

**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**

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**Deadline 3: National Highways Comments on Information Received at Deadlines 2**

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## 1 INTRODUCTION

- 1.1 This document is submitted for Deadline 3 on behalf of National Highways ("NH") in respect of an application by Light Valley Solar Ltd (the "**Applicant**") for an order granting development consent for the Light Valley Solar Project ("**DCO**"). The Applicant seeks development consent for proposed authorised development described in Schedule 1 of the draft DCO ("**Authorised Development**"). This document sets out NH's comments on The Applicant's Response to Submissions Received at Deadline 2 comprising **The Applicant's Response to Relevant Reps REP2-109 and the Applicant's Response to Submissions Received at Deadline 1 Statutory Bodies (REP2-118)** in so far as those responses relate to NH's Relevant Representations **[RR-1038]** and Written Representations and Summary of Written Representations **[REP1-023 and REP1-024]**. For simplicity, we have replicated the tabular form taken by the Applicant in its response. We have added an additional column setting out NH's further comments.

### NH Relevant Representations – RR-1038

| Comment Reference        | Representation by | Theme(s)             | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NH Comments                                                                                                                                                                                                                                                 |
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| <b>National Highways</b> |                   |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                             |
| NH-01                    | National Highways | Lands/CPO            | At this stage, NH objects to the DCO and the Authorised Development as currently proposed for the following reasons:<br><br>a. Proposed compulsory acquisition of NH's operational land and/or acquisition of new rights that could interfere with NH's undertaking and/or the potential to extinguish existing rights held by NH without suitable controls imposed.                                                                                                                                                                                                                                                        | The Applicant makes note of this comment and confirms that details of the permanent and temporary rights to be acquired are set out in the <b>Book of Reference [APP-022]</b> .<br><br>The Applicant considers that the Protective Provisions for NH's benefit included in the <b>Draft Development Consent Order (DCO) [APP-017]</b> ensure that NH's land interests are protected. It notes that the land powers in the DCO are subject to NH's consent, which is the same outcome which NH's suggested form of the PPs requires.                                                                                                                                                                                                                                                  | Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going.                                                                                                                                                               |
| NH-02                    | National Highways | Transport and access | At this stage, NH objects to the DCO and the Authorised Development as currently proposed for the following reasons:<br><br>Deficiencies or uncertainties in respect of the potential for impacts on the SRN from a traffic and transport perspective, as assessed by the Applicant. Many of NH's concerns in this respect reflect or build on comments raised as part of its review of the Preliminary Environmental Information Report ("PEIR"). These deficiencies are set out in paragraph 6 of this representation.                                                                                                    | The Applicant notes this comment and that it has sought to engage with National Highways proactively and responds to the detail of the points below.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | In terms of traffic and transport all of our previous concerns have been addressed as per the draft SoCG.                                                                                                                                                   |
| NH-03                    | National Highways | Transport and access | 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. | The Applicant notes National Highways' concern regarding the potential for impacts to the Strategic Road Network. The Order Limits do not interact with the SRN; National Highways has interests in land within the Order Limits, near to the A19 which forms part of the local road network.<br><br>Notwithstanding this limited interaction with National Highways' undertaking, Protective Provisions for National Highways are included as Part 6 of Schedule 15 to the <b>Draft Development Consent Order (DCO) [APP-017]</b> . The Applicant is seeking to agree the form of these with National Highways. It is confident that no serious detriment will be caused to National Highways' undertaking from the Proposed Development with these Protective Provisions in place. | NH has contacted the Applicant to ascertain the extent and nature of the NH's interests in the land within the Order Limits. That information has now been received and NH are reviewing it. A full response will follow as necessary at the next deadline. |

| Comment Reference | Representation by | Theme(s)             | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | NH Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| NH-04             | National Highways | Transport and access | 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. 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 rights to co-locate apparatus in the highway, where it is geotechnically possible and respecting other apparatus that is 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. | The Applicant notes National Highways' comments regarding the extent of its land and infrastructure. The Applicant has been and will continue to seek to agree the form of protective provisions with National Highways and is confident that no serious detriment will be caused to National Highways' undertaking as a result of the Proposed Development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| NH-05             | National Highways | Transport and access | For the sake of clarity and transparency, NH has no desire to stymy development or to impose requirements on the Applicant which are disproportionate to the potential harm that could be caused to the SRN. 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | The Applicant notes National Highways' position and confirms that it is seeking to agree the form of protective provisions to be included in the DCO.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| NH-06             | National Highways | Transport and access | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | The Applicant makes note of this comment. <b>ES Volume 2, Figure 14.1: Highway Network [APP-110]</b> presents information on the Highway Network in the context of the draft Order Limits. The Proposed Development does not directly interface with the A64, M62 or the A1(M). ES Volume 1, Chapter 14: Traffic and Movement [APP-052], Section 14.10, discusses the traffic distribution methodology and assignment to the SRN. The A1(M) is the only National Highways managed route within the Study Area. The <b>Transport Assessment (TA) [APP-178]</b> provides trip generation forecasts. There are no traffic management proposals on the SRN, with the exception that there may be a requirement to transport abnormal loads. NH will be consulted in advance regarding any proposals to transport abnormal loads on the SRN, pursuant to the regulatory requirements for such movements. | NH do not anticipate any material safety or capacity issues given the information provided which states an expectation of 20 two-way movements, which is 10 movements in each direction on the A1(M).<br><br>NH notes the Applicant's intention to consult with NH on any proposals to transport abnormal loads on the SRN. NH require that AILs will be dealt with / approved via the Electronic Service Delivery for Abnormal Loads (EDSAL) - <a href="https://nationalhighways.co.uk/road-safety/abnormal-loads-and-the-esdal-system">https://nationalhighways.co.uk/road-safety/abnormal-loads-and-the-esdal-system</a> . |

