

A46 Newark Bypass

TR010065/APP/6.10

6.10 Environmental Statement Scoping Opinion

APFP Regulation 5(2)(a)

Planning Act 2008

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

Volume 6

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]

ENVIRONMENTAL STATEMENT

SCOPING OPINION

Regulation Number:	Regulation 5(2)(a)
Planning Inspectorate Scheme Reference	TR010065
Application Document Reference	TR010065/APP/6.10
Author:	A46 Newark Bypass Project Team, National Highways

Version	Date	Status of Version
Rev 1	April 2024	DCO Application



SCOPING OPINION:

Proposed A46 Newark Bypass

Case Reference: TR010065

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

21 October 2022



TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	OVERARCHING COMMENTS	3
2.1	Description of the Proposed Development.....	3
2.2	EIA Methodology and Scope of Assessment	4
3.	ENVIRONMENTAL ASPECT COMMENTS	7
3.1	Air Quality	7
3.2	Cultural Heritage	9
3.3	Landscape and Visual	10
3.4	Biodiversity	11
3.5	Geology and Soils.....	13
3.6	Material Assets and Waste	15
3.7	Noise and Vibration	16
3.8	Population and Human Health.....	17
3.9	Road Drainage and the Water Environment	19
3.10	Climate.....	22
3.11	Cumulative Effects.....	23
 APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED		
 APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES		

1. INTRODUCTION

- 1.3.1 On 14 September 2022, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from National Highways (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed A46 Newark Bypass (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.
- 1.3.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010065-000002>
- 1.3.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.3.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 1.3.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.3.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including [Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.
- 1.3.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- 1.3.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Section 2)

ID	Ref	Description	Inspectorate's comments
2.1.1	N/A	Plan showing the Proposed Development	The ES should include a plan showing the Proposed Development clearly showing the full land requirements of the Proposed Development including all access routes and construction compounds in addition to a scheme location plan and constraints plans.
2.1.2	2.5.14	Flood Compensation Land	The Project Description in the ES should clearly state where flexibility remains, for example, in relation to the land required for Flood Compensation and how this has informed the assessment to ensure an assessment of the worst-case scenario.
2.1.3	2.5.19	Construction elements	The Scoping Report notes a number of 'elements likely to be required during construction', these should be described in the ES and shown on relevant plans. The ES should ensure that all likely construction elements and techniques are assessed to ensure an assessment of the worst-case scenario. This should reference the duration of such works or elements being in place.
2.1.4	N/A	Pre-construction and mobilisation activities	The ES should detail these activities and ensure that any mitigation required for such works will be in place at their commencement.
2.1.5	N/A	Second Iteration Environmental Management Plan	The ES should demonstrate how the mitigation requirements identified as part of the EIA process and examined in the first iteration plan would be secured by the contractor, ensuring that the effects of the Proposed Development are not materially worse or materially different from those assessed.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 5)

ID	Ref	Description	Inspectorate's comments
2.2.1	5.1.5	Decommissioning	The Scoping Report seeks to scope out decommissioning from the assessment as it is considered that it would be unlikely the Proposed Development would be decommissioned as it will become part of the Strategic Road Network. The Inspectorate agrees to scope this matter out.
2.2.2	5.1.10	Heat and Radiation	The Scoping Report seeks to scope out effects from heat and radiation as a result of the Proposed Development. Considering the nature of the Proposed Development, the Inspectorate agrees this matter may be scoped out.
2.2.3	N/A	Legislation	The ES should explain how any relevant targets derived from the Environment Act 2021 have been addressed within the assessment.
2.2.4	Appendix A	Baseline conditions	The Scoping Report does not include individual plans of study areas and therefore comments on the appropriateness of study areas are limited to information present in Appendix A. As such it has not been possible to consider the extents of study areas against features/receptors present. The ES should include a figure depicting the study area for each aspect topic. The final study areas should be agreed with relevant statutory consultees, where possible. The ES should include relevant figures required to depict features or constraints relevant to the aspect assessment e.g. Air Quality Management Areas, to be included for each aspect. Colours used on the figures should accurately reflect the key provided. The colours used on the constraints plan in the Scoping Report are not consistent with the key provided.

ID	Ref	Description	Inspectorate's comments
2.2.5	5.7.4	Mitigation and monitoring	The ES should demonstrate how the mitigation requirements identified as part of the EIA process and examined in the first iteration plan and Environmental Masterplan would be secured by the contractor, ensuring that the effects of the Proposed Development are not materially worse or materially different from those assessed.
2.2.6	5.1.7	Major accidents and disasters	The Scoping Report notes that the ES will assess major accidents and disasters however no further detail is provided. This assessment should include consideration of Kelham Factory (British Sugar) which the Health and Safety Executive (HSE) has highlighted as being located on the edge of the redline boundary. HSE should be consulted on the study area and methodology for the assessment.
2.2.7	N/A	Navigation	The Scoping Report identifies three marinas within the study area but does not discuss impacts from the Proposed Development on users of the navigable waterways which will be affected by the Proposed Development. The ES should describe any temporary and permanent impacts which may be experienced by users of the waterways and how impacts will be managed and mitigated.
2.2.8	N/A	Transboundary	<p>The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts.</p> <p>The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard</p>

ID	Ref	Description	Inspectorate's comments
			<p>to any new or materially different information coming to light which may alter that decision.</p> <p>Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.</p> <p>The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Twelve, available on our website at http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/</p>

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Air Quality

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Table 6.10	Construction Plant Emissions	The Inspectorates notes that the Scoping Report refers to guidance from the Institute of Air Quality Management in justifying scoping out construction plant emissions. Whilst a reference to this information is not provided, the Inspectorate is content considering the type of plant likely to be used in construction, and the mitigation proposed, to agree that significant effects are unlikely and therefore this matter can be scoped out of the assessment. The Inspectorate would expect to see information relating to emissions from construction plant included in relevant management plans. It is noted that emissions from construction traffic are proposed to be assessed within the ES.
3.1.2	6.8.5	Emissions of PM _{2.5} during operation	Paragraph 6.8.5 indicates that in line with DMRB LA105 the ES will not consider modelling of PM _{2.5} if there is no risk of PM ₁₀ concentrations exceeding relevant thresholds. In light of the lower limit value set for PM _{2.5} , the ES should explain how this approach will ensure that the objective would not be exceeded by the Proposed Development.

ID	Ref	Description	Inspectorate's comments
3.1.3	Table 6.3	Baseline data	Footnotes to tables indicate that a bias adjustment factor will be applied, the ES should justify any adjustment factors applied.

ID	Ref	Description	Inspectorate's comments
3.1.4	6.7.2	Construction traffic emissions	The Scoping Report states that increases in construction traffic are unlikely to trigger the assessment criteria set out in DMRB LA105. On the basis that construction is predicted to last three years, the ES should clearly evidence how the threshold traffic scoping criteria have been applied.

3.2 Cultural Heritage

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.5	Table 7.4	Effects on buried archaeology during operation	The Scoping Report states that buried archaeology would be unaffected during the operation of the Proposed Scheme and effects have been scoped out of further assessment. However, no further justification has been provided to support this approach, such as an assessment of potential effects of compaction, vibration, and dewatering on paleoenvironmental and archaeological deposits and features during operation. In the absence of sufficient justification or evidence of agreement with relevant heritage consultation bodies, the Inspectorate is of the opinion that this matter cannot be scoped out at this stage.

ID	Ref	Description	Inspectorate's comments
		N/A	N/A

3.2 Landscape and Visual

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.2.2	8.5.2	Stockpiles/Construction compounds	The ES should provide details of locations and anticipated dimensions of stockpiled materials and construction compounds and provide an assessment of the potential impacts on landscape and visual receptors.
3.2.3	8.8.6	Seasonal photomontages	The ES should include photomontages depicting the justified worst-case scenario. Whilst a summer scenario – Year 15 should show matured mitigation, trees in leaf are not the worst-case scenario and therefore the Inspectorate would also expect to see a winter scenario for the same years. It is noted that paragraph 8.8.12 does reference winter and summer in terms of understanding the magnitude of effect.

3.3 Biodiversity

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.3.2	9.4.14 and Appendix E	Wintering and breeding bird surveys	The Scoping Report states that wintering bird surveys were undertaken in January and February 2020 with further wintering bird surveys to be completed in areas where eutrophic standing water habitat has been identified. The Scoping Report also states that breeding bird surveys were undertaken in April and June 2022 with further surveys scheduled. The ES should demonstrate how the surveys have met the minimum requirements of the relevant survey standards and that results have been discussed with relevant consultation bodies.
3.3.3	9.4.14	Fish surveys	The Proposed Development crosses the River Trent at two separate locations; however, no fish surveys have been or are noted as being undertaken for the river. Details of the surveys should be provided within the ES, or justification should be provided as to why fish surveys are not required.
3.3.4	9.5.3	Vegetation clearance	The Scoping Report provides limited information on the extent of vegetation clearance required. The ES should explain any efforts to retain mature vegetation and trees and provide commentary on the effect temporary and permanent effects vegetation clearance.

ID	Ref	Description	Inspectorate's comments
3.3.5	9.9.1	Ecological surveys – Access	The Scoping Report states that ecological surveys undertaken to date have been confined to locations where landowner permission was obtained. The Applicant should ensure that the ES is accompanied by an appropriate and comprehensive set of ecological surveys sufficient to inform the assessment of likely significant effects. Any limitations should be detailed in the ES.
3.3.6	N/A	Invasive Non-native Species (INNS)	The ES should assess any potential impacts from INNS as a result of the Proposed Development, including where the Proposed Development has the potential to facilitate the spread of INNS. The ES should also describe any necessary mitigation and/or biosecurity precautions required to prevent the spread of INNS. Any measures relied upon in the ES should be discussed with relevant consultation bodies in effort to agree the approach.
3.3.7	Appendix B	Ecological mitigation	Paragraph 9.6.6 states that areas of mitigation are shown on the figure in Appendix B however this is not the case. The ES should include a plan showing mitigation areas.
3.3.8	N/A	Confidential Annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

3.4 Geology and Soils

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
34.1	10.7.2	Effects on geology, contaminated land and soils including agricultural land during operation.	<p>The Scoping Report seeks to scope out effects on geology, contaminated land or soils, including agricultural land during the operational phase of the Proposed Development as it is considered to be unlikely to result in significant effects. The Inspectorate would expect to see consideration of major incidents which may impact contaminated land and soil in the assessment of Major accidents.</p> <p>On this basis the Inspectorate is unable to agree to scope this matter out at this stage.</p>

ID	Ref	Description	Inspectorate's comments
34.2	10.5.7	Land Take	<p>The Scoping Report states that an area of land take is proposed at Brownhills Junction, it is not clear whether this is proposed to be permanent or temporary. In Chapter 13, land take is described as being '<i>permanent and temporary land take from the grounds of residential properties, businesses and development land in the Newark area</i>'.</p> <p>The ES should describe the proposed temporary and permanent land take and the effects on soil resources in relation to appropriate soil handling requirements so as to minimise soil disturbance, soil damage, soil loss and enhance soil reuse opportunities.</p>
34.3	10.5.9	Borrow pits and Flood Compensation Areas (FCA)	<p>The Scoping Report states that large areas of land are currently identified for use as borrow pits and FCAs. However, it is acknowledged that not all land identified for FCAs will be required.</p>

ID	Ref	Description	Inspectorate's comments
			The ES should provide details regarding the finalised dimensions and locations within the red line boundary for the proposed for the borrow pits and FCAs.
3.4.4	10.6.2	Remediation work	The ES should include details and assessment of any remediation works necessary to facilitate the Proposed Development.
3.4.5	10.6.8	Effects on Secondary A/B aquifers	The Scoping Report states that piling will affect aquifers. The ES should explain why piling is unavoidable and provide details of the location of piling works, the impact on any abstractions and a plan to explain how such effects will be mitigated. The plan should be agreed with the Environment Agency, where possible.
3.4.6	10.6.8	Sediment management	The ES should identify specific risks from works associated with excavation and piling in proximity to the River Trent. The ES should provide details of mitigation measures which will be implemented to avoid adverse effects on this watercourse. Cross references should be made to Road Drainage and the Water Environment.

3.5 Material Assets and Waste

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Table 11.16	Use of material resources during operation	The Scoping Report seeks to scope out the use of material resources during the operational phase. It is considered that the volume of material resources required during the operational phase of the Proposed Development would not be of a level requiring assessment and therefore the Inspectorate agrees to scope this matter out.
3.5.2	Table 11.16	Generation of waste during operation	The Scoping Report seeks to scope out effects from the generation of waste during operation. It is considered that the volume of material resources required during the operational phase of the Proposed Development would not be of a level requiring assessment and therefore the Inspectorate agrees to scope this matter out.

ID	Ref	Description	Inspectorate's comments
3.5.3	11.5.4	Construction waste materials	Paragraph 11.5.4 of the Scoping Report lists a number of waste arisings which are likely to be generated. The ES should include reference to any liquid waste likely to be generated.

3.6 Noise and Vibration

(Scoping Report Section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	Table 12.13	Vibration during operation	Based on the low likelihood of significant effects resulting from a new smoother road surface, the Inspectorate agrees that an assessment of operational phase vibration may be scoped out.

ID	Ref	Description	Inspectorate's comments
3.6.2	12.4.2	Baseline Noise Monitoring Locations	The Scoping Report indicates that some noise monitoring locations were influenced by stakeholder requests. The ES should detail the consultation undertaken and the methodology for the selection of baseline noise monitoring locations.
3.6.3	12.6.7	Mitigation measures	The Scoping Report notes that additional mitigation such as noise barriers and earth bunds may be required. The Inspectorate considers that these should also be considered in other aspect assessments, such as Landscape and Visual Assessment. The ES should ensure to consideration of inter-related effects and cross reference between the appropriate chapters.
3.6.4	12.8.10	Determination of significance of effect	The Inspectorate notes that the NPSE methodology is being implemented alongside that of DMRB LA111. The Scoping Report does not set the levels for SOAEL and LOAEL the ES should clearly set out the adopted thresholds, explaining why they are appropriate to the context of the Proposed Development.

