



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

**DEADLINE 4 – NH COMMENTS ON APPLICANT'S RESPONSE TO WRITTEN REPRESENTATIONS
AND OTHER DEADLINE 2 SUBMISSIONS**

1 INTRODUCTION

- 1.1 This document is submitted for Deadline 4 on behalf of National Highways ("NH") in respect of an application by The Drovers Solar Farm Ltd (the "**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**"). This document sets out NH's comments on The Applicant's Response to Written Representations at Deadline 2 submitted by the Applicant at Deadline 3 **[REP3-087]** in so far as those responses relate to NH's Deadline 2 Comments **[REP2-036]**. For simplicity, we have replicated the table which forms the Applicant's response and added an additional column setting out NH's further comments.

Reference Number	Comments	Applicant's Response	NH Comments
National Highways Limited (Comments on the Deadline 1 submissions and any other information requested by the ExA for Deadline 2) [REP2-036]			
NH1	Pages 4 to 6, Refs. NH3 to NH5 NH is in ongoing discussion with the Applicant regarding an acceptable form of Protective Provisions	The Applicant agrees with this comment and welcomes the ongoing engagement with National Highways on the matter of protective provisions.	Noted
NH2	Page 7, Ref. NH8 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	The Applicant has included temporary acquisition over plots owned by National Highways to ensure the necessary works (i.e. Work No. 8A) can be carried out as part of the Scheme. The Applicant has been seeking to acquire the relevant land (for temporary use) by voluntary agreement and the Applicant remains engaged with National Highways to agree a form of appropriate protective provisions to facilitate the necessary works under the procedures preferred by National Highways, such that the relevant works do not impact their statutory undertaking.	The Applicant's response does not address National Highways' fundamental objection to the inclusion of temporary possession powers over its plots in the Book of Reference. National Highways does not dispute that the DCLG Guidance contemplates parallel negotiation and compulsory acquisition. However, the guidance is equally clear that compulsory acquisition powers must be necessary and proportionate. National Highways maintains that neither limb of that test is satisfied in the present case.

	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.	This approach of seeking powers of compulsory acquisition in the draft DCO [APP/3.1.3] and, in parallel, conducting negotiations to acquire land and rights by agreement, accords with the Department for Communities and Local Government Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (2013) (i.e. the guidance referred to by National Highways).	The Applicant has not demonstrated why compulsory powers are necessary when a well-established alternative mechanism exists and National Highways is willing to engage through it. Nor has the Applicant explained why it is proportionate to seek compulsory powers over the SRN for works that are, on the Applicant's own account, limited, temporary, confined to the construction phase and not yet defined as they are to be determined post consent. NH's position in this regard was set out in full at CAH2 on 9 September 2026. A summary of NH's oral submissions at CAH2 are submitted along with this response for Deadline 4.
NH3	Pages 34 and 35, Ref. NH37 and Pages 36 to 41, Refs. NH39 to NH47 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. 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.	The Applicant notes this comment and welcomes the ongoing engagement with National Highways on the matter of requirement consultation.	Noted