| Comment Reference | Representation by | Theme(s)             | Comment                                                                                                                                                                                                           | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NH Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| NH-07             | National Highways | Transport and access | [Traffic and Movement APP-052] The Applicant should provide a detailed methodology for the TEMPro growth factors used to uplift baseline traffic data and forecast future baseline traffic flows.                 | The Applicant makes note of this comment. A detailed methodology for how TEMPro growth factors were calculated and applied is covered in Section 2.3 of the <b>Transport Assessment (TA) [APP-178]</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NH is content with the information provided.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| NH-08             | National Highways | Transport and access | [Traffic and Movement APP-052] The Applicant should secure a requirement for a Decommissioning Traffic Management Plan, to be submitted to and approved in consultation with NH before decommissioning commences. | The Applicant makes note of this comment. An <b>Outline Decommissioning Environmental Management Plan (oDEMP) [APP-194]</b> has been developed. The development of a Decommissioning Traffic Management Plan (DTMP) is a commitment in the oDEMP and will need to be approved prior to the commencement of the decommissioning phase of the Proposed Development. The <b>Draft Development Consent Order (DCO) [APP-017]</b> will be updated to set out that the Outline DEMP must be consulted upon with the relevant highways authority, which will include National Highways where traffic movements use strategic highways.                                                                                                                                                                                                                                                                           | An Outline Decommissioning Environmental Management Plan (dated February 2026) Document Reference: EN0110012/APP/LVS/07.04 has been submitted into the examination. Paragraph 1.1.5 of the oDEMP should be updated to include reference to the DEMPT which is to information a DTMP will be submitted to NH for approval. NH also request a change to Requirement 19 to make it clear that reference to "the relevant highway authority" includes National Highways. |
| NH-09             | National Highways | Transport and access | [Traffic and Movement APP-052] The Applicant should outline a strategy to monitor the implementation of the proposed travel schedules for deliveries and construction workers.                                    | The Applicant makes note of this comment. An <b>Outline Construction Traffic Management Plan (oCTMP) [APP-201]</b> has been prepared, which includes a commitment for construction vehicles to avoid travel during peak highway network periods. Monitoring processes are outlined within Section 3.21 of the <b>oCTMP [APP-201]</b> . A final Construction Traffic Management Plan (CTMP) will be developed by the appointed Principal Contractor (PC) prior to the commencement of construction. This will set out the measures to be implemented, including the use of a vehicle booking system to minimise, where reasonably practicable, construction traffic movements during peak hours.<br><br>The detailed CTMP must be approved by the relevant planning authority in consultation with the relevant highway authority, which will be National Highways for any measures that apply to the SRN. | An Outline Construction Traffic Management Plan (dated September 2026 Version 2) Document Reference: EN0110012/APP/LVS/07.12 has been submitted into the examination. NH is content with the information provided subject to the change set out in response to NH-015 below.                                                                                                                                                                                         |
| NH-10             | National Highways | Transport and access | [Traffic and Movement APP-052] The Applicant should involve NH as early as practicable in the management and routing of any Abnormal Indivisible Loads.                                                           | The Applicant makes note of this comment. As reported in the <b>Abnormal Load Report (Annex C of the Transport Assessment (TA) [APP-178])</b> , the Applicant will comply with the relevant processes to agree access to the Proposed Development. The relevant team within National Highways have been made aware of the AIL requirements for this project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | NH require that AILs are dealt with / approved via the Electronic Service Delivery for Abnormal Loads (EDSAL) - <a href="https://nationalhighways.co.uk/road-safety/abnormal-loads-and-the-esdal-system">https://nationalhighways.co.uk/road-safety/abnormal-loads-and-the-esdal-system</a> .                                                                                                                                                                        |
| NH-11             | National Highways | Transport and access | 6.7 The Applicant should notify NH of any amendments to construction routing where those changes may affect the SRN.                                                                                              | The Applicant makes note of this comment. An <b>Outline Construction Traffic Management Plan (oCTMP) [APP-201]</b> has been prepared which provides detail on construction vehicle routing. Any changes to construction routing would be identified and secured through the final Construction Traffic Management Plan (CTMP), which                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | This is picked up in para 3.8.5 of the Outline Construction Traffic Management Plan (dated September 2026 Version 2) Document Reference: EN0110012/APP/LVS/07.12 has been submitted into the examination. NH is content with the information provided.                                                                                                                                                                                                               |

| Comment Reference | Representation by | Theme(s)             | Comment                                                                                                                                                                                                                                                                                                                                                                                                                              | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | NH Comments                                                                                                                                                                                                                                                                                                                                                                                  |
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|                   |                   |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>must be approved by the relevant planning authority in consultation with the relevant highway authority, which will be National Highways for any measures that apply to the SRN.</p> <p>For further context, traffic diagrams have been provided and detail discussed at meetings with NH. Analysis showed construction traffic resulted &lt;1% change in daily traffic flows at the A1(M) junction 42. To give an indication on the potential impacts during the network peaks, information from other solar developments was reviewed and discussed with NH. This resulted in an estimated impact at the A1(M) junction of up to 20 additional trips in total (10 each way) during the highway network AM and PM peaks.</p> |                                                                                                                                                                                                                                                                                                                                                                                              |
| NH-12             | National Highways | Transport and access | Outline Construction Traffic Management Plan (oCTMP) [APP-201]: The Applicant should agree any signage proposed on the SRN with the relevant NH team before works commence.                                                                                                                                                                                                                                                          | The Applicant notes this comment. The detailed CTMP which will include details of the proposed signage when this is known. The detailed CTMP must be approved by the relevant planning authority after consulting with the relevant highway authority, which will be National Highways for any measures that apply to the SRN. Protective provisions for National Highways are also included at Part 6 of Schedule 15 to the <b>Draft Development Consent Order (DCO) [APP-017]</b> and the Applicant is seeking to agree the form of these protective provisions.                                                                                                                                                               | This is picked up in the new section 3.11 and in particular para 3.11.2 of the Outline Construction Traffic Management Plan (dated September 2026 Version 2) Document Reference: EN0110012/APP/LVS/07.12 has been submitted into the examination. NH is content with the information provided.                                                                                               |
| NH-13             | National Highways | Transport and access | Outline Construction Traffic Management Plan (oCTMP) [APP-201] The Applicant should ensure that any works on the SRN, including temporary signage, are supported by a safety audit and risk assessment and, where inside the redline boundary are carried out in accordance with NH's protective provisions. If works are necessary on the SRN outside the redline boundary they must be progressed through a Section 278 Agreement. | The Applicant notes this comment. No works are expected on the SRN. If signage is required, it would be agreed with the relevant highway authorities prior to commencement of construction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | See response to NH-12 above – No signage is to be placed on the SRN. NH would not expect any signage to be placed on the SRN but if that were to be necessary, NH would look to secure approval of the details via its Protective Provisions.                                                                                                                                                |
| NH-14             | National Highways | Transport and access | Outline Construction Traffic Management Plan (oCTMP) [APP-201] The Applicant should ensure that vehicular trips generated by waste management activities are included in the assessment of construction traffic impacts on the SRN.                                                                                                                                                                                                  | The Applicant makes note of this comment. Construction trip forecasts are based on trips from other construction sites and include the removal of any waste materials.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The Outline Construction Traffic Management Plan (dated September 2026 Version 2) Document Reference: EN0110012/APP/LVS/07.12 covers Recycling and waste disposal. NH is content with the information provided.                                                                                                                                                                              |
| NH-15             | National Highways | Transport and access | Outline Construction Traffic Management Plan (oCTMP) [APP-201] The Applicant should include in the final Construction Traffic Management Plan the traffic management measures identified in the Outline Construction Environmental Management Plan.                                                                                                                                                                                  | <p>The Applicant makes note of this comment. The <b>Outline Construction Traffic Management Plan (oCTMP) [APP-201]</b> has been prepared alongside the <b>Outline Construction Environmental Management Plan (oCEMP) [APP-192]</b> and forms part of the overall approach to managing construction effects.</p> <p>The final Construction Traffic Management Plan will be secured through the Development Consent Order and will incorporate relevant traffic management measures identified within the Environmental Management Plans,</p>                                                                                                                                                                                      | The oCTMP para 1.1.6 it advises that the final CTMP will be submitted for approval of the relevant Highway Authorities. This paragraph should be updated to be clear that relevant highway authority includes NH. In addition, NH also request a change to Requirement 14 to make it clear that reference to "the relevant highway authority" in the requirement includes National Highways. |