3.7 Population and Human Health

(Scoping Report Section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.7.2	13.4.19	Receptors	The Scoping Report does not list Red Rose Care Community Nursing home and Lemon Tots childcare which are located in the most eastern end of Farndon as noted on plans of the Proposed Development. The ES should ensure all relevant receptors are listed and included in the assessment.
3.7.3	13.5.2	Severance Issues	The ES should assess impacts during construction and operation of potential severance issues for farmers and other landowners. Measures should be included within the dDCO to ensure farmers and other landowners ability to access their land and move their livestock is not hindered.
3.7.4	13.5.4	Public Rights of Way (PRoW)	The Scoping Report states that temporary closures to PRoW are likely to be required in the Local Impact Area. The ES should assess effects of any temporary or permanent diversions in both the Local Impact Area and the Wider Impact Area. Details should be included as to the duration and proposed length of any diversion routes. Affected PRoW should be agreed with the relevant statutory bodies.
3.7.5	13.5.9	Severance issues	The Scoping Report states that there is potential for the Proposed Development to reduce severance for walkers, cyclists and other vulnerable road users. The ES should contain further details of ways

ID	Ref	Description	Inspectorate's comments
			in which the Proposed Development will reduce severance for these user groups, including access to community facilities.
3.7.6	Table 13.7	Impact magnitude criteria	The Scoping Report states that Table 13.7 " <i>sets out criteria that will be used to describe and assess the impact on community and health receptors, as outlined in DMRB LA 112 Population and human health, Revision 1</i> ", however, the text in Table 13.7 does not appear to originate from DMRB LA 112. The ES should ensure that correct citations are made when referring to guidance documents.
3.7.7	13.8.6	Determining Significance	<p>The Scoping Report does not identify what level is to be determined as 'significant'. Paragraph 13.8.6 states "<i>Table 5.2 does not apply to rating effects on human health, because the significance of effect is reported as negligible, minor, moderate or major</i>". However, DMRB LA 112 recognises that "<i>Significant effects typically comprise effects after consideration of mitigation that are within the moderate, large or very large categories.</i>".</p> <p>Section 5(d) of Schedule 4 of the EIA Regulations states that information for inclusion in environmental statements includes a description of the likely significant effects of the Proposed Development on the risks to human health. Therefore, the ES should describe the methodology for determining the significance of effects and report the significance of effects on human health.</p>

3.8 Road Drainage and the Water Environment

(Scoping Report Section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	Table 14.5	Effects from road drainage and water on Farndon Ponds Local Nature Reserve (LNR) and Devon Park Pastures LNR during construction and operation.	<p>The Scoping Report states that Farndon Ponds LNR is 800m west from Farndon Junction and whilst hydraulically linked to the River Trent it is upstream from the Proposed Development.</p> <p>Paragraph 14.4.12 of the Scoping Report states that Devon Park Pastures (spelt incorrectly as 'Decon' in Table 17.1) is located approximately 500m east of Farndon Junction and upstream of the River Trent, whilst Table 14.5 states it is located downstream.</p> <p>The Scoping Report states that Devon Park Pastures LNR is located a suitable distance downstream for any contaminants to have dispersed and not be a credible pathway.</p> <p>In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate unable to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE.</p>
3.8.2	Table 14.5	Operation - Groundwater quality impacts from authorised / historic landfills.	<p>The Scoping Report seeks to scope out operational impacts on groundwater quality from authorised and historic landfills. It is stated that justification for this is provided in Chapter 10 Geology and Soils. However, justification is not provided and therefore the Inspectorate is unable to scope these matters from the assessment.</p>

ID	Ref	Description	Inspectorate's comments
3.8.3	14.2	Legislation and Guidance	The Planning Practice Guidance: Flood Risk and Coastal Change, was updated in August 2022. The updated guidance recommends a revised starting point for definition of the functional floodplain using the 3.3% Annual Exceedance Probability (AEP) flood event. The assessment provided in the ES should be updated to use this event to support identification of the schemes impact on the functional floodplain.
3.8.4	14.4	Baseline	The Scoping Report refers to the South East River Basin Management Plan, whereas elsewhere it refers to the Humber River Basin Management Plan as Newark is based in the Humber River Basin District. The ES should be consistent and accurate in referencing relevant information.
3.8.5	14.4	Baseline - receptors	The ES Flood Risk Assessment should include consideration of receptors such as the gypsy and traveller site on Tolney Lane.
3.8.6	5.4.10	Limitations to survey data	<p>The Scoping Report states that no site walkovers or site surveys have taken place at the Kelham and Averham Floodplain Compensation Area, but that surveys will commence following agreements with landowners regarding access.</p> <p>The ES should document any issues with gaining access for surveys and therefore any limitations with the survey data.</p>
3.8.7	14.4.5 and Table 14-1	Sensitivity of ponds and lakes	The Scoping Report identifies a number of ponds/lakes in the description of the baseline environment, however, these are not included in Table 14-1 where the sensitivity of environmental receptors is applied. The ES should assess impacts on ponds within the study area where significant effects are likely to occur or justify their omission from the assessment.

ID	Ref	Description	Inspectorate's comments
3.8.8	n/a	Temporary Works Areas and construction compounds	The Environmental Constraints Plan shows a number of areas identified as Temporary Works Areas. It is noted that these areas are located in Flood Zone 3. Furthermore, the Scoping Report states that construction compounds will be located outside of Flood Zones 2 and 3, however, it appears from the Environmental Constraints Plan that the indicative location for the main construction compound is located in Flood Zone 2 or 3 (not clear to see due to scale used) as are a number of proposed satellite construction compounds. The ES should provide further information regarding the nature of works required in these areas and contingency measures to be implemented if the areas became unavailable in times of flooding.
3.8.9	14.7.1	Impacts during construction	The ES should document changes to existing discharges or the creation of any new discharges as a result of the Proposed Development and any adverse effects as a result of this.
3.8.10	14.7.2 and 14.10.2	Management of Flood Risk	The Scoping Report states that " <i>Flood risk during construction will be managed through the Environmental Management Plan</i> ". Paragraph 14.10.2 states " <i>the floodplain mitigation will have to be approved by the Environment Agency</i> ". The ES should demonstrate that flood risk management strategies and proposed mitigation measures required for the scheme are agreed with other relevant consultation bodies including the Lead Local Flood Authority.
3.8.11	14.9.3	Limitations	The Scoping Report states that " <i>no water or sediment sampling has been carried out to date</i> ". The Scoping Report does not provide the Inspectorate with information explaining whether sampling will be carried out or justification that such sampling is not required. The detailed sampling approach should be agreed with the Environment Agency, the Inspectorate notes the potential for the Proposed Development to increase risk to water quality.

3.9 Climate

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	Table 15.10	Effects on climate during decommissioning	The Applicant proposes to scope out effects on climate change during decommissioning on the basis that the Proposed Development will be maintained and operational beyond the 60-year assessment period. As the Proposed Development would form an integral part of the Strategic Road Network (SRN) and is unlikely to be decommissioned, the Inspectorate is content with this approach.

ID	Ref	Description	Inspectorate's comments
3.9.2	15.6.3	Mitigation measures - construction	Paragraph 15.6.3 states that climate change is not anticipated to impact construction. As a result, no specific mitigation measures during construction are proposed to improve the resilience of the Proposed Development to climate change. However, this contrasts with paragraph 15.5.6 which states that climate change is expected to impact construction of the Proposed Development. The ES should ensure mitigation measures are proposed to reduce the vulnerability of the Proposed Development to climate change. Effort should be made to agree these measures with the relevant consultation bodies to ensure that they are appropriate.

3.10 Cumulative Effects

(Scoping Report Section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.10.2	16.3.5	List of Other Developments	The cumulative effects assessment should include consideration of the North Hykeham relief road. The final list of projects should be agreed with relevant statutory consultees.
3.10.3	N/A	Cumulative Effects	The assessment should consider the potential for non-significant effects that are not in themselves insignificant to give rise to cumulative effects with other proposed development.
3.10.4	Table 16.1	Noise and Vibration Study Area	A specific study area is not given for the Zone of Influence (ZoI) for cumulative effects for noise and vibration during either the construction or operational stages. This is not consistent with the remainder of Table 16.1, which refer to either the study areas to be used within the individual ES aspect chapters, or a specific study area for cumulative effects. The ES should provide a justification of why the ZoI for the assessment noise and vibration cumulative effects follows a different methodology.

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES¹

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Integrated Care Board	NHS Nottingham and Nottinghamshire Integrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Nottinghamshire Fire and Rescue Service
The relevant police and crime commissioner	Nottinghamshire Police and Crime Commissioner
The relevant parish councils	Farndon Parish Council
	Averham, Kelham and Staythorpe Parish Council
	Winthorpe with Langford Parish Council
	Newark Town Council
The Environment Agency	The Environment Agency
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
The relevant Highways Authority	Nottinghamshire County Council
The relevant strategic highways company	National Highways
The relevant internal drainage board	Trent Valley Internal Drainage Board

¹ Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
	Upper Witham Internal Drainage Board
The Canal and River Trust	The Canal and River Trust
UK Health Security Agency	UK Health Security Agency
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	The Forestry Commission
The Secretary of State for Defence	Ministry of Defence

TABLE A2: RELEVANT STATUTORY UNDERTAKERS²

STATUTORY UNDERTAKER	ORGANISATION
The relevant Integrated Care Board	NHS Nottingham and Nottinghamshire Integrated Care Board
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	East Midlands Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd
	Highways England Historical Railways Estate
Canal Or Inland Navigation Authorities	The Canal and River Trust
Civil Aviation Authority	Civil Aviation Authority
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Severn Trent

² 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	Harlaxton Gas Networks Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Leep Gas Networks Limited
	Last Mile Gas Ltd
	Mua Gas Limited
	Quadrant Pipelines Limited
	Squire Energy Limited
National Grid Gas Plc	
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited

STATUTORY UNDERTAKER	ORGANISATION
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	Western Power Distribution (East Midlands) plc
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operator Limited

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))³

LOCAL AUTHORITY ⁴
Ashfield District Council
Bassetlaw District Council
Derbyshire County Council
Doncaster Metropolitan Borough Council

³ Sections 43 and 42(B) of the PA2008

⁴ As defined in Section 43(3) of the PA2008

LOCAL AUTHORITY⁴
Gedling Borough Council
Leicestershire County Council
Lincolnshire County Council
Mansfield District Council
Melton Borough Council
Newark and Sherwood District Council
North Kesteven District Council
North Lincolnshire Council
Nottingham City Council
Nottinghamshire County Council
Rotherham Metropolitan Borough Council
Rushcliffe Borough Council
South Kesteven District Council
West Lindsey District Council

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:

Ashfield District Council

Canal and River Trust

Environment Agency

Forestry Commission

Health and Safety Executive

Historic England

Leicestershire County Council

Lincolnshire County Council

Melton Borough Council

National Grid Electricity Transmission Plc

Network Rail

Newark and Sherwood District Council

Newark Town Council

North Kesteven District Council

Nottinghamshire County Council

Rotherham Metropolitan Borough Council

Royal Mail

Rushcliffe Borough Council

Severn Trent Water

South Kesteven District Council

UK Health Security Agency

West Lindsey District Council

Scoping Opinion
PLANNING REF: SO/2022/0002

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS
1999

By Philip Boffey National Highways Limited
For Request for Scoping Opinion Consultation - A46 Newark Bypass (the
Proposed Development)
At A46 Newark Bypass

The Local Planning Authority has received a consultation request from the Planning Inspectorate who are undertaking a consultation process to inform the Secretary of State's Scoping Opinion for the proposed A46 Newark Bypass project under the consent regime for Nationally Significant Infrastructure Projects.

The A46 forms part of the strategic Trans-Midlands Trade Corridor between the M5 in the southwest and the Humber Ports in the northeast. The stretch of A46 between the Farndon Junction, to the west of Newark and the A1 to the east of Newark, is the last remaining stretch of single carriageway between the M1 and A1.

The scheme will provide a dual carriageway on the A46 between Farndon and Winthorpe for a distance of approximately 6.5 kilometres in length. The widening works include earthwork widening along the existing embankments, and new structures where the route crosses the railway lines, River Trent and the A1.

The Council considers that the widening works will provide more reliable and consistent journey times for residents and businesses within the District of Ashfield, and consequently have no further comments to make on the proposal.



PP. Theresa Hodgkinson
Chief Executive

Address: Council Offices, Urban Road, Kirkby-in-Ashfield, Nottingham. NG17 8DA
Tel: 01623 450000 **Fax:** 01623 457585
www.ashfield.gov.uk



**Canal &
River Trust**

Making life better by water

Secretary of State
The Planning Inspectorate
Environmental Services
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref TR010065

Our Ref IPP-126

Monday 10th October 2022

BY EMAIL ONLY A46NewarkBypass@planninginspectorate.gov.uk

Dear Sirs

TR010065 Application by National Highways (the Applicant) for an Order granting Development Consent for the A46 Newark Bypass (the Proposed Development). Scoping Report Consultation.

Thank you for your consultation on the Environmental Impact Assessment Scoping for the above project.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.

The Trust is the navigation authority for the Trent below the new road route. We also own land in proximity to Nether Weir, which would likely be affected by the widened road, and is within the red line of the proposed site. The Trust also has some freehold interests in the River Trent, which could be impacted by the proposals.

Having reviewed the location of the proposed project and the Scoping Report, we wish to make the following comments:

Cultural Heritage

The proposed road would potentially affect the setting of existing heritage assets associated with the River Trent. These include the grade II* listed Concrete Footbridge (reference 1297721) and non-designated assets including Nether Weir. The Scoping Report identifies in paragraph 7.8.7 that the magnitude of the impact of the new road on the assets will be assessed. This would help inform the assessment of the proposal's impact in line with the principles of paragraphs 194 to 195 of the National Planning Policy Framework.

The works in proximity to Nether Weir for the viaduct would likely require the construction of temporary compounds for construction. Initial talks with the applicant also indicate that a temporary gantry bridge across the river may be proposed. We request that the assessment should therefore include a full assessment of the temporary impact of these on the setting of relevant designated and non-designated heritage assets.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

Section 7.9 highlights that no surveys for buried archaeology have taken place to date. It is likely that archaeological remnants associated with past use of Nether Weir may be present, and could be impacted by the new road and any construction compounds associated with the construction works proposed. We therefore request that the desk-based assessment discussed in section 7.8.3 includes an assessment of this area.

Landscape and Visual Effects

The development of two new crossings of the River Trent, and the construction of the viaduct close to Nether Weir (including the provision of construction compounds and temporary crossings of the Trent) would likely result in significant temporary and permanent impacts to the setting of the waterway.

We request that the proposed Landscape and Visual Impact Assessment (LVIA) discussed in section 8.8 should include an assessment with regards to the impact on waterway users associated with the River Trent, who would pass in very close proximity to both temporary and permanent works. To ensure this is suitably comprehensive, we request that boaters, walkers and fishermen in proximity to both proposed crossings of the River Trent should be included within the list of visual receptors included (at present, Appendix C does not list these users). River users often dwell on our spaces, and would likely experience any changes for a long period and therefore would be potentially highly sensitive to any significant changes to the Landscape.

The proposed design and mitigation measures in section 8.6 would help to ensure that the visual impact of the proposals can be reduced to some extent. We request that the applicant should ensure that any recommendations associated with section 8.6 are carried forward with regards to the design of the final scheme.

Specifically, we wish to advise that the design of new crossings of the river should consider the underside of the bridge structure so that any impact for river users below is minimised. Measures to prevent drips and bird roosting below should be considered, whilst efforts should be undertaken to reduce shading impacts to the waterway below.

A standardised concrete bridge could result in significant harm to the character and appearance of the waterway. We therefore request that efforts are taken to ensure that the design of any replacement bridge addresses the waterway positively, to partly offset its potential harm to the visual character of the area. Features common to road crossings, such as visible exposed Armco barriers, concrete framing, tall sound barriers, and roadway decks positioned at an angle to the waterway (as opposed to at 90-degrees) could significantly harm the appearance and character of the green corridor, and we advise that efforts are taken to minimise the presence of such features when designing any new crossing.

