

A46 Newark Bypass

TR010065/APP/1.1

1.1 Covering Letter and Schedule of Compliance with Section 55

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009

Volume 1

April 2024

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms
and Procedure) Regulations 2009**

A46 Newark Bypass

Development Consent Order 202[x]

**COVERING LETTER AND SCHEDULE OF COMPLIANCE WITH SECTION
55**

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010065
Application Document Reference	TR010065/APP/1.1
Author:	A46 Newark Bypass Project Team, National Highways

Version	Date	Status of Version
Rev 1	April 2024	DCO Application

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Reference Number: TR010065
The Planning Inspectorate
National Infrastructure Directorate
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26 April 2024

Dear Deborah,

Planning Act 2008

Application for a Development Consent Order for the A46 Newark Bypass

National Highways

Application Reference: TR010065

On behalf of National Highways (the “Applicant”) I am pleased to enclose an application under Section 37 of the Planning Act 2008 (“the 2008 Act”) for an order granting development consent for the A46 Newark Bypass (the “Scheme”).

1.1 Subject of the application

- 1.1.1 Development consent is required to the extent that the application includes development that is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(h) and 22(1)(b) of the 2008 Act.
- 1.1.2 Further details concerning the Scheme’s qualification as a NSIP can be found in the prescribed form within the Application Form **(TR010065/APP/1.2)** and in the Explanatory Memorandum **(TR010065/APP/3.2)**.

1.2 Application and documentation enclosed

- 1.2.1 A fee of £8,244 has been submitted by BACS transfer to the account of the Planning Inspectorate (the “Inspectorate”).
- 1.2.2 The application has been submitted to the Inspectorate by way of a file transfer. This approach has been agreed during pre-application discussions with the Inspectorate.
- 1.2.3 A completed section 55 checklist accompanies this letter in Annex B.

1.3 Application formalities

- 1.3.1 This Application is made in the form required by Section 37(3)(b) of the 2008 Act and the application documents comply with the requirements in Section 37 and those set out in:
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations).
 - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations).
 - The Department for Communities and Local Government’s (DGLC) (now known as the Department for Levelling Up, Housing and Communities) ‘Planning Act 2008: Nationally significant infrastructure projects – Application form guidance’ (June 2013).
 - The Planning Inspectorate’s ‘Advice Note Six: Preparation and submission of application documents’ (Version 11).
- 1.3.2 We request that the Inspectorate publish the application documents on the Scheme webpage of the National Infrastructure Planning website on submission of the application with the exception of the following due to their sensitive nature:
- Confidential Barn Owl Technical Report(Appendix 8.4)
 - Confidential Otter Technical Report (Appendix) 8.10)
 - Confidential Badger Technical Report (Appendix 8.15) within the ES Appendices **(TR010065/APP/6.3)**.

1.4 Description of the Scheme

- 1.4.1 A summary description of the Scheme is provided in the Introduction to the Application **(TR010065/APP/1.3)**. A more detailed and technical description is provided in Chapter 2 (The Scheme) of the Environmental Statement (ES) **(TR010065/APP/6.1)**.

1.5 Consent flexibility – Rochdale Envelope

- 1.5.1 The Applicant has considered the National Policy Statement for National Networks (NPSNN); draft NPSNN; and the Inspectorate’s ‘Advice Note Nine: Rochdale Envelope’. It is the Applicant’s view that the inclusion of flexibility provided for in the draft Development Consent Order (DCO) **(TR010065/APP/3.1)** is required to deliver the Scheme.
- 1.5.2 An important element of the flexibility sought within the DCO is the extent to which the Scheme design can deviate. This extent is captured by the Limits of Deviation (LoD) as described in Article 10 of the draft DCO **(TR010065/APP/3.1)** and as shown on the Works Plans **(TR010065/APP/2.3)**. The ability to deviate within the limits of deviation is important to ensure that during the detailed design and construction stage, which is to be undertaken post DCO consent, there is sufficient flexibility to design and construct the Scheme. Lateral (horizontal) and vertical LoD have been incorporated around the main engineering components of the Scheme, around proposed gantries, and around areas where utility diversions would be required.
- 1.5.3 The Environmental Impact Assessment (EIA) which was undertaken in support of the Scheme has considered and reflected the flexibility sought in the draft DCO **(TR010065/APP/3.1)**.