| Comment Reference | Representation by | Theme(s)              | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NH Comments                                                                                                    |
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|                   |                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ensuring a coordinated approach to construction management.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                |
| NH-16             | National Highways | Transport and access  | Outline Decommissioning Environmental Management Plan [APP-194]: NH requests that it is included in the list of identified stakeholders.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The <b>Draft Development Consent Order (DCO) [APP-017]</b> will be updated to set out that the <b>Outline Decommissioning Environmental Management Plan (oDEMP) [APP-194]</b> must be consulted upon with the relevant highways authority, which will include National Highways where traffic movements use strategic highways.                                                                                                                                                                                                                                            | Noted and NH should also be consulted on the final form of the DEMP.                                           |
| NH-17             | National Highways | Protective Provisions | [DCO, Protective Provisions and Compulsory Acquisition]: NH welcomes the inclusion of protective provisions for its benefit in Schedule 15 of the draft DCO 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. The protective provisions included in the draft DCO do not reflect the template provisions that NH asks to be included in DCOs for this nature. A copy of NH's template protective provisions are appended to this Relevant Representation. NH requests that the Applicant includes this version of the protective provisions when next updating the draft DCO. | The Applicant notes this comment and confirms that it has been and is continuing to seek to agree the form of protective provisions with National Highways.                                                                                                                                                                                                                                                                                                                                                                                                                | Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going.                  |
| NH-18             | National Highways | Protective Provisions | [DCO, Protective Provisions and Compulsory Acquisition]: Schedule 2 of the draft DCO includes a requirement for a construction traffic management plan and a need for the Applicant to consult with the relevant highway authority. This is welcomed. NH asks that a similar obligation is imposed in respect of the requirement for decommissioning to ensure that NH is consulted on the traffic management at that stage.                                                                                                                                                                                                                                                                       | The Applicant notes this comment. Requirement 19 (decommissioning and restoration) will be updated to require consultation with the relevant highway authority (which captures National Highways) in the next version of the <b>Draft Development Consent Order (DCO) [APP-017]</b> .                                                                                                                                                                                                                                                                                      | Noted. It appears this change has been made in Requirement 19 of the revised draft DCO [REP2-004 and REP2-005] |
| NH-19             | National Highways | Lands/CPO             | [DCO, Protective Provisions and Compulsory Acquisition]: The draft DCO includes powers of compulsory acquisition and temporary possession and the acquisition of rights in respect of 52 plots listed in the Book of Reference as being owned by NH, or over which NH has an interest.                                                                                                                                                                                                                                                                                                                                                                                                             | The Applicant makes note of this comment and confirms that details of the permanent and temporary rights to be acquired are set out in the <b>Book of Reference [APP-022]</b> . The Applicant acknowledges the comments made in regards to inclusion of powers of compulsory acquisition and the Applicant is actively engaging with National Highways to reach an agreed approach to these matters via the Protective Provisions.                                                                                                                                         | Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going.                  |
| NH-20             | National Highways | Lands/CPO             | [DCO, Protective Provisions and Compulsory Acquisition]: To safeguard NH's interests and the safety and integrity of the SRN, NH objects to powers of compulsory acquisition being granted in respect of NH's operational land, and to any extinguishment of rights enjoyed by NH for the purposes of carrying on its undertaking. NH is currently reviewing its land interests against the Book of Reference and will provide more detail in its Written Representation but for the purposes of this Relevant Representation NH objects to the compulsory acquisition of its land and interests.                                                                                                  | The Applicant makes note of this comment and confirms that details of the permanent and temporary rights to be acquired are set out in the <b>Book of Reference [APP-022]</b> . The Applicant notes that NH's land interests within the Order Limits and recorded in the Book of Reference do not form part of the SRN. The Applicant acknowledges the comments made in regards to inclusion of powers of compulsory acquisition and the Applicant is actively engaging with National Highways to reach an agreed approach to these matters via the Protective Provisions. | Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going.                  |

Table 2.3.3: National Highways – Part 3 REP1-024

| ID                                          | Theme                | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NH Comment                                                                                    |
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| <b>National Highways – General Comments</b> |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                               |
| WR-NH-001                                   | Sentiment            | <p>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.</p> <p>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 this Written Representation. This Written Representation also provides</p> <p>1.3.1 Additional information in relation to land interests and the Applicant's proposal to acquire compulsory purchase powers over NH land to which NH objects; and</p> <p>1.3.2 An update in relation to progress between NH and the Applicant in relation to agreeing a satisfactory form of Protective Provisions for the Protection of NH.</p> | The Applicant notes this comment and will continue to engage with National Highways throughout the Examination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Noted                                                                                         |
| WR-NH-002                                   | Transport and Access | <p>2. UPDATE ON TECHNICAL MATTERS</p> <p>Traffic Management</p> <p>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. An update on the latest position is set out below.</p> <p>Impacts on the SRN</p> <p>2.2 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 Draft DCO and the draft plans as highlighted in bold below. The rationale for the position and the updates required to the Requirements are set out in the table below.</p>                                                                                                                                                                                                                                | <p>The Applicant has considered National Highways' requests for amendments to the <b>Draft DCO [updated alongside this submission]</b> and has made updates to the DCO as set out below.</p> <p>The Applicant otherwise assumes National Highways is referring to Schedule 15 (Protective Provisions) of the <b>Draft DCO</b>. The Applicant continues to negotiate the draft Protective Provisions included at Part 6 of Schedule 15 of the <b>Draft DCO</b> with National Highways. The Applicant is considering the amendments to the Protective Provisions National Highways appended to its written representation (REP1-023).</p> | Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going. |
| WR-NH-003                                   | Transport and Access | Additional Technical Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The Applicant notes National Highways' comments. The Applicant agrees that replacement of solar panels would be expected to result in lower traffic volumes than the initial                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Noted and NH should also be consulted on the final form of the DEMP.                          |