To limit the visual intrusiveness of the bridge crossings to the river, we request that efforts are sought to position the piers of any new structure to either side of the river as far enough away from the navigation as possible. This would help to maintain the open aspect of the waterway, as well as maintain visibility for boaters to see hazards ahead. Efforts to utilise anti-graffiti measures at the base of the piers should also be sought.

We note that an existing pathway lies alongside the river, and request that, as the scheme is drawn up, details are provided to demonstrate that it will not be adversely impacted, so as to maintain people's access to the strategic green network.

Biodiversity

The waterway forms part of the strategic green network for Newark District, and provides a green corridor for the movement of wildlife in the borough. A new road bridge, and widened crossing, could result in an increased level of disturbance and a break in habitat connectivity, whilst construction works could result in disruption to existing waterside habitats and species.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

Section 9.3 discusses the proposed Study Area, which would include waterside habitats (discussed in paragraph 9.3.2). We anticipate that the areas listed would include areas in proximity to the River Trent. Of note, the Trust does have records of barn owls and otters being present in proximity to the river, and we therefore request that surveys include assessments on the potential presence of these species.

Sections 9.5 and 9.6 highlight that there is significant potential of disruption to existing habitats during and post development. Whilst some mitigation (and enhancement) measures are discussed, there is a risk that the scheme could rely on off-site habitat compensation as discussed in paragraph 9.6.4.

We request that site-specific enhancements and compensation should be considered as a priority alongside the development, especially as any severance of existing habitats could impact the linear role of the River Trent corridor as a wildlife habitat. To address this, we request that the EIA should address specific on-site enhancements that could be carried out to mitigate any direct harm to the corridor. For example, the potential for bat roosts in trees in very high, whilst 37 bird species of conservation concern are likely to be affected. Site specific measures to mitigate against the harm to these species could help to address any direct harm to the local area.

Section 9.8 discusses the assessment methodology. We wish to highlight that Summer 2022 has been unusually warm, which may have dried out typical wetland habitats. Should the EIA choose to rely on Summer 2022 data, then we request that the document should address the risk that wetland habitats suitable for some species (such as grey crested newts and grass snake) may be affected that may not have been adequately recorded due to the extreme weather events of 2022.

Appendix E, which informs the Scoping Report, highlights that no habitat was found during the extended phase 1 habitat survey that was suitable for populations of white clawed crayfish. The Trust note that dredging from the River Trent do contain high proportions of gravel, which suggests the potential for habitats for this species. We therefore would welcome additional information to confirm why the Phase I Habitat survey concludes that there are no suitable habitats for this species, so as to ensure that the potential impact on this species is fully assessed.

Geology and Soils

Works in proximity to the River Trent have the potential to increase the risk of pollution to the River through the runoff of silt-laden deposits or the release of dust during construction. There is a significant risk of contamination through poor sediment management from exposed soils, with specific risks likely associated with excavation and piling works in proximity to the river.

Section 10.6 outlines a list of measures to help address pollution risks, including the provision of Phase I and Phase II investigations and provision of a Soils Management Plan, Materials Management Plan and Environmental Management Plan. These would be expected to provide adequate information to ensure that the mitigation measures are adequate to prevent any risk of contamination towards the water environment.

Road Drainage and the Water Environment

Section 14.5 highlights a variety of potential impacts of the development upon the water environment. During construction, as stated in our response to the Geology and Soils Chapter, there are risks of pollution to the River through the runoff of silt-laden deposits or the release of dust during construction. The provision of an Environmental Management Plan and other mitigation measures discussed in paragraphs 14.6.4 to 14.6.11 would help to address these risks.

Our records show that there is a likelihood that the existing road does drain into the River Trent close to Nether Weir on the right bank. Changes to any existing discharge or the creation of any new discharge could have an impact on the environment of the waterway, and the management of water within the river. The chapter identifies that drainage designs have not been finalised. We request that full details of any changes to discharges to the Trent should be identified alongside the main application.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

Other Comments

Impact on Navigation

The Scoping Report does not include a chapter in relation to impact on traffic and transport.

Initial discussions with the applicant suggest that temporary works to construct the new road could include the construction of new gantry bridges across the river to provide construction access. The installation of this bridge, and the new road bridges, have the potential to affect river traffic below through the potential need for temporary closures or any impact to vessel clearance.

In terms of permanent effects, to maintain navigational safety, it is necessary for boaters to have a clear sightline around the bend of the river towards Nether Lock. We therefore recommend that the piers of any new bridge or widened road bridge is set as far away as possible from the bank edge, so that a clear sightline can be provided.

We advise that any new bridge should seek to avoid the placement of piers within the river itself, which would otherwise form a visual obstruction, and could provide a navigation hazard.

Any adverse impact on the passage of river traffic could adversely impact the ability of the river to support tourism and leisure activities, which would be contrary to the aims of policy NAP1 from the adopted Newark Core Strategy. We therefore advise that impacts on navigation during construction should be considered alongside the application. This could be included in the EIA.

Impact on the Structural Integrity of the River Trent

We request that careful consideration is given to ensure that the construction works, and loading of any permanent structures, do not result in damage to the river bank, nor Nether Weir and Lock. This may affect the placement of supports in relation to the channel, and the method of construction on site.

Vibrations from car movements on the bridge, and from piling works likely required to construct the bridge, could result in damage to Nether Weir or Nether Lock. We therefore advise that assessments are undertaken to demonstrate that no damage will be caused to the waterway assets from the works. This could be achieved through an assessment of the current condition/stability of the lock and analysis (potentially modelling) of the impact of any ground vibration resulting in the construction and then operation of the bridge on the lock. This information could be secured as part of the Environmental Management Plan, which the Scoping Report identifies will be submitted prior to construction. Alternatively, the EIA could choose to address these matters.

Landowner Consents from the Trust

The applicant is advised that the Trust is not a land drainage authority and any surface water discharge to our waterways may require prior consent from the Trust. Such discharges are not granted as of right and when and if they are granted they will usually be subject to completion of a commercial agreement prior to the commencement of any development. For more information, the applicant is recommended to contact the Trust's Utilities Section at utilitiesenquiry@canalrivertrust.org.uk

Please note that the Canal & River Trust is a statutory undertaker which has specific duties to protect the waterways. **Accordingly, it is likely that we will resist the use of compulsory purchase powers which may affect our land or undertakings.** We reserve the right to seek protections under S16 of the Acquisition of Land Act 1981 should any proposals affect land which has been acquired for the purposes of our undertaking.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

Accordingly, we require that the acquisition of any Trust land or rights over Trust land should be secured by agreement. The applicant has initially approached the Trust's Estates section to discuss any agreements or land purchase needed. The applicant is due to provide the Trust with with detailed plans of what land they require when available, which is still being awaited in order to allow us to negotiate terms.

Yours Sincerely

Simon Tucker MRTPI
Area Planner – Yorkshire and North East

simon.tucker@canalrivertrust.org.uk
Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire, DE13 7DN

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN
T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

The Planning Inspectorate
Temple Quay House Temple Quay
Bristol
Avon
BS1 6PN

Our ref: LT/2022/127235/01-L01
Your ref: TR010065
Date: 12 October 2022

Dear Sir/Madam

**APPLICATION BY NATIONAL HIGHWAYS (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A46 NEWARK BYPASS (THE PROPOSED DEVELOPMENT) - SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S CONTACT DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO THE APPLICANT IF REQUESTED
A46 NEWARK BYPASS**

Thank you for consulting the Environment Agency on the scoping opinion for the proposed A46 Newark Bypass NSIP. The Environment Agency has the following comments on matters within our remit which are detailed below.

Flood Risk

We note that the scoping report highlights potential negative impacts and we would highlight that the Environmental Statement don't just have to highlight negative though and they could use the screening report to support identification of potential positive impacts on flood risk. We have engaged with the applicants extensively over the last couple of months and we would expect that to continue.

Specific notes / comments from a flood risk perspective are:

14.4.1 – bullet points refer to the South East River Basin Management Plan, this should be the Humber RBMP.

14.5.9 – 14.5.12 – Impacts from the operation of the scheme can also include positive, or beneficial, impacts such as creating additional space for water within the floodplain etc... There are several communities at a high level of flood risk within the direct vicinity of the proposed scheme, and which potentially could be beneficially impacted.

14.6.3 – Opportunity through design of the floodplain compensation areas to reduce flood risk overall and generate environmental and habitat enhancements.

Floodplain compensation – Compensatory floodplain storage will be required to mitigate any increase in risk to third parties from the proposed scheme. This has been discussed in various meetings with the consultants and we will continue to engage further to ensure that the mitigation is acceptable.

Tolney Lane Gypsy and Travellers site – This community is adjacent to the proposed scheme and is at significant flood risk. We are aware of work being undertaken by Newark and Sherwood District Council to investigate means of reducing the risk to this community. There is potential for cross over between the NSDC works and those proposed for the A46 realignment. We would encourage the applicants to engage with

Environment Agency
Trent Side North, West Bridgford, Nottingham, NG2 5FA.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

NSDC at the earliest opportunity to support identification of joint working opportunities and methods of reducing the risk to this highly vulnerable community.

Updates to PPG – The Planning Practice Guidance was updated in September 2022 and we recommend that the applicants review the updated guidance when progressing the development of the schemes flood risk assessment. The updated guidance recommends a revised starting point for definition of the functional floodplain using the 3.3% Annual Exceedance Probability (AEP) flood event. We recommend that the applicants use this event to support identification of the schemes impact on the functional floodplain.

Biodiversity

9.6.5 – Biodiversity net gain (BNG) of a minimum of 10% has been included in the Environment Bill and now will also include the requirement for NSIPs from 2025. Whilst not officially mandated until 2025, we encourage this development to provide BNG due to the opportunities that the location of this development could provide.

There is plenty of opportunity to provide enhancements to the river environment within the vicinity of the works. We would be keen to help provide enhancement opportunities and mitigation as required. The Environment Agency has started to provide 20% BNG for some of its project and we would ask that this project looks at opportunities to meet 20% BNG as an ambitious target. There is potential to lose some good quality habitats in the form of LWS's therefore it is key that as much good quality habitat is produced as possible to offset this as per the NE BNG Matrix.

14.6.1 – We note that SUDs are being proposed and we would highlight that these offer opportunities to provide multifunctional environmental enhancements, such as also being the creation of habitat eg wetlands.

We would highlight that water vole surveys need to be conducted from in channel and not via bankside. This will ensure that no evidence of water voles would be missed. If access is difficult then water vole rafts can be utilised as part of the survey effort.

Otters are known to be using the area and otter surveys will be required to ensure there aren't any holts within the area.

Nowhere in the report is there any information on Invasive species (INNS) and the potential to spread or encounter them. We would expect to see that INNS is included within the biodiversity section.

Fisheries

The proposed dualling of the A46 offering opportunities for wider environmental enhancements as part of the development, including opportunities to improve the fish passage along the River Trent. The proposed scheme is situated alongside the River Trent and a number of weirs, including Averham weir are earmarked as sites where the potential for a fish pass to be built are being explored as part of the Trent Gateway project. The proposed NSIP offers opportunity to support the aims of the Trent Gateway partnership in particular opportunities to support fish passage and we would welcome the Environmental Statement discussing the opportunities that the A46 project could support this. As well as supporting the opening up of fish passage along the River Trent, the borrow pits area, also offers opportunity to provide high quality habitat for wildlife, including areas for fish refuge by connecting the river to offline habitat such as the

borrow pits. This would benefit a range of wildlife including birds, otters and fish so this should also be explored in the Environmental Statement. This area is also being looked as a potential area for flood plain compensation and this area should be explored to understand the multifunctional environmental enhancement opportunities this area could provide

Groundwater and Contaminated Land

The Environment Agency has reviewed Chapter 10 (Geology and Soils) of the Environmental Scoping Report (dated 26/08/22).

The approach outlined for dealing with land contamination is acceptable. Any unexpected contamination will be managed as per detail within an Environmental Management Plan, which will also include pollution prevention measures.

One location has been identified within the pre-construction Ground Investigation (WS46) to contain elevated aromatic hydrocarbons and naphthalene. The source of this contamination has not been discussed.

use of DoWCoP is acceptable as long as all relevant guidance on the use of DoWCoP is adhered to.

The EA agree that geology, land contamination and soils should be scoped into the Environmental Statement (ES) and I look forward to any further communication on this topic as part of the ES and at any other relevant stage throughout the construction programme.

Environment Management

WFD – long term water quality

The existing transport network is already a contributing factor to poor WFD water quality status in the study area.

- Trent from Soar to Beck (GB104028053110) - Transport drainage is contributing to poor phosphate status
- Slough Dyke Catchment (tributary of Trent) (GB104028053111) - Transport drainage is contributing to poor phosphate and dissolved oxygen status

There should be no additional deterioration as a result of this project therefore appropriate mitigation measures are required to be incorporated into the design. Wherever possible improvement should also be made to existing infrastructure to retrofit drainage features to reduce the current impact on water quality.

Permits and Licences

Abstraction licences and discharge permits for construction phase dewatering activities are likely to be required. The regulatory position statement allowing temporary dewatering without a permit only applies to activities lasting less than 3 consecutive months. To avoid any unnecessary delays we strongly recommend early engagement with the Environment Agency in relation to these as applications are currently taking an extended time to be processed.

Construction phase

During construction there will be an increased risk to water quality. Industry best practice sediment mitigation measures should be incorporated into the scheme as well as robust monitoring to protect the nearby surface watercourses. Real-time continuous monitoring through the use of upstream and downstream sondes is preferable to allow a

swift reaction to any issues identified.

Detailed drainage design

We welcome the use of HEWRAT in determining appropriate drainage design. We would like to be consulted once more details of the design are available

Waste

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf

If you need to register as a carrier of waste, please follow the instructions here:

<https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

If you require any local advice or guidance please contact your local Environment Agency office: 03708 506 506

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

- We have produced guidance on the recovery test which can be viewed at <https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits#how-to-apply-for-an-environmental-permit-to-permanently-deposit-waste-on-land-as-a-recovery-activity>.

You can find more information on the Waste Framework Directive here:

<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here:

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here:

<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here:

<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

Where waste soil is to be exported from site it must be classified as either a Hazardous waste with the waste code 17-05-03 (soil and stones containing hazardous substances) or as a Non-Hazardous waste code 17-05-04 (soil and stones other than those mentioned in 17-05-03). This classification is carried out in accordance with the guidance provided by the Environment Agency's publication WM3 Waste Classification - Guidance on the classification and assessment of waste.

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

The circular economy is a concept designed to keep materials in use as long as possible, thus promoting resource efficient practice and deriving economic benefits. Adherence to the waste hierarchy and adoption of best practice in relation to site waste management planning will help you deliver against circular economy objectives.

It is important to take a precautionary approach and ensure that you follow the regulatory waste legislation. Ensure that you seek advice from the Environment Agency if required.

Yours faithfully

Mr Joseph Drewry
Planning Specialist



From: [REDACTED]
To: [Bypass](#)
Subject: Reference - TR010065
Date: 15 September 2022 10:33:15
Attachments: [Biodiversity net gain now.docx](#)

Dear Ms King,

Thank you for consulting the Forestry Commission on this proposal. As the Governments forestry experts, we endeavour to provide as much relevant information to enable the project to reduce any impact on irreplaceable habitat such as Ancient \semi natural Woodland as well as other woodland.