1.6 Habitats Regulations Assessment

- 1.6.1 This application includes a Habitats Regulations Assessment (HRA) **(TR010065/APP/6.6)** as required by Regulation 5(2)(g) of the APFP Regulations. The HRA has been prepared in consultation with the Planning Inspectorate’s Advice Note Ten: Habitats Regulations Assessments. It identifies all relevant European sites and provides sufficient information for the competent authority to determine whether the Scheme is likely to have an adverse effect on the integrity of any European site. The Applicant has engaged with Natural England during the preparation of the Habitats Regulations Assessment.

1.7 Compulsory acquisition

- 1.7.1 The Applicant is seeking compulsory acquisition and temporary possession powers to acquire land, rights over land and interests in land, and other related powers to support the delivery of the Scheme.
- 1.7.2 Details on the powers sought and negotiations to date, including those relating to any Crown land affected, are provided in the Book of Reference **(TR010065/APP/4.3)** and the Statement of Reasons **(TR010065/APP/4.1)**.

1.7.3 The adequacy of the funding for compensation is provided in the Funding Statement **(TR010065/APP/4.2)**.

1.8 Other consents

1.8.1 Details of other consents and licenses not forming part of the DCO which the Applicant may be seeking in relation to the construction and operation of the Scheme and associated development, are set out in the Consents and Agreements Position Statement **(TR010065/APP/3.3)**.

1.9 Pre-application consultation

1.9.1 As required by section 37(3)(c) of the 2008 Act, a Consultation Report **(TR010065/APP/5.1)** accompanies this application; the Consultation Report details compliance with sections 42, 47, 48 and 49 of the 2008 Act and describes the progression of the options consultation, , statutory, and targeted consultations (supplementary consultation); and other engagement with stakeholders in relation to the Scheme.

1.10 Other matters

1.10.1 Under Regulation 6(2) of the APFP Regulations, an application for highway development is required to include section drawings; these can be found as the Engineering Section and Plans **(TR010065/APP/2.6)**.

1.10.2 In accordance with Regulation 5(3) of the APFP Regulations, all plans, drawings or sections are no larger than A0 size, are drawn to an identified scale (no smaller than 1:2500) and, in the case of plans, show the direction of north.

1.10.3 Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan and assessment of the following sites and features likely to be affected by the Scheme: statutory or non-statutory sites or features of nature conservation; habitats of protected species, important habitats or other diversity features; and water bodies in a river basin management plan. These plans are included in the Environmental Constraints Plan in Figure 2.2 within the ES Figures **(TR010065/APP/6.2)**.

1.10.4 The relevant assessments are provided within the following chapters of the ES **(TR010065/APP/6.1)**: Chapter 5 (Air Quality), Chapter 7 (Landscape and Visual Effects) and Chapter 8 (Biodiversity). There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. The plans relating to historic sites

and features are included in the Environmental Constraints Plan Figure 2.2 within the ES Figures **(TR010065/APP/6.2)**.

- 1.10.5 In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the 2008 Act and can make them available at the request of the Inspectorate.
- 1.10.6 The Applicant will keep all application documents under review and will endeavour to provide updates (where it considers it necessary to do so) during the examination of the application considering questions and comments received from the Examining Authority and interested parties.
- 1.10.7 We look forward to hearing from you in relation to a formal acceptance of this Application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours faithfully,



Philip Boffey
Senior Project Manager

Enclosures:

Appendix A: Overview of application documents

Appendix B: Section 55 acceptance off application checklist (completed by the Applicant)

A. Overview of the Application Documents

The reports, drawings and plans that form the DCO application.

Volume	Document reference	Document title
Volume 1 Application information	1.1	Covering Letter and Schedule of Compliance with Section 55
	1.2	Application Form
	1.3	Introduction to the Application
Volume 2 Plans/Drawings/Sections	2.1	Location Plan
	2.2	Land Plans
	2.3	Works Plans
	2.4	Streets, Rights of Way and Access Plans
	2.5	General Arrangement Plans
	2.6	Engineering Plans and Sections
	2.7	Traffic Regulation Measures Plans
	2.8	Permanent Speed Limit Order Plans
	2.9	Classification of Roads Plans
	2.10	Utilities Works Plans
	2.11	Crown Land Plans
	2.12	Special Category Land Plans
Volume 3 Draft Development Consent Order and Related Documents	3.1	Draft Development Consent Order
	3.2	Explanatory Memorandum
	3.3	Consent and Agreements Position Statement
	3.4	DCO Validation Report
Volume 4	4.1	Statement of Reasons
	4.2	Funding Statement