| ID        | Theme             | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Applicant Response                                                                                                                                                                                                                                                                                                                                                                                                                                    | NH Comment                                                                                           |
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|           |                   | <p>2.3 It is understood that the solar panels have a life of 40 years and that the development will be decommissioned after 60 years. NH require to be consulted at the relevant time on the plans to replace the solar panels as set out in the oCTMP/CTMP requirement/PP's/oOEMP/oDMPT. Given that traffic movements are limited for construction, and it is only the panels that are being replaced, (not the frames and cabling), then it is anticipated by NH that the impact on replacement will be less than the initial construction. So in a scenario where NH are content with construction traffic, NH should not have an issue with traffic associated with replacing the panels. As noted above NH does, however, need to be a consultee for approval of the DEMP that is to incorporate the DTMP so that should this not be the case or circumstances have changed NH is able to secure the necessary mitigation to limit the impact on the SRN.</p> <p>2.4 NH note the discussion at Issue Specific Hearing 1 in relation to the A63/ A162 roundabout improvements and potential Traffic Regulation Order including through Chapel Haddlesey. NY Council confirmed that even with planned and funded works to the roundabout – the roundabout will still have capacity issues. The Applicant advised that alternative routes were proposed in the ES and the Applicant was asked to confirm that alternative routes are not via the SRN. NH have checked Environmental Statement Volume 2 - Figure 14.4 Construction Routing (Sheets 1 to 9 of 9) and note that all the alternative construction routes are on the Local Road Network. The plans only show one point where the construction routes join the SRN which is at A1(M) J42.</p> | <p>construction phase. The Applicant also notes National Highways' confirmation that the alternative construction routes shown on Figure 14.4 are located on the local road network, with the only interface with the Strategic Road Network being at A1(M) Junction 42.</p> <p>The Applicant confirms that the <b>draft DCO [updated alongside this submission]</b> has amended to provide for NH's request in relation to approval of the DEMP.</p> |                                                                                                      |
| WR-NH-004 | Draft DCO         | <p>3. DRAFT DCO AND PROTECTIVE PROVISIONS</p> <p>3.1 NH welcomes the inclusion of protective provisions for its benefit in Schedule 15 of the draft DCO 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 Draft DCO that are not currently addressed by the protective provisions. The protective provisions included in the draft DCO also do not fully reflect the template provisions that NH asks to be included in DCOs of this nature. Appended to this written representation are a form of the protective provisions updated to reflect the changes that NH would expect to see.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The Applicant continues to negotiate the draft Protective Provisions included at Part 6 of Schedule 15 of the <b>Draft DCO [updated alongside this submission]</b> with National Highways. The Applicant is considering the amendments to the Protective Provisions National Highways appended to its written representation (REP1-023).</p>                                                                                                       | <p>Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going.</p> |
| WR-NH-006 | Book of Reference | <p>4. LAND INTERESTS AND BOOK OF REFERENCE</p> <p>2.5 The draft Order 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)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>The Applicant can confirm that 52 plots have National Highways as an interest. 31 of which are shown acquisition of new rights over land and the imposition of restrictive covenants on the <b>Land</b></p>                                                                                                                                                                                                                                        | <p>Noted</p>                                                                                         |

| ID        | Theme                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Applicant Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | NH Comment                                                                                  |
|-----------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
|           |                       | <p>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.</p> <p>2.6 The proposed powers relate principally to:-</p> <p>2.6.1 Work No. 5 (electrical and communication cabling),</p> <p>2.6.2 Work No. 7 (temporary construction and decommissioning laydown areas)</p> <p>2.6.3 Work No. 8A (temporary construction, maintenance and decommissioning access).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>Plans [APP-007].</b> 21 of which are shown as temporary possession of land on the <b>Land Plans [APP-007]</b>.</p> <p>The Applicant also agrees that the powers relate to Work No. 5, Work No. 7 and Work No. 8. No other work numbers were identified as interacting with National Highways plots during the Applicant's review.</p>                                                                                                                                                                                 |                                                                                             |
| WR-NH-007 | Protective Provisions | <p>New Rights/Imposition of Restrictive Covenants plots</p> <p>2.7 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.</p> <p>2.8 The proposed new rights include rights to install, maintain, protect and remove underground cables and associated apparatus; rights of access on foot and with vehicles, plant and machinery; rights to alter, improve and maintain means of access including visibility splays and road widening; rights to install and maintain security fencing, gates and boundary treatment; rights to install and maintain drainage infrastructure; rights to implement landscaping and ecological mitigation measures; and restrictive covenants preventing the erection of buildings, alteration of ground levels or planting of trees that may obstruct or interfere with the authorised development.</p> | <p>The Applicant agrees that the majority of new rights are sought for Work No. 5 and Work No. 8.</p> <p>The Applicant would like to flag that there is one instance of Work No. 7 on a new rights plot (05-016); however, Work No. 5 is also present.</p>                                                                                                                                                                                                                                                                  | Noted                                                                                       |
| WR-NH-008 | Protective Provisions | <p>Temporary Possession Plots</p> <p>2.9 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).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | The Applicant agrees with this comment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Noted                                                                                       |
| WR-NH-009 | Protective Provisions | <p>Potential Claims and Existing Interests</p> <p>2.10 National Highways 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. These include:</p> <p>2.10.1 Plots 10-063, 10-065 and 10-067, in respect of which potential claims arise from rights to access the land to maintain the highway and, in the case of Plot 10-063, restrictive covenants</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>In relation to 2.11, the Applicant can provide copies of the relevant documentation in relation to the interests where available with Land Registry.</p> <p>In relation to 2.10.1, the plots listed here do not fall within the highway extent provided by the local highway authority (LHA). Permanent rights are sought in the plots for the purposes of Work No 5 only.</p> <p>In relation to 2.10.2, the plot listed here does not fall within the highway extent provided by the local highway authority (LHA).</p> | The Applicant is requested to provide copies of the relevant documentation for NH's review. |

| ID        | Theme                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Applicant Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NH Comment                                                                                                                                                                                                                                                                                                       |
|-----------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                       | <p>and easements that may have been imposed prior to 18 September 2009.</p> <p>2.10.2 Plot 10-064, in respect of which a potential claim arises from rights and covenants granted by a Transfer dated 4 August 2006.</p> <p>2.10.3 Plots 10-071, 10-083 and 11-017, in respect of which potential claims arise from rights of access.</p> <p>2.10.4 Plots 20-014, 20-017, 20-019, 20-020 and 20-025, in respect of which potential claims arise from rights granted by Transfers dated 21 August 2006 (in relation to light and air) and 5 July 2004 (respectively).</p> <p>2.10.5 Plots 20-040 and 20-041, in respect of which potential claims arise from drainage rights.</p> <p>2.11 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.</p> <p>2.12 For each plot in each of the categories above, NH requires further details of the proposed works and requests consultation before works take place where there are potential traffic management implications.</p> | <p>Permanent rights are sought in the plot for the purposes of Work No. 5 and 8A.</p> <p>In relation to 2.10.3, the plots listed here do not fall within the highway extent provided by the local highway authority (LHA). Temporary Possession rights (plot 11-017) and Permanent Rights (plots 10-071, 10-083) are sought for the purposes of Work No. 5 and 8A.</p> <p>In relation to 2.10.4, the plots listed here do not fall within the highway extent provided by the local highway authority (LHA). Temporary Possession rights (plots 20-017, 20-019) and Permanent Rights (20-020, 20-014, 20-025) are sought for the purposes of Work No. 5 and 8A.</p> <p>In relation to 2.10.5, plot 20-041 does not fall within the highway extent provided by the local highway authority (LHA). Plot 20-040 does fall within the highway extent provided by the LHA. Temporary Possession rights are sought in the plots for the purposes of Work No. 8A only.</p>                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                  |
| WR-NH-010 | Protective Provisions | <p>2.13 Work is ongoing between NH and the Applicant to assess the issues 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. 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.</p>                                                                                                                                                                | <p>The Applicant confirms that it continues to work with National Highways to understand the position in relation to each plot.</p> <p>The Applicant is aware of section 265 of the Highways Act 1980 which is the provision relating to the transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road, and more specifically sub-paragraphs (1), (3) and (7) of that section, which provides for where a trunk road ceases to be a trunk road and becomes a highway which is vested in the highway authority, and makes clear that when that occurs, the property interest in a de-trunked road passes to the local authority.</p> <p>In this case, the Applicant acknowledges National Highways' position that, if the Side Roads Order has been made, then s.265 would apply.</p> <p>However, notwithstanding this, the Applicant is also aware of section 27 of the Land Registration Act 2002, which provides that a disposition of transfer does not 'operate at law' until the relevant registration requirements are met, including dispositions that occur 'by operation of law'. As such, until the transfer of land pursuant to section 265 of the Highways Act 1980 is formally registered with the Land Registry, legally, the land will still be</p> | <p>Noted. As set out above, the Applicant has provided additional information in relation to the extent and nature of the NH's interests in the land within the Order Limits. That information has now been received and NH are reviewing it. A full response will follow as necessary at the next deadline.</p> |

