

**Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by The Drovers Solar Farm Limited for an order granting Development Consent for The Drovers Solar Project**

**Planning Inspectorate Reference Number: EN0110013**

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**Deadline 2:**

**Comments on Applicant's Response to National Highways' Relevant Representations submitted on behalf of National Highways**

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## 1. INTRODUCTION

- 1.1. This document is submitted for Deadline 2 on behalf of National Highways ("NH") in respect of an application by an application by The Drovers Solar Farm Ltd ("**Applicant**") for an order granting development consent for The Drovers Solar Project ("**DCO**"). The Applicant seeks development consent for proposed authorised development described in Schedule 1 of the draft DCO ("**Authorised Development**"). The table below sets out NH's response on the Applicant's response to National Highways' Relevant Representation which forms **pages 175-209** of Document **APP/8.4** "Applicant's Response to Relevant Representations" [**REP1-067**] submitted by the Applicant at Deadline 1.

Reference Number	NH Comment	Applicant Response	NH Comment 19 June 2026
NH1	<p>1 Introduction</p> <p>1.1 This relevant representation is National Highways' ("NH") formal written response to the application by The Drovers Solar Farm Limited ("Applicant") for an order granting development consent for The Drovers Solar Farm ("DCO"). The Applicant seeks development consent for proposed authorised development described in Schedule 1 of the draft DCO ("Authorised Development").</p>	The Applicant notes this comment.	N/A
NH2	<p>1.2 NH objects to the DCO and the Authorised Development for the following reasons:</p> <p>(a) The book of reference as submitted by the Applicant identifies 8 plots of land owned or occupied by NH for the purposes of its undertaking ("Plots") in respect of which compulsory powers are sought. The compulsory powers sought are described in the book of reference temporary possession ("Compulsory Powers"). To safeguard NH's interests and the safety and integrity of the Strategic Road Network ("SRN"), NH objects to the inclusion of the Plots in the DCO and to Compulsory Powers being granted in respect of them. The Plots constitute land acquired by NH for the purpose of maintaining its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008. NH considers that there is no compelling case in the public interest for the</p>	The Applicant notes the grounds of objection from National Highways and has addressed the points made in the rows below. However, the Applicant notes that National Highways is prepared to withdraw its objection subject to the Applicant agreeing to the inclusion of the National Highways protective provisions (submitted at Appendix 1 of National Highways' Relevant Representation) in the draft DCO [APP/3.1.1]. The Applicant agrees that a form of protective provisions for the benefit of National Highways is required on the face of the draft DCO [APP/3.1.1] to protect National Highways' interests. The Applicant notes that it has included such a form of protective provisions for the benefit of National Highways in Part 4 of Schedule 15 of the draft DCO [APP/3.1.1].	<p>NH met with the Applicant's legal team on 5 June to discuss the Protective Provisions. NH requires suitable Protective Provisions to be agreed which ensure that the Applicant is required to obtain NH's consent in the event the activities affect the strategic road network or any land NH has an interest in. Discussions on the Protective Provisions are on-going.</p> <p>NH met with the Applicant's transport consultants on 11 June, and a constructive discussion took place about the changes that had been made to the CTMP to reflect NH's concerns. The updated CTMP was submitted by the Applicant at Deadline 1. This is being reviewed by NH. A response will follow at the next deadline.</p>

	<p>Compulsory Powers over the Plots without the inclusion of NH's protective provisions and that the grant of the DCO without such provisions would result in serious detriment to the SRN.</p> <p>(b) The DCO includes a number of provisions which authorise the interference with statutory powers belonging to NH and/or grant the Applicant powers over the SRN which would have significant safety implications if not properly and proportionately controlled through NH's protective provisions. These include 8, 10, 11, 12, 16, 17, 19, 20, 21, 24, 25, 27, 30, 31, 32, 33, 34, 40 and 47.</p> <p>(c) National Highways requires additional information regarding the proposed works no 1 and 11 outlined in Schedule 1 to the draft order in relation to their impact on the SRN. The nature and scope of the proposed works affecting the SRN is currently unclear. Without the appropriate level of information, it is not possible to effectively assess or manage the potential impact on the SRN. The inclusion of National Highways' protective provisions at Appendix 1 are required to ensure the necessary information is provided at the relevant stages.</p> <p>1.3 NH is prepared to withdraw its objection subject to the Applicant agreeing to the inclusion of the NH protective provisions (in the form found at Appendix 1 of this document) on the DCO.</p> <p>1.4 NH reserves the right to produce additional grounds of objection to the Examining Authority as the DCO progresses should NH consider it necessary if any further information relating to the impact on the SRN becomes known.</p>	<p>However, the Applicant notes National Highways comments on these protective provisions later in National Highways' relevant representation, which includes (at Appendix 1) National Highways' preferred wording for these protective provisions. The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>On the matter of the compelling case in the public interest for the compulsory acquisition powers sought by the Applicant, the Applicant refers to section 6 of its Statement of Reasons [APP-021] for the justification of the inclusion of these powers in the draft DCO [APP/3.1.1]. In summary, this is due to meaningful and timely contributions offered by the Scheme to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life.</p> <p>Regarding the proposed works no 1 and 11 within Schedule 1, these works are temporary works at the A47/A1065 junction which may include verge reinforcement or temporary widening that may be required for the future abnormal indivisible loads (AIL) delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being reinstated to the original condition post-delivery of the AIL. The works, including any technical approval protocols and Road Safety Audits,</p>	
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		are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction.	
NH3	<p>3. Protecting the SRN</p> <p>3.1 Unlike other statutory consultees involved in the consenting of nationally significant infrastructure projects, NH is a very active promoter of development consent orders and understands keenly the pressures and requirements placed on applicants to balance the delivery of the scheme with the protections afforded to statutory consultees. NH has been at the vanguard of DCO-consented development since the Planning Act 2008 was introduced and has offered many commitments for the protection of electricity and gas apparatus, water and drainage infrastructure, railway undertakings and other infrastructure owned by statutory consultees as a consequence of its own development consent orders. The SRN deserves the same measure of protection, proportionate to the extent of interference caused by the Authorised Development.</p>	The Applicant notes this comment and considers that the form of protective provisions for the benefit of National Highways in Part 4 of Schedule 15 of the draft DCO [APP/3.1.1] adequately protect the SRN, for the reasons set out in the corresponding rows below.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH4	<p>3.2 NH understands the need for proportionality in the context of such protections and considers that a proportionate level of protection in all cases and as a minimum standard where there is the potential for impact to the SRN should be the following:</p> <p>(a) that NH be held harmless from the impact of third-party development;</p> <p>(b) that NH procedures put in place for the protection of property and persons are adhered to in accordance with NH's strict requirements on network occupancy;</p> <p>(c) that any works carried out to the highway, on NH land, underneath the highway, above the highway and to apparatus forming part of the highway estate should be certified by NH and approved by NH on completion of the works;</p> <p>(d) that financial provision should be put in place to ensure that in the event of the Applicant commencing works which may</p>	<p>The Applicant notes the minimum standards proposed by National Highways but also notes that these standards are addressed in the National Highways protective provisions (submitted at Appendix 1 of National Highways' relevant representation) in the draft DCO [APP/3.1.1]. The Applicant agrees that a form of protective provisions for the benefit of NH is required on the face of the draft DCO [APP/3.1.1] to protect National Highways' interests. The Applicant notes that it has included such a form of protective provisions for the benefit of National Highways' in Part 4 of Schedule 15 of the draft DCO [APP/3.1.1].</p> <p>However, the Applicant notes National Highways' comments on these protective provisions later in National</p>	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	<p>impact the SRN (including for example, underground works beneath the SRN or oversailing above it) and falling into financial difficulty or defaulting on completion of the works, NH has the resources needed to put the SRN and the highway estate into the position it was in before the Applicant commenced works;</p> <p>(e) that NH be indemnified for any loss or damage to the SRN or the highway estate as a result of the works;</p> <p>(f) that the Applicant requests approval from NH before exercising any powers under the DCO in relation to the SRN or the highway estate (such approval not to be unreasonably withheld) to enable proportionate rights and reservations to be secured for the protection of the SRN through private treaty;</p> <p>(g) that emergency procedures be agreed for NH to access the SRN to carry out works or remove dangerous obstacles resulting from the Authorised Development which pose a risk to life.</p> <p>3.3 These provisions are included in the NH protective provisions.</p>	<p>Highways' relevant representation, which includes (at Appendix 1) National Highways' preferred wording for these protective provisions. The Applicant notes that National Highways' has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO.</p> <p>The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p>	
NH5	<p>3.4 NH considers that without the NH protective provisions, there is a considerable risk of serious detriment to the SRN, as any damage or injury to the SRN or wider highway estate would require funding to rectify that is not within NH's budget. There is no recourse to public funding for emergency works of this nature and a reserve of funding is not available. Without prejudice to whether the Authorised Development would cause a serious detriment to the SRN, it remains the case that the public purse should not be left to meet or subsidise costs of impacts caused by third party development to the SRN</p>	<p>The Applicant agrees that a form of protective provisions for the benefit of National Highways is required on the face of the draft DCO [APP/3.1.1] to protect National Highways' interests and to allay National Highways' concerns regarding funding as set out here.</p> <p>The Applicant notes that it has included such a form of protective provisions for the benefit of National Highways in Part 4 of Schedule 15 of the draft DCO [APP/3.1.1].</p> <p>However, the Applicant notes National Highways' comments on these protective provisions later in National Highways' relevant representation, which includes (as an appendix) National Highways' preferred wording for these protective provisions. The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

		<p>Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO.</p> <p>The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p>	
NH6	<p>3.5 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 right 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</p>	<p>The Applicant notes this comment and has addressed National Highways' concerns in the corresponding rows above and below.</p>	<p>Acknowledged by NH.</p>

	NH to manage its network in accordance with regulatory requirements.		
NH7	3.6 For the sake of clarity and transparency, NH has no desire to stymie 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 cooperate with third parties exercising planning or highway functions, which includes the Applicant in this statutory process <sup>4</sup> . 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. 4 Section 5(1) Infrastructure Act 2015	The Applicant welcomes this comment and looks forward to continued engagement with National Highways.	Acknowledged by NH.
NH8	<p>1. The Proposed Works</p> <p>4.1 The Applicant's draft DCO includes powers of temporary possession in respect of the land interests owned by NH as set out in the table below referred to in the Book of Reference. National Highway's comments on the proposed powers in respect of its interests are set out in the table.</p> <p>4.2 For the purpose of the table below, the following, taken from the tables in the Book of Reference at Paragraph 5 applies: - <i>Purpose One: Temporary use (including access and compounds) to facilitate the construction of Work Nos. 1 to 11.</i></p> <p>4.3 It is noted that the purpose set out above is very wide and vague. Further clarity is sought in relation to the purpose and reasons for which temporary possession is sought in relation to each plot so NH can fully assess the impact of the proposals on the SRN.</p>	<p>National Highways has been identified within the following plots 5-47, 5-49, 5-50, 5-51, 5-53, 5-54, 5-55 and 5-56 for which temporary possession is sought, and the purpose and reason is for work 8a. Work 8a is defined as:</p> <p>Work No. 8— works to facilitate access to Work Nos. 1, 2, 3, 6, 7, 9, 10 and 11 including:</p> <p>(a) Work No. 8A— works to facilitate temporary construction, maintenance, and decommissioning access to Work Nos. 1, 2, 3, 6, 7, 9, 10 and 11 including—</p> <ul style="list-style-type: none"> <li>(i) creation of accesses from the public highway;</li> <li>(ii) creation of visibility splays;</li> <li>(iii) works to alter the layout of any street or highway temporarily; and</li> <li>(iv) offsite works adjacent to highways land including those to structures, boundary features, drainage features on private land, in connection with the movement of abnormal indivisible loads.</li> </ul>	NH's understanding is that temporary possession is required only to facilitate the movement of Abnormal Indivisible Loads via the temporary removal of street furniture, verge reinforcement, vegetation removal or temporary widening that may be required for the future AIL delivery at the junctions in the vicinity of the A47 junction with the A1065 during construction. NH objects to the temporary acquisition of all these plots as it would fetter its duties in respect of road safety. The inclusion of these plots in the Book of Reference is not justifiable as required by the Planning Act Compulsory Acquisition Guidance since where street furniture or signage needs to be temporarily removed or repositioned or vegetation removal or temporary widening is required to allow an AIL to pass, this can be arranged via NH's normal processes for permitting works on the highway having followed the procedures in its template protective provisions.