Compulsory Acquisition Information	4.3	Book of Reference
Volume 5 Reports	5.1	Consultation Report
	5.2	Consultation Report Annexes
Volume 6 Environmental Statement and Related Documents	6.1	Environmental Statement
	6.2	Environmental Statement Figures
	6.3	Environmental Statement Appendices
	6.4	Environmental Statement Non-Technical Summary
	6.5	First Iteration Environmental Management Plan
	6.6	Habitats Regulations Assessment
	6.7	Statement Relating to Statutory Nuisances
	6.8	Archaeological Management Plan
	6.9	Pre-Commencement Plan
	6.10	Scoping Opinion
Volume 7 Other Reports	7.1	Case for the Scheme
	7.2	National Policy Statement for National Networks (NPSNN) Accordance Tables
	7.3	Draft National Policy Statement for National Networks (NPSNN) Accordance Tables
	7.4	Transport Assessment
	7.5	Scheme Design Report
	7.6	Equality Impact Assessment (EqIA) Screening, Analysis and Monitoring
	7.7	Outline Traffic Management Plan

B. Section 55 Acceptance of Application Checklist (completed by the Applicant)

Section 55 Acceptance of Applications Checklist (completed by the Applicant)

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here at: [Planning Act 2008 \(legislation.gov.uk\)](http://legislation.gov.uk)

DISCLAIMER: This Checklist is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance Stage. Unless specified, all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Department for Levelling Up, Housing and Communities.

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date Received	28 Day Due Date	Date of Decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate Comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	<p>Is the development a Nationally Significant Infrastructure Project¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order² (DCO) under the Planning Act 2008 (the 2008 Act), or equivalent words? Does the application specify the development to which it relates (i.e., which category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the 2008 Act for the development to be treated as development for which development consent is required?</p>	<p>Yes.</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (TR010065/APP/3.1) includes development falling within the categories in section 14 of the 2008 Act.</p> <p>The Scheme is defined as a Nationally Significant Infrastructure Project (NSIP) under sections 14(1)(h) and 22(1)(b) of the 2008 Act as it consists of the alteration of a highway where: the highway is wholly in England; a strategic highways authority (National Highways) is the highway authority for the highway; and the area of development at 230 hectares is greater than 12.5 hectares and the speed limit is expected to be 50 miles per hour or greater.</p>		

¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the 2008 Act)

3	Summary: Section 55(3)(a) and s55(3)(c)	
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p>Yes.</p> <p>On 12 September 2022 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Scheme. The Planning Inspectorate acknowledged receipt of the notification on 12 September 2022.</p> <p>A copy of the notification and acknowledgement is provided at Annex B of the Consultation Report Annexes (TR010065/APP/5.2).</p>
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	<p>The Consultation Report (TR010065/APP/5.1) and its respective Annexes (TR010065/APP/5.2) sets out how the Applicant complied with its duties under sections 42, 47 and 48 of the 2008 Act.</p> <p>The list of relevant local authorities in respect of the Application is contained in section 6 of the Consultation Report (TR010065/APP/5.1).</p> <p>It is anticipated that following submission of the application for development consent the Planning Inspectorate will invite relevant local authorities to provide a statement relating to the adequacy of the consultation. This is set out in Planning Inspectorate's Advice Note Fourteen (April 2012).</p>
Section 42: Duty to consult		
Did the Applicant consult the applicable persons set out in s42 of the 2008 Act about the proposed application?		