| ID        | Theme                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Applicant Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | NH Comment                                                                                    |
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|           |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | considered owned by National Highways, and that is what must be reflected in the Book of Reference.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                               |
| WR-NH-011 | Protective Provisions | <p>2.13.1 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.</p> <p>2.13.2 In addition, the Applicant is asked to confirm whether NH has any interest in any other plots beyond those listed.</p> | <p>The Applicant acknowledges that National Highways' position as to when National Highways' consent is required, though restates its previous confirmation that there is no interaction between the Order Limits and the SRN. Therefore, the Applicant continues to negotiate the draft Protective Provisions included at Part 6 of Schedule 15 of the <b>Draft DCO [updated alongside this submission]</b> with National Highways in relation to land in which National Highways holds an interest. The Applicant is considering the amendments to the Protective Provisions National Highways appended to its written representation (REP1-023).</p> <p>Beyond the 52 plots in which the Applicant has identified National Highways' interest, the Applicant confirms its searches have not revealed any other plots with a National Highways interest.</p> | Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going. |
| WR-NH-012 | Protective Provisions | <p>5. STATEMENT OF COMMON GROUND</p> <p>5.1 No Statement of Common Ground is currently being discussed with NH.</p>                                                                                                                                                                                                                                                                                                                                                  | The Applicant is drafting a Statement of Common Ground (SoCG) with National Highways as requested by the ExA. The Applicant will provide a draft SoCG to National Highways and will submit the draft into the examination at Deadline 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Noted. Negotiations are on going.                                                             |

**Table 2.3.2 National Highways - Part 2 REP1-023**

| ID                                    | Theme                | Relevant Representation Paragraph and Position                                                                                                                                           | Updated Position and Rationale and any update to the Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Applicant Response                                                                                                                                                                                                                              | NH Response                                                                                              |
|---------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Traffic and Movement [APP-052]</b> |                      |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                 |                                                                                                          |
| WR-NH-013                             | Transport and Access | 6.3 The Applicant should provide a detailed methodology for the TEMPPro growth factors used to uplift baseline traffic data and forecast future baseline traffic flows.                  | Following correspondence with the Applicant, NH have reviewed Section 2.3 of the TA. NH note from Paragraph 2.3.4 that there will be traffic growth from the 2025 Baseline flows to 2029 which is predicted to be the peak of construction, with construction having commenced in 2028. In addition, the Applicant in its response in point 6.7 states that " <i>an estimated impact at the A1(M) junction of up to 20 additional trips in total (10 each way) during the highway network AM and PM peaks.</i> " NH consider that this quantum of movements on the junction is, therefore, unlikely to have a material impact on the operation of this junction. | The Applicant notes that National Highways has reviewed the methodology and is satisfied that the forecast increase in traffic at A1(M) Junction 42 is unlikely to have a material impact on junction operation. No further action is required. | Confirmed                                                                                                |
| WR-NH-014                             | Transport and Access | 6.4 - The Applicant should secure a requirement for a Decommissioning Traffic Management Plan, to be submitted to and approved in consultation with NH before decommissioning commences. | The Applicant has prepared an Outline Decommissioning Environmental Management Plan (oDEMP) and has advised that that the development of a Decommissioning Traffic Management Plan (DTMP) is a commitment in the oDEMP and will need to be approved prior to the commencement of the decommissioning phase of the Proposed Development. NH has reviewed the draft Outline Decommissioning Environmental Management Plan (oDEMP) that has been developed and notes the commitment in Table 3-11 to the preparation of a Decommissioning Traffic Management Plan (DTMP). <b>Requirement 19 should be updated to include NH as a</b>                                | The Applicant has amended the draft DCO [updated alongside this submission] to provide for this.                                                                                                                                                | Noted and NH should also be consulted on the final form of the DEMP. See also additional comments above. |