		<p>The works are temporary highway works at the A47 / A1065 junction which may include verge reinforcement, temporary street furniture removal, vegetation removal or temporary widening that may be required for the future AIL delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being reinstated to the original condition post delivery of the AIL. The works, including any technical approval protocols, Road Safety Audits and traffic management, are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction.</p>	
<p>NH9</p>	<p><b>Plot: 5-47</b>  <b>Owner: NH</b>  <b>Acquisition Category: Temporary Possession</b>  <b>Works Proposed (Taken from the Applicant's statement of reasons): Purpose One</b></p> <p>NH Comments:  The Book of Reference notes that NH are a Category 2 person in respect of rights granted by a Deed of Exchange dated 17 December 1984.  NH require further details of the works proposed on this parcel. If there are any potential traffic management implications, then NH require to be consulted before works take place. The Applicant should be required to obtain NH's consent in the event the activities affect the SRN or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH's proposed protective provisions at Appendix 1.</p>	<p>In respect of the request for the Applicant to seek National Highways' consent, the Applicant notes that this is included in the form of protective provisions for the benefit of National Highways referred to in other rows of this response, including above in relation to NH2.</p> <p>The works are temporary highway works at the A47/A1065 junction which may include verge reinforcement, temporary street furniture removal or temporary widening that may be required for the future AIL delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being reinstated to the original condition post-delivery of the AIL. The works, including any technical approval protocols, Road Safety Audits and traffic management, are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction.</p>	<p>NH acknowledges the points made by the Applicant. NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p> <p>NH notes that the CTMP has been updated and will review this.</p>

<p>NH10</p>	<p><b>Plot: 5-49</b>  <b>Owner: NH</b>  <b>Acquisition Category: Temporary Possession</b>  <b>Works Proposed (Taken from the Applicant's statement of reasons): Purpose One</b></p> <p>NH Comments:</p> <p>The Book of Reference notes that NH are a Category 1 person as an Owner/Occupier.</p> <p>NH require further details of the works proposed on this parcel. If there are any potential traffic management implications, then NH require to be consulted before works take place. The Applicant should be required to obtain NH's consent in the event the activities affect the SRN or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH's proposed protective provisions at Appendix 1.</p>	<p>In respect of the request for the Applicant to seek National Highways' consent, the Applicant notes that this is included in the form of protective provisions for the benefit of National Highways referred to in other rows of this response, including above in relation to NH2.</p> <p>The works are temporary highway works at the A47/A1065 junction which may include verge reinforcement or temporary widening that may be required for the future AIL delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being reinstated to the original condition post-delivery of the AIL. The works, including any technical approval protocols, Road Safety Audits and traffic management, are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction.</p>	<p>NH acknowledges the points made by the Applicant. NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p> <p>NH notes that the CTMP has been updated and will review this.</p>
<p>NH11</p>	<p><b>Plot: 5-50</b>  <b>Owner: NH</b>  <b>Acquisition Category: Temporary Possession</b>  <b>Works Proposed (Taken from the Applicant's statement of reasons): Purpose One</b></p> <p>NH Comments:</p> <p>The Book of Reference notes that NH are a Category 1 person as an Owner/Occupier.</p> <p>NH require further details of the works proposed on this parcel. If there are any potential traffic management implications, then NH require to be consulted before works take place. The Applicant should be required to obtain NH 's consent in the event the activities affect the SRN or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly</p>	<p>The works are temporary highway works at the A47/A1065 junction which may include verge reinforcement or temporary widening that may be required for the future AIL delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being reinstated to the original condition post-delivery of the AIL. The works, including any technical approval protocols, Road Safety Audits and traffic management, are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction.</p>	<p>NH acknowledges the points made by the Applicant. NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p> <p>NH notes that the CTMP has been updated and will review this.</p>

	provided in paragraph 7(4) of NH ' s proposed protective provisions at Appendix 1.		
NH12	<p><b>Plot: 5-51</b>  <b>Owner: NH</b>  <b>Acquisition Category: Temporary Possession</b>  <b>Works Proposed (Taken from the Applicant's statement of reasons): Purpose One</b></p> <p>NH Comments:  The Book of Reference notes that NH are a Category 1 person as an Owner/Occupier.  NH require further details of the works proposed on this parcel. If there are any potential traffic management implications, then NH require to be consulted before works take place. The Applicant should be required to obtain NH ' s consent in the event the activities affect the SRN or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH ' s proposed protective provisions at Appendix 1.</p>	<p>In respect of the request for the Applicant to seek National Highways' consent, the Applicant notes that this is included in the form of protective provisions for the benefit of National Highways referred to in other rows of this response, including above in relation to NH2.</p> <p>The works are temporary highway works at the A47/A1065 junction which may include verge reinforcement or temporary widening that may be required for the future AIL delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being reinstated to the original condition post-delivery of the AIL. The works, including any technical approval protocols, Road Safety Audits and traffic management, are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction.</p>	<p>NH acknowledges the points made by the Applicant. NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p> <p>NH notes that the CTMP has been updated and will review this.</p>
NH13	<p><b>Plot: 5-53</b>  <b>Owner: NH</b>  <b>Acquisition Category: Temporary Possession</b>  <b>Works Proposed (Taken from the Applicant's statement of reasons): Purpose One</b></p> <p>NH Comments:  The Book of Reference notes that NH are a Category 1 person as an Owner/Occupier.  NH require further details of the works proposed on this parcel. If there are any potential traffic management implications, then NH require to be consulted before works take place. The</p>	<p>In respect of the request for the Applicant to seek National Highways' consent, the Applicant notes that this is included in the form of protective provisions for the benefit of National Highways referred to in other rows of this response, including above in relation to NH2.</p> <p>The works are temporary highway works at the A47/A1065 junction which may include verge reinforcement or temporary widening that may be required for the future AIL delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being</p>	<p>NH acknowledges the points made by the Applicant. NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p> <p>NH notes that the CTMP has been updated and will review this.</p>

	<p>Applicant should be required to obtain NH ' s consent in the event the activities affect the SRN or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH ' s proposed protective provisions at Appendix 1.</p>	<p>reinstated to the original condition post-delivery of the AIL. The works, including any technical approval protocols, Road Safety Audits and traffic management, are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction.</p>	
NH14	<p><b>Plot: 5-54</b>  <b>Owner: NH</b>  <b>Acquisition Category: Temporary Possession</b>  <b>Works Proposed (Taken from the Applicant's statement of reasons): Purpose One</b></p> <p>NH Comments:  The Book of Reference notes that NH are a Category 2 person in respect of rights granted by a Deed of Exchange dated 17 December 1984.  NH require further details of the works proposed on this parcel. If there are any potential traffic management implications, then NH require to be consulted before works take place. The Applicant should be required to obtain NH ' s consent in the event the activities affect the SRN or any land NH has an interest in. As a public body, N H is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH ' s proposed protective provisions at Appendix 1.</p>	<p>In respect of the request for the Applicant to seek National Highways' consent, the Applicant notes that this is included in the form of protective provisions for the benefit of National Highways referred to in other rows of this response, including above in relation to NH2.</p> <p>The works are temporary highway works at the A47/A1065 junction which may include verge reinforcement or temporary widening that may be required for the future AIL delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being reinstated to the original condition post-delivery of the AIL. The works, including any technical approval protocols, Road Safety Audits and traffic management, are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction.</p>	<p>NH acknowledges the points made by the Applicant. NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p> <p>NH notes that the CTMP has been updated and will review this.</p>
NH15	<p><b>Plot: 5-55</b>  <b>Owner: NH</b>  <b>Acquisition Category: Temporary Possession</b>  <b>Works Proposed (Taken from the Applicant's statement of reasons): Purpose One</b></p>	<p>In respect of the request for the Applicant to seek National Highways' consent, the Applicant notes that this is included in the form of protective provisions for the benefit of National Highways referred to in other rows of this response, including above in relation to NH2.</p>	<p>NH acknowledges the points made by the Applicant. NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p> <p>NH notes that the CTMP has been updated and will review this.</p>

	<p>NH Comments:</p> <p>The Book of Reference notes that NH are a Category 1 person as an Owner.</p> <p>NH require further details of the works proposed on this parcel. If there are any potential traffic management implications, then NH require to be consulted before works take place. The Applicant should be required to obtain NH 's consent in the event the activities affect the SRN or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH's proposed protective provisions at Appendix 1.</p>	<p>The works are temporary highway works at the A47/A1065 junction which may include verge reinforcement or temporary widening that may be required for the future AIL delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being reinstated to the original condition post-delivery of the AIL. The works, including any technical approval protocols, Road Safety Audits and traffic management, are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction</p>	
NH16	<p><b>Plot: 5-56</b>  <b>Owner: NH</b>  <b>Acquisition Category: Temporary Possession</b>  <b>Works Proposed (Taken from the Applicant's statement of reasons): Purpose One</b></p> <p>NH Comments:</p> <p>The Book of Reference notes that NH are a Category 1 person as an Owner.</p> <p>NH require further details of the works proposed on this parcel. If there are any potential traffic management implications, then NH require to be consulted before works take place. The Applicant should be required to obtain NH's consent in the event the activities affect the SRN or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH's proposed protective provisions at Appendix 1.</p>	<p>In respect of the request for the Applicant to seek National Highways' consent, the Applicant notes that this is included in the form of protective provisions for the benefit of National Highways referred to in other rows of this response, including above in relation to NH2.</p> <p>The works are temporary highway works at the A47/A1065 junction which may include verge reinforcement or temporary widening that may be required for the future AIL delivery at the junctions, as set out within the oCTMP [APP/7.7.1] and ES Appendix 9.2: Traffic Assessment [APP-163]. The works would be temporary in nature and only for the AIL delivery, being reinstated to the original condition post-delivery of the AIL. The works, including any technical approval protocols, Road Safety Audits and traffic management, are secured through the oCTMP [APP/7.7.1] and will be confirmed to National Highways via the contractor as part of the AIL license protocol and via the detailed Construction Traffic Management Plan provided prior to commencement of construction.</p>	<p>NH acknowledges the points made by the Applicant. NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p> <p>NH notes that the CTMP has been updated and will review this.</p>