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ Section 55(4) of the 2008 Act provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

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6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes.</p> <p>The statutory consultation period for the Scheme was held between 26 October 2022 and 12 December 2022 during which the Applicant consulted with all applicable parties, including those prescribed under section 42(1)(a).</p> <p>The Applicant has provided a list of persons consulted under section 42(1)(a) at Annex G of the Consultation Report Annexes (TR010065/APP/5.2).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Annex H of the Consultation Report Annexes (TR010065/APP/5.2).</p>
7	Section 42(1) (aa) the Marine Management Organisation ⁶ ?	<p>N/A – the Marine Management Organisation is not a relevant consultee in respect of the Scheme.</p>
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes.</p> <p>The statutory consultation period for the Scheme was held between 26 October 2022 and 12 December 2022 during which the Applicant consulted with all applicable parties, including those prescribed under section 42(1)(b).</p> <p>Table 3.2 of the Consultation Report (TR010065/APP/5.1) lists the relevant local authorities that were identified and consulted under section 43 and section 42(1)(b).</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> • Newark and Sherwood District Council

⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

⁶ In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the 2008 Act

⁷ Definition of 'local authority' in s43(3) of the 2008 Act: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • Nottinghamshire County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Ashfield District Council • Bassetlaw District Council • Gedling Borough Council • Mansfield District Council • Melton Borough Council • North Kesteven District Council • Rushcliffe Borough Council • South Kesteven District Council • West Lindsey District Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Derbyshire County Council • Leicestershire County Council • Lincolnshire County Council • North Lincolnshire County Council <p>A sample of the letter sent to section 42(1)(b) relevant authorities is provided at Annex H of the Consultation Report Annexes (TR010065/APP/5.2).</p>
9	Section 42(1)I the Greater London Authority (if in Greater London area)?	N/A - the Scheme does not fall within Greater London and as a result Greater London Authority is not a relevant consultee in respect of the Scheme.

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10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes.</p> <p>The statutory consultation period for the Scheme was held between 26 October 2022 and 12 December 2022 during which the Applicant consulted with all applicable parties, including those prescribed under section 42(1)(d).</p> <p>For the purposes of the statutory consultation, the Applicant consulted with all relevant parties as defined under section 44 of the 2008 Act which included:</p> <ul style="list-style-type: none"> • Category 1 – comprising owners, lessees, tenants (whatever the tenancy period) or occupiers of the land. • Category 2 – comprising persons that are interested in the land or have the power to sell and convey, or to release, the land. • Category 3 – comprising those parties that may be able to make a relevant claim as a result of the Order being made and fully implemented. <p>Following the close of the statutory consultation, the Applicant undertook a targeted non-statutory consultation as a result of updates to the Scheme. This was to seek views and allow an opportunity for prescribed consultees, persons with land interests and community stakeholders who the Applicant considered would be impacted by, and interested in, the updates, to comment on the updates.</p> <p>As a result of updates to the Scheme, the Order Limits changed and a number of section 42(1)(d) consultees were identified as having not previously been consulted during the statutory consultation. These consultees were sent the statutory consultation materials to provide them with an opportunity to comment on the Scheme as a whole. The materials</p>
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⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

were sent to consultees via post on 3 April 2023 and delivered on 4 April 2023. The consultation period provided for these consultees ran until 2 May 2023, allowing 28 days to respond (beginning with the day after the day on which the materials were received). The Applicant identified four consultees that had received the statutory consultation materials later than 4 April 2023. Individual extensions to the consultation period were provided for these consultees to ensure that all received a 28-day consultation period in total.

The Applicant carried out a targeted statutory consultation in the vicinity of Pelham Street in Newark-on-Trent, due to technical studies indicating the potential for increased noise impacts from traffic as a result of the Scheme. Consultation responses could be directed to A46newarkbypass@nationalhighways.co.uk or Freepost A46 NEWARK BYPASS. The consultation took place between 8 September and 6 October 2023, allowing at least 28 days to respond.

The Applicant notified newly identified section 42(1)(d) Category 3 persons with an interest in land, by post on the 6 September 2023, outlining:

- the potential noise impacts that had been identified in the vicinity of Pelham Street
- the proposal to monitor the issue and validate the potential noise impacts, after the Scheme had opened (should it be built)
- the proposal to take appropriate measures to mitigate the impacts if required
- information relating to a potential entitlement to make a relevant claim for compensation, due to the effect of construction and/or operation of the Scheme
- the opportunity to comment on the Scheme, as presented during the previous statutory consultation and subsequent targeted non-statutory consultation