| ID        | Theme                | Relevant Representation Paragraph and Position                                                                                                        | Updated Position and Rationale and any update to the Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Applicant Response                                                                                                                                                                                                                                                                                                                                                                                     | NH Response                                                                                                                                                                                                                                                                                       |
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|           |                      |                                                                                                                                                       | 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].                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                   |
| WR-NH-015 | Transport            | 6.4 - The Applicant should outline a strategy to monitor the implementation of the proposed travel schedules for deliveries and construction workers. | The Applicant has prepared an Outline Construction Traffic Management Plan (oCTMP) has been prepared which includes a commitment for construction vehicles to avoid travel during peak highway network periods. A final Construction Traffic Management Plan (CTMP) will be developed by the appointed Principal Contractor (PC) prior to the commencement of construction. This will set out the measures to be implemented, including the use of a vehicle booking system to minimise, where reasonably practicable, construction traffic movements during peak hours. The detailed CTMP will be submitted to National Highways for review and approval ahead of construction. NH has reviewed the submitted Outline Construction Traffic Management Plan and notes the commitment to a delivery booking system in paragraph 3.13.1. NH also notes that the defined construction hours means that the majority of construction workers will travel outside of the typical weekday peak hours which NH considers satisfactory. NH will also be a consultee when the final plan is submitted to the local planning authority. <b>NH is, therefore, content with this position subject to Schedule 16 of the Draft DCO being updated as noted below.</b> | The Applicant notes and welcomes National Highways' review and position in respect of the <b>outline Construction Traffic Management Plan (oCTMP) [updated alongside this submission]</b> .                                                                                                                                                                                                            | Please see comments above on the CTMP                                                                                                                                                                                                                                                             |
| WR-NH-016 | Transport and Access | 6.6 - The Applicant should involve NH as early as practicable in the management and routing of any Abnormal Indivisible Loads.                        | 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. <b>This commitment should also be referenced in the oCTMP.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The Applicant notes this comment. Paragraph 3.19.4 of the <b>outline Construction Traffic Management Plan (oCTMP) [updated alongside this submission]</b> confirms that, where Abnormal Indivisible Load routes interface with the Strategic Road Network, National Highways will be engaged through the relevant notification, approval and permitting processes applicable at the time of transport. | NH require that AILs will be dealt with / approved via the Electronic Service Delivery for Abnormal Loads (EDSAL) - <a href="https://nationalhighways.co.uk/road-safety/abnormal-loads-and-the-esdal-system">https://nationalhighways.co.uk/road-safety/abnormal-loads-and-the-esdal-system</a> . |
| WR-NH-017 | Transport and Access | 6.7 - The Applicant should notify NH of any amendments to construction routing where those changes may affect the SRN.                                | NH note that the oCTMP provides detail on construction vehicle routing. Traffic diagrams have been provided (and NH confirm that these have been discussed at previous meetings with NH). Further the Applicant has referred to analysis which shows construction traffic resulted <1% change in daily traffic flows at the A1(M) junction 42 and states that to give an indication on the potential impacts during the network peaks, information from other solar developments has been reviewed and discussed with NH. The Applicant notes that this resulted in an estimated impact at the A1(M) junction of up to 20 additional trips in total (10 each way) during the highway network AM and PM peaks. NH notes this position and on the basis that the "estimated impact at the A1(M) junction of up to 20 additional trips in total (10 each way) during the highway network AM and PM peaks." (as confirmed by                                                                                                                                                                                                                                                                                                                                | The Applicant notes National Highways' confirmation that the forecast impact on A1(M) Junction 42 is unlikely to materially affect operation of the junction. No further action is required.                                                                                                                                                                                                           | Please see comments above on the CTMP                                                                                                                                                                                                                                                             |

| ID                                                            | Theme                | Relevant Representation Paragraph and Position                                                                                                                                                                                                                                                                                                                              | Updated Position and Rationale and any update to the Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Applicant Response                                                                                                                                                                                                                                                                                                             | NH Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                                               |                      |                                                                                                                                                                                                                                                                                                                                                                             | the Applicant") NH considers that this is unlikely to have a material impact on the operation of this junction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Outline Construction Traffic Management Plan [APP-201]</b> |                      |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| WR-NH-018                                                     | Transport and Access | 6.8 - The Applicant should agree any signage proposed on the SRN with the relevant NH team before works commence.                                                                                                                                                                                                                                                           | The Applicant has indicated that signage would be agreed with relevant highway authorities prior to commencement of construction, which is welcome. <b>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 should acknowledge this.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The Applicant notes this comment. Paragraph 3.6.4 of the outline Construction Traffic Management Plan (oCTMP) [updated alongside this submission] confirms that no construction directional signage associated with the Proposed Development would be placed on the A1(M).                                                     | Please see comments above on signage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| WR-NH-019                                                     | Transport and Access | 6.9 - The Applicant should ensure that any works on the SRN, including temporary signage, are supported by a safety audit and risk assessment and, where inside the redline boundary are carried out in accordance with NH's protective provisions. If works are necessary on the SRN outside the redline boundary they must be progressed through a Section 278 Agreement. | 6.9 - The Applicant should ensure that any works on the SRN, including temporary signage, are supported by a safety audit and risk assessment and, where inside the redline boundary are carried out in accordance with NH's protective provisions. If works are necessary on the SRN outside the redline boundary they must be progressed through a Section 278 Agreement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | The Applicant notes this comment. No works on the Strategic Road Network are proposed as part of the Proposed Development. Should any works affecting the Strategic Road Network be required, they would be undertaken in accordance with the relevant approvals, agreements and protective provisions applicable at the time. | Please see comments above on signage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| WR-NH-020                                                     | Transport and Access | 6.10 - The Applicant should ensure that vehicular trips generated by waste management activities are included in the assessment of construction traffic impacts on the SRN.                                                                                                                                                                                                 | The Applicant has confirmed that construction trip forecasts are based on trips from other, similar construction sites and include the removal of any waste materials. NH note this response.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | The Applicant notes National Highways' acceptance that construction traffic forecasts include waste removal activities. No further action is required.                                                                                                                                                                         | Please see comments above on waste.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| WR-NH-021                                                     | Transport and Access | 6.11 - The Applicant should include in the final Construction Traffic Management Plan the traffic management measures identified in the Outline Construction Environmental Management Plan. Outline Decommissioning Environmental Management Plan                                                                                                                           | <p>The Applicant has agreed to this. NH note that the final CTMP and DEMP are to be substantially in accordance with the outline plans. Requirement 3 permits, however, certified documents (which includes these outline plans) to be varied with the planning authority's consent. To the extent that any of the certified documents are to be varied NH would wish to be consulted.</p> <p><b>Interpretation</b></p> <p><b>1. (1) In this Schedule—</b></p> <p>“discharge” means any consent, agreement or approval required by—</p> <p>(a) a requirement;</p> <p>(b) a document referred to by a requirement; or</p> <p>(c) a document that has been approved pursuant to a requirement;</p> <p>“requirement consultee” means—</p> <p>(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</p> <p>(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</p> <p>“start date” means the date of the notification given by the Secretary of State under paragraph 4(2)(b).</p> <p>(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.</p> <p>Schedule 16 of the Draft DCO is inconsistent with changes that have been made to other Draft DCOs. In the case of the Greenhill Solar by the close of the examination Schedule 16 was updated to include the following:</p> | The Applicant has updated Schedule 16 at Deadline 2 to deal with this concern. The drafting in Schedule 16 applies to Requirement 3, so an additional change to that Requirement is not also needed.                                                                                                                           | <p>The Applicant's change to Schedule 16 is welcomed by NH. However, NH remain concerned that 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 SRN. In such cases, NH would not be consulted on those changes. It is those changes which could have a material effect on the SRN and therefore impact on NH's ability to maintain the safe and efficient operation of its network. It is assumed that reference to Requirement 3 is actually to Requirement 2.</p> <p>NH are best placed to assess whether any amendment, however seemingly minor, may impact the SRN. However it is not appropriate for the Applicant to consult with NH on every change to a certified document but NH do 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 2 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</p> |

| ID                                                                     | Theme                | Relevant Representation Paragraph and Position                                 | Updated Position and Rationale and any update to the Requirements                                                                             | Applicant Response                                                                                                                                | NH Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                                                        |                      |                                                                                | The Draft DCO should be updated to reference consultation with National Highways in Requirement 3 and to update Schedule 16 as outline above. |                                                                                                                                                   | hold an interest. The following change in red below would address NH's concerns<br>(1) The undertaker may submit any amendments to any approved document to the relevant planning authority for approval <b>(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)</b> , and, following approval, the relevant approved document is to be taken to include the amendments approved under this paragraph |
| <b>Outline Decommissioning Environmental Management Plan [APP-194]</b> |                      |                                                                                |                                                                                                                                               |                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| WR-NH-022                                                              | Transport and Access | 6.12 - NH requests that it is included in the list of identified stakeholders. | The Applicant has agreed to this and as noted above Requirement 19 should be updated to reference consultation with National Highways.        | The Applicant has updated Requirement 19 of the <b>Draft DCO [updated alongside this submission]</b> submitted at Deadline 2 to provide for this. | Please see comments above oDEMP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