It is noted that the route at it's northern end may impact upon or require the removal of a woodland shelter belt (of 1.84 hectares) beside the A46 near the roundabout junction with the A1133. The woodland is sited between the A46 and the Newark and Notts Showground. The UK Forestry Standard (UKFS) sets out the UK government's approach to sustainable forestry and woodland management, including standards and requirements as a basis for regulation, monitoring and reporting requirements. The UKFS has a general presumption against deforestation. Page 23 of the Standard states that: "Areas of woodland are material considerations in the planning process...."

In addition, lowland mixed deciduous woodland is on the Priority Habitat Inventory (England). This recognises that under the UK Biodiversity Action Plan they were recognised as being the most threatened and requiring conservation action. The UK Biodiversity Action Plan has now been superseded by the UK Post-2010 Biodiversity Framework but this priority status remains. It is expected that there will be a thorough assessment of any loss of all trees and woodlands within the project boundary and the development of mitigation measures to minimise any risk of net deforestation because of the scheme. Woodland provides habitat for a range of Section 41 Priority Species including all bats. Included within that assessment should be a review of any woodlands under an existing woodland grant scheme and / or a felling licence agreement to ensure these agreements will not be negatively impacted and *public money wasted*. Where woodland loss is unavoidable, it is expected that there will be significant compensation and the use of buffer zones to enhance the resilience of neighbouring woodlands. These zones could include further tree planting or a mosaic of semi-natural habitats.

For any woodland within the development boundary, land required for temporary use or land where rights are required for the diversion of utilities you must take into consideration the Root Protection Zone. The Root Protection Zone (as specified in British Standard 5837) is there to protect the roots of trees, which often spread out further than the tree canopy. Protection measures include taking care not to cut tree roots (e.g., by trenching) or causing soil compaction around trees (e.g., through vehicle movements or stacking heavy equipment) or contamination from poisons (e.g., site stored fuel or chemicals).

Effective and practicable proposals for managing the boundary of the woodland and any likely increased access, proportionate to the degree of likely future access, planned or unplanned will need to be planned carefully and hedgerows and individual trees within a development site considered in terms of their overall connectivity between woodlands affected by the development. The mitigation hierarchy set out in [Paragraph 180 NPPF](#) July 2021. sets out a

useful structure for considerations of mitigation and compensation. Whilst the NPPF does not apply to NSIPs this ethos remains the same.

The starting point should be a presumption against deforestation. All loss of woodland should result in compensatory woodland. Where new woodlands are proposed associated with the development or as mitigation for loss or as compensatory planting there are a number of issues which will need to be considered.

Landscape is the setting for all woodland creation and is the starting point for any woodland design. The UKFS includes requirements and guidance for how new woodlands should be considered in the landscape. The UKFS Requirements relevant to landscape are:

- New forests and woodlands should be located and designed to maintain and enhance the visual, cultural, ecological value and character of the landscape.
- Forests should be designed to take account of landscape context.
- Forests should be designed to take account of landscape designations, designed landscape, historic landscapes and the policies that apply.
- The forest design principles, informed by landscape context, should be applied to ensure landscape and visual aspects are appropriately addressed.
- Where existing forests do not meet the UKFS Requirements for Forest and Landscape, improvements should be made when management opportunities arise.

With the Government aspirations to plant 30,000 ha per year across the UK by 2025. The Forestry Commission is seeking to ensure that tree planting is a consideration in every development not just as compensation for loss. However, as already mentioned there are a number of issues that need to be considered when proposing significant planting schemes

- Does the scheme require an EIA
- Biosecurity of all planting stock needs to be considered.
- Woodlands need to be climate and pest and disease resilient.
- Maximise the ecosystem services benefits of all new woodland wherever possible (flood reduction)
- Planting contributes to a 'resilient treescape' by maximising connectivity across the landscape.
- Plans are in place to ensure long term management and maintenance of woodland.

Another consideration is Biodiversity net gain (BNG), which is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state, and now applies to NSIP's. Further details on BNG are given in the attachment. I trust this response will be of assistance in the assessment of the bypass proposal.

Yours sincerely,



Local Partnership Advisor
East and East Midlands



My working days are Monday, Tuesday and Wednesday.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorised to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware.

Biodiversity Net Gain

National policy sets out that planning should provide biodiversity net gains where possible. [National Planning Policy Framework \(NPPF\)](#) Paragraphs 170(d), 174(b) and 175(d) refer to this policy requirement and the [Natural Environment Planning Practice Guidance \(PPG\)](#) provides [further explanation](#) on how this should be done. Delivering net gain is also referred to in the [National Infrastructure Commission's Design Principles](#), [National Policy Statements](#) and the [National design guide](#).

The Government's [25 Year Environment Plan](#) sets out the aspiration to mainstream biodiversity net gain in the planning system and move towards approaches that integrate natural capital benefits.

A new [Biodiversity Metric 3](#) was [launched in July 2021](#). The [Biodiversity Metric](#) is designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought about by development or changes in land management. The metric is a habitat based approach to determining a proxy biodiversity value. A [Small Sites Metric](#), a beta version designed to simplify the process of calculating biodiversity net gain on smaller development sites, is also available. A recording of the webinar launching these tools is available on [YouTube](#).

For more detailed information on the Biodiversity Metric, a recording of our October 2021 PAS-hosted Natural England [training session for local authority planners on Biodiversity Metric 3](#) is available, along with slides from the event.

CIEEM, IEMA and CIRIA have set out [Good Practice Principles for Development](#) and an associated [Practical Guide](#) and [Case Studies](#) for biodiversity net gain.

There is now a British Standard on biodiversity net gain and development projects: [BS 8683:2021 Process for designing and implementing Biodiversity Net Gain](#). The standard specifies requirements for a process to design and implement BNG for development projects. It doesn't cover the actual delivery of BNG, but provides a framework to demonstrate that a project has followed a process based on UK-wide good practice. Find out more from the British Standards Institute (BSI) [webinar replay of 21 May 2021](#).

CIEEM have also published [Biodiversity Net Gain Report and Audit Templates](#) that provide a framework for writing reports for projects that are aiming to achieve BNG. The templates set out a suggested structure and content for reports specifically produced in relation to BNG assessments.

Mandatory BNG and the Environment Act

The Government announced it would mandate net gains for biodiversity in the [Environment Bill](#) in the 2019 Spring Statement. This followed a [consultation on net gain](#) from December 2018. Defra's [response to the consultation](#) was published in July 2019. An [impact assessment](#) on biodiversity net gain and Local Nature Recovery Strategies was published in late 2019.

The Environment Bill received Royal Assent on 9 November 2021, meaning it is now an Act of Parliament: [World-leading Environment Act becomes law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/world-leading-environment-act-becomes-law).

Mandatory biodiversity net gain as set out in the [Environment Act](#) applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Act sets out the following key components to mandatory BNG:

- **Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan**
- **Habitat secured for at least 30 years** via obligations/ conservation covenant
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- Will also apply to Nationally Significant Infrastructure Projects (NSIPs)
- Does not apply to marine development
- Does not change existing legal environmental and wildlife protections

The Government published a [consultation on Biodiversity Net Gain Regulations and Implementation](#) on 11 January 2022. The consultation sets out proposals on the detail of implementation of mandatory BNG and closes on 5 April 2022.

Timelines

The timelines for introduction of mandatory BNG are dependent on a number of factors. The below is our current understanding of the likely timetable towards mandatory BNG.

Autumn 2021:

- 9 Nov - Environment Bill gets Royal Assent - now the Environment Act

Winter 2021/22:

- [Government consultation on BNG statutory instruments and regulations](#) - closes 5 April 2022

Spring 2022:

- Biodiversity Metric 3.1 released
- Government response to consultation

Spring 2023:

- BNG site register and statutory credits sales platform go live

Winter 2023:

- Biodiversity net gain expected to become mandatory for all TCPA developments

CEMHD Policy - Land Use Planning,
NSIP Consultations,
Building 1.2,
Redgrave Court,
Merton Road,
Bootle, Merseyside
L20 7HS.

HSE email: NSIP.applications@hse.gov.uk

Email: A46NewarkBypass@planninginspectorate.gov.uk

Dear Ms King

Date: 3 October 2022

**PROPOSED A46 NEWARK BYPASS (the project)
PROPOSAL BY NATIONAL HIGHWAYS (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as
amended) REGULATIONS 10 and 11**

Thank you for your letter of 14 September 2022 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records the proposed DCO application boundary for this Nationally Significant Infrastructure Project just falls into the outer zone of a Major Accident Hazard Site (MAHS).

The MAHS is the Kelham Factory operated by British Sugar PLC (HSE Ref: H0251). The proposed development is just within the outer zone of the MAHS. This is based on the Preliminary Red Line Boundary (RLB) as illustrated in, for example, 'A46 Preliminary Design and draft Red Line Boundary to Support Environmental Scoping, dated 25/08/22, DRWG No. HE551478 (Page 335 of A46 Newark Bypass, Environmental Scoping Report, P04 26 August 2022). The area encroaching into the outer zone is a small spur of the A616. The Applicant should make contact with the operator, to inform an assessment of whether or not the proposed development is vulnerable to a possible major accident.

Based on the information in the A46 Newark Bypass, Environmental Scoping Report, P04 26 August 2022, it is unlikely that HSE would advise against the development. Please note that the advice is based on HSE's existing policy for providing land-use planning advice and the information which has been provided. HSE's advice in response to a subsequent planning application may differ should HSE's policy or the scope of the development change by the time the Development Consent Order application is submitted.

Hazardous Substance Consent

It is unlikely that Hazardous Substances Consent will be required for the improvement of the road and so there are unlikely to be any risks to the public from the scheme.

Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website - Annex G – The Health and Safety Executive . This document includes consideration of risk assessments on page 3.

Explosives sites

HSE has no comment to make as there are no licensed explosives sites in the vicinity.

Electrical Safety


No comment from a planning perspective.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk . We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely



Allan Benson
CEMHD4 NSIP Consultation Team

From: 
To: [k Bypass](#)
Cc: [Midlands ePlanning](#)
Subject: HISTORIC ENGLAND ADVICE RE: TR010065– A46 Newark Bypass –EIA Scoping Notification and Consultation our ref PL00790102
Date: 12 October 2022 20:39:13
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image013.png](#)
[image015.png](#)

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11
Application by National Highways (the Applicant) for an Order granting Development Consent for the A46 Newark Bypass (the Proposed Development)

Your ref TR010065
Our ref PL00790102

Dear Ms King,

Thank you for your letter dated 14th September 2022 consulting us on the scope of EIA in respect of the A46 Newark Bypass.

We welcome the positive engagement of the Scoping Report with the historic environment. We are in ongoing pre-application discussions with the applicant via their principal contractor Skanska-Mott MacDonald and their heritage consultants.

EIA as a process can be prone to the atomisation of impact assessment through an asset by asset tabulated approach. This can risk the wider impacts of schemes across the historic and archaeological landscape affected being under assessed. In this context we would draw particular attention to the following (no-exhaustive list of) themes requiring an holistic approach:-

1. The Palaeolithic / ice age landscape known from work at Farndon Field in advance of the A46 dualing scheme S of Newark. This is a complex resource both in respect of formation and survival, with localised undisturbed in-situ remains in addition to reworked ploughsoil scatters. The Farndon Fields site being of demonstrable equivalent importance to a Scheduled Monument (although outside of the scope for designation under S1 of the 1979 Ancient Monuments and Archaeological Areas Act). To successfully prospect, assess and mitigate / design-out impacts on such precious but challenging remains will require significant specialist input.
2. The landscape of the Civil War and sieges of Newark; there are a considerable number of scheduled monuments associated with these events and a further resource of undesignated assets. These latter sites and features often present challenges in location in particular bridging the gap between historic map sources and the modern landscape. In addition military action and billeting / encampment occurred through a landscape of farming and civilian settlement; this wider landscape again requires an holistic approach drawing upon specialist expertise and techniques.
3. The Trent, its tributaries and former channels are highly dynamic mix of shifting natural and managed features formed and reformed over millennia, they require a sophisticated scheme of investigation drawing on specialist geo-archaeological expertise.

Key risk to manage through the EIA process include the collateral impacts of enabling works, borrow

pits etc and the effects of environmental interventions such as habitat creation and screening. By the nature of environmental works which need to bed in or grow to deliver habitat or screening there will be considerable pressure in any to bring these forwards as early as possible, this presents a real risk that such works can be committed to or even executed in advance of sufficient work to assess archaeological impacts having been undertaken. The EIA process should include the full suite of associated works necessary to scheme delivery and measures should be set in place to ensure subcontractor works are well controlled in line with the resulting Environmental Statement. Archaeological investigations in areas of likely early environmental works should be brought forwards in programme to ensure early works are assessed to a common high standard with the main scheme.

We take this opportunity to highlight the following resources :-

<https://historicengland.org.uk/images-books/publications/deposit-modelling-and-archaeology/>

<https://researchframeworks.org/emherf/>

<https://historicengland.org.uk/advice/technical-advice/archaeological-science/preservation-in-situ/>

<https://historicengland.org.uk/research/current/discover-and-understand/early-prehistory/>

And in respect of Farndon Fields:-

Cotswold Archaeology Monograph 7 / Wessex Archaeology Monograph 34
A46 Nottinghamshire. The Archaeology of the Newark to Widmerpool improvement Scheme,
2009

Author/Editor: Nicholas Cooke, Andrew Mudd

[REDACTED]

An Extensive Late Upper Palaeolithic Flint Scatter at Farndon Fields, Near Newark,
Nottinghamshire
D. Garton & R. M. Jacobi; Archaeological Journal Vol 166, 2009 Pages 1-38 | Published online: 22
Dec 2014 [https://\[REDACTED\]](https://[REDACTED])

ICE AGE JOURNEYS: RESEARCH BY A COMMUNITY ARCHAEOLOGY GROUP AT FARNDON
FIELDS, NEWARK, NOTTINGHAMSHIRE
Transactions of Thoroton Society Nottinghamshire, 2015

[REDACTED]

"Contextualising archaeological models with geological, airborne and terrestrial LiDAR
data: The Ice Age landscape in Farndon Fields, Nottinghamshire, UK":

[Deodato Tapete^a](#)[Vanessa Banks^a](#)[Lee Jones^a](#)[Matthew Kirkham^a](#)[Daryl Garton^b](#) Journal of
Archaeological Science Volume 81, May 2017, Pages 31-48

[REDACTED]

Farndon Fields, Newark, Nottinghamshire: Windermere Interstadial deposits with potential
for Late Upper Palaeolithic human activity Daryl Garton, Nick Barton and Mark D. Bateman
MERCIAN GEOLOGIST 2020 20 (1) [REDACTED]

[REDACTED]

We are in ongoing and positive engagement with this project alongside heritage colleagues from local government.

Yours sincerely

Tim Allen (for Historic England)

Tim Allen MA FSA
Development Advice Team Leader (North)

Midlands Region
Historic England
The Foundry, 82 Granville Street, Birmingham B1 2LH

Direct Line [REDACTED]
<http://www.historicengland.org.uk/> | [@HistoricEngland](https://twitter.com/HistoricEngland)



Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

Follow us: [REDACTED] Sign up to our [newsletter](#)

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of Historic England unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to Historic England may become publicly available. We respect your privacy and the use of your information. Please read our full [privacy policy](#) for more information.