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		<p>The Book of Reference (TR010065/APP/4.3) summarises how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Scheme.</p> <p>The methodology for identifying land interests, as defined in section 42(1)(d) and section 44 of the 2008 Act, is detailed in the Statement of Reasons (TR010065/APP/4.1).</p>
Section 45: Timetable for s42 consultation		
11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so, was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes.</p> <p>Section 42(1)(a) prescribed consultees and section 42(1)(b) local authorities were sent consultation information by email on 21 October 2022, so it would be received before the start of the consultation period on 26 October 2022. The deadline for consultation responses was 12 December 2022, allowing a total of 47 days from the start of the consultation period to respond.</p> <p>Printed versions of the notices were posted out on 18 November 2022 to section 42(1)(a) prescribed consultees and section 42(1)(b) local authorities, so they would be received before 23 November 2022, advising that, if the email notice (previously sent on 21 October 2022), had not been received then the Applicant would be accepting consultation responses up to 23 December 2022, ensuring all parties had 28 days to respond.</p> <p>Section 42(1)(d) persons with land interests (category 1 and 2) were sent consultation information by post on 18 October 2022, so it would be received before 26 October 2022. The deadline for consultation responses was 12 December 2022, allowing a total of 47 days from the start of the consultation period to respond.</p> <p>Section 42(1)(d) persons with land interests (category 3) were sent consultation information by post on 21 October 2022, so it would be received before 26 October 2022. The deadline for consultation responses was 12 December 2022, allowing a total of 47 days from the start of the consultation period to respond.</p>

		<p>The letters explained how consultees could provide feedback to the Applicant.</p> <p>A copy of the section 42 notices is provided in Annex H of the Consultation Report Annexes (TR010065/APP/5.2).</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes.</p> <p>The Applicant gave notice under section 46 of the 2008 Act on 17 October 2022 prior to commencing the section 42 consultation on 26 October 2022.</p> <p>A copy of the section 46 notification letter and a copy of the acknowledgement letter received from the Planning Inspectorate in response is provided at Annex I of the Consultation Report Annexes (TR010065/APP/5.2).</p>
Section 47: Duty to consult local community		
13	<p>Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes.</p> <p>A copy of the published SoCC is provided at Annex E of the Consultation Report Annexes (TR010065/APP/5.2).</p>
14	<p>Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?</p>	<p>Yes.</p> <p>To support the preparation of the SoCC, the Applicant consulted, under section 47(2) of the 2008 Act, with each of the relevant local authorities identified within section 43(1) of the 2008 Act, about the proposed content of the SoCC.</p> <p>The Applicant sent the draft SoCC via email to Newark and Sherwood District Council ('B Authority') and Nottinghamshire County Council ('C Authority') on 4 July 2022 and set a deadline of 1 August 2022, representing 28 days, for responses.</p>

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15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>Table 4.1 of the Consultation Report (TR010065/APP/5.1) provides a summary of the consultation responses from the local authorities in respect of the draft SoCC and demonstrates how these were addressed.</p> <p>A copy of the draft SoCC is provided at Annex C of the Consultation Report Annexes (TR010065/APP/5.1).</p> <p>A copy of the published SoCC is provided at Annex E of the Consultation Report Annexes (TR010065/APP/5.1).</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes.</p> <p>The published SoCC was made available on the Applicant's website: (https://nationalhighways.co.uk/our-roads/east-midlands/a46-newark-bypass).</p> <p>The SoCC was also available to view at the following deposit locations:</p> <ul style="list-style-type: none"> • Newark Indoor Bowls Centre, Lincoln Road, Newark-on-Trent, NG24 2NY • The Lord Nelson, Gainsborough Rd, Winthorpe, Newark-on-Trent, NG24 2NY • Bridge Community Centre, Lincoln Road, Newark-on-Trent, NG24 2DQ • Newark & Sherwood District Council, Castle House, Newark-on-Trent, NG24 1BY • The Fox Inn, Main Street, Newark-on-Trent, NG23 5QP • Newark Library, Balderton Gate, Town Centre, Newark-on-Trent, NG24 1UW • The Lord Ted, Farndon Road, Newark-on-Trent, NG24 4SW