**Table 2.3.3: National Highways - Part 3 REP1-024**

| ID        | Theme     | Paragraph | Heading                      | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Applicant Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | NH Comments                                                                                   |
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| WR-NH-023 | Draft DCO | 62(3)     | Interpretation               | This sub-paragraph needs to be clear that no works in carrying out, maintaining diverting or decommissioning the authorised development may be carried out in, under or over the strategic road network unless those works are agreed with National Highways and the written consent of National Highways has been obtained pursuant to this Part of this Schedule.                                                                                                                                                                                             | The Applicant continues to negotiate the draft Protective Provisions included at Part 6 of Schedule 15 of the <b>Draft DCO [updated alongside this submission]</b> with National Highways. The Applicant is considering the amendments to the Protective Provisions National Highways appended to its written representation (REP1-023). The Applicant notes that given there is no interaction between the SRN and the Proposed Development's Order Limits, references to the SRN in the Protective Provisions are inutile.                                                                                                                                                      | Protective Provisions for the benefit of NH have yet to be agreed. Negotiations are on going. |
| WR-NH-024 | Draft DCO | 64(1)     | Prior                        | Where road works are to take place on the SRN the details to be submitted should include information demonstrating that the walking, cycling and horse riding assessment and review process undertaken by the undertaker in relation to the specified works has been adhered to in accordance with DMRB GG142 – Designing for walking, cycling and horse riding or any successor document;                                                                                                                                                                      | The Applicant continues to negotiate the draft Protective Provisions included at Part 6 of Schedule 15 of the <b>Draft DCO [updated alongside this submission]</b> with National Highways. The Applicant is considering the amendments to the Protective Provisions National Highways appended to its written representation (REP1-023). The Applicant notes that given there is no interaction between the SRN and the Proposed Development's Order Limits, references to the SRN in the Protective Provisions are inutile.                                                                                                                                                      | NH notes the Applicant's comments. Negotiations are on going.                                 |
| WR-NH-025 | Draft DCO | 64(2)     | Prior approvals and security | Where cable works are to be undertaken that affect the SRN then NH's costs should be paid prior to those works commencing in line with other solar projects where NH is an interested party. It is understood that, in this instance, the cable works should not affect the SRN. That said the drafting should reflect NH's usual approach for cable works in case that position changes. NH's standard and reasonable position is that reasonable costs incurred by NH in the administration of the design approval process, the transfer of land, supervision | The Applicant notes National Highways' acknowledgement that "cable works should not affect the SRN". However, the Applicant does not agree with National Highways' further statement the drafting should remain the same "in case that position [i.e. impacting the SRN] changes". The Applicant's Order Limits for the Proposed Development as applied for are fixed. Furthermore, the 'street works' article in the DCO, under which cable works would be carried out is, unlike some other DCOs, limited to specifically identified locations. There is therefore no scenario in which this position could change under DCO powers. If such works were needed for the Proposed | NH notes the Applicant's comments. Negotiations are on going.                                 |

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|           |           |       |                              | of works, legal costs and VAT should be payable by the Applicant where works affect the SRN or land that NH has an interest. But for the Applicant's scheme, NH would not have to expend resources on the cable or road works.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Development, then ordinary statutory regimes would apply, such as NRSWA.</p> <p>The Applicant considers that each DCO project is unique and boilerplate Protective Provisions should not be included for the sake of inclusion. The Applicant urges National Highways to reconsider its position.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                         |
| WR-NH-026 | Draft DCO | 64(3) | Prior approvals and security | <p>NH welcomes the limitation of the exercise of certain powers in the DCO without NH's consent where the powers are being exercised over the SRN or land which NH has an interest. The reference to "save in emergency" should, however, be deleted. The New Roads and Street Works Act 1991 deal with emergency works and otherwise NH's consent should be secured at all times. The list of articles is also incomplete and needs to capture the following additional articles for the reasons explained below:</p> <p><b>article 14 (access to works):</b> This article 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. Whilst approval is required from the relevant planning authority with consultation of the highway authority for such an access, approval of the highway authority is not required.</p> <p>NH must have control over the operations being carried out on its network and accesses from its high speed network. 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 an access is required to the SRN.</p> <p><b>article 17 (discharge of water):</b> This article allows the applicant to use any watercourse, public sewer or drain for the drainage of water in connection with the authorised development. It is noted consent is required from the person to whom the watercourse, drain or sewer belongs however such consent is subject to deemed consent under article 47.</p> <p><b>article 20 (authority to survey and investigate land):</b> 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</p> | <p>The Applicant considers that the reference to "save in an emergency" in paragraph 64(3) of the protective provisions is an important caveat which is reasonable to enable the powers to only be exercised in exceptional and urgent circumstances. Particularly in circumstances where the Proposed Development does not interact with the SRN, the Applicant maintains that this caveat is proportionate.</p> <p>Save for two articles noted below, the Applicant agrees to update paragraph 64(3) and has done so in the <b>Draft DCO [updated alongside this submission]</b> to include reference to:</p> <ul style="list-style-type: none"> <li>• article 17 (discharge of water);</li> <li>• article 20 (authority to survey and investigate land);</li> <li>• article 24 (compulsory acquisition of rights);</li> <li>• article 27 (power of override easements and other rights); and</li> <li>• article 29 (acquisition of subsoil only).</li> </ul> <p>The Applicant does not consider including references to article 14 (access to works) and article 30 (rights under streets) is necessary in circumstances where there is no interaction with the SRN and otherwise such limited interaction with National Highways' interests in this scheme.</p> <p>As noted above and in response to WR-NH-025, the Applicant does not consider that just because the drafting was included in the Green Hill DCO does not necessarily mean it should be included here - the situation here is different with no SRN interaction and each project should be considered individually.</p> | NH do not accept the Applicant's position on these points as per our original comments. |