From: [REDACTED]
To: [A46 Newark Bypass](#)
Cc: [REDACTED]
Subject: RE: TR010065- A46 Newark Bypass -EIA Scoping Notification and Consultation
Date: 22 September 2022 10:43:50
Attachments: [image001.png](#)
[image002.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image003.png](#)

Good morning Katherine

Thank you for forwarding this notification and consultation. Leicestershire County Council in its capacity as Local Highway Authority has not comments to make.

Kind regards
Rebecca

Rebecca Henson

Team Manager - Highway Development Management
Environment and Transport
Leicestershire County Council

Tel: [REDACTED]
[REDACTED]

From: [REDACTED]
To: [REDACTED] [ypass](#)
Cc: [REDACTED]
Subject: ypass Scoping Opinion Response
Date: 05 October 2022 10:41:55

Morning

Further to your letter dated 14th September regarding the request by National Highways for a DCO Scoping Consultation in relation to the A46 Newark Bypass, the County Council as a neighbouring authority note the consultation and have the following comments to make.

Highway Authority - The development of the A46 there would likely be locally welcomed but the construction would cause impacts on the Lincolnshire road network whilst carried out.

Do not consider there to be any benefits on traffic in Lincolnshire itself but depending on timings in respect of cumulative impacts consideration needs to be given to the related impacts from the proposed North Hykeham relief road which is due to receive planning permission in 2023.

Request that the modelling to be undertaken extends to include the North Hykeham Relief Road which is anticipated to be completed by 2027.

With regards to highways safety and capacity, the scheme is welcomed as it should alleviate congestion on the A46 and improve traffic flows in Lincolnshire.

Lead Local Flood Authority - with regard to surface water flood risk, there is no impact on Lincolnshire

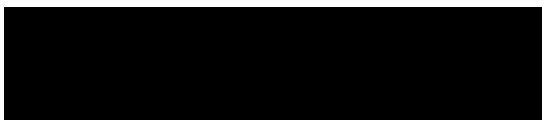
Cultural heritage – The County Council provides archaeological support to Newark and Sherwood District Council and has provided comments directly to the District Council which will no doubt be captured in their response to this consultation. For your information in summary, the Council's archaeological advisor is broadly supportive of the approach presented which gives a general outline of the information that will be gathered for the EIA and presented in the ES. More detail should be presented when this progresses to the PEIR stage, but the applicant is currently on track to supply the information on the archaeological potential and impact that they will need to accompany the DCO application.

Further agreement on the scope and nature of archaeological investigations will need to be agreed as the EIA progresses and I am already in discussions with the consultant on this.

I trust these comments are helpful to you.

Neil McBride
Head of Planning

Lincolnshire County Council,
County Offices, Newland, Lincoln LN1 1YL



Website: www.lincolnshire.gov.uk



Note: We are a Microsoft Office site. Our base version is 2010. Please make sure that files you send can be read in this format. Any form of reproduction, dissemination, copying, disclosure, modification, distribution and/or publication of this e-mail is strictly prohibited save unless expressly authorised by the sender. The information contained in this message is intended for the named recipients only. It may contain privileged and confidential information and if you are not the addressee or the person responsible for delivering this to the addressee, you may not copy, distribute or take action in reliance on it. If you have received this message in error, please notify the sender(s) immediately by telephone. Please also destroy and delete as soon as possible the message from your computer.

From: [REDACTED]
To: [REDACTED]
Subject: TR010065 - Scoping Consultation
Date: 16 September 2022 11:54:14

Good morning,

Thank you for your letter.

Melton Borough Council have no comments to make.

Kind regards,
Andrew

Andrew Cunningham
Senior Planning Development Officer

[REDACTED]

Please note at present we are receiving a high level of requests and it is likely that our response time will be delayed.

For details of current response rate or general enquiries please visit our website

http://www.melton.gov.uk/info/200074/planning_and_building_control



[REDACTED]

[Visit our website for the easy way to access services 24/7](#)

Complex Land Rights

Ellie Laycock

Development Liaison Officer

UK Land and Property

Tel: +44 (0)7989 208211

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:

A46NewarkBypass@planninginspectorate.gov.uk

23 September 2022

Dear Sir/Madam

APPLICATION BY NATIONAL HIGHWAYS (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A46 NEWARK BYPASS (THE PROPOSED DEVELOPMENT)

SCOPING CONSULATION REPONSE

I refer to your letter dated 14th September 2022 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET). Having reviewed the scoping report, I would like to make the following comments regarding NGET infrastructure within or in close proximity to the current red line boundary.

NGET has no assets within the proposed red line boundary. NGET does have high voltage electricity overhead transmission lines, which form an essential part of the electricity transmission network in England and Wales, within close proximity to the proposed red line boundary.

Overhead Lines

4VK 400kV OHL Cottam – Easton Socon – Wymondley 2

I enclose a plan showing the location of NGETs apparatus in close proximity to the scoping area.

We would appreciate being kept informed of any further developments.

Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004)”.
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above.
- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

To download a copy of the HSE Guidance HS(G)47, please use the following link:
<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further Advice

We would request that the potential impact of the proposed scheme on NGET's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: box.landandacquisitions@nationalgrid.com

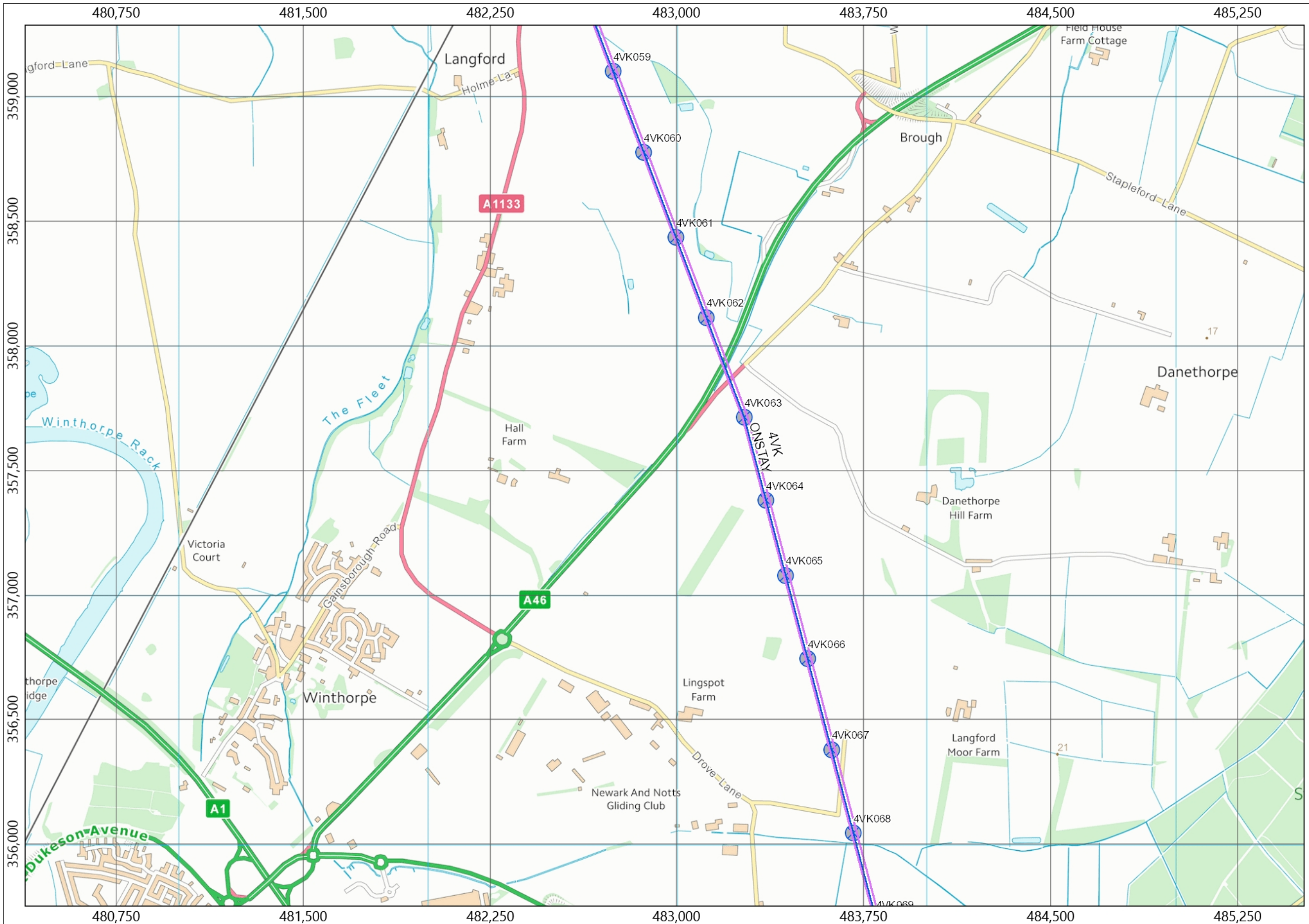
I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully



Ellie Laycock
Development Liaison Officer, Complex Land Rights



Legend:

- Substations Commissioned
- Circuits
 - Commissioned
 - Decommissioned Group
 - Planned and Spares
- OHL 400kV Commissioned
- OHL 275kV Commissioned
- OHL 132kV & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- ▣ Cable Tunnel
- ▣ Gas Operational Boundary
- ▣ Gas Site Boundary
- Trial Hole
- Vantage Point
- Aerial Marker Post
- Pipe Crossing Point
- ▲ CP Test Post
- Transformer Rectifier
- Pipeline Crossing Sleeve
- Nitrogen Sleeve
- Other Sleeves
- Pipe Line Control Point
- Named Pipeline Section
- River Crossings

Notes:
A46 NEWARK BYPASS NGET ASSETS



From: [Town Planning LNE](#)
To: [A46 Newark Bypass](#)
Subject: Ref TR010065 - A46 Newark Bypass Scoping Consultation
Date: 10 October 2022 17:13:48
Attachments: [image001.png](#)

FAO – Planning Inspectorate
Ref – TR010065
Proposal – Scoping Consultation
Location – A46 Newark Bypass

Thank you for your letter of 14 September 2022 providing Network Rail with an opportunity to comment on the abovementioned Scoping Opinion.

With reference to the protection of the railway, the Environmental Statement should consider any impact of the scheme upon the railway infrastructure and upon operational railway safety. It should also include a Transport Assessment to identify any HGV traffic/haulage routes associated with the construction and operation of the site that may utilise railway assets such as bridges and level crossings during the construction and operation of the site.

Please note that for intended works on and over operational railway land, the developer will need an easement/licence agreements with Network Rail and we would recommend that they engage with us early in the planning of their scheme in order to discuss and agree this element of the proposals.

Kind regards



Matt Leighton
Town Planning Technician
Diversity and Inclusion Champion
Network Rail Property - Eastern Region
George Stephenson House, Toft Green, York, YO1 6JT

Please note I am on study leave on Wednesdays for the foreseeable future and will be unavailable on these days

The content of this email (and any attachment) is confidential. It may also be legally privileged or otherwise protected from disclosure.

This email should not be used by anyone who is not an original intended recipient, nor may it be copied or disclosed to anyone who is not an original intended recipient.

If you have received this email by mistake, please notify us by emailing the sender, and then delete the email and any copies from your system.

Liability cannot be accepted for statements made which are clearly the sender's own and not made on behalf of Network Rail.

Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN.

The Planning Inspectorate
Environmental Services,
Central Operations,
Temple Quay House,
2 The Square,
Bristol,
BS1 6PN

Telephone: 01636 650 000
Email: Planning@nsdc.info

Sent via email

Our ref: 22/SCO/00001

11th October 2022

Dear Ms King,

Scoping Opinion under Regulation 10(1) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Proposed A46 Newark Bypass.

Thank you for consulting Newark and Sherwood District Council (NSDC) on the Environmental Scoping Report submitted by Skanska Mott MacDonald on behalf of National Highways in respect of the A46 Newark Bypass. This scheme is classified as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 Section 22 (3) and (4) (as amended by The Highway and Railway (National Significant Infrastructure Project) Order 2013). The scheme falls within paragraph 10(f) of Schedule 2 to the Infrastructure Planning (EIA) Regulations 2017.

It is understood that the Applicant intends to prepare an Environmental Statement (ES).

Location

The proposal is located to the western fringe of Newark on Trent which is located within the county of Nottinghamshire but also bounds Lincolnshire. The A46 is already located along this western fringe and from the Farndon roundabout to the south (joining the B6166) and the Winthorpe roundabout to the north (joining the A1133), it is single carriageway. The Widmerpool to Farndon dualling was completed in approximately 2012 and the northern section to Lincoln was completed prior to this.

Along its route, it crosses A617 and B6326, at the Cattle Market junction, and A1 between the Friendly Farmer and Brownhills roundabouts.

Below is the Council's response on the submission and matters which will need to be considered.

Environmental Assessment Methodology

The Scoping Report considers the following factors contained in Regulation 5(2) of the Infrastructure Planning (Environmental Impact Assessment) (EIA) Regulations:

- Population and human health (a).
- Biodiversity (b).
- Land, soil, water, air and climate (c).
- Material assets, cultural heritage and the landscape (d).
- The interaction between the factors referred to in sub-paragraphs (a) to (d).

To support the scheme through DCO and the final Business Case (FBC) the Scoping Report confirms that traffic modelling will be updated. The updated model will use the second generation regional transport models (RTM2) which have a March 2019 base. Quantitative air quality and noise assessments will be undertaken using these revised traffic flows and will inform the ES. This approach is welcomed.

Air Quality

The applicant should continue to liaise with / consult Newark and Sherwood District Council's Environmental Health Team regarding air quality impacts / proposed mitigation.

Landscape and Visual Effects

The Council acknowledges and welcomes reference to policies in the Newark and Sherwood Amended Core Strategy in relation to landscape character: Core Policy 12 Biodiversity and Green Infrastructure; Core Policy 13 Landscape; and Core Policy 14 Historic Environment.

Confirmation by the Scoping Report that a detailed Landscape and Visual Impact Assessment (LVIA) will be produced as part of the ES is welcomed. It is acknowledged that this will address all visual receptors with the potential of experiencing effects of the scheme. Receptors include residential properties, Public Rights of Way, road users, businesses and recreational facilities. At this scoping stage, the potential visual receptors have been identified through desk top study. The scope of the visual receptors will be reviewed during further assessment, taking into consideration scheme design development and the findings of field studies. This approach is welcomed and supported.

Biodiversity

With regard to biodiversity impact, the Council welcomes confirmation that Natural England will be consulted on the approach taken.

The Scoping Report also indicates that an HRA will be undertaken for each Special Area of Conservation (SAC) and Special Protection Area (SPA) which could be affected. As a matter of policy Ramsar sites (wetlands of international importance) are also considered within the HRA process. Where HRA Screening identifies that there is a likely significant effect this will determine any requirement for an Appropriate Assessment. The Appropriate Assessment will define any requirement for mitigation that is necessary to ensure there is no adverse effect on the integrity of these sites, alone or in combination with other plans and projects. Any required mitigation would then be incorporated into the proposed scheme. This approach is also welcomed.

