

National Highways
199 Wharfside Street
The Cube
Birmingham
B1 1RN

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 4 November 2022

By e-mail: Northlincolnshiregreenenergyproject@planninginspectorate.gov.uk

Dear Sir/Madam,

SUBJECT: REQUEST FOR ACCEPTANCE OF THE LATE SUBMISSION OF A RELEVANT REPRESENTATION
PROJECT: EN010116 - NORTH LINCOLNSHIRE GREEN ENERGY PARK DEVELOPMENT CONSENT ORDER (“PROJECT”)
APPLICANT: NORTH LINCOLNSHIRE GREEN ENERGY PARK LIMITED (“APPLICANT”)

We understand that the period for the registration of interested parties closed on Thursday 15 September 2022. It has since come to our attention that National Highways did not register its interest within the relevant period as intended. This was due to the spatial planner responsible for the notification leaving the company at short notice. We offer our sincere apologies to the Examining Authority and the Applicant and write to respectfully request that the Examining Authority exercise its discretion to accept the late submission of National Highways’ relevant representation in respect of the Project.

We will continue to engage with the Applicant further to resolve outstanding concerns and should the Examining Authority require any clarification on the matters outline, please do not hesitate to contact the writer on the details below.

Yours faithfully

Ross Corser
General Counsel Directorate
National Highways

[Redacted signature block]

SECTION 56 PLANNING ACT 2008**RELEVANT REPRESENTATION OF NATIONAL HIGHWAYS LIMITED****APPLICATION BY NORTH LINCOLNSHIRE GREEN ENERGY PARK LIMITED FOR
THE NORTH LINCOLNSHIRE GREEN ENERGY PARK DEVELOPMENT CONSENT
ORDER 202[X] (“Project”)**

National Highways objects to the Project for the following reasons. National Highways is a statutory undertaker and is appointed by the Secretary of State for Transport to operate and maintain the strategic road network (“SRN”) in England. The book of reference as submitted by the Applicant identifies 9 plots of land owned by or occupied by National Highways (“Plots”) in respect of which compulsory acquisition powers to acquire new rights are sought. The compulsory acquisition powers sought are described in the book of reference as being the creation and compulsory acquisition of new rights over land and the temporary possession of land (“Compulsory Powers”).

National Highways understands that the Applicant proposes to route heating and cooling pipes carrying hydrogen gas alongside the M181 road as far as A1077.

To safeguard National Highways’ interests and the safety and integrity of the SRN, National Highways objects to the inclusion of the Plots in the Order and to Compulsory Powers being granted in respect of them. The Plots constitute land acquired by National Highways for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008. National Highways considers that there is no compelling case in the public interest for the Compulsory Powers and that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that new rights and restrictions over the Plots can be created without serious detriment to National Highways’ undertaking and no other land is available to National Highways to make good the detriment. National Highways also objects to all other compulsory powers in the Order that affect, and may be exercised in relation to, National Highways’ property and interests.

In order for National Highways to be in a position to withdraw its objection, National Highways requires: (a) the inclusion of protective provisions in the Order for its benefit; and (b) agreements with the Applicant that regulate (i) the manner in which rights over the Plots are acquired and the relevant works are carried out including terms which protect National Highways’ statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land; and (ii) the carrying out of works in the vicinity of the SRN to safeguard National Highways’ statutory undertaking.

National Highways reserves the right to produce additional grounds of concern if further details of the impact to National Highways’ assets become available.