NH17	Please can the Applicant also confirm whether NH have any interest in any other plots.	The Applicant has identified all National Highways interests as set out in the Book of Reference [APP/4.3.2] and the Land Plan [APP-008].	Noted. NH appreciates this confirmation.
NH18	<p>5. Draft DCO</p> <p>5.1 Whilst the protective provisions included in the Applicant's draft DCO for NH's benefit, include some protections for NH, concerns remain in relation to some of the articles. The form of protective provisions at Appendix 1 addresses those concerns. The Applicant's draft DCO includes the following provisions which are of specific concern to NH:</p>	The Applicant notes this comment and has responded to the specific points raised by National Highways below.	Acknowledged by NH.
NH19	<p><b>Article/Schedule: Article 8</b></p> <p>Summary of the Applicant's Drafting:</p> <p>(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 4 (streets subject to street works) and may—</p> <p>(a) break up or open the street, or any sewer, drain, or tunnel under it;</p> <p>(b) drill, tunnel or bore under the street;</p> <p>(c) place and keep apparatus in or under the street;</p> <p>(d) maintain apparatus in or under the street, change its position or remove it;</p> <p>(e) repair, replace or otherwise alter the surface or structure of the street or any culvert under the street; and</p> <p>(f) execute any works required for or incidental to any works referred to in subparagraphs (a) to (e).</p> <p>NH Comments:</p> <p>This article will give the Applicant the power to break open the streets, place and keep apparatus etc. beneath the NH network, in particular the A47 Slip Road.</p> <p>To date, no information has been received by NH as to works to be conducted on the SRN, so the nature and scope of the proposed works remains unclear. Please refer to paragraph 4.2 – 4.4 for the information NH require in order to address NH' concern relating to this article.</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways' proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 8 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 8 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	<p>Additionally, please note it is NH's preference that any apparatus installed under the strategic road network is carried out by Horizontal Directional Drilling (HDD) rather than an open cut method. It is noted that the Applicant's protective provisions for the benefit of NH to the draft order requires NH's approval to the design before works under this article commence at paragraph 53(2) however this does not extend to approval of the programme for the cable works. The protective provisions contained in the draft DCO are not agreed by NH. A copy of NH' proposed protective provision are attached to this representation at Appendix 1.</p> <p>As the highway authority for the A47, NH must have control over the operations being carried out on and under its network in order to comply with its duty to co-ordinate the execution of works of all kinds (including works for road purposes) under section 59 of the New Roads and Street Act 1991. Road space booking will be required in connection with these works so NH can comply with this duty. This is critical from a safety perspective and to protect the structure of the street and the integrity of apparatus in it.</p> <p>Therefore, the Applicant should be required to obtain NH's consent in the event the activities effect the strategic road network or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH' proposed protective provisions at Appendix 1. Inclusion of paragraph 7(2) of NH's proposed protective provisions would address NH' objection to this article, which requires the Applicant to obtain NH consent before exercising their right under this article.</p> <p>Such consent should not be subject to deemed consent under article 47. Please see comments in this regard below.</p>		
NH20	<p><b>Article/Schedule: Article 10</b>  <b>Summary of the Applicant's Drafting:</b></p>	<p>The Applicant considers the reference from National Highways to paragraph 53(2) of the protective provisions for the benefit of National Highways found in Part 4 of Schedule 15 of the draft DCO [APP/3.1.1] to be</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

<p>(1) The undertaker may for the purposes of the authorised development alter the layout of, and carry out the works to, the streets—</p> <p>(a) specified in column 2 of the table in Part 1 (permanent alteration of layout) of Schedule 5 (alteration of streets) permanently in the manner specified in relation to that street in column 3; and 12</p> <p>(b) specified in column 2 of the table in Part 2 (temporary alteration of layout) of Schedule 5 temporarily in the manner specified in relation to that street in column 3.</p> <p>(2) Without prejudice to the specific powers conferred by paragraph (1), but subject to paragraphs (3) and (4), the undertaker may, for the purposes of constructing, operating or maintaining the authorised development, alter the layout of any street and, without limitation on the scope of this paragraph, the undertaker may—</p> <p>(a) alter the level or increase the width of any kerb, footway, cycle track, or verge;</p> <p>(b) make and maintain passing places; and</p> <p>(c) alter, remove, replace, or relocate any street furniture, including but without limitation any bollards, lighting columns, or street signs.</p> <p>(3) The undertaker must restore any street that has been temporarily altered under this Order to the reasonable satisfaction of the street authority.</p> <p>(4) The powers conferred by paragraph (2) may not be exercised without the consent of the street authority, such consent to be in a form reasonably required by the street authority.</p> <p>NH Comments:</p> <p>This Article will give the Applicant power to temporarily alter the layout and carry out works to the streets specified in column 2 of the table in Part 2 of Schedule 5 which includes the A47 Slip Road. It is also noted that there are non street specific powers in subsection (2).</p>	<p>erroneous and should instead refer to paragraph 35(2). Nonetheless, the Applicant agrees that it must obtain National Highways' prior approval for works undertaken under article 10 in connection with the SRN. The Applicant responds to National Highways' concern regarding article 47 below.</p> <p>The Applicant also notes that the relevant wording in article 10 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 10 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	
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	<p>The Applicant must obtain NH's prior approval for works undertaken under this article in connection with the SRN at paragraph 53(2) of NH's protective provisions of the applicant's draft DCO.</p> <p>However, such consent should not be subject to deemed consent under article 47. Please see comments in this regard below</p>		
NH21	<p><b>Article/Schedule: Article 12</b></p> <p>Summary of the Applicant's Drafting:</p> <p>(1) The undertaker, during and for the purposes of constructing, maintaining, or decommissioning the authorised development, may temporarily close, prohibit the use of, restrict the use of, alter or divert any street or public right of way and may for any reasonable time—</p> <p>(a) divert the traffic or a class of traffic from the street or public right of way; (b) authorise the use of motor vehicles on classes of public rights of way where, notwithstanding the provisions of this article, there is otherwise no public right to use motor vehicles; and</p> <p>(c) subject to paragraph (2), prevent all persons from passing along the street or public right of way.</p> <p>(2) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by the temporary closure, prohibition, restriction, alteration, or diversion of a street or public right of way under this article if there would otherwise be no such access.</p> <p>(3) Without prejudice to the generality of paragraph (1), the undertaker may temporarily close, prohibit the use of, restrict the use of, authorise the use of, alter or divert—</p> <p>(a) the streets specified in column 2 of the table in Part 1 (streets to be temporarily closed) of Schedule 6 (streets and public rights of way) to the extent specified in column 3 of that table;</p> <p>(b) the public rights of way specified in column 2 of the table in Part 2 (public rights of way to be temporarily closed) of</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways' proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 12 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 12 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

	<p>Schedule 6 to the extent specified in column 3 of that table; and</p> <p>(c) the public rights of way specified in column 2 of the table in Part 3 (temporary use of motor vehicles on public rights of way) of Schedule 6 to the extent specified in column 3 of that table.</p> <p>(4) The undertaker must not temporarily close, prohibit the use of, restrict the use of, authorise the use of, alter or divert—</p> <p>(a) any street or public right of way specified in paragraph (3) without first consulting the street authority; and</p> <p>(b) any other street or public right of way without the consent of the street authority, and the street authority may attach reasonable conditions to any such consent</p> <p>NH Comments:</p> <p>This article provides the Applicant with powers equivalent to a temporary traffic regulation order in connection with any road. NH has no interest in the streets or public rights of way listed in Schedule 6 however it is noted that subsection 1 contains a general power that may affect NH's interests.</p> <p>The Applicant is required to consult with NH in this regard but they do not require our consent.</p> <p>NH must have control over the operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the Applicant should be required to obtain NH' consent in the event the activities effect the SRN or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH's proposed protective provisions at Appendix 1.</p> <p>Inclusion of paragraph 7(2) of NH's proposed protective provisions would address NH objection to this article, which requires the Applicant to obtain NH consent before exercising their right under this article.</p>		
NH22	<p><b>Article/Schedule: Article 14</b></p> <p>Summary of the Applicant's Drafting:</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

	<p>(1) The undertaker may, for the purposes of the authorised development —</p> <p>(a) form and lay out the permanent means of access, or improve existing means of access, in the locations specified in Part 1 (permanent means of access) of Schedule 7 (access to works);</p> <p>(b) form and lay out the temporary means of access, or improve existing means of access, in the locations specified in Part 2 (temporary means of access) of Schedule 7 (access to works); and</p> <p>(c) with the approval of the relevant planning authority after consultation with the highway authority in such a form as reasonably required by the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development</p> <p>NH Comments:</p> <p>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. NH network, forms part of that order limit.</p> <p>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. 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 the activities effect the strategic road network or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent.</p>	<p>found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways' proposed protective provisions, which the Applicant considers would address National Highways' concern in relation to this article as that paragraph addresses the Applicant being required to seek National Highways' consent in the event the activities affect the strategic road network or any land National Highways has an interest in.</p> <p>The Applicant also notes that the relevant wording in article 14 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 14 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	
NH23	<p><b>Article/Schedule: Article 16</b></p> <p>Summary of the Applicant's Drafting:</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

<p>(1) Subject to the provisions of this article, the undertaker may make temporary provision for the purposes of the construction, maintenance, and decommissioning of the authorised development—</p> <p>(a) as to the speed at which vehicles may proceed along any road;</p> <p>(b) permitting, prohibiting, or restricting the stopping, waiting, loading or unloading of vehicles on any road;</p> <p>(c) as to the prescribed routes for vehicular traffic or the direction or priority of vehicular traffic on any road;</p> <p>(d) permitting, prohibiting or restricting the use by vehicular traffic or nonvehicular traffic of any road; and</p> <p>(e) suspending or amending in whole or in part any order made, or having effect as if made, under the 1984 Act.</p> <p>(2) Subject to the provisions of this article the undertaker may at any time, in the interests of safety and for the purposes of, or in connection with, the construction of the authorised development, temporarily place traffic signs and signals in the extents specified in column 3 of road specified in column 2 of the table in Schedule 8 (traffic regulation measures) and over which temporary provision has been made under paragraph (1) and the placing of those traffic signs and signals is deemed to have been permitted by the traffic authority for the purposes of section 65 of the 1984 Act and the Traffic Signs Regulations and General Directions 2016(a).</p> <p>(3) No speed limit imposed by or under this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(b) when in accordance with regulation 3(5) of those regulations.</p> <p>(4) Before exercising the power conferred by paragraph (1) the undertaker must— (a) consult with the chief officer of police in whose area the road is situated;</p> <p>and</p> <p>(b) obtain the written consent of the traffic authority.</p> <p>(5) The undertaker must not exercise the powers in paragraphs (1) or (2) unless it has—</p>	<p>found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of NH's proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 16 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 16 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p> <p>In relation to National Highways' query regarding the Traffic Signs Regulations and General Directions 2016, the Applicant notes that the drafting in article 16(2) to which this query relates is well-precedented across made solar DCOs, including the recent East Yorkshire Solar Farm Order 2025, the Tillbridge Solar Order 2025 and the Fenwick Solar Farm Order 2026. This sub-paragraph provides the Applicant with powers to place temporarily traffic signs and signals in the extents of the roads specified in Schedule 8 of the draft DCO [APP/3.1.1]. This Schedule identifies the relevant roads and specifies the extents of the roads that will be subject to temporary traffic signal and banksman control areas. The inclusion of this power is justified as it allows a degree of flexibility to respond to changing conditions on the road network over the lifetime of the Scheme.</p>	
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	<p>(a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and</p> <p>(b) not less than 7 days before the provision is to take effect published the undertaker's intention to make the provision in one or more newspaper circulating in the area in which any road to which the provision relates is situated.</p> <p>(6) Any provision made under the powers conferred by paragraph (1) of this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (1).</p>		
NH24	<p><b>Article/Schedule: Article 17</b></p> <p>Summary of the Applicant's Drafting:</p> <p>(1) Subject to paragraphs (3), (4) and (7) the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction or maintenance or decommissioning of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.</p> <p>3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs whose consent may be given subject to terms and conditions as that person may reasonably impose.</p> <p>NH Comments:</p> <p>This article allows the Applicant to use any watercourse, public sewer or drain for the drainage of water in connection with the authorised development.</p> <p>It is unclear whether or not this article applies to NH' drainage system as drafted or whether this applies to public drains only. NH' drainage system is not a public drain. Please can the Applicant confirm if the intention is for this article to apply to NH' drains.</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 17 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 17 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p> <p>In relation to National Highways' query as to whether this article can apply to National Highways' drainage system,</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