Geology and Soils

The Council welcomes the Scoping Report's acknowledgement that (para 10.6.3), any remediation works required to manage contamination risk will be agreed with Newark and

Sherwood District Council and Environment Agency. Remediation will need to be completed and verified before completion of the scheme. Acute risks to construction and maintenance workers resulting from short-term exposure to potentially contaminated soils/groundwater will be mitigated by the contractor, through appropriate design of the works and compliance with health and safety legislation.

Material Assets and Waste

The Scoping Report indicates that consultation with the Environment Agency and Newark and Sherwood District Council will be progressed if required during the development of the scheme design and ES. This is welcomed. The Council would also recommend consultation with Nottinghamshire County Council's Waste and Minerals Policy Team on this matter.

Noise and Vibration

The applicant should continue to liaise with / consult Newark and Sherwood District Council's Environmental Health Team regarding noise and vibration impacts / proposed mitigation.

Population and Human Health

The Scoping Report recognises that Newark and Sherwood District Council's Economic Growth Strategy 2021-2026 defines how the Council will work with businesses and residents to lead the local economy and 'build a shared prosperity'.

The Scoping Report also mentions the 2010 Infrastructure Delivery Plan. Please note, this document was updated in 2017 to support the policies in the Amended Core Strategy (2019). It is currently being updated to support the production of the Newark and Sherwood Allocations and DM DPD which is due to be submitted for Examination early in 2023. Feeding into the Economic Growth Strategy, the Infrastructure Delivery Plan Update (2017) identifies the various forms of infrastructure that are required to meet the level of growth anticipated in the area up until 2033. It identifies that the A46 at Newark as requiring improvements in order to accommodate planned growth in the area.

Road Drainage and the Water Environment

The majority of the scheme is within Flood Zones 2 and 3 and the Scoping Report confirms that a Flood Risk Assessment will be undertaken. The Council welcomes the fact that the Scoping Report recognises that there will be a need for flood alleviation to address flood risk within the vicinity of the scheme. The proposed enlarged embankment for the A46 carriageway passes through land that acts as the floodplain for the River Trent. By using this land, the scheme has the potential to increase flood risk elsewhere unless mitigation is provided. To demonstrate that the floodplain compensation areas are effective, the Scoping Report confirms that analytical flood modelling will be carried out. Three areas have been identified for floodplain compensation: Kelham and Averham Floodplain Compensation Area, Brownhills Floodplain Compensation Area, and the Borrow Pits West Floodplain Compensation Area.

Flood risk and drainage are of particular relevance with regard to members of the traveller community residing on Tolney Lane, to the south of the A46 between the Cattle Market roundabout and the Farndon roundabout. This area supports one of the largest traveller sites in the region, with a concentration of around 300 pitches. As part of the District Council's ongoing development plan review process, the update of the Strategic Flood Risk Assessment explored options (in conjunction with the EA) for improving flood resilience. Modelling work has recently been commissioned by the Council in this respect. Consequently, the results of this

assessment should be taken into consideration in the ES. The Council would welcome the opportunity to discuss this further with National Highways and other relevant stakeholders.

The Scoping Report also indicates that additional features associated with the scheme include new drainage, including improvements to existing infrastructure, landscape planting, environmental mitigation, lighting, traffic signage, facilities in and around proposed junctions to accommodate walking, cycling and horse riding as required, and utility diversions. Again, this is welcomed.

Water Framework Directive (WFD) Assessment

The Scoping Report confirms that a WFD Assessment will be undertaken and a WFD compliance assessment report produced, which is welcomed.

Climate

A climate emergency was declared by the Council on 16 July 2019. The Council has produced the following documents in relation to Climate Change:

- Climate Emergency Strategy climate emergency strategy (PDF File, 2,770kb)
- Newark and Sherwood Community Plan <https://www.newark-sherwooddc.gov.uk/councilpriorities/>

The Scoping Report confirms that, for both construction and operational effects on climate, it is unlikely that the scheme will result in GHG emissions that would be defined as significant considering the GHG emissions from the scheme are unlikely to have a material impact on the Government achieving its carbon targets. It goes on to say that, in line with the UK Government's Carbon Reduction Plan, the scheme will seek to reduce GHG emissions as far as practicable to contribute to the UK's net reduction in GHG emissions and maximise the potential for reducing GHG emissions. Assessing the level of GHG emissions associated with the scheme is key in assisting and focusing the reduction effort. A carbon assessment will be carried out using the methodology identified in Section 15.8 and detailed in the ES. This approach is welcomed.

Accessibility

The Scoping Report acknowledges that construction works will cause disruption to day-to-day activity in the area. It acknowledges that walking and cycling routes will be maintained or diverted as necessary. Ongoing dialogue with the Council and public regarding route changes and accessibility will be important in this respect.

Additional consultations have been carried out which are summarised below.

NSDC Conservation

As per our original advice on the public consultation held between December 2020 and Feb 2021, the proposed highway scheme will have a significant impact on the historic environment.

The key areas of impact include:

- Landscape impact on Winthorpe Conservation Area (CA) and listed buildings therein (notably Lowwood). The new bridge over the A1 and road section down to the Winthorpe junction results in substantial impact on the setting and significance of the Winthorpe CA. Proximity to Lowwood is likely to lead to adverse visual and noise impacts.

- Visual interruption of the landscape at the Cattle Market Roundabout, being an important entrance to the town, resulting in impact on key views along Great North Road. Great North Road is an important historic route. The tree lined avenue on approach to Castle Station is an important feature. On approach from Muskham along Smeaton's Arches (Georgian era causeway bridge), the flyover will present as a significant obstruction to views of the Castle and St Marys Church. Physical impact on Smeaton's Arches, which may include partial removal/widening of the arches closest to the roundabout, is likely to be harmful.
- Impacts on known and unknown archaeology- notably the extensive Civil War potential along the A46 corridor.
- Wider visual impact on setting of listed buildings and Newark CA. Inter-visibility of Kelham Hall with Newark heritage assets and Smeaton's arches along road network, experience of traversing local footpath network, views between local landmarks such as the Castle, St Marys and Church of All Saints in Winthorpe etc.

We recognise that the Preferred Option is an improvement on options previously presented insofar as the new A1 bridge and position of roadway adjacent to Winthorpe CA is concerned, but the scheme will still have a significant adverse impact. Mitigation in terms of planting/trees remains a critical aspect of proposals in the Winthorpe area. The parkland character between Lowwood and the Winthorpe Junction roundabout suggests that medium and larger trees will need to be considered.

Extensive work on archaeology is needed to evaluate impact. Impact on Smeaton's arches is particularly important around the roundabout area. Consideration of emerging policy on Civil War sites and Farndon Fields potentially to be factored in (part of the emerging revised LDF DPD).

Landscape visual assessment of the flyover in the context of heritage assets, notably high grade, within Newark, Winthorpe and Kelham is needed:

- It is recognised that the flyover will significantly disrupt landscape views, but new views of the townscape will be offered from raised areas. A detailed evaluation of these is needed. The new ASI building (planning reference 21/02484/FULM) at the former Cattle Market will present a different visual receptor than solely the current lorry park character of the site affords (this is due to start construction soon).
- The riverside is an important feature of the CA, and impact on river related heritage assets such as the Grade II* Fidler's Elbow Bridge is relevant. The quality of new development along North Gate is variable however, and there are no specific concerns of detrimental impact at this point.

Lincolnshire County Council Historic Environment (Archaeology)

The Environmental Scoping Report for the A46 Newark Bypass sets out the proposed approach regarding Cultural Heritage at Chapter 7.

The preferred route runs through areas of high archaeological potential and sensitivity associated with a broad range in activity including sites dating to the late Upper Paleolithic (LUP), pre-historic, Roman, Anglo-Saxon, medieval and post-medieval periods. Of particular note are the LUP site at the Farndon roundabout and the numerous Civil War remains associated with the sieges at Newark in the mid-17th century, of which several sites are Scheduled.

Archaeological impacts and subsequent mitigation have the potential for significant impacts, consequently sufficient evaluation is essential in informing the selection process and in ensuring the subsequent design and work programme is devised with an understanding of the level of archaeological work which may be required before and during the construction phase.

We are generally supportive of the programme presented, and the applicant has recognised the potential for significant impact from the scheme on the historic environment for both designated and non-designated assets.

The Environmental Impact Assessment (EIA) will require desk-based research, non-intrusive surveys, and intrusive field evaluation for the full extent of proposed impact. The results should be used to minimise the impact on the historic environment through informing the project design and an appropriate programme of archaeological mitigation. The provision of sufficient baseline information to identify and assess the impact on known and potential heritage assets is required by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Regulation 5 (2d)), National Planning Statement Policy EN1 (Section 5.8), and the National Planning Policy Framework.

Non-intrusive survey and intrusive evaluation trenching results are essential for effective risk management and to inform programme scheduling, budget management and design change where necessary. Failing to adequately assess the archaeological potential could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided.

We are therefore reassured that a full programme of non-intrusive and intrusive evaluation will be undertaken (as outlined in section 7.9.1) and the results presented in the Environmental Statement (ES) as part of the DCO application. The details of the surveys and evaluation will need to be agreed as early as possible and each stage of investigation will inform the nature, location and extent of the next.

The results will inform a fit for purpose mitigation strategy which will identify what measures are to be taken to minimise or adequately record the impact of the proposal on archaeological remains.

In summary, the ES will need to contain sufficient information on the archaeological potential and impact of the scheme and must include evidential information on the depth, extent and significance of the archaeological deposits which will be impacted, directly or indirectly, by the development. The results will inform an appropriate mitigation strategy for implementation post consent.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 states "The EIA must identify, describe and assess in an appropriate manner...the direct and indirect significant impacts of the proposed development on...material assets, cultural heritage and the landscape." (Regulation 5 (2d))

Public Consultation

Continuing dialogue with the Council and local residents will be key to ensuring the scheme explores all credible options in terms of mitigation.

We understand, from direct contact with individuals in the village and the 'Think Again' Winthorpe residents group that they continue to have concern about the proximity of the new link section of the A46, between the A1 and the Winthorpe roundabout to the village. There is also concern about the cumulative effects of noise and air pollution from both the A1 and the A46.

Prior to and during the construction stage, traffic management engagement and communication will need to be extensive and in consultation with local organisations and communities. Additionally, there remains the potential to utilise new infrastructure, such as the Southern Link Road (SLR) (when completed), to be part of this solution. Failure to deliver the SLR allowing a connection between the A46 and the A1 poses a significant risk to greater congestion in the area.

Summary

In summary the Authority is supportive of the proposal from an economic growth perspective through improved infrastructure through the District. However, there is a need to provide substantial visual impact assessments from key views in and around the vicinity, which should be agreed in conjunction with the Authority's Conservation Officer, as the development is likely to have a significant adverse impact upon existing heritage assets. In addition the Environmental Impact Assessment (EIA) will require desk-based research, non-intrusive surveys, and intrusive field evaluation for the full extent of proposed archaeological impact.

I trust this will help in the preparation of an Environmental Statement.

Yours sincerely,



Lisa Hughes
Business Manager - Planning Development

From: [REDACTED]
To: [REDACTED] [bss](#)
Subject: TR010065–A46 Newark Bypass –EIA Scoping Notification and Consultation
Date: 30 September 2022 14:25:58
Attachments: [image001.png](#)

Good Afternoon

TR010065–A46 Newark Bypass –EIA Scoping Notification and Consultation

The above application was discussed at Newark Town Council’s Planning Meeting on 28th September, 2022 and no concerns were raised at this stage. Members of the Committee noted that more detailed information will follow in due course.

Kind Regards

Janet Hemsall
Receptionist/Planning Administrator

-
Newark Town Council
Town Hall, Newark, Nottinghamshire NG24 1DU
Tel: (01636) 680333



Please consider the environment. Do you really need to print this e-mail?

Emails and any attachments from Newark Town Council are confidential. If you are not the intended recipient, please notify the sender immediately by replying to the email, and then delete it without making copies or using it in any other way. Senders and recipients of email should be aware that, under the Data Protection Act 1998 and the Freedom of Information Act 2000, the contents may have to be disclosed in response to a request.

Although any attachments to the message will have been checked for viruses before transmission, you are urged to carry out your own virus check before opening attachments, since Newark Town Council accepts no responsibility for loss or damage caused by software viruses.

Newark Town Council Legal Disclaimer

From: [REDACTED]
To: [A46 Newark Bypass](#)
Cc: [REDACTED]
Subject: RE: TR010065– A46 Newark Bypass –EIA Scoping Notification and Consultation [NK ref: 22/537/PREAPP]
Date: 12 October 2022 13:14:48
Attachments: [image001.png](#)
[image002.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image165020.png](#)
[image995449.png](#)
[image436047.png](#)
[image17335.png](#)

Dear Katherine,

Thank you for consulting North Kesteven District Council on the EIA Scoping Opinion being sought by National Highways for the proposed A46 Newark Bypass.

The comprehensive report accompanying the scoping request is noted. North Kesteven DC is a neighbouring local authority and not a host authority.

In paragraph 2.3.2 it is noted that amongst the objectives of the scheme is the ambition to tackle congestion highlighting the A1/A46 junction (the responsibility for National Highways) but not referencing A17 (part of the Strategic Road Network but maintained by the respective County Councils along its route). No substantial works are proposed at the A1/A17/A46 junction from an inspection of the materials available, other than modification of the existing A46 dual carriageway to a single carriageway in the direction of Lincoln from the 'Friendly Farmer Roundabout' (Fig. 2.1).

The Scoping Report is comprehensive, and the Council has no observations on the content under the listed headings for chapters 6-16.

The Council is however curious why there is no socio-economic chapter setting out the costs versus benefits of the proposed scheme and articulating how its delivery might benefit the wider sub-regional economy through improved connectivity and reduced congestion. The A17 and A46 are key entry points into North Kesteven and are therefore regarded as important economic assets for this Council individually and as part of Central Lincolnshire (we share a plan-making role with City of Lincoln and West Lindsey for the Central Lincolnshire Local Plan). As presented the scheme offers potential benefits for the economy of North Kesteven through improved and more reliable accessibility to Sleaford and the south of the district and for wider Central Lincolnshire via A46 to Lincoln and beyond to the A15 corridor towards the Humber.

The Council would welcome confirmation that socio-economic issues will be subject to a detailed assessment as part of the proposal.

Yours sincerely,
Mark

Mark Williets
Development Manager



www.n-kesteven.gov.uk
Kesteven Street, Sleaford, NG34 7EF

There's a range of services available at

n-kesteven.gov.uk

You can check eligibility for help, report a problem near you, find your bin collection days, change Council Tax details, look at recycling advice and more, all on our website.



From: A46 Newark Bypass <A46NewarkBypass@planninginspectorate.gov.uk>
Sent: 14 September 2022 10:45
Subject: TR010065– A46 Newark Bypass –EIA Scoping Notification and Consultation

Dear Head of Planning,

Please see attached correspondence on the proposed A46 Newark Bypass.

Please note the deadline for consultation responses is 12 October 2022 and is a statutory requirement that cannot be extended.

