

**From:** [Redacted]  
**To:** Byers Gill Solar  
**Cc:** [Redacted]  
**Subject:** Byers Gill Solar  
**Date:** 14 November 2024 14:56:23  
**Attachments:** [Redacted]

Hi,  
**National Highways have been asked to provide by 15 November a response to the question below from the ExA alongside Darlington Borough Council.**

DCO.2.6	Darlington Borough Council (DBC) National Highways	Darlington Borough Council and National Highways are asked to confirm if they are satisfied or, if not, provide comments on Part 3 – Streets particularly in light of the Applicant's intention to rely on the powers included in the article for the deliverability of the on-road cabling. The ExA would also request the highway authority's view on the wording in Schedule 4.
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We note that Part 3 of the Development Control Order (DCO) gives rights for the undertaker of the DCO to enter on to streets identified in Schedule 3 to undertake work including break up, tunnel, place, keep and maintain apparatus. It should be noted that all the roads listed are local authority roads, however, it does include land at Aycliffe Lane and Lime Lane which as we set out within our Deadline 3 response National Highways appear to own the subsoil.

It also gives powers to alter layout / carryout works in streets identifies within Schedule 4. This Schedule does not name any roads in the control of National Highways.

As such the issue remains that of National Highways having retained subsoil which should have been passed onto the Local Highway Authority when the road was. As set out in our Deadline 3 response,

**National Highways is not the highway authority for either Lime Lane or Aycliffe Lane and therefore have no interest in these plots we do not have any comments in relation to their compulsory acquisition. Now that this ownership anomaly has been brought to our attention National Highways will take steps to regularise the position by ensuring that ownership of the subsoil beneath the local road network passes to the local highway authority. In the meantime, should the local highway authority wish to object to the compulsory acquisition of these plots then we would support that objection whilst registered as the owner.**



National Highways, 2 City Walk, Leeds LS11 9AT

Web: <http://www.highways.gov.uk>

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## **National Highways response response to questions from Examining Authority ExQ2**

Title:	National Highways- ExQ1 Question Response
Applicant	RWE Renewables UK Solar and Storage Limited
Proposal	Application by RWE Renewables UK Solar and Storage Limited for an Order Granting Development Consent for Byers Gill Solar Farm
Author	National Highways Limited
Date	14th November 2024

### **Introduction**

National Highways Limited (“National Highways”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such National Highways work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This note provided below responds to the Examining Authority’s Written Questions (ExQ2) which relate to National Highways regarding the Byer Gills Solar Farm proposed development.

### **National Highways response to DCO 2.6**

*Darlington Borough Council and National Highways are asked to confirm if they are satisfied or, if not, provide comments on Part 3 – Streets particularly in light of the Applicant’s intention to rely on the powers included in the article for the deliverability of the on-road cabling. The ExA would also request the highway authority’s view on the wording in Schedule 4.*



Street authorities routinely permit such on-road cabling works pursuant to the New Roads and Street Works Act 1991 (NRSWA) and the draft DCO at Part 3 contains the equivalent NRSWA provisions to authorise the street works.

It is noted, the Applicant does not anticipate the cabling to go beyond the depth of the highway. In any event should this occur, we note the Applicant has updated the book of reference to include the acquisition of new rights only over the subsoil. National Highways are content with the position taken noting the Applicant will not be compulsorily acquiring the subsoil as a whole.

National Highways is not the highway authority for any of those streets referred to in Schedule 4 and therefore we have no further comments in this regard.