMP.

3. DRAFT DCO AND PROTECTIVE PROVISIONS

- 3.1 NH welcomes the inclusion of protective provisions for its benefit in Schedule 15 of the draft DCO ("**dDCO**") which address a number of concerns it would otherwise have regarding some of the articles within the draft DCO. That said, these protective provisions are not agreed and NH has concern with other articles in the dDCO that are not currently addressed by the protective provisions. The protective provisions included in the dDCO also do not fully reflect the template provisions that NH asks to be included in DCOs of this nature.
- 3.2 Appended to NH's Written Representation is a form of the protective provisions that appear in the dDCO updated to reflect the changes that NH would expect to see. A detailed explanation of the reasons for the changes is set out in the Written Representation.

4. LAND INTERESTS AND BOOK OF REFERENCE

- 2.2 The dDCO proposes the compulsory acquisition of interests over a total of 52 plots in which National Highways holds a land interest. The proposed powers fall into two categories: (a) the acquisition of **new rights over land and the imposition of restrictive covenants**, affecting **31 plots**; and (b) the **temporary possession** of land, affecting **21 plots**. No plots are identified for outright freehold acquisition.
- 2.3 The proposed powers relate principally to:-
- 2.3.1 Work No. 5 (electrical and communication cabling),
 - 2.3.2 Work No. 7 (temporary construction and decommissioning laydown areas)
 - 2.3.3 Work No. 8A (temporary construction, maintenance and decommissioning access).
- 2.4 The majority of the new rights plots are sought to facilitate Work Nos. 5 and 8A (electrical cabling and temporary access). A further 5 new rights plots are sought to facilitate either Work No. 5 alone or Work No. 8 alone.
- 2.5 The temporary possession powers are principally sought to facilitate Work No. 8A (temporary construction, maintenance and decommissioning access), with one plot (05-015) sought to facilitate Work No. 7 (temporary laydown areas).
- 2.6 National Highways further notes that a number of the affected plots are subject to potential existing claims or interests which may be affected by the proposed acquisition or temporary possession.
- 2.7 NH requests a copy of the relevant documentation (Transfer etc) in relation to the above to assess the impact of the proposed exercise of compulsory acquisition powers over its existing land interests.
- 2.8 For each plot in each of the categories above, NH also requires further details of the proposed works and requests consultation before works take place where there are potential traffic

management implications.

- 2.9 Work is ongoing between NH and the Applicant to assess the impact for the purposed compulsory acquisition on a plot-by-plot basis. From NH's initial investigations, there are a significant number of plots where the relevant road has been detrunked and transferred to the Local Highway Authority (LHA). Where this is the position, NH no longer have any interest in these plots. Once those plots are confirmed, the information in relation to those plots can be updated in the Book of Reference to remove NH's listed interests.
- 2.10 NH are also checking that none of the plots form part of a Side Roads Order. If plots are covered by a Side Road Order, then the Local Highway Authority is responsible, not NH. Accordingly, for these plots, provided works are not in subsoil, NH have no interest. If works are in the subsoil then agreement is required from NH. NH hopes to be able to confirm the position at the next deadline.
- 2.10.1 The Applicant should be required to obtain NH's consent before undertaking any activities affecting the SRN or any land in which NH has an interest. As a public body, NH it is under a duty to act reasonably in providing such consent, and this duty is expressly reflected in the proposed protective provisions.
- 2.10.2 In addition, the Applicant is asked to confirm whether NH has any interest in any other plots beyond those listed.

5. STATEMENT OF COMMON GROUND

- 5.1 No Statement of Common Ground is currently being discussed with NH.

National Highways Limited
11 August 2026