



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

SUMMARY OF ORAL REPRESENTATIONS MADE ON BEHALF OF NATIONAL HIGHWAYS AT ISSUE SPECIFIC HEARING 2

1 INTRODUCTION

- 1.1 This document is a summary of the oral representation made on behalf of National Highways ("NH") at ISH2 held on Tuesday 8th September 2026 at 10am.
- 1.2 In preparing the summary below, as neither the transcript nor the recording of the hearing is available online prior to the required submission deadline, NH has sought to rely on its recollection of the discussion at ISH2. Accordingly, NH respectfully reserves the right to amend or supplement the above summary of oral submissions, if appropriate, at Deadline 5.

Agenda Item		NH's Response
3.1	Discussion of the draft Development Consent Order (dDCO), involving the applicant and other interested parties (IPs), including: Schedule 2- Requirements: R3(1), R5, R7(1), R8(1), R10(1) and (2), R11, R13, R14, R15 (1) to (3), R20(5) - Whether the applicant accepts that National Highways (NH) should be given an opportunity to review and approve various details.	The Applicant noted that discussions with NH in relation to its protective provisions are progressing and that an email had been received the previous night (Monday 7th September) from NH that requested mirroring the position in relation to Lime Down Solar and Green Hill Solar DCO's is likely to be agreeable. It was noted that the Applicant for the Lime Down Solar DCO and the Green Hill Solar DCO is the parent company/same group of companies as the Applicant. Notwithstanding the above position, NH drew the ExA's attention to:- - Requirement 3 (1) - where for both of the above referred to DCO's, agreement between the parties had not been in relation to Requirement 3 - Requirement 5 – which was not relevant for the Green Hill Solar DCO and which remains the subject of further discussions at the Lime Down Solar DCO.
	Requirement 3 (1) The undertaker may submit any amendments to any approved document to the relevant planning authority for approval and, following approval in consultation with NH, the relevant approved document is to be taken to include the amendments approved under this paragraph.	In relation to Requirement 3, it was noted on behalf of NH that approved documents are the certified documents which include the works plans and access to works plans and the outline management plans. This Requirement is permitting these approved documents to be approved with the planning authority's agreement. It is acknowledged that variations are only permitted where there is going to be no materially new of different effects. NH should, however, be given an opportunity to review any variations to the approved documents and plans to ensure that any changes do not result in new or material

		different effects to the SRN. This is in the interest of maintaining the safe and efficient operation of the SRN. Post Hearing Note:- An example of another DCO where amendments to approved details are to include reference to the relevant highway authority is London Luton Airport Expansion Development Consent Order 2025 (S.I. 2025/463).
	Requirement 5 5.—(1) No part of the authorised development Work Nos. 1, 2 or 3A may commence until details of— (a) the layout; (b) scale; (c) proposed finished ground levels; (d) external appearance; (e) hard surfacing materials; and f) vehicular and pedestrian access, parking and circulation areas, relating to that part have been submitted to and approved by the relevant planning authority for that part and where the details relate to highways matters approved by the relevant highway authority for that part. (2) The details submitted must accord with Table 3-1, 3-2 and 3-3 (as	There was no detailed discussion at the hearing in relation to Requirement 5. However, to assist the ExA, NH's position is set out below. The Applicant has said that it doesn't consider the amendments necessary because Article 14(c) 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>". The Applicant says that this ensures that NH is consulted in relation to such works, as it standard practice across solar DCO's. NH's position as set out in its comments on the Deadline 1 submissions [REP2-036] notes, "<i>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.</i>" It is noted that the oCTMP has been updated to secure commitment in relation to DMRB. Accordingly, the addition suggested by NH at (5) is no longer required.

	applicable) of the design principles, parameters and commitments. (3) The authorised development must be carried out in accordance with the approved details. (4) Work No. 3B must be carried out in accordance with Table 3-3 of the design principles, parameters and commitments. (5) Works must be carried out in accordance with the Design Manual for Roads and Bridges (DMRB)	
	Schedule 15 – Protective Provisions The applicant will be asked for an update on progress of any negotiations relating to the agreement of protective provisions including National Highways	As referred to above, NH confirms that the protective provisions are in discussion with the Applicant and matters are progressing. The principle of following the approach adopted by the protective provisions in Schedule 16 of the Green Hill Solar Farm DCO and updated by the Lime Down Solar Farm DCO is agreed. The ExA requested that the SofCG is updated so that it is clear which of NH's objections can be overcome by the Protective Provisions and which cannot. NH confirmed that the SofCG will be updated as requested.
	Schedule 16 – The applicant will be asked to comment on requests for proposed changes to 3(3) from NH for 28 days to respond. The provisions mean that (1): The relevant planning authority may request such reasonable further information from the undertaker as is	The Applicant set out why the change requested by NH was not agreed. NH confirmed it would consider the Applicant's submission in this regard. However, in the absence of agreeing with the Applicant's position, NH noted that:- - For technically complex matters relating to the highway, 5 days is not enough to review the application, identify information gaps and respond. - If the relevant planning authority misses the deadline — for whatever reason, including administrative delay outside the consultee's control — the information is deemed sufficient and no further requests can be made without the undertaker's consent. The consultee has no direct ability to prevent the deemed-

	necessary to enable it to consider the application. (2): Where no consultation with a requirement consultee is required, the RPA must notify the undertaker in writing within 10 working days of receipt of the application, specifying what further information is needed. (3): Where consultation with a requirement consultee is required, the RPA must issue the consultation within 5 working days of receipt of the application. The RPA must then notify the undertaker in writing of any further information the RPA considers necessary, or that is 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 agreed in writing between the undertaker and the RPA). (4): If the RPA fails to notify the undertaker within the time limits in subparagraphs (2) or (3), the RPA is deemed to have sufficient information and may not thereafter request further information without the undertaker's prior agreement.	sufficiency trigger, even if it has not yet had a meaningful opportunity to review the submission. This effectively penalises the consultee for the relevant planning authority's failure. - These provisions are overly favourable to the undertaker, compressing the consultee's review and imposing a deemed-sufficiency sanction for delays that may not be its fault.
Agenda Item		NH's Response
5	Item 5 – Transport & Access The applicant will be asked for an update about whether queries and	NH was asked for its view on NCC's concerns about the cumulative traffic impacts arising on the highway network from the proposed development in combination with other NSIPs, particularly the proposed High Grove Solar Farm

	comments raised by NCC, regarding access and cumulative traffic impacts respectively, have been adequately resolved.	NH explained that it had held constructive discussions with the Applicant's transport consultants about the potential implications of construction traffic on the SRN and was satisfied that no adverse impacts were expected. NH was content that construction traffic would avoid peak hours and the numbers of both HGVs and workforce vehicles would be capped. This would be secured in the oCTMP. NH said that it was also satisfied with the cumulative traffic assessment undertaken by the Applicant. It was explained that the Applicant for the High Grove Solar Farm had not yet engaged with NH on the proposed development, including its construction traffic forecasts. NH would consider the proposals in detail when the DCO application is made and any adverse impact – including those expected to arise from the cumulative impacts in combination with The Drovers Solar Farm – would be addressed in its Relevant Representation. With the regard to AIL deliveries, NH did not consider that these would have an unreasonable impact on the SRN as they would be few in number and usually occur overnight.
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