Kind regards,

Katherine King



The Planning
Inspectorate

Katherine King | Senior EIA Advisor
The Planning Inspectorate
T 0303 444 5078



[@PINSgov](https://twitter.com/PINSgov)



[The Planning Inspectorate](https://www.linkedin.com/company/the-planning-inspectorate/)



[planninginspectorate.gov.uk](https://www.planninginspectorate.gov.uk)

Ensuring **fairness**, **openness** and **impartiality** across all our services

This communication does not constitute legal advice.

Please view our [Information Charter](#) before sending information to the Planning Inspectorate. Our [Customer Privacy Notice](#) sets out how we handle personal data in accordance with the law.

This matter is being dealt with by:
Nina Wilson
Ref: TR010065
T 0115 977 3793
E [REDACTED]
W nottinghamshire.gov.uk

A46NewarkBypass@planninginspectorate.gov.uk

10th October 2022

Dear Sir/Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11 Application by National Highways (the Applicant) for an Order granting Development Consent for the A46 Newark Bypass (the Proposed Development) Scoping consultation and notification of the Applicant’s contact details and duty to make available information to the Applicant if requested

Thank you for your email dated 14th September 2022 requesting strategic planning observations on the above planning application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

In terms of the County Council’s responsibilities there are a number of elements of national planning policy and guidance that are of particular relevance in the assessment of planning applications these include Minerals and Waste, Transport and Public Health.

County Planning Context

Flood Risk Management

The Flood Team have no comments at this stage we are engaged with the applicant on surface water flooding issues as part of their project.

Strategic Highways

A Transport Assessment is required. This is likely to focus on the Strategic Road Network under National Highway’s jurisdiction, NCC will comment further at the next stage of the application.

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the policies of the Adopted Nottinghamshire Minerals Local Plan March 2021, form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the Adopted Minerals Local Plan (March 2021) these should be taken into account where proposals for non-minerals development fall within them.

Minerals

In relation to the Minerals Local Plan, the proposed junction improvement works to the A46 Newark By-Pass is not in close proximity to any existing or proposed mineral extraction allocation sites. However, the site lies within a Mineral Safeguarding and Consultation Area for Sand and

View our privacy notice at www.nottinghamshire.gov.uk/privacy

Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP

Gravel. In line with the National Planning Policy Framework (paragraph 212) the Adopted Local Plan March 2021 sets out a policy (DM13) concerning these areas. However, due to the nature of the development and the surrounding area, there seems little scope for prior extraction. The County Council therefore raises no concern in terms of mineral safeguarding.

Waste

In terms of the Waste Core Strategy, whilst there are a number of waste management facilities neighbouring the route of the existing A46 Newark By-Pass, there are no existing waste management facilities in the vicinity of the proposed development to raise any issues in terms of safeguarding our existing waste management facilities (as per Policy WCS10 of the Waste Core Strategy). Should the detail of the proposed improvement works change, the County Council as Waste Planning Authority should be consulted at the earliest convenience.

As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.

Geology and Soils

The desk study and ground investigation report are not included in the submission. NCC would not normally expect these to be provided with a scoping report, but since they have been used to inform the baseline information, it would have been useful to include these with the submission. It is also noted that a contamination hotspot was identified in the ground investigation, but not where this was in relation to the scheme.

The operational phase has been completely scoped out for geology and soils. NCC do not feel that this has been sufficiently justified in the scoping report. There will for example, be changes to crossing points over watercourses, a new section of road and increases in traffic elsewhere. Potential contamination effects to surface watercourses have also been identified during operation in Chapter 14 – Road Drainage and the Water Environment, which is inconsistent with the conclusions of Chapter 10 – Geology and Soils. NCC would therefore recommend that this is not scoped out of the assessment.

Chapter 14 – Road Drainage and the Water Environment indicates that contamination from landfills has been scoped out during the operational phase and refers back to Chapter 10 – Geology and Soils for the reasons. However, NCC cannot find this information in Chapter 10. This may require clarification.

It is not clear in the report (see for example section 10.3 "Study Area") whether the scheme boundary for the geology and soils assessment will include the flood compensation / borrow pit areas and any areas required for the temporary works (e.g. construction compounds, haul roads). The ES will need to consider the effects related to the temporary and permanent work areas separately as these both form part of the scheme. The scheme boundary and wider study area both need to be clearly defined within the geology and soils assessment.

Public Health

Public Health note that any further specific health impacts arising from the proposed development, either negative or positive, on human health from the construction of the proposed A46 bypass are being considered as part of the ongoing environmental impact assessment which include and are not limited to, health improvement impacts such as active travel, access to services/facilities/community assets, economic impacts, health protection impacts such as on air quality). Public Health are supportive of these being included and have no further comments to make at this stage of the process.

Heritage

Consultation with Newark and Sherwood DC (NSDC) conservation and Historic England (HE) built heritage officers did not include the Nottinghamshire County Council (NCC) building conservation officer who will be making a primary consultation input into any planning submission. With regards to the commitment provided in 7.8.4 of the ESR, 'in depth analysis of the design of the scheme to understand the potential impacts on listed buildings, conservation areas and unknown archaeological remains' that it is indicated will include consulting the ZTV, this should include the use of photomontage and wireframe imagery from key heritage set as receptors in the LVIA. Consultation with NCC, NSDC and HE to determine which receptors to include should take place and must include consideration of noise and light impacts.

Rights of Way

NCC have checked the working copy of the Definitive Map of recorded Public Rights of Way and can confirm that the proposal will affect numerous Public Rights of Way. The applicant has listed some Public Rights of Way in paragraph. 13.4.10 but this list is incomplete.

The applicant should be aware that accurate Public Rights of Way Data is held by Nottinghamshire County Council as the surveying authority. The list omits the following:

- Newark Footpath No. 14 (which crossed the Kelham Road (A617) and the A46 at grade)
- Newark Footpath No. 48 passes under the A46 near the Crankley Point Sewage Works
- Winthorpe Footpath No. 3 which is the continuation of Winthorpe Footpath No. 2 from the A46 connecting Winthorpe village to Coddington Village.

All of which are included on the Location Map but not in the detail of the Scoping Report. Public Rights of Way (PROW) are the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network.

Newark Bridleway No. 5 runs along the western bank of the River Trent. There appears to be an anomaly from the recorded bridleway route where the dismantled railway meets the river. The line on the Definitive Map shows the route of Bridleway No. 5 passing tight along the riverbank however there is no available route at this point and path users follow the surfaced track under the dismantled railway bridge 30m to the west (Grid. ref. SK 80066 54782. What3Words: shirtless.truly.warned).

It is recommended that the applicant undertake an official Public Rights of Way Search with Nottinghamshire County Council (the Highway Authority for Public Rights of Way in Nottinghamshire) – email row.landsearches@nottscc.gov.uk .

It is recommended that early discussions are held with Nottinghamshire County Council's Rights of Way Team. Nottinghamshire County Council is the surveying, order making, and closure making authority for Nottinghamshire's Public Rights of Way Network. The applicant will need to discuss any proposed changes, improvements and mitigation measures with the Rights of Way Team. Contact countryside.access@nottscc.gov.uk

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council.

Nature Conservation

With reference to the Environmental Scoping Report, NCC agree overall with the scope of the proposed EIA from an ecology perspective. However, NCC would like to highlight the following:

- In section 9.4.14, which lists the surveys being completed to support the EIA, no reference is made to Breeding Bird Surveys. This may be an accidental omission, but if it is not, I would advise that such surveys are undertaken (potentially targeted to areas most likely to support sensitive bird species such as the pits south of Newark sugar factory).

View our privacy notice at www.nottinghamshire.gov.uk/privacy

Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP

- In section 9.6.6, reference is made to areas identified for ecological compensation shown in Appendix B, however, NCC can see no such areas annotated on the plan found there.
- Section 9.7.2 refers to the loss of Local Wildlife Sites, including temporary loss from works areas associated with construction. NCC would highlight that temporary losses should be kept to an absolute minimum, and that losses for things like compounds or storage areas are not acceptable and would not be consistent with the mitigation hierarchy.
- In relation to delivering Biodiversity Net Gain and ecological enhancement, the potential flood compensation areas present an excellent opportunity to create new priority habitat such as flood plain grazing marsh to benefit breeding and passage waders and wintering wildfowl. Consideration should also be given to public access to these areas (for wildlife watching) to deliver a social benefit.
- Landscaping along the road itself should include the creation of species-rich grassland on areas of low-nutrient substrate (i.e. subsoils)

Noise and Vibration

NCC have reviewed and are satisfied with the proposed scope and methodology for the Noise and Vibration related works as set out in the EIA Scoping Report. The chapter describes with detail the assessment of the potential noise and vibration impacts associated with the construction of the Scheme and the traffic noise impacts associated with the operation of the Scheme, following the methodology set out in Design Manual for Roads and Bridges (DMRB) LA 111 Noise and Vibration.

The chapter summarises the regulatory and policy framework related to noise and vibration, details the methodology followed for the assessment, and describes the existing environment in the area surrounding the Scheme. Following this, the design and mitigation measures proposed to manage and minimise potential noise and vibration impacts are specified.

However, NCC would advise that the Environmental Statement contain a set of noise contours for LA10,18hr and Lnight for all the developed scenarios DMOY, DMFY, DSOY, and DSFY. The potential noise impacts on sensitive ecological receptors (where identified) should also be considered within the Biodiversity Chapter (with noise contours across the study area with all impacts on ecological receptors being assessed).

Landscape

The Landscape Team have no major comments to make on the attached scoping document which follows the standard National Highways methodology for Landscape and Visual Impact Assessment.

NCC note that the baseline landscape character section describing the study area should also make reference to the relevant Landscape Policy Zones in the following landscape character areas:-

- Mid Nottinghamshire Farmlands
- Trent Washlands
- South Nottinghamshire Farmlands
- East Nottinghamshire Sandlands

Appendices 1-8 set out the relevant key plans from the Newark and Sherwood District Council Landscape Character Assessment which show the distribution of the Policy Zones, the full information for each relevant Policy Zone is contained in this document. The appendices also set out the associated species list for each of the above landscape character areas.

The Newark Open Break policy (Newark Open break review 2 dated January 2022 reference CN2150850) has recently been reviewed within the Amended Allocations and Development Management DPD on behalf Newark and Sherwood District Council (NSDC). This will form an evidence base document for the NSDC Plan Review.

The Landscape Team report concluded that the Open Break continued to be an effective planning designation helping to retain the separate identities of Newark and its surrounding villages and that

View our privacy notice at www.nottinghamshire.gov.uk/privacy

Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP

the A46 proposals did reduce the degree of separation between Newark and Winthorpe. The drawings included in the A46 scoping report show that the proposed scheme most closely resembles Option 1 considered in this review.

Therefore, in summary the proposed scheme will have landscape and visual impacts on the Winthorpe Open Break, and this needs to be considered in the submitted application. The applicant should particularly note the following requirement within the report:

'The proposed A46 dualling will remove some of the shelter belts and tree cover which is a characteristic feature of this landscape. Design proposals should aim to minimise loss and replace that removed with new tree planting. The extent should be in line with current Biodiversity Net Gain principles (10%) and reflect the pattern and native species within the East Nottinghamshire Sandlands landscape character area.'

The tree and shrub species selected to provide this planting should make reference to the species list in the appendices.

Yours faithfully

Nina Wilson
Principal Planning Officer
Nottinghamshire County Council

This document is unsigned as it is electronically forwarded. If you require a signed copy, then please contact the sender.

From: [REDACTED]
To: [A46 Newark Bypass](#)
Subject: Courtesy Consultation Response - Application by National Highways (the Applicant) for an Order granting (Your Ref: TR010065)
Date: 26 September 2022 14:10:20
Attachments: [image001.png](#)
[image003.png](#)

Dear Katherine

With regard to the above, please note that Rotherham Metropolitan Borough Council have no objections to this Scoping Opinion request.

Regards

Rob Morrell BA (Hons) MSc
Principal Planner
Planning, Regeneration & Transport
Regeneration and Environment Services
Rotherham Metropolitan Borough Council
Tel: [REDACTED]
Internal: [REDACTED]
Email: [REDACTED]
Visit our website: <http://www.rotherham.gov.uk>
Apply for planning permission online
Visit www.planningportal.co.uk/applications
Before printing, think about the environment.

Local Authority Planning Team of the Year 2018



Rotherham Building Control Consultancy

Have you considered your Building Regulation needs? We can help you realise a quick and easy passage towards achieving a Building Regulation approval and Completion Certificate for the project. We have the expertise to guide you through the process.
Contact 01709 823847 or 01709 254740 or 01709 823841
Email building.control@rotherham.gov.uk





Proposed DCO Application by National Highways for A46 Newark Bypass

Royal Mail Group Limited's response to ES Scoping Consultation

Introduction

Royal Mail and its consultants BNP Paribas Real Estate have reviewed the consultation material for the above project and wish to submit this holding response as part of this consultation.

Royal Mail – relevant information

Under section 35 of the Postal Services Act 2011, Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and this should not be affected detrimentally by any statutorily authorised project.

The Government imposes financial penalties on Royal Mail if its Universal Service Obligation service delivery targets are not met. These penalties relate to time targets for:

- collections,
- clearance through plant, and
- delivery.

Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.

Royal Mail position

Royal Mail and its advisor BNP Paribas Real Estate have reviewed the Environmental Scoping (ES) Report, dated 26 August 2022.

Royal Mail has 4 operational properties within 11 miles of the proposed works:

- BE 1328, Newark DO, NG24 4XE – c. 0.6 miles south of the Cattle Market junction;
- BE 4355, Newark PAR, NG24 4AE – c. 0.7 miles south of the Cattle Market junction;
- Be 3410/4112, Bingham DO/PAR, NG13 8AS – c. 9 miles south-west of the Fandon roundabout; and
- BE 3452, Tuxford PAR, NG22 0LF – c. 10.5 miles north of the Cattle Market junction



An outline Construction Traffic Management Plan (CTMP) will be prepared and submitted as part of the DCO application. The published ES Report states *“the construction phase will introduce additional construction vehicle movements to the road network and traffic management which have the potential to affect traffic flows and speeds”*. Temporary traffic management arrangements are expected to take place on the A46, A1 and local road networks during the construction phase of this scheme. The ES Report considers changes in traffic during the construction phase are unlikely to lead to a significant effect, however the extent of the impact on the highway network cannot be assessed as *“traffic forecasts are currently unavailable as they are being updated”*.

Every day, in exercising its statutory duties Royal Mail vehicles use all of the main roads that may potentially be affected by the proposed A46 Newark Bypass.

Any periods of road disruption / closure, night or day, on or to the roads immediately connected to the A46 Newark Bypass or the surrounding highway network will have the potential to impact operations and may consequently disrupt Royal Mail’s ability to meet its Universal Obligation service delivery targets.

Royal Mail’s performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Accordingly, Royal Mail seeks to take all reasonable steps to protect its assets and operational interests from any potentially adverse impacts of proposed development.

Royal Mail does not wish to stop or delay the A46 Newark Bypass works from occurring. However, Royal Mail does wish to ensure the protection of its future ability to provide an efficient mail sorting and delivering service to the public from and to the above identified operational facilities in accordance with its statutory obligations. Due to insufficient information presently being available by which to assess the level of potential risk to its operations and any proposed mitigations for such risk, at this point in time Royal Mail is not able to provide a consultation response. Therefore, Royal Mail wishes to reserve its position to submit a consultation response/s later in the DCO consenting process when sufficient information is available. Royal Mail also wishes to reserve its position to submit representations to the future Public Examination, if required.

In the meantime, any further consultation information on this infrastructure project and any questions of Royal Mail should be sent to:

Holly Trotman [REDACTED], **Senior Planning Lawyer, Royal Mail Group Limited**

Daniel Parry Jones [REDACTED], **Director, BNP Paribas Real Estate**

Jia Mei Tristodianto-Lee [REDACTED], **Graduate Planner, BNP Paribas Real Estate**

Please can you confirm receipt of this consultation response by Royal Mail.

When telephoning, please ask for
:Michelle Dunne
Telephone no : [REDACTED]
Email [REDACTED]
Our Reference :
Your Reference TR010065
Date : 20/09/2022

OFFICIAL



To Planning Inspectorate

Dear Sirs

**Re Scoping consultation and notification
Planning Act 2008(as amended) and the Infrastructure Planning (environmental Impact Assessment) regulations 2017
A46 Newark Bypass**

I refer to the recent correspondence regarding the above matter

I can confirm that we do not wish to make any comments

Yours faithfully

[REDACTED]
Team Manager – Area Planning (East)

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

Email:
customerservices
@rushcliffe.gov.uk

Telephone:
0115 981 9911

www.rushcliffe.gov.uk

Opening hours:
**Monday, Tuesday and
Thursday**
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



From: [Asset.Protection](#)
To: [A46 Newark Bypass](#)
Subject: ref TR010065
Date: 27 September 2022 15:56:38

ST Classification: UNMARKED

Dear Planning Inspectorate

We have no comments at this stage.

Kind regards
Anna Cheung

Build Over Technician
Asset Protection
Asset Strategy & Planning
Chief Engineer



Severn Trent Plc (registered number 2366619) and Severn Trent Water Limited (registered number 2366686) (together the "Companies") are both limited companies registered in England & Wales with their registered office at Severn Trent Centre, 2 St John's Street, Coventry, CV1 2LZ This email (which includes any files attached to it) is not contractually binding on its own, is intended solely for the named recipient and may contain CONFIDENTIAL, legally privileged or trade secret information protected by law. If you have received this message in error please delete it and notify us immediately by telephoning +44 2477715000. If you are not the intended recipient you must not use, disclose, distribute, reproduce, retransmit, retain or rely on any information contained in this email. Please note the Companies reserve the right to monitor email communications in accordance with applicable law and regulations. To the extent permitted by law, neither the Companies or any of their subsidiaries, nor any employee, director or officer thereof, accepts any liability whatsoever in relation to this email including liability arising from any external breach of security or confidentiality or for virus infection or for statements made by the sender as these are not necessarily made on behalf of the Companies. Reduce waste! Please consider the environment before printing this email

From: [REDACTED]
To: [REDACTED] [Bypass](#)
Subject: TR010065 - Scoping consultation
Date: 03 October 2022 10:27:10
Attachments: [image001.png](#)

Application by National Highways (the Applicant) for an Order granting Development Consent for the A46 Newark Bypass (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

South Kesteven has no comments to make on the above EIA scoping consultation.

Phil Jordan MRTPI
[Principal Planning Officer](#)
Development & Growth
South Kesteven District Council
Council Offices, St. Peter's Hill
Grantham, Lincolnshire, NG31 6PZ
Tel: [REDACTED]
Email: [REDACTED]
[www.skdc.gov.uk](#)

East Midlands Building Consultancy a partnership between South Kesteven DC, Rushcliffe BC and Newark and Sherwood DC.

Committed and motivated to share and provide our expertise for the benefit of all.

LABC represents **Local Authority Building Control** in England and Wales.

By investing in Local Authority Building Control you are investing in a healthy, safe and accessible environment.

If you want to know more about our range of services please contact us on 0333 003 8132 / info@eastmidlandsbc.com / www.eastmidlandsbc.com



The information contained in this e-mail along with any attachments may be confidential, legally privileged or otherwise protected from disclosure. It is intended for the named individual(s) or entity who is/are the only authorised recipient(s). If this message has reached you in error please notify the sender immediately and delete it without review. Email is not secure and may contain viruses. We make every effort to ensure email is sent without viruses, but cannot guarantee this and recommends recipients take appropriate precautions. We may monitor email traffic data and content in accordance with our policies and English law.



UK Health
Security
Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@ukhsa.gov.uk
www.gov.uk/ukhsa

Your Ref: TR010065
Our Ref: CIRIS 60296

Ms Katherine King
Senior EIA Advisor
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

10th October 2022

Dear Ms King

**Nationally Significant Infrastructure Project
A46 Newark Bypass. TR010065
Scoping Consultation Stage**

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

Environmental Public Health

We recognise the promoter's proposal to include a health section. We believe the summation of relevant issues into a specific section of the report provides a focus which

ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*¹, setting out aspects to be addressed within the Environmental Statement¹. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Recommendation

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold; i.e. an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

Recommendation

We request that the ES clarifies this and if necessary, the proposer should confirm either that the proposed development does not impact any receptors from potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES

Noise

This section of the scoping response focusses on the public health impacts of environmental noise and considers matters we expect the Environmental Statement (ES) to address. Having considered the submitted scoping report, specific comments and recommendations regarding matters of environment noise are detailed in Appendix A: NSIP National Networks – Road schemes (scoping stage) UK Health Security Agency Generic Response: Noise and Public Health.

¹

[REDACTED]

Human Health and Wellbeing - OHID

This section of OHID's response, identifies the wider determinants of health and wellbeing we expect the Environmental Statement (ES) to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the scoping report, OHID wish to make the following specific comments and recommendations.

Methodology - Determination of significant effects

It is noted that Chapter 13 is drafted with reference to LA112 and as such no assessment of significance is provided for human health. The assessment methodologic approach does propose to identify sensitivity and magnitude yet does not convert these indicators into an assessment of significance.

Chapter 13 uses Table 13.7 to differentiate level of impact magnitude and references this as from LA112, yet the content of this table cannot be found within LA112.

This approach does not conform to the requirements of the EIA Regulations and as such an assessment of significance will be required to form part of the Environmental Statement. This follows recent PINS consideration of this aspect within the SoS Scoping opinion for the National Highways M60/M62/M66 Simister Island scheme.

Regulation 18 4(b) requires an Environmental Statement to 'include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment'.

In addition, Schedule 4 (5) requires a description of the likely significant effects of the development on the environment resulting from, inter alia: (d)the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);

Recommendation

The ES must provide an assessment of significance for those health determinants scoped into the population and human health chapter.

The population and human health assessment should draw upon the findings from other relevant chapters, including air quality and noise.

As there is not a define approach to the assessment of significance for population and human health, it is strongly advised that any proposed approach is agreed with OHID/UKHSA and the local Directors of Public Health. The guidance issued by the International Association of Impact Assessment (IAIA)² could be used as a basis for the assessment of significance.

Health Baseline Data and vulnerable populations

The scoping report indicates health baseline data will comply with LA112. Local data sets and publications may assist in providing this data to understand baseline and inform sensitivity, for example the Joint Strategic Needs Assessment (JSNA), Health and Wellbeing Strategy and any Integrated Care System (ICS) strategies.

The impacts on health and wellbeing and health inequalities of the scheme may have particular effect on vulnerable or disadvantaged populations, including those that fall within the list of protected characteristics. The Environmental Statement and any Equalities Impact Assessment (EqIA) should not be completely separated.

The scoping report provides lists of community land and assets (para 13.4.5) which appears to be missing those within Farndon, including Red Rose Care Community (Nursing home) and Lemon Tots Childcare. It is also missing the gypsy and traveller community off Tolney Lane, which should also be considered within the EqIA.

Recommendation

The lists of community land assets and sensitive populations should be reviewed to ensure it captures all of those present within the local impact area.

The applicant should refer to the vulnerable groups identified by the Wales Health Impact Assessment Support Unit and IAIA to inform assessments of any possible differential impacts. In addition to health data this should encompass deprivation, demographics and other socio-economic factors from local data sources or the review of local publications such as the JSNA.

The assessments and findings of the Environmental Statement and any Equalities Impact Assessment should be cross reference between the two documents. In particular, to ensure the comprehensive assessment of potential impacts for health and inequalities for vulnerable populations and where resulting mitigation measures are mutually supportive.

² Cave, B., Claßen, T., Fischer-Bonde, B., Humboldt-Dachroeden, S., Martín-Olmedo, P., Mekel, O., Pyper, R., Silva, F., Vilianni, F., Xiao, Y. 2020. Human health: Ensuring a high level of protection. A reference paper on addressing Human Health in Environmental Impact Assessment. As per EU Directive 2011/92/EU amended by 2014/52/EU. International Association for Impact Assessment and European Public Health Association.

Physical activity and active travel

The report identifies how walkers, cyclists and horse riders (WCH) will be impacted through the loss or change in formal Public Rights of Way (PRoW), open space and the existing road network.

Active travel forms an important part in helping to promote healthy weight environments and as such it is important that any changes have a positive long term impact where possible. Changes to WCH routes have the potential to impact on usage, create displacement. We welcome the schemes opportunity to enhance the existing infrastructure that supports active travel and physical activity. We expect good consultation with local agencies and the community to further identify improved provision for active travel, physical activity and access to green space.

Given the likely potential impacts on WCH and the opportunity for enhancements a WCH survey should be completed.

Recommendation

The overall risk to WCH and impact on active travel should be considered on a case-by-case basis, taking into account, the number and type of users and the effect that the temporary traffic management system will have on their journey and safety. As such a WCH survey should be completed

Traffic & Transport

The scoping report identifies (para 13.5.3) increases in traffic from construction activities could impact access to private property and housing in Newark and Winthorpe. Community land and assets, such as Winthorpe Community Centre, development land, businesses within the LIA may also be affected. The report provides no indication of how this is to be assessed and the exact scope of the impacts which are to be assessed.

The impacts on the local road network resulting from construction or operation of the scheme should be identified. It should consider issues of community severance, WCH safety and amenity.

Recommendation

The ES should consider the potential effects on the local highway network, including amenity, safety and severance. The ES should confirm the methodology used for such an assessment. The normal approach would be to use the IEMA GEART framework.

Land Take

The scoping reports identifies the potential need to require the demolition of the redundant buildings within the now disused Nottinghamshire County Council Highways depot and the demolition of the disused Mint Leaf restaurant adjacent to the existing A46 to the east of the A1. It later (para 13.7.2) identifies both permanent and temporary land take from the grounds of residential properties and businesses within the Newark and Winthorpe communities, with a likely significant effect on the viability of businesses. The reporting of land take and impacts appears to be inconsistent and incomplete.

Recommendation

The ES should clearly identify all necessary temporary and permanent land take, identify impacts and subsequent mitigations.

The ES should report on the viability of the affected domestic property and likelihood for demolition or purchase. Health related impacts and effects from forced relocation after mitigation should be identified and reported.

Yours sincerely

On behalf of UK Health Security Agency
nsipconsultations@ukhsa.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix A: NSIP National Networks – Road schemes (scoping stage) UK Health Security Agency Generic Response: Noise and Public Health

Environmental noise can cause stress and disturb sleep, which over the long term can lead to a number of adverse health outcomes [1, 2].

The Noise Policy Statement for England (NPSE) [3] sets out the government's overall policy on noise. Its aims are to:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- contribute to the improvement of health and quality of life.

These aims should be applied within a broader context of sustainable development, where noise is considered alongside other economic, social and environmental factors. UKHSA expects such factors may include [4]:

- Ensuring healthy lives and promoting well-being for all at all ages;
- promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all;
- building resilient infrastructure, promoting inclusive and sustainable industrialisation and fostering innovation;
- reducing inequality; and
- making cities and human settlements inclusive, safe, resilient and sustainable.

UKHSA's consideration of the effects of health and quality and life attributable to noise is guided by the recommendations in the 2018 Environmental Noise Guidelines for the European Region [1] published by the World Health Organization, and informed by high quality systematic reviews of the scientific evidence [2, 5, 6]. The scientific evidence on noise and health is rapidly developing, and UKHSA's recommendations are also informed by relevant studies that are judged to be scientifically robust and consistent with the overall body of evidence.

In line with its mission, UKHSA believes that Nationally Significant Infrastructure Projects (NSIP) should not only limit significant adverse effects, but also explore opportunities to improve the health and quality of life of local communities and reduce inequalities.

UKHSA also recognises the developing body of evidence showing that areas of tranquillity offer opportunities for health benefits through psychological restoration. NSIP applications need to demonstrate that they have given due consideration to the protection of the existing sound environment in these areas.

Significance of Impacts

Determining significance of impacts is an essential element of an Environmental Impact Assessment, and therefore significance needs to be clearly defined at the earliest opportunity by the Applicant. UKHSA recommends that the definition of significance is discussed and agreed with relevant stakeholders, including local authority environmental health and public health teams and local community representatives, through a documented consultation process. UKHSA recommends that any disagreement amongst stakeholders on the methodology for defining significance is acknowledged in the planning application documentation and could inform additional sensitivity analyses.

For noise exposure, UKHSA expects assessments of significance to be closely linked to the associated impacts on health and quality of life, and not on noise exposure per se (in line with the NPSE). The latest revision of the Design Manual for Roads and Bridges (DMRB) Table 3.49 LA111 [7] includes proposed values for the Lowest Observable Adverse Effect Level (LOAEL) and Significant Observable Adverse Effect Level (SOAEL)³ for operational noise, and these values are likely to inform judgements on significance of impact. Whilst DMRB does not explicitly reference the underpinning evidence that informed these numbers, the night time LOAEL and SOAEL of 40 dB L_{night} (outside, free-field) and 55 dB L_{night} (outside, free-field) respectively, correspond to the guideline value and interim target proposed in the WHO Night Noise Guidelines (2009) [8]. The Night Noise Guidelines emphasized that the interim target was “not a health-based limit value by itself. Vulnerable groups cannot be protected at this level”.

The daytime SOAEL of 68 dB $L_{A10,18\text{hr}}$ (façade) appears to be derived from the relative noise level in the Noise Insulation Regulations (NIR) [9], which is linked to the provision of enhanced noise insulation for new highway infrastructure. The NIR does not explicitly refer to the underpinning evidence on which the relevant noise level is based, and there is a lack of good quality evidence linking noise exposure expressed in the L_{A10} metric to health effects. Therefore, it is helpful to convert these levels to L_{den} and $L_{Aeq,16\text{hr}}$ metrics, which are more widely used in the noise and health literature. Assuming motorway traffic, a level of 68 dB $L_{A10,18\text{hr}}$ (façade) is approximately equivalent to⁴ free-field outdoor levels of 69dB L_{den} (or⁵ 64 $L_{Aeq,16\text{hr}}$). The corresponding internal noise levels are⁶ approximately 54dB $L_{Aeq,16\text{hr}}$ (open windows), 48dB $L_{Aeq,16\text{hr}}$ (tilted windows) and 36dB $L_{Aeq,16\text{hr}}$ (closed windows).

For construction noise the latest revision of the