	<p>If it is the intention for this article to apply to NH drains, NH do have concerns in this regard. 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. Please see comments in this regard below.</p> <p>NH is concerned this provision potentially allows the Applicant to make use of highway drainage infrastructure for the benefit of their authorised development. Paragraph 59 of the Dft Circular 01/2022 which contacts government guidelines NH are required to comply with, sets out the following:</p> <p><i>59. To ensure the integrity of the highway drainage systems, no new connections into those systems from third party development and proposed drainage schemes will be accepted. Where there is already an existing informal or formal connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment. The company may require a drainage management and maintenance agreement to be entered into to secure this requirement in perpetuity.</i></p> <p>These provisions require consent to be obtained from the relevant highway authority before water can be discharged into the highway drainage system. As such, measures should be put in place so that such consent or refusal can be provided. Inclusion of paragraph 7(2) of NH' proposed protective provisions at Appendix 1 would address NH objection to this article, which requires the Applicant to obtain NH consent before exercising their right under this article. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH' proposed protective provisions.</p>	<p>the Applicant confirms that this is indeed the case, but the Applicant is not currently expecting to impact National Highways' drainage system as the works to which this would apply (i.e. widening works on the A47 / 1056 junction) as these works, if required, are expected to be temporary in nature. The Applicant also notes that article 17(3) requires National Highways' consent for such discharge of water.</p>	
NH25	<p><b>Article/Schedule: Article 19</b></p> <p>Summary of the Applicant's Drafting:</p> <p>(4) For the purpose of carrying out protective works under this article to a building, the undertaker may (subject to paragraphs</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

	<p>(5) and (6))— (a) enter the building and any land within its curtilage; and  (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (whether or not such adjacent land is inside or outside the Order limits) but not any building erected on it.</p> <p>NH Comments:</p> <p>This article provides the Applicant with the power to carry out protective works to any building within the order limits. Whilst NH does not have any buildings within the order limits, it does have concern in relation to sub-paragraph 4 of this article, which provides the Applicant with the power to enter land which is adjacent to the building to carry out the protective works.</p> <p>The said land may form part of the SRN or land NH has an interest in. The article does not require the Applicant to obtain consent from the landowner but merely obtain their consent. NH must have control over the operations being carried out on its network and land it has an interest in. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the Applicant should be required to obtain NH' consent in the event any access or works under this article effect the SRN or any land NH has an interest in.</p> <p>NH must ensure the safety of its road users and provide prior to approval to those accessing its network. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH's proposed protective provisions at Appendix 1.</p>	<p>DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those Protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways' proposed protective provisions, which the Applicant considers would address National Highways' concern in relation to this article as that paragraph addresses the Applicant being required to seek National Highways' consent in the event access or works under this article effect the SRN or any land National Highways has an interest in.</p> <p>The Applicant also notes that the relevant wording in article 19(4) of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 19(4) of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO</p>	
NH26	<p><b>Article/Schedule: Article 20</b>  Summary of the Applicant's Drafting:  (1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or enter on any land which may be affected by the authorised development or enter on any land upon which entry is required in order to carry out</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

<p>monitoring or surveys in respect of the authorised development and—</p> <p>(a) survey or investigate the land;</p> <p>(b) without prejudice to the generality of sub-paragraph (a), make trial holes or boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and groundwater and remove soil and groundwater samples;</p> <p>(c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land, including the digging of trenches; and</p> <p>(d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes, boreholes or trenches.</p> <p>(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land.</p> <p>(3) Any person entering land under this article on behalf of the undertaker—</p> <p>(a) must, if so required before entering the land, produce written evidence of their authority to do so; and</p> <p>(b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes, boreholes or trenches.</p> <p>(4) No trial holes, boreholes or trenches are to be made under this article—</p> <p>(a) in land located within the highway boundary without the consent of the highway authority; or</p> <p>(b) in a private street without the consent of the street authority.</p> <p>NH Comments:</p>	<p>this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways' proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 20 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 20 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	
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	<p>This article allows the Applicant to enter any land within the order limits effected by the authorised development or enter on any land upon which entry is required in order to carry out monitor or survey in respect of the authorised development and carry out surveys or investigations, trial holes, bore holes, ecological or archaeological investigations and place leave or remove apparatus on land in this regard.</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>NH must have control over the operations being carried out on its network and land it has an interest in. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the Applicant should be required to obtain NH' consent in the event any access or works under this article effect the SRN or any land NH has an interest in. NH must ensure the safety of its road users and provide prior to approval to those accessing its network. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH' proposed protective provisions at Appendix 1.</p> <p>Inclusion of paragraph 7(2) of NH's proposed protective provisions would address NH objection to this article, which requires the Applicant to obtain NH consent before exercising their right under this article.</p> <p>Such consent should not be subject to deemed consent under article 47. Please see comments in this regard below.</p>		
NH27	<p><b>Article/Schedule: Article 21</b> Summary of the Applicant's Drafting:</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

	<p>(1) The undertaker may—  (a) acquire compulsorily so much of the Order land as is required for the authorised development or to facilitate, or as is incidental, to it; and (b) use any land so acquired for the purpose authorised by this Order or for any other purposes in connection with or ancillary to the authorised development.</p> <p>(2) This article is subject to article 22 (time limit for exercise of authority to possess land temporarily or to acquire land compulsorily), article 24 (compulsory acquisition of rights) and article 31 (temporary use of land for constructing the authorised development).</p> <p>NH Comments:</p> <p>Given that the article enables the undertaker to acquire compulsorily so much of the Order land as is required for the authorised development etc and to use that land so acquired, if that included any part of NHs SRN, NH must have control over the operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the applicant should be required to obtain NH's consent in the event the activities effect the strategic road network, or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH' proposed protective provisions at Appendix 1.</p> <p>Inclusion of paragraph 7(2) of NH's proposed protective provisions would address NH' objection to this article, which requires the applicant to obtain NH consent before exercising their right under this article.</p>	<p>found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 21 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 21 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	
NH28	<p><b>Article/Schedule: Article 24</b>  Summary of the Applicant's Drafting:  (1)Subject to paragraph (2) and article 31 (temporary use of land for constructing the authorised development), the undertaker may acquire compulsorily such rights over the Order land or impose such restrictive covenants over the</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

	<p>Order land as may be required for any purpose for which that land may be acquired under article 21 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.</p> <p>(2) Subject to the provisions of this paragraph, article 25 (private rights) and article 33 (statutory undertakers), in the case of the Order land specified in column 1 of the table in Schedule 9 (land in which only new rights etc. may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of existing rights and benefit of restrictive covenants over that land and the creation and acquisition of such new rights and the imposition of restrictive covenants for the purpose specified in relation to that land in column 2 of the table in that Schedule.</p> <p>NH Comments:</p> <p>As referred to a paragraph 4 above NH requires further information in relation to the apparatus being installed for which the rights are being acquired over the SRN and land NH has an interest in.</p> <p>NH must have control over the operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the Applicant should be required to obtain NH' consent in the event the activities effect the strategic road network, or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH's proposed protective provisions at Appendix 1.</p> <p>Inclusion of paragraph 7(2) of NH' proposed protective provisions would address NH' objection to this article, which requires the Applicant to obtain NH consent before exercising their right under this article.</p>	<p>Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of NH's proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 24 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 24 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	
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<p>NH29</p>	<p><b>Article/Schedule: Article 27</b></p> <p>Summary of the Applicant's Drafting:</p> <p>(1) Any authorised activity which takes place on land within the Order limits (whether the activity is undertaken by the undertaker or by any person deriving title from the undertaker or by any contractors, servants or agents of the undertaker) is authorised by this Order if it is done in accordance with the terms of this Order, notwithstanding that it involves—</p> <p>(a) an interference with an interest or right to which this article applies; or</p> <p>(b) a breach of a restriction as to the user of land arising by virtue of a contract.</p> <p>(2) The interests and rights to which this article applies include any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract.</p> <p>NH Comments:</p> <p>It seems this article permits the Applicant to interfere with any right or interest NH may have within the order limits. This raises a concern however it is not clear whether there will be a temporary interference or permanent extinguishment of NH' interests. Please can the Applicant confirm how this is going to apply relating to NH' interests. NH must have control over the operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the Applicant should be required to obtain NH' consent in the event the activities affect the strategic road network, or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH' proposed protective provisions at Appendix 1. Inclusion of paragraph 7(2) of NH' proposed protective provisions would address NH' objection to this article, which requires the Applicant to obtain NH consent before exercising their right under this article.</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 27 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 27 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p> <p>In relation to National Highways' query regarding how this article will apply in relation to National Highways' interests (i.e. temporary interference or permanent extinguishment), the Applicant confirms that there will be no permanent extinguishment of National Highways' interests, as the relevant works are temporary in nature (lasting a matter of days).</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>
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<p>NH30</p>	<p><b>Article/Schedule: Article 30</b></p> <p>Summary of the Applicant's Drafting:</p> <p>(1) The undertaker may enter on, appropriate and use so much of the subsoil or airspace over any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised development.</p> <p>NH Comments:</p> <p>This article provides the Applicant with the power to enter and use the subsoil or airspace over any part of NH' network within the order limits without NH' consent. NH would not permit uncontrolled oversailing or 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' assets. NH would expect to have an approval role.</p> <p>NH must have control over the operations being carried on its network. NH require control over the subsoil vested in it and airspace over the SRN. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the applicant should be required to obtain NH' consent in the event the activities effect the strategic road network, or any land or airspace NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH' proposed protective provisions at Appendix 1. Inclusion of paragraph 7(2) of NH' proposed protective provisions would address NH objection to this article, which requires the applicant to obtain NH consent before exercising their right under this article.</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 30 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 30 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>
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<p>NH31</p>	<p><b>Article/Schedule: Article 31</b></p> <p>Summary of the Applicant's Drafting:</p> <p>The undertaker may, in connection with the construction of the authorised development but subject to article 22 (time limit for exercise of authority to possess land temporarily or to acquire land compulsorily)—</p> <p>(a) enter on and take temporary possession of—</p> <p>(i) so much of the land specified in column (1) of the table in Schedule 11 (land of which temporary possession may be taken) for the purpose specified in relation to the land in column (2) of that table; and</p> <p>(ii) any other Order land in respect of which no notice of entry has been served under section 11(b) of the 1965 Act (powers of entry) and no declaration has been made under section 4(c) of the 1981 Act (execution of declaration);</p> <p>(b) remove any buildings, structures, agricultural plant and apparatus, electric lines, drainage, fences, debris and vegetation from that land;</p> <p>(c) construct temporary works (including means of access), haul roads, security fencing, bridges, structures and buildings on that land;</p> <p>(d) use the land for the purposes of a temporary working site with access to the working site in connection with the authorised development;</p> <p>(e) construct any works on that land as are mentioned in Schedule 1 (authorised development); and</p> <p>(c) carry out mitigation works on that land required under the requirements in Schedule 2 (requirements).</p> <p>NH Comments:</p> <p>This article provides the Applicant with the power to take temporary possessions of the land referred to in schedule 11 and any other order land without the consent of NH.</p> <p>Schedule 11 includes plots of land that NH have an operational interest in.</p> <p>NH must have control over the operations being carried out on its network. This is critical from a safety perspective and to</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways' proposed protective provisions, which the Applicant considers would address National Highways' concern in relation to this article as that paragraph addresses the Applicant being required to seek National Highways' consent in the event the activities affect the strategic road network or any land National Highways has an interest in.</p> <p>The Applicant also notes that the relevant wording in article 31 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 31 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>
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	<p>maintain the integrity of the asset. Therefore, the Applicant should be required to obtain NH's consent in the event the activities effect the strategic road network, or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent.</p>		
<p>NH32</p>	<p><b>Article/Schedule: Article 32</b>  Summary of the Applicant's Drafting:  The undertaker may, at any time during the maintenance period relating to any part of the authorised development—  (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;  (b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and  (c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.</p> <p>NH Comments:</p> <p>This article grants the Applicant with the right to take temporary possession of any land within the order limits without the consent of NH, during the maintenance period. NH must have control over the operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the Applicant should be required to obtain NH' consent in the event the activities effect the strategic road network, or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH' proposed protective provisions at Appendix 1. Inclusion of paragraph 7(2) of NH's proposed protective provisions would address NH objection to</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of NH's proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 32 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 32 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

	<p>this article, which requires the Applicant to obtain NH consent before exercising their right under this article.</p>		
NH33	<p><b>Article/Schedule: Article 33</b>  Summary of the Applicant's Drafting:  Subject to the protective provisions of Schedule 15 (Protective Provisions) the undertaker may –  (a) Acquire compulsorily, or acquire new rights or impose restrictive covenants over, the land belonging to statutory undertakers shown on the land plan within the Order land; and  (b) Extinguish the rights of, remove, relocate the rights of or reposition the apparatus belonging to statutory undertakers over or within the Order land.</p> <p>NH Comments:</p> <p>NH must have control over the operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the Applicant should be required to obtain NH's consent in the event the activities affect the strategic road network, or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH' proposed protective provisions at Appendix 1. Inclusion of paragraph 7(2) of NH' proposed protective provisions would address NH' objection to this article, which requires the Applicant to obtain NH consent before exercising their right under this article.</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 33 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 33 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>
NH34	<p><b>Article/Schedule: Article 34</b>  Summary of the Applicant's Drafting:  This article governs what happens to statutory utilities apparatus under streets that are closed, altered or diverted by the order.  NH Comments:</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

	<p>The article specifically refers to articles 8, 10, 11 and 12. As noted in relation to those articles, NH requires further information to assess the impact of the scheme on its interests.</p> <p>This is critical from a safety perspective and to maintain the integrity of the asset. Therefore, the Applicant should be required to obtain NH' consent in the event the activities effect the strategic road network, or any land NH has an interest in. As a public body, NH is under a duty to act reasonably in providing such consent and this is expressly provided in paragraph 7(4) of NH' proposed protective provisions at Appendix 1.</p> <p>Inclusion of paragraph 7(2) of NH' proposed protective provisions would address NH objection to this article, which requires the Applicant to obtain NH consent before exercising their right under this article.</p>	<p>DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 34 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 34 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	
NH35	<p>Article/Schedule: Article 40</p> <p>Summary of the Applicant's Drafting:</p> <p>Subject to article 41 (trees subject to tree preservation orders), the undertaker may fell or lop any tree or shrub near any part of the authorised development or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—</p> <p>(a) obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development;</p> <p>(b) constituting a danger to persons using the authorised development;</p> <p>(c) obstructing or interfering with the passage of construction vehicles to the extent necessary for the purposes of constructing the authorised development.</p> <p>NH Comments:</p> <p>This article provides the Applicant with the power to fell or lop any tree or shrub near any part of the authorised development.</p>	<p>The Applicant welcomes further discussion with National Highways regarding the works within Work No. 5A that may impact CRH170, CRH173 and CRH172.</p> <p>In any event, however, the Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(2) of National Highways proposed protective provisions, which National Highways state will address their objection to this article.</p>	Noted. NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	<p>NH have environment mitigation commitments that may be affected by the authorised development and may put NH in breach of its own statutory obligations. In any event Hedge CRH170 (hedgerow) and CRH173 (important hedgerow) (as shown on the TPO and Hedgerow Plan Sheet 9 of 23) are located on the boundary of the network. In addition, whilst not immediately adjacent to the boundary, it is noted that CRH172 (important hedgerow) is close by. Further clarity from the Applicant is needed on the works within Works No 5A that may impact CRH170, CRH173 and CRH172 so that NH can assess the impact on all of these hedgerows cumulatively.</p> <p>NH object to the principle of inclusion of this article and, if necessary, will be seeking to protect its interest by the inclusion of this article in paragraph 7(2) of NH' proposed protective provisions. This would address NH objection to this article, which requires the Applicant to obtain NH consent before exercising their right under this article.</p> <p>If works undertaken to trees affect any NH BNG commitments a replacement tree or trees would need to be provided to satisfy that existing commitment at a location to be agreed.</p>	<p>The Applicant also notes that the relevant wording in article 41 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 41 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p> <p>The Applicant has not been made aware of any land within the Order limits forming part of National Highways' BNG commitments – however, the Applicant welcomes further discussion with National Highways on these BNG commitments and any consequential updates required.</p>	
NH36	<p><b>Article/Schedule: Article 47</b></p> <p>Summary of the Applicant's Drafting:</p> <p>(4) Save for applications made pursuant to Schedule 16 and where stated to the contrary if, within six weeks (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing) after the application or request has been submitted to a consenting authority it has not notified the undertaker of its disapproval and the grounds of disapproval, it is deemed to have approved the application or request.</p> <p>NH Comments:</p>	<p>The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO. The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p>	<p>NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.</p>

	<p>Sub- paragraph 4 of article 47 includes deemed approval which is granted where NH does not provide its consent or approval to any provisions under the order within 6 weeks of it being requested where no response is received.</p> <p>6 weeks is not considered a reasonable period of time to consider every application that may come through under this DCO, some may be more involved than others. 8 weeks would be considered reasonable.</p> <p>In any event, NH is concerned with the deemed consent given the safety implications of works being carried out to or under the strategic road network that may have bypassed its approval processes. This is a fundamental issue of public safety that should not be compromised to enable a private developer to achieve a quicker build programme. NH has statutory obligations to behave reasonably and support sustainable development and so it should not be forced to work under the pressure of deemed consent. The potential implications from a safety perspective of something going wrong far outweigh the Applicant's case for such a provision. Inclusion of paragraph 7(7) of NH proposed protective provisions at Appendix 1 would address NH concerns which would seek to disapply article 47 in the context of any consent relating to the strategic road network. The effect of this is to prevent the Promoter from exercising powers over the SRN or land in which NH has an interest without deemed consent applying. The justification is to ensure open dialogue between the parties so that NH has control over the operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset. As a public body, NH is under a duty to act reasonably, and this is expressly provided in - paragraph 7(4) of NH's protective provisions</p>	<p>The Applicant notes that these protective provisions include an agreed form of the wording in paragraph 7(7) of National Highways' proposed protective provisions, which National Highways state will address their objection to this article.</p> <p>The Applicant also notes that the relevant wording in article 47 of the draft DCO [APP/3.1.1] is identical to the corresponding wording in article 47 of the Green Hill Solar Farm DCO, which was agreed by National Highways during the examination of that DCO.</p>	
NH37	<p><b>Article/Schedule: Schedule</b> Summary of the Applicant's Drafting: <a href="#">Requirement 3</a></p>	<p>The Applicant understands that an approach to consultation with National Highways under the various Requirements in Schedule 2 of the Green Hill Solar Farm DCO is nearly agreed with National Highways. The</p>	<p>Whilst NH welcomes the Applicant's suggested approach of discussing whether this DCO should reflect the Green Hill position, it must also be acknowledged that each DCO scheme is different in form and impact and</p>

	<p>(1) The undertaker may submit any amendments to any approved document to the relevant planning authority for approval in consultation with NH and, following approval, the relevant approved document is to be taken to include the amendments approved under this paragraph.</p> <p>NH Comments:</p> <p>NH should be given an opportunity to review any variations to the approved documents and plans to ensure that any changes do not adversely impact the SRN. This is in the interest of maintaining the safe and efficient operation of the SRN Inclusion of drafting in red would address NH's concern.</p>	<p>Applicant therefore proposes that, should that agreement be reached, it will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to replicate the relevant wording of those Requirements.</p>	<p>therefore a one size fits all approach may not be suitable in the circumstances of a specific proposal. In addition, it should be noted that at the close of the Green Hill Examination, the position in relation to Requirements was agreed as between the Applicant and NH except for Requirement 3. For the Green Hill DCO, NH requested the same change to Requirement 3 as is being sought for this DCO. Discussions for this DCO are on going in this regard.</p>
<p>NH38</p>	<p><b>Article/Schedule: Schedule 2</b></p> <p>Summary of the Applicant's Drafting: Requirement 5</p> <p>No part of *the authorised development* Work Nos. 1, 2 or 3A may commence until details of—</p> <p>(a) the layout;</p> <p>(b) scale;</p> <p>(c) proposed finished ground levels;</p> <p>(d) external appearance;</p> <p>(e) hard surfacing materials; and</p> <p>(f) vehicular and pedestrian access, parking and circulation areas,</p> <p>relating to that part have been submitted and approved by the relevant planning authority for that part.</p> <p>*Works must be carried out in accordance with The Design Manual for Roads and Bridges (DMRB).</p> <p>NH Comments:</p> <p>This requirement should be expanded to include reference to all work no's that include the works across the A27 that will also require the approval of NH prior to the commencement of those works. In addition, the works must be in accordance with DMRB standards. The following amendments to the drafting in red would address NH's concern.</p>	<p>The Applicant does not consider that National Highways' proposed amendments to the draft DCO [APP/3.1.1] are necessary. Article 14(c) of the draft DCO [APP/3.1.1] states that the Applicant may, for the purposes of the authorised development, "<i>with the approval of the relevant planning authority after consultation with the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development</i>". This, therefore, ensures that National Highways is consulted by the relevant planning authority in relation to such works, as is standard practice across made solar DCOs.</p> <p>In relation to National Highways' request that the relevant works must be in accordance with DMRB standards, the Applicant confirms that it will update the oCTMP [APP/7.7.1] to secure this commitment.</p>	<p>NH's concern is wider than the form and layout of means of access covered by Article 14. Given that the details approved pursuant to Requirement 5 could affect highway matters, NH require the ability to approve those details. In addition, without consultation with the highway authority, requirement 5 could result in the planning authority approving details that are inconsistent with approvals under, for example, article 14. Accordingly the wording in red is required to be inserted into Requirement 5:-</p> <p>No part of *the authorised development* Work Nos. 1, 2 or 3A may commence until details of—</p> <p>(a) the layout;</p> <p>(b) scale;</p> <p>(c) proposed finished ground levels;</p> <p>(d) external appearance;</p> <p>(e) hard surfacing materials; and</p> <p>(f) vehicular and pedestrian access, parking and circulation areas,</p> <p>relating to that part have been submitted and approved by the relevant planning authority <b>and where the details</b></p>