		<p>The published SoCC notice, provided at Annex E of the Consultation Report Annexes (TR010065/APP/5.2) stated where and when the final SoCC was available to inspect.</p> <p>The section 47 notice for the SoCC was published in the Newark Advertiser and The Nottingham Post on 13 October 2022 and 20 October 2022.</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes.</p> <p>The SoCC confirms that the Proposed Development is EIA development. The SoCC, provided at Annex E of the Consultation Report Annexes (TR010065/APP/5.2), confirmed that a Preliminary Environmental Information Report (PEIR) would be prepared and consulted on as part of the statutory consultation and would be available to view on the Scheme webpage and for inspection only at consultation events.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>Table 4.7 of the Consultation Report (TR010065/APP/5.1) sets out how the Applicant undertook the statutory consultation in accordance with the published SoCC.</p>
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p>Yes.</p> <p>Paragraph 4.6 of the Consultation Report (TR010065/APP/5.1) provides information on how the Applicant publicised the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations. Detail is also listed below, and copies of the newspaper notices are included in Annex K of the Consultation Report Annexes (TR010065/APP/5.2).</p>
		Newspaper(s)
		Date

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

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a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	Yes. Nottingham Post Newark Advertiser	Week 1: 13 October 2022, Week 2: 20 October 2022
b)	once in a national newspaper;	Yes. The Times	20 October 2022
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Yes. The London Gazette.	20 October 2022
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A.	N/A.
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. The section 48 notice, provided at Annex K of the Consultation Report Annexes (TR010065/APP/5.2) , published in respect of the statutory consultation contains the required information as set out below:	

Information		Paragraph			Paragraph
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	4	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	3
e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the	3 and 10	f)	The latest date on which those documents, plans and maps will be available for inspection of the website.	5

	address of the website; the place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps			
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	7	h)	Details of how to respond to the publicity
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	5		
21	Are there any observations in respect of the s48 notice provided above?			
	No.			
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	Yes. A copy of the section 48 notice was sent to the EIA consultation bodies and any person notified to the Applicant in accordance with the EIA Regulations, as part of the section 42 consultation, as confirmed in paragraph 4.3.6 of the Consultation Report (TR010065/APP/5.1).		
s49: Duty to take account of responses to consultation and publicity				
23	Has the Applicant had regard to any of the relevant responses to the s42, s47 and s48 consultation?	Yes. Section 6 of the Consultation Report (TR010065/APP/5.1) and Annex M of the Consultation Report Annexes (TR010065/APP/5.2) set out how the Applicant has had regard to the consultation responses received to both the statutory and targeted consultation; including whether or not responses led to changes to the application.		
Guidance about pre-application procedure				

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

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24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Section 6 of the Consultation Report (TR010065/APP/5.1) sets out how the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>The Applicant sets out in its Consultation Report (TR010065/APP/5.1) how it has engaged with third parties and Table 6.1 how the Applicant considers it has complied with component elements of the Guidance as well as highlighting relevant evidence throughout the Consultation Report and its Annexes.</p>
25	Summary: Section 55(3)(e)	
s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes.</p> <p>The Application is made in the prescribed form and explains why it falls within the remit of the Secretary of State for Transport/Planning Inspectorate in Section 4 of the Application Form (TR010065/APP/1.2).</p> <p>Section 6 of the Application Form (TR010065/APP/1.2) contains a short statement which describes the location of the Scheme.</p> <p>The location of the Scheme is also shown on the Location Plan (TR010065/APP/2.1).</p>
27	Is it accompanied by a Consultation Report?	<p>Yes.</p> <p>The application is accompanied by a Consultation Report (TR010065/APP/5.1) and Consultation Report Annexes (TR010065/APP/5.2).</p>

¹¹ The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	Yes.			
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes. The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below.			
	Information	Document		Information	Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	The application includes the: Environmental Statement (TR010065/APP/6.1) . Environmental Statement Figures (TR010065/APP/6.2) . Environmental Statement Appendices (TR010065/APP/6.3) . Environmental Statement Non-Technical Summary (TR010065/APP/6.4) . Environmental Scoping Opinion in Appendix 4.1 of ES (TR010065/APP/6.3) .	b)	The draft Development Consent Order (DCO)	The application includes the draft Development Consent Order in the validated statutory instrument template (TR010065/APP/3.1) .
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An Explanatory Memorandum explaining the purpose and	The application includes the Explanatory Memorandum	d)	Where applicable, a Book of Reference (where the application	The application includes a Book of Reference (TR010065/APP/4.3) .

¹² Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

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	effect of provisions in the draft DCO	(TR010065/APP/3.2) to the draft Development Consent Order.		involves any Compulsory Acquisition)	
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	The application includes the Flood Risk Assessment in Appendix 13.2 of the ES Appendices (TR010065/APP/6.3) .	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so, how the Applicant proposes to mitigate or limit them	The application includes a Statement Relating to Statutory Nuisances (TR010065/APP/6.7) .
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	The application includes a Statement of Reasons (TR010065/APP/4.1) and a Funding Statement (TR010065/APP/4.2) .	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development. (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and any special category land and replacement land	The application includes Land Plans (TR010065/APP/2.2) that accord with Regulation 5(2)(i) of the APFP Regulations and Special Category Land Plans (TR010065/APP/2.12)
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	

j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>	<p>The application includes Works Plans (TR010065/APP/2.3) that accord with Regulation 5(2)(j) of the APFP Regulations.</p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p>The application includes Streets, Rights of Way and Access Plans (TR010065/APP/2.4) that accord with Regulation 5(2)(k) of the APFP Regulations.</p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation e.g., sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely</p>	<p>Environmental Constraints Plan in Figure 2.2 of the ES Figures (TR010065/APP/6.2).</p> <p>Chapter 7 (Landscape and Visual Effects) of the ES (TR010065/APP/6.1).</p> <p>Chapter 8 (Biodiversity) of the ES (TR010065/APP/6.1).</p> <p>Chapter 9 (Geology and Soils) of the ES (TR010065/APP/6.1).</p> <p>Chapter 13 (Road Drainage and the Water Environment) of the ES (TR010065/APP/6.1).</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>Environmental Constraints Plan in Figure 2.2 of the ES Figures (TR010065/APP/6.2).</p> <p>Chapter 6 (Cultural Heritage) of the ES (TR010065/APP/6.1).</p>

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	to be caused by the Proposed Development				
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
n)	Where applicable, a plan with any accompanying information identifying any Crown land	The application includes Crown Land Plans (TR010065/APP/2.11).	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	The application includes the: Location Plan (TR010065/APP/2.1); General Arrangement Plans (TR010065/APP/2.5). Traffic Regulation Measures Plans (TR010065/APP/2.7); Permanent Speed Limit Order Plans (TR010065/APP/2.8); Classification of Roads Plans (TR010065/APP/2.9); and Utilities Works Plans (TR010065/APP/2.10).
	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	As the Scheme is highway related development, the application includes section drawings in accordance with Regulation 6(2) of the APFP Regulations. This information is provided in the Engineering Plans and Sections (TR010065/APP/2.6).	q)	Any other documents considered necessary to support the application	The application includes the: Covering Letter and Schedule of Compliance with Section 55 (TR010065/APP/1.1). Application Form (TR010065/APP/1.2). Introduction to the Application (TR010065/APP/1.3).

					<p>Special Category Land Plans (TR010065/APP/2.12)</p> <p>Consents and Agreements Position Statement (TR010065/APP/3.3).</p> <p>DCO Validation Report (TR010065/APP/3.4).</p> <p>First Iteration Environmental Management Plan (TR010065/APP/6.5).</p> <p>Archaeological Management Plan (TR010065/APP/6.8).</p> <p>Pre-Commencement Plan (TR010065/APP/6.9).</p> <p>Scooping Opinion (TR010065/APP/6.10)</p> <p>Case for the Scheme (TR010065/APP/7.1).</p> <p>NPSNN Accordance Tables (TR010065/APP/7.2).</p> <p>Draft NPSNN Accordance Tables (TR010065/APP/7.3).</p> <p>Transport Assessment (TR010065/APP/7.4).</p> <p>Scheme Design Report (TR010065/APP/7.5).</p> <p>EqIA Screening, Analysis and Monitoring (TR010065/APP/7.6).</p>
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				Outline Traffic Management Plan (TR010065/APP/7.7).
	Are they of a satisfactory standard?		Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	Yes. A Habitats Regulations Assessment (TR010065/APP/6.6) is included.		
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	N/A		
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	Yes. The statutory guidance 'Planning Act 2008: Application form guidance' has been used to prepare the application form. The Applicant believes that the application has been prepared to the standard that the Planning Inspectorate considers satisfactory.		
34	Summary – s55(3)(f) and s55(5A)			
The Infrastructure Planning (Fees) Regulations 2010 (as amended)				
Fees to accompany an application				

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

35	Was the fee paid at the same time that the application was made ¹⁶ ?	
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¹⁶ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the 2008 Act. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made