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|  |  |  | <p>investigations and place leave or remove apparatus on land in this regard.</p> <p>Whilst it is noted consent is required from the highway authority at sub paragraph (4) for any trial holes, bore holes and trenches for land located within the highway boundary, consent is not required for the wider use of the powers granted within this article such as access to land for surveys etc. Consent is also not required for any land NH own that is outside of the highway boundary and the applicant is only required to serve notice on the landowner prior to exercising this right. This is also a right that extends beyond the order limits.</p> <p><b>article 24 (compulsory acquisition of rights):</b> enables the undertaker to acquire rights or impose restrictive covenants over the Order Land as may be required for any purpose for which the land may be acquired under Article 21 (Compulsory acquisition of land). Paragraph (1) gives the Applicant the ability to take a lesser power of rights over land, rather than full acquisition. The Article also provides that rights may be created as well as enabling the undertaker to acquire those already in existence. It should be noted that this provision is subject to Article 31 (Temporary use of land for constructing the authorised development) which provides that the undertaker must not acquire, acquire new rights over or impose restrictive covenants over land listed in Schedule 11 to the Order (i.e. Land of which only temporary possession may be taken). NH must have control over powers being exercised over its network or land it controls. This is critical from a safety perspective and to maintain the integrity of its assets. Therefore, the applicant should be required to obtain NH's consent before exercising the powers under this article.</p> <p><b>article 27 (power to override easements and other rights):</b> this article permits the Applicant to interfere with any right or interest NH may have within the order limits. As above NH must have control over powers being exercised over its network or land it controls. This is critical from a safety perspective and to maintain the integrity of its assets. Therefore, the applicant should be required to obtain NH's consent before exercising the powers under this article.</p> <p><b>article 29 (acquisition of subsoil only):</b> This article permits the undertaker to acquire only the</p> |  |  |
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|           |           |               |          | <p>subsoil of land, or rights only in the subsoil of land, which may be compulsorily acquired (pursuant to Article 21 – Compulsory acquisition of land or Article 24 – Compulsory acquisition of rights). As above NH must have control over powers being exercised over its network or land it controls. This is critical from a safety perspective and to maintain the integrity of its assets. Therefore, the applicant should be required to obtain NH's consent before exercising the powers under this article.</p> <p><b>article 30 (rights under streets)</b> This article provides the applicant with the power to enter and use the subsoil over any part of NH's network without NH's consent. NH would not permit uncontrolled works underneath its network which would originally have the protection of a section 50 pursuant to the New Roads and Street Works Act 1991. NH would need to give consideration to the safety implications of such work and its interface with NH's assets. NH would expect to have a consenting role before these powers are exercised over the SRN or land which it owns or controls. This is critical from a safety perspective and to maintain the integrity of NH's assets. Therefore, the applicant should be required to obtain NH's consent in the event that the exercise of the powers affect the SRN or any land National Highways has an interest in.</p> <p>The changes requested are consistent with other solar projects including the Green Hill Solar Farm DCO application</p> |                                                                                                                                                     |        |
| WR-NH-027 | Draft DCO | 66(3) and (4) | Payments | <p>As noted above the costs incurred by NH in the administration of the design approval process, the transfer of land, supervision of works, legal costs and VAT should be payable by the Applicant. But for the Applicant's scheme, NH would not have to expend resources on the cable or road works and those costs need to be met ahead of NH incurring the relevant costs. The Draft DCO includes provisions that would enable the Applicant to delay or refuse payment of NH's costs upfront where the Applicant decides that the costs sought by NH are unreasonable. As a public body, NH must act reasonably when incurring costs.</p> <p>NH does not have a budget for costs incurred in respect of the Draft DCO proposals and therefore needs costs to be met up front.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The Applicant is considering this amendment to the Protective Provisions which National Highways appended to its written representation (REP1-023). | Noted. |

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| WR-NH-028 | Draft DCO | 67 | Provisional Certificate | Where any road or cable works are proposed to the SRN, on, over or under the highway, the requirements of NH's design checking and approval process is required to be discharged. Reference to NH inspecting "with all reasonable despatch" is uncertain. NH will carry out an inspection in line with its statutory duties and obligations under its licence to support third party development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The Applicant does not agree with this amendment. The Applicant considers that this phrase adds a layer of certainty in timescales for the Proposed Development.                                                                                                                                                               | NH do not accept the Applicant's position on this point as per our original comments. |
| WR-NH-029 | Draft DCO | 69 | Opening                 | The number of days referenced in this paragraph should reflect NH's template provisions. The "unless otherwise agreed in writing by National Highways" allows for flexibility and NH must act reasonably in providing that approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Given the limited interaction with National Highways' interests, the Applicant does not consider that the increase in days in the circumstances is necessary.                                                                                                                                                                  | NH do not accept the Applicant's position on this point as per our original comments. |
| WR-NH-030 | Draft DCO | 73 | Security                | Where the Applicant is proposing to carry out works to the SRN and beneath the SRN or on land owned by NH, NH needs to approve the relevant works in accordance with certain protective provisions. These works may be commenced and not completed, may be constructed contrary to the approved design or may be suspended due to the dissolution of the Applicant. In such cases, NH is exposed to a potentially significant financial burden in removing the works from the highway estate. Outside the Planning Act 2008, payment for any works which an authority are authorised to execute (i.e. not just works to the highway itself) may be secured under a section 278 agreement, with such a payment being secured through a bond or cash deposit. In the absence of any commitment by the Applicant to enter into a section 278 agreement containing provisions to put security in place for the benefit of NH, the NH protective provisions require security in a manner which is consistent with the measures applying to developments carried out under the Town and Country Planning Act 1990, applying the provisions of the Highways Act 1980. The NH protective provisions are also an appropriate mechanism to secure security for any other costs or expenses incurred by NH in respect of the Applicant's exercise of any other powers under the Order. | The Applicant accepts National Highways' amended drafting at paragraph 73 (security) and update paragraph 64(3) and has included this in the <b>Draft DCO [updated alongside this submission]</b> .                                                                                                                            | Noted.                                                                                |
| WR-NH-031 | Draft DCO | 70 | Insurance               | Insurance is required of all contractors working on the SRN and the amount of insurance needs to be in accordance with NH's template protective provisions if NH is to be held harmless for any costs incurred.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The Applicant assumes that National Highways is referring to paragraph 75 (insurance). The Applicant does not agree with National Highways' proposed changes because the text it is seeking to remove is standard liability insurance language, being that a series of claims from one event would be covered under one claim. | NH do not accept the Applicant's position on this point as per our original comments. |

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| WR-NH-032 | Draft DCO | 71 | Indemnity | NH must be held harmless for the construction, maintenance and operation of the Authorised Development and any resultant impacts and it is common practice for statutory undertakers to be indemnified in such circumstances. It should not be for the public purse to cover instances of loss or damage occasioned by third party works. | The Applicant assumes that National Highways is referring to paragraph 76 (indemnity). With the exception of some minor amendments the Applicant is willing to accept (as marked up in a travelling draft sent to National Highways on 15 July 2026 and updated in the <b>Draft DCO [updated alongside this submission]</b> ), the Applicant does not agree with National Highways' proposed amendments. Given there is no interaction with the SRN and the Proposed Development's Order Limits, the indemnity suggested is neither proportionate nor appropriate in the circumstances. | NH do not accept the Applicant's position on this point as per our original comments. NH's position has been accepted on the Gatwick Airport Northern Runway DCO. |
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