			<p>relate highways matters approved by the relevant highway authority for that part.</p> <p>*Works must be carried out in accordance with The Design Manual for Roads and Bridges (DMRB).</p> <p>The Applicant's proposal to update the oCTMP to secure that works are in accordance with DMRB standards is welcomed.</p>
NH39	<p><b>Article/Schedule: Schedule 2</b></p> <p>Summary of the Applicant's Drafting: Requirement 7 (1)</p> <p>No part of the authorised development may commence until a written landscape and ecological management plan has been submitted to and approved by the relevant planning authority in consultation with NH for that part in consultation with the relevant statutory nature conservation body.</p> <p>NH Comments:</p> <p>NH should be given an opportunity to review the landscape and ecological management plan, arboricultural assessment/tree protection measures and any replanting proposals in respect of NH's soft estate.</p>	<p>The Applicant understands that an approach to consultation with National Highways under the various Requirements in Schedule 2 of the Green Hill Solar Farm DCO is nearly agreed with National Highways.</p> <p>The Applicant therefore proposes that, should that agreement be reached, it will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to replicate the relevant wording of those Requirements.</p>	<p>Whilst NH welcomes the Applicant's suggested approach of discussing whether this DCO should reflect the Green Hill position, it must also be acknowledged that each DCO scheme is different in form and impact and therefore a one size fits all approach may not be suitable in the circumstances of a specific proposal. Discussions are on going in the above regard given the specifics of the proposal.</p>
NH40	<p><b>Article/Schedule: Schedule 2</b></p> <p>Summary of the Applicant's Drafting: <u>Requirement 8</u></p> <p>(1) Prior to the date of final commissioning for any part of the authorised development, an operational traffic management plan for that part must be submitted to and approved by the relevant planning authority in consultation with NH.</p> <p>NH Comments:</p> <p>NH should be given the opportunity to review the details proposed. Inclusion of drafting in red would address NH's concern.</p>	<p>The Applicant understands that an approach to consultation with National Highways under the various Requirements in Schedule 2 of the Green Hill Solar Farm DCO is nearly agreed with National Highways.</p> <p>The Applicant therefore proposes that, should that agreement be reached, it will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to replicate the relevant wording of those Requirements.</p>	<p>See above response to NH39</p>

<p>NH41</p>	<p><b>Article/Schedule: Schedule 2</b>  Summary of the Applicant's Drafting:  <u>Requirement 10</u>  (1) No part of the authorised development may commence until written details of all proposed temporary fences, walls or other means of enclosure, including those set out in the construction environmental management plan, for that part have been submitted to and approved by the relevant planning authority in consultation with NH.  (2) No part of the authorised development may commence until written details of all permanent fences, walls or other means of enclosure for that part have been submitted to and approved by the relevant planning authority in consultation with NH.</p> <p>NH Comments:</p> <p>NH should be given the opportunity to review the details of any proposed fences, walls or enclosures if within the vicinity of the SRN for reasons of safety, liability, and maintenance and to ensure compliance paragraph 57 of DfT Circular 01/2022 which sets out any structures "must be located outside of the highway boundary of the SRN. In general terms, structures should be sited sufficiently far from the highway boundary of the SRN so that they cannot topple on to the SRN or undermine its geotechnical integrity"  Inclusion of drafting in red would address NH's concern.</p>	<p>The Applicant understands that an approach to consultation with National Highways under the various Requirements in Schedule 2 of the Green Hill Solar Farm DCO is nearly agreed with National Highways.</p> <p>The Applicant therefore proposes that, should that agreement be reached, it will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to replicate the relevant wording of those Requirements.</p>	<p>See above response to NH39.</p>
<p>NH42</p>	<p><b>Article/Schedule: Schedule 2</b>  Summary of the Applicant's Drafting:  Requirement 11  (1) No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system for that part have been submitted to and approved by the relevant planning authority in consultation with the Environment Agency and Anglian</p>	<p>The Applicant understands that an approach to consultation with National Highways under the various Requirements in Schedule 2 of the Green Hill Solar Farm DCO is nearly agreed with National Highways.</p> <p>The Applicant therefore proposes that, should that agreement be reached, it will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft</p>	<p>See above response to NH39.</p>

	<p>Water Services Limited or its successor in function as the relevant water undertaker and NH.</p> <p>NH Comments: NH should be given the opportunity to review the details of the surface water and foul water drainage system to ensure the integrity of the SRN drainage infrastructure is not interfered with and that any plans are in accordance with DfT Circular 01/2022. Please see NH comments at article 17 above. Particular attention must be given where the drainage is adjacent to the SRN or NH land, as changes in water management could directly affect the SRN asset. No surface water run-off from the development shall be discharged into the SRN drainage systems. No new drainage connections from third-party developments will be permitted Inclusion of drafting in red would address NH's concern.</p>	<p>DCO [APP/3.1.1] to replicate the relevant wording of those Requirements.</p>	
NH43	<p><b>Article/Schedule: Schedule 2</b> Summary of the Applicant's Drafting: <u>Requirement 13</u> No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority in consultation with NH. NH Comments: NH should be given an opportunity to review the CEMP to ensure appropriate safeguards are implemented and maintained, with consideration of potential impacts on the SRN. Inclusion of drafting in red would address NH's concern.</p>	<p>The Applicant understands that an approach to consultation with National Highways under the various Requirements in Schedule 2 of the Green Hill Solar Farm DCO is nearly agreed with National Highways.</p> <p>The Applicant therefore proposes that, should that agreement be reached, it will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to replicate the relevant wording of those Requirements.</p>	See above response to NH39.
NH44	<p><b>Article/Schedule: Schedule 2</b> Summary of the Applicant's Drafting: Requirement 14 (1) Prior to the date of final commissioning for any part of the authorised development, an operational environmental management plan for that part must be</p>	<p>The Applicant understands that an approach to consultation with National Highways under the various Requirements in Schedule 2 of the Green Hill Solar Farm DCO is nearly agreed with National Highways.</p> <p>The Applicant therefore proposes that, should that agreement be reached, it will discuss with National</p>	See above response to NH39.

	<p>submitted to and approved by the relevant planning authority in consultation with NH.</p> <p>NH Comments: NH should be given the opportunity to review the details of the operational environment management plan to ensure the management of long-term environmental risks associated with the site and ensure ongoing protection of the SRN.</p> <p>Inclusion of drafting in red would address NH's concern.</p>	<p>Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to replicate the relevant wording of those Requirements.</p>	
NH45	<p><b>Article/Schedule: Schedule 2</b></p> <p>Summary of the Applicant's Drafting: <u>Requirement 15</u></p> <p>(1) No part of the authorised development may commence until a construction traffic management plan for that part must be submitted to and approved by the relevant planning authority in consultation with NH.</p> <p>(2) The construction traffic management plan must be substantially in accordance with the outline construction traffic management plan.</p> <p>(3) Before approving the construction traffic management plan the relevant planning authority must consult with the relevant highway authority and NH.</p> <p>NH Comments:</p> <p>NH should be given the opportunity to review the details of the construction traffic management plan to ensure the management of long-term environmental risks associated with the site and ensure ongoing protection of the SRN.</p> <p>Inclusion of drafting in red would address NH's concern.</p>	<p>The Applicant understands that an approach to consultation with National Highways under the various Requirements in Schedule 2 of the Green Hill Solar Farm DCO is nearly agreed with National Highways.</p> <p>The Applicant therefore proposes that, should that agreement be reached, it will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to replicate the relevant wording of those Requirements.</p>	See above response to NH39.
NH46	<p><b>Article/Schedule: Schedule 2</b></p> <p>Summary of the Applicant's Drafting: <u>Requirement 20</u></p>	<p>The Applicant understands that an approach to consultation with National Highways under the various</p>	See above response to NH39.

	<p>(5) No decommissioning works must be carried out until the relevant planning authority has approved the decommissioning plan submitted in relation to those works, in consultation with the Environment Agency and NH</p> <p>NH Comments:</p> <p>NH should be given the opportunity to review the details of the decommissioning plan. This should include a transport assessment and construction environmental impacts to ensure that the decommissioning process will not adversely affect the SRN. This is particularly important where restoration to previous site use is proposed.</p> <p>Inclusion of drafting in red would address NH's concern.</p>	<p>Requirements in Schedule 2 of the Green Hill Solar Farm DCO is nearly agreed with National Highways.</p> <p>The Applicant therefore proposes that, should that agreement be reached, it will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to replicate the relevant wording of those Requirements.</p>	
NH47	<p><b>Article/Schedule: Schedule 16</b></p> <p>Summary of the Applicant's Drafting:</p> <p>Paragraph 3 of this schedule, Further Information and consultation, states</p> <p>3.— (1) In relation to any application to which this Schedule applies, the relevant planning authority may request such reasonable further information from the undertaker as is necessary to enable it to consider the application.</p> <p>(2) In the event that the relevant planning authority considers such further information to be necessary and the provision governing or requiring the application does not specify that consultation with a requirement consultee is required, the relevant planning authority must, within 10 working days of receipt of the application, notify the undertaker in writing specifying the further information required.</p> <p>(3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must issue the consultation to the requirement consultee within 5 working days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is</p>	<p>The Applicant understands that an approach to the wording of paragraph 3 of Schedule 16 of the Green Hill Solar Farm DCO is nearly agreed with National Highways.</p> <p>The Applicant therefore proposes that, should that agreement be reached, it will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to replicate the relevant wording of this Schedule.</p>	See above response to NH39.

	<p>requested by the requirement consultee within 5 working days of receipt of such a request and in any event within 15 working days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority). (4) In the event that the relevant planning authority does not give notification as specified in subparagraph (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.</p> <p>(5) Where further information is requested under this paragraph in relation to part only of an application, that part is to be treated as separate from the remainder of the application for the purposes of calculating time periods in paragraph 2 and paragraph 3.</p> <p>NH Comments:</p> <p>The definition of "requirement consultee" means any body or authority named in a requirement as a body to be consulted by the relevant planning authority in discharging that requirement. NH is therefore a requirement consultee. The timetable for the LPA requesting further information in paragraph 3(3), if missed by the LPA could adversely affect NH as a requirement consultee. If LPA does not request the further information in time, it is deemed to have sufficient information to consider the application which could, in turn, mean that NH are not given the opportunity to comment on the same which is effectively deemed consent.</p> <p>5 days is not long enough, and in any event the provisions of 3(4) are considered disproportionate and NH cannot agree to the same. At least 28 days would be a more reasonable period.</p>		
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NH48	<p><b>6. Additional interface</b></p> <p>The Authorised Development will also interface with the Strategic Road Network in the following way: The impact of the Proposed Development on the SRN</p>	<p>The Applicant acknowledges that there is an interface between the Scheme and the SRN. ES Chapter 9: Transport and Access [APP/6.2.1] assesses the anticipated transport and access effects of the Scheme's construction, operation and decommissioning.</p> <p>ES Chapter 9: Transport and Access [APP/6.2.1] concludes that with the mitigation measures in place, secured through the oCTMP [APP/7.7.1] and oOTMP [APP/7.9.1], there are no residual transport and access-related effects expected across the Scheme's construction, operation and decommissioning phases.</p>	<p>NH acknowledges that the oCTMP was updated at Deadline 1 and will undertake a review of the amendments.</p>
NH49	<p>6.2. Traffic and Transport</p> <p>6.2.1 NH requires junction impact assessments to be undertaken on junctions experiencing an increase of 30 additional trips during the peak periods. It is noted that the peak daily construction traffic figures (Tables 5.3 through 5.5 in Transport Assessment (Volume 2 Appendix 9-1, APP-101)) are likely to be in excess of this. 532 LGVs, including staff and smaller delivery trips, and 96 HGVs are forecasted to access the site across the day. Whilst it is accepted that a proportion of the trips will take place outside of the traditional peak periods no trip distribution has been presented so it is unclear whether there could be an impact on the SRN.</p> <p>6.2.2 NH therefore requests that the Applicant provides additional explanation concerning the expected impact on the A47 Junctions, including the A47/A1065 and A47/Narborough Road during the peak hours to confirm if further assessment (modelling) is required. It is also noted that if significant impact occurs just outside the peak hours could see a shift in the peak hours. The level of impact would ordinarily warrant further analysis of junction performance due to the significant volume of trips presented.</p>	<p>As detailed within section 4 of ES Appendix 9.2: Traffic Assessment [APP-163], the majority of the non-HGV trips comprising staff would take place prior to 07:00 and after 18:00, so would be outside the typical network peak hours. As a worst-case assumption, this could be 266 trips in the morning and 266 in the evening, though these trips likely represent the peak over a period of months, rather than for the full length of construction, so outside of this the impact is likely to be lower.</p> <p>It is confirmed that there will be no additional vehicle trips on the SRN during the peak hours, as all staff will have arrived or departed outside of these hours and any deliveries from HGVs or LGVs will be restricted to avoid the AM peak (08:00-09:00) and PM peak (17:00-18:00) hours. As the threshold of 30 additional vehicle trips during the network peak periods (typically 08:00-09:00 and 17:00-18:00) is therefore not exceeded, no junction impact assessments have been undertaken. The impact is also only temporary when construction is taking place, so once operational the additional vehicle demand from the Scheme on the SRN will be negligible. The restrictions on vehicle timings will be secured through the detailed Construction Traffic Management Plan that is secured by way of requirement in draft DCO [APP/3.1.1]</p>	<p>NH acknowledges that the oCTMP was updated at Deadline 1 and will undertake a review of the amendments.</p>

		and in the oCTMP [APP/7.7.1] that is submitted as part of the DCO submission.	
NH50	<p>6.3 Construction Management <i>Outline Construction Environmental Management Plan</i></p> <p>6.3.1 Section 2.2 of the OCEMP states that the construction of the proposed development is expected to take approximately 24 months, with construction anticipated to commence in mid-2031 and be completed in by end of 2033.</p> <p>6.3.2 It is assumed that HGV movements would be distributed across the 11-hour period between 7am and 6pm, therefore could be scheduled to arrive and depart the site outside the traditional peak hours. Whilst this could be achievable with timed deliveries, NH requires a monitoring regime and measures to ensure that this can be accommodated and enforced if persistent breaches occur. This is stated as to be provided in “the final CEMP”. However, NH requests that further detail concerning the monitoring regime are provided in the OCEMP, consistent with other consented DCOs.</p>	<p>At National Highways’ request, details of the monitoring strategy for HGV and other vehicle movements is to be provided within the updated oCTMP [APP/7.7.1] to be provided at Deadline 1. Whilst the comment relates to the oCEMP [APP/7.6.1], it is considered more appropriate for the monitoring protocol for construction vehicles to be set out within the oCTMP [APP/7.7.1] as it relates to construction vehicle traffic and the expected numbers of construction vehicles, as well as the protocol for enforcement and action in the event that the monitoring requirements are not adhered to.</p>	NH acknowledges that the oCTMP was updated at Deadline 1 and will undertake a review of the amendments.
NH51	<p>6.3.3 NH welcomes the consideration of sustainable travel in the OCEMP and the intention to produce a Construction Travel Plan. It is recognised that both lift sharing and a shuttle bus service are appropriate measures to be included in such a plan. However, NH does not consider that sufficient detail has been provided at this stage and would expect to see a more detailed outline Construction Workforce Travel Plan as part of the DCO application, in common with other submitted and consented DCOs. Specifically, NH requests that more detail is provided in respect of control measures and enforcement, particularly regarding timescales for corrective measures to be implemented.</p> <p>Further, the CTMP refers to the involvement of local highway authorities but should also be explicit in NH’s role in ensuring that the CTMP is not breached and that safety at the junctions</p>	<p>At National Highways’ request, an Outline Travel Plan will be submitted at Deadline 1, to form an appendix to the oCTMP [APP/7.7.1] as the impacts primarily relate to construction. A detailed Travel Plan will be secured by way of requirement in the draft DCO [APP/3.1.1] as an appendix to the detailed Construction Traffic Management Plan.</p> <p>Regarding the detail National Highways has requested in regard to enforcement and control measures and timescales for corrective measures, further detail on this alongside the updated monitoring protocol is included in the updated oCTMP [APP/7.7.1] and secured via a requirement in the draft DCO [APP/3.1.1]. The updated oCTMP [APP/7.7.1] secures the relevant traffic management measures, such as the restrictions on</p>	NH welcomes the production of an Outline Travel Plan as part of the updated oCTMP submitted at Deadline 1. NH will review the updated document and liaise with the Applicant if any outstanding issues remain.

	with the A47 are not compromised with, for example, queuing back onto the mainline.	delivery timings to avoid peak hours, to ensure that the junctions with the A47 are not compromised as per the National Highways request.	
NH52	6.3.4 Table 4 identifies a number of mitigation or enhancement measures which may be required as part of the scheme. It is noted that the use of signage is identified as one of these measures, however, no information has been provided to identify where the proposed signs would be located. NH will need to agree any proposed signage to be located on the Strategic Road Network, and based on the construction period, will require a Road Safety Audit.	The details (including location) on the requirement for any signage on the SRN or local highway network will be agreed as part of the detailed Construction Traffic Management Plan, secured by way of a requirement in the draft DCO [APP/3.1.1], with input from the appointed contractor on the traffic management needed. The location and specification of the signage will be agreed with the relevant highway authority (namely National Highways and Norfolk County Council), secured initially through the oCTMP [APP/7.7.1].	NH acknowledges the point made by the Applicant.and will consider this when reviewing the updated oCTMP.
NH53	6.3.5 Table 4 also identifies the requirement for a Road Condition Survey to be carried out on the Local Road Network before the construction phase commences. The purpose of the survey is to identify highways defects resulting from construction activities from the scheme. NH requests the extents of the condition survey extend to include the full construction routes and therefore include the junctions with the SRN (A47/A1065 and A47/ Narborough Road). These junctions forming part of the construction routes to the proposed development will experience an increase in turning movements, likely from Heavy Goods Vehicles, therefore there is a risk of damage from these movements.	Section 5.2 of the oCTMP [APP/7.7.1] confirms that the condition survey will include the routes for construction vehicles, with the scope of the condition surveys referred to by National Highways included in the updated version of the oCTMP [APP/7.7.1] that is proposed to be secured by way of requirement in the draft DCO [APP/3.1.1].	NH acknowledges the point made by the Applicant.and will consider this when reviewing the updated oCTMP.
NH54	<b>Outline Construction Traffic Management Plan</b> 6.3.6 Paragraph 3.1.2 of the OCTMP states that "For the construction of the Scheme, it is expected that there will be a daily total of 628 two-way vehicle trips, comprising 96 two-way Heavy Goods Vehicles ('HGVs', 48 HGVs arriving and departing) and 532 cars / Light Goods Vehicles ('LGVs', equivalent to 266 cars / LGVs arriving and departing) into the Scheme on any day."	The level of vehicle trips set out in the oCTMP [APP/7.7.1] will set the cap for daily vehicle activity, which will form part of the contractor's contract and the DCO. Without written consent of the relevant highway authorities or amending of the DCO, the contractor will not be allowed to exceed these thresholds as secured in the oCTMP [APP/7.7.1]. The approach to the monitoring of vehicle trips is initially set out within the oCTMP [APP/7.7.1], though further detail will be secured through the detailed Construction Traffic Management Plan that	NH acknowledges the point made by the Applicant.and will consider this when reviewing the updated oCTMP.

	<p>6.3.7 Paragraph 3.1.7 goes on to state that “A more detailed programme for expected vehicle trips will be provided by the contractor within the detailed CTMP prior to commencement.” Whilst this approach is not considered unacceptable by NH, if development trips were to increase beyond the volume described in the OCTMP, the impact on the SRN may require a reassessment.</p>	<p>is secured by way of a requirement on the draft DCO [APP/3.1.1]. The updated oCTMP [APP/7.7.1] submitted at Deadline 1 includes further information on the monitoring mechanisms and strategy.</p> <p>This approach therefore ensures that the impact of the Scheme remains consistent with the assessments presented within the ES Chapter 9: Transport and Access [APP/6.2.1] and does not exceed these thresholds for vehicle trips.</p>	
NH55	<p>6.3.8 Section 6.2 of the OCTMP looks at measures to reduce vehicle trips. NH welcomes the deployment of measures to such as car sharing to the site and notes the Applicant is assuming a car/van occupancy of 1.5. It is noted that this is a higher car share assumption than the figure of 1.4 which has been commonly used as the basis for travel planning on several recent consented and live DCOs for energy projects in rural locations. A car share assumption of 1.4 would result in an increase in the number of vehicles accessing the site, predominantly via the A47. Measures such as how car sharing and the use of the shuttle bus service will be encouraged and implemented will be included within a Travel Plan, which will be secured by use of a Requirement. In addition, NH requests that more detail is provided in respect of control measures and enforcement, particularly regarding timescales for corrective measures to be implemented.</p>	<p>The Applicant notes that the car sharing factor of 1.5 has been utilised and accepted on a number of other comparable consented solar DCOs, including West Burton Solar Project and Cottam Solar Project. The measures to ensure that sustainable travel is promoted and the impact to the A47 is minimised are confirmed within the proposed Outline Travel Plan that has been prepared, that is to be secured by way of a requirement in the DCO as an appendix to the oCTMP [APP/7.7.1] and will form part of the contractor’s contract. Measures will include the promotion of car sharing and shuttle buses will be confirmed once the phasing of works is confirmed and the number and location of staff accommodation is known.</p> <p>To provide additional reassurance to National Highways, an Outline Travel Plan has been prepared as an appendix to the updated oCTMP [APP/7.7.1].</p> <p>The cap on daily vehicles (for both HGVs and other vehicles) is secured through the oCTMP [APP/7.7.1] and the DCO, which the contractor will need to comply with in their contract, forming an obligation to ensure that the vehicle thresholds are not exceeded.</p> <p>Regarding the detail National Highways has requested in regard to enforcement and control measures, including timescales for corrective measures, is included in the</p>	<p>NH acknowledges the point made by the Applicant, although it is noted that a car share ratio of 1.4 has been agreed on recent DCOs in the region. NH will review the updated oCTMP and revert to the Applicant with any outstanding concerns.</p>

		updated oCTMP [APP/7.7.1] and secured via requirement in the DCO.	
NH56	6.3.9 Notwithstanding the need to agree a final construction workforce travel plan with the appointed contractor and with a better understanding of the workforce characteristics, NH requires additional assurance through a more detailed outline plan as part of the consented DCO that staff will not simply be encouraged to use sustainable modes but that such measures will be actively enforced and that sufficient remedies are available should the target not be achieved.	At National Highways' request, an Outline Travel Plan has been prepared at Deadline 1 as an appendix to the oCTMP [APP/7.7.1].  The updated oCTMP [APP/7.7.1] will include details on enforcement and control measures to ensure that the proposed strategies within the Outline Travel Plan are actively enforced, alongside the protocol for resolving any issues should the targets not be achieved, to provide suitable reassurance to National Highways that the measures will be implemented.	NH welcomes the production of an Outline Travel Plan as part of the updated oCTMP submitted at Deadline 1. NH will review the updated document and liaise with the Applicant if any outstanding issues remain.
NH57	6.3.10 It is noted that Requirement 15 into the DCO states that the final Construction Traffic Management Plan for each stage of construction will be submitted to the Local Planning Authority "in consultation with the relevant highway authority". NH request that this is amended to "in consultation with the relevant highway authority or authorities", reflecting NH's status as the highway authority for the SRN and for circumstances where NH will need to be consulted as well as the local highway authority.	The Applicant refers to its response to NH45 above on this matter.	Noted.
NH58	Abnormal Indivisible Loads 6.3.11 It is stated in Chapter 7 of the OCTMP that a number of Abnormal Indivisible Loads (AIL) would be required during the construction of the proposed development. These are anticipated to be routed via the A47. Please note that NH follows a government Water Preferred Policy, which means we would expect the loads to arrive via the nearest suitable port of entry. It is noted that the AIL route strategy for the proposed scheme has been agreed in principle with NH's however, it should also be noted that the final route strategy is subject to approval using the ESDAL system. Changes required as part of the ESDAL process and application supersede previous in principle agreements.	The Applicant notes this comment. Details on the AILs are secured through the oCTMP [APP/7.7.1] that is secured by way of requirement in the DCO. The AIL application will be managed by the contractor and agreed with National Highways prior to commencement of construction in the event the DCO is granted consent.	Noted.

NH59	6.3.12 To obtain approval for AIL movements, NH must be contacted 8–10 weeks prior to the planned movement, at which point the haulier should initiate contact. During this period, route suitability will be reassessed in coordination with all relevant structure owners and highway authorities. An application must then be submitted to NH, and if approved, the permit will be valid for six months. The Applicant should note that there remains a legal obligation to notify us of the exact date and time of each movement at least 5 days in advance.	The Applicant notes this comment. The relevant procedural timelines for the AIL application are noted. This process will be managed by the contractor and agreed with National Highways prior to commencement of construction in the event the DCO is granted consent. Details on the AILs are secured through the oCTMP [APP/7.7.1] that is secured by way of requirement in the DCO	Noted. NH's main concern is to ensure that AIL's are dealt with through the usual process and that this is secured in the DCO.
NH60	6.3.13 It is expected that a series of minor works are required on the junction of the A47/A1065 to accommodate the AIL movements. Whilst these have been presented to NH and have been accepted in principle, the applicant has yet to carry out Road Safety Audit. All the works are subject to completion to a Road Safety Audit, and any recommendations identified will need to be addressed with suitable alternatives. The works will also require technical approval for Detailed Design.	The Applicant notes this comment. It is accepted that a Road Safety Audit (RSA) would be undertaken in the future in the event the DCO is granted consent, as part of the future AIL application for any temporary works required on the SRN. The scope of the RSA would be agreed with National Highways representatives in advance The RSA and Abnormal Indivisible Loads are secured through the oCTMP [APP/7.7.1] that is secured by way of requirement in the draft DCO [APP/3.1.1].	Noted.
NH61	6.4 Decommissioning 6.4.1 It is noted that Requirement 20 (point 4) of the DCO refers to the Decommissioning Strategy and states that this will be agreed with the relevant local planning authorities. NH requests that this is amended to include NH as the highway authority responsible for the safe operation of the SRN. As part of the discharge of this requirement, it is expected that a Decommissioning Traffic Management Plan (DTMP) will be developed by a contractor prior to the commencement of the decommissioning period.	The Applicant refers to its response to NH45 above on this matter.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH62	7. Protective Provisions 7.1 In order to facilitate the withdrawal of NH's objection to the DCO and Authorised Development, NH requests that the Applicant includes the NH protective provisions at Appendix 1 to the draft Order at the next deadline. A full justification for each of the key provisions and definitions is set out below:	The Applicant notes that National Highways has recently agreed to the form of protective provisions for its benefit found in Part 6 of Schedule 15 of the Green Hill Solar Farm DCO, during the course of the examination of that DCO.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

		<p>The Applicant will discuss with National Highways as to whether the same approach is agreed for this Scheme, and (if so) would therefore update the draft DCO [APP/3.1.1] to mirror the wording of those protective provisions. At such time, the Applicant would hope that National Highways can withdraw its objection to the Scheme.</p> <p>Therefore, the Applicant does not propose to respond in detail to each aspect of the protective provisions set out by National Highways below; rather, it will follow the approach set out above and anticipates reaching agreement with National Highways on the form of protective provisions at an early stage of examination.</p>	
NH63	<p>Paragraph: 1  Heading: Application  Justification: This provision has effect to preserve the statutory powers and duties of NH except where expressly amended by the Order.</p>	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH64	<p>Paragraph: 2  Heading: Interpretation Justification:  Key provisions:  “as built information” – contains the relevant information required by NH in order to issue the provisional certificate, certifying that works in, on under or over the SRN are satisfactorily complete and safe from NH’s perspective.  “bond sum” – this provides that a bond sum required is 200% of the cost of the specified works in, on under or over the SRN. The bond required is not the total cost of the works but rather the section of works specifically impacting the SRN. Much in the same way as a section 278 agreement, bonding is required to protect NH from financial liability in the event that the Applicant defaulted on the works which impact the SRN.  “commuted sum” – provision of financial security to NH for any assets which require ongoing maintenance. Where the</p>	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	<p>authorised development includes works which will require ongoing maintenance, this should be funded by the Applicant and not become a burden on the public purse.</p> <p>“detailed design information” – contains the relevant information required by NH in order to approve the commencement of the specified works affecting the SRN. In the experience of NH’s highway engineers, this definition includes all necessary drawings, specifications and calculations required for signing off works in, on, under or over the SRN but may need to be supplemented depending on the nature of the project.</p> <p>“road space booking” – NH has a strict procedure for managing network occupancy to ensure that they are aware of who is working on the SRN at any given point. It also ensures that sections of the SRN are not subject to conflicting or multiple sets of maintenance work.</p> <p>“specified works” – any work authorised by the order (including maintenance) which is on, in, under or over the strategic road network. Importantly, this covers the highway estate as well as the operational highway land to ensure that works beneath the highway or above it are subject to the same requirements as work to the highway stratum itself. Critically, works which occur under or over the SRN can still have a detrimental operational impact to the functioning of the undertaking and can result in significant safety impacts.</p> <p>“strategic road network” includes all operational land of NH within the order limits and also the highway estate itself to protect the safe functioning of the SRN.</p>		
NH65	<p>Paragraph: 3  Heading: General  Justification: Parts of the SRN are routinely managed by design build finance and operate contractors, who have primary responsibility for managing the asset. The purpose of these provisions is to ensure that, where the road subject to the specified works is managed under a DBFO contract, the highway operations and maintenance contractor can take the</p>	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	benefit of the protective provisions. Otherwise, any claim that the highway operations and maintenance contractor had against the Applicant by virtue of its stewardship of the asset would need to be through a claim made by NH and sub-recovered by the DBFO contractor. This is unnecessary, inefficient and creates a contractual risk to NH, as the DBFO contract does not cater for risks occasioned by third party development.		
NH66	Paragraph: 4 Heading: General Justification: To ensure that routine maintenance work to the highway does not compromise the integrity of any assets co-located in the subsoil.	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
	Paragraph: 7 Heading: Prior approvals and security Justification: To ensure that the specification of the specified works and all associated processes inc. traffic management, financial provision for ongoing maintenance liabilities, scope of maintenance, condition surveys and road safety audits are addressed prior to commencement of works affecting the SRN. All of this information is required whether the specified works comprise of works to the highway or not. For example, scaffolding erected either side of the highway to install overhead lines would require a scheme of traffic management, as it would not be safe to carry out such dangerous works over an online part of the SRN. Likewise, undergrounding a pipeline or cable via horizontal directional drilling could not take place without condition surveys of the SRN taking place prior to commencement of works, as without this it would be impossible to know whether the specified works had caused subsidence or displacement in the carriageway. NH also requires collateral warranties from any contractor and designer of the specified works affecting the SRN, to ensure appropriate contractual liabilities are recoverable. No exercise of any article set out in 7(2) should take place without the	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	express consent of NH, to ensure that NH is aware of the progress of the specified works affecting the SRN, the scope of those operations, the potential impact to road users and to ensure that compulsory acquisition is managed appropriately and proportionately.		
NH68	Paragraph: 8 Heading: Construction of specified works Justification: The construction of the specified works must be carried out in accordance with NH's road space booking procedures to ensure the safety of road users and other contractors on the network. They must also be carried out in accordance with the relevant technical standards where relevant to the works, to ensure consistency with the SRN. Emergency access is to be granted to NH in the event of or to prevent the occurrence of danger to the public.	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH69	Paragraph: 9 Heading: Payments Justification: The reasonable 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 specified works.	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH70	Paragraph: 10 Heading: Provisional Certificate Justification: Where any specified work is 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. Works underneath the highway or oversailing it have significant potential to cause damage both to the highway itself and to road users and it is critical to the safe and efficient operation of the SRN that works are signed off by NH engineers as safe, where there is an interface with the SRN. This provision is also required for the purposes of the	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	Applicant as it has the effect of reducing the bond sum to 20% on the issue of the provisional certificate.		
NH71	Paragraph: 11 Heading: Opening Justification: This is relevant only where the SRN has been subject to traffic management orders or temporary closure as a result of the Authorised Development	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH72	Paragraph: 12 Heading: Final Condition Survey Justification: Where specified works include horizontal directional drilling, as part of the approval of works and prior to commencement, a condition survey of the highway is required. A final condition survey is required on completion of the horizontal directional drilling works, to identify any settlement of the carriageway in accordance with the threshold levels set out in technical standard DMRB CD622. If any settlement beyond tolerance is identified, this would pose a safety risk to road users, as part of the carriageway would have collapsed to unsafe levels. NH would require this defect to be remedied. This provision also applies to works to the SRN itself as any final condition survey would inform the decision on issue of the final certificate.	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH73	Paragraph: 13 Heading: Defects Period Justification: On the issue of the provisional certificate, the Applicant will be required to remedy any defect in the SRN caused by the specified works for a period of 12 months. Where NH's network is damaged by works carried out pursuant to the DCO, it is for the Applicant to remedy that damage.	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH74	Paragraph: 14 Heading: Final Certificate	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	<p>Justification: This provision is required in order to release the bond in full, to ensure that the NH costs are paid by the Applicant and to ensure that NH is given a final opportunity to inspect the SRN and be satisfied that the specified works have not resulted in damage to the statutory undertaking.</p>		
NH75	<p>Paragraph: 15  Heading: Security  Justification: The Applicant is proposing to carry out works [to the highway in land owned by NH. 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 an appropriate mechanism to assure security such as a bond and without this, NH would be faced with potentially significant financial liabilities for which it is not funded and has no budget.</p>	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH76	<p>Paragraph: 16  Heading: Commuted Sum  Justification: Where the Applicant proposes to install apparatus on the highway, a commuted sum is required to contribute to the maintenance of the apparatus. It is not for the public purse to pay for maintenance of apparatus that is added</p>	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	to the highway estate as a consequence of third party development, without contribution.		
NH77	Paragraph: 17 Heading: Insurance Justification: Insurance is required of all contractors working on the SRN and this should extend to operations carried on over and under the highway due to the potential for damage to infrastructure, highway assets and road users.	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH78	Paragraph: 18 Heading: Indemnity Justification: 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.	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH79	Paragraph: 19 Heading: Maintenance of specified works Justification: To ensure that where maintenance to a specified work is required, the relevant road space booking procedures are complied with to ensure the safety of contractors and road users.	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH80	Paragraph: 20 Heading: Land Justification: To ensure that matters of compulsory acquisition are directed to the legal team at NH and to ensure that powers are not exercised by way of GVD circumventing NH's ability to impose restrictions and controls on the use of the land in a way which would impact on the SRN or be detrimental to safety.	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.
NH81	Paragraph: 21 Heading: Expert Determination Justification: Expert determination is preferred due to the speed of the process and the often technical nature of the	See response to NH62 above.	NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions.

	points in dispute being more suited to determination by an Engineer or other highway professional.		
NH82	<p>8. Summary</p> <p>8.1 NH is in a position where it objects to the proposals as contained in the DCO application. Consequently, NH's position is that it is unable to remove its objection unless resolution is reached on all outstanding matters (as raised in this relevant representations) and NH's protective provisions at Appendix 1 are included on the face of the Order prior to the ExA's recommendation to the Secretary of State.</p>	The Applicant notes this comment and is committed to working with National Highways to reach a resolution on all outstanding matters, as responded to above, including an agreed form of protective provisions.	Acknowledged by NH.
NH83	8.2 Should it assist the ExA, NH will respond to any written questions that the panel may have and is willing to attend an appropriate hearing to detail the impacts of the Authorised Development to NH.	The Applicant notes this comment and thanks National Highways for its representation.	Acknowledged by NH.