	Discussions for this DCO are on going in this regard.		
NH4	Page 35, Ref. NH38 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:- 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 and approved by the relevant planning authority and where the details relate highways matters approved by the relevant highway authority for that part.	The Applicant does not consider it necessary to amend the drafting of Requirement 5 of Schedule 2 of the draft DCO [APP/3.1.3] in the manner proposed by National Highways. In the first instance, the Applicant notes that the access to the Work Nos. set out in Requirement 5 are not via the Strategic Road Network. Further, the drafting proposed is well-precedented across made solar DCOs, and consultation with the highway authority is already secured in the draft DCO [APP/3.1.3] in relation to relevant matters, such as Article 14(c) (regarding means of access), Article 15(1)(d)(ii) (regarding adoption of certain works), Article 20(4)(a) (regarding trial holes, boreholes and trenches), Article 40(5) (regarding felling or lopping of trees or removal of hedgerows), Requirement 8 (regarding the detailed Operational Traffic Management Plan), Requirement 15 (regarding the detailed Construction Traffic Management Plan) and Requirement 16 (regarding the detailed Public Right of Way and Permissive Path Management Plan), as is standard practice. Given that the relevant planning authority is entitled to consult with any other organisation if they deem it necessary to do so as part of its approval under Requirement 5, which can include the relevant highway authority, it is unnecessary for the potential for this consultation to be spelt out on the face of the draft DCO [APP/3.1.3] and for standard practice to be departed from.	NH disagrees with the Applicant's position. National Highways is the strategic highway authority responsible for the safety and operation of the SRN. Although the access points to the relevant Work Numbers may not be directly on the SRN, the vehicular and pedestrian access arrangements, parking provision, and circulation areas for the authorised development will generate traffic movements that interact with the SRN, particularly at junctions in the vicinity of the A47/A1065. Inadequate or poorly designed access, parking, or circulation arrangements could result in movements that compromise the safety and free flow of traffic on the strategic network. Without National Highways' approval of the details under Requirement 5, there is a risk that the relevant planning authority could approve details that are inconsistent with approvals granted under other provisions of the DCO — such as Article 14 (means of access), Article 15 (adoption of works), or the detailed Construction Traffic Management Plan secured under Requirement 15. National Highways' involvement at the Requirement 5 stage would ensure coherence across the DCO's approval framework. The Applicant contends that consultation with the highway authority is already secured through various articles and requirements in

	*Works must be carried out in accordance with The Design Manual for Roads and Bridges (DMRB). The Applicant's proposal to update the oCTMP to secure that works are in accordance with DMRB standards is welcomed.	The Applicant notes National Highways' confirmation that the matter of DMRB standards has been satisfactorily addressed via the updated oCTMP [APP/7.7.2] which was submitted at Deadline 1.	the draft DCO, and that the relevant planning authority may consult with any organisation it deems necessary under Requirement 5. However, a discretionary power to consult is not equivalent to a requirement for approval. There is no guarantee that the relevant planning authority will consult National Highways on the specific details that affect highway safety and operation. Finally, it should be noted that the amendment sought is narrowly drawn. It would require the relevant highway authority's approval only where the details submitted under Requirement 5 relate to highway matters. This is not an onerous or requirement but is nonetheless a requirement that ensures that highway safety considerations are properly addressed in the discharge of requirements.
NH5	Page 43, Ref. NH51 and Page 46, Ref. NH56 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.	The Applicant makes note of this comment and welcomes any comments from National Highways on the oCTMP [APP/7.7.2].	NH confirms that the oCTMP is now agreed
NH6	Page 44, Ref. NH55 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	The Applicant makes note of this comment and welcomes any comments from National Highways on the oCTMP [APP/7.7.2]. In respect of the car sharing ratio, this is a target and forms part of the targets set out within the Travel Plan included as an appendix to the oCTMP [APP/7.7.2]. The	NH confirms that the oCTMP is agreed and the car share ratio is accepted.

	updated oCTMP and revert to the Applicant with any outstanding concerns.	Applicant has also applied this car sharing ratio on a number of its comparable consented solar DCOs, including West Burton Solar Project and Cottam Solar Project, so it is considered appropriate and proportionate to apply this ratio for the Scheme.	
NH7	Page 47, Ref. NH59 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.	The Applicant makes note of this comment and confirms that the requirement to follow the National Highways Abnormal Indivisible Load protocol is secured through the oCTMP [APP/7.7.2] (and therefore in the DCO via the corresponding requirement for the detailed version of this document).	National Highways welcomes this confirmation. As noted above, the oCTMP is agreed. NH's principal concern in respect of AIL movements has been to ensure that they are dealt with through the usual notification processes. However, for the avoidance of doubt, National Highways reiterates that the securing of the AIL protocol through the oCTMP does not address or resolve NH's separate objection to the inclusion of temporary possession powers over its plots in the Book of Reference. The availability of the AIL protocol reinforces NH's position that an established mechanism exists for managing these works and that compulsory powers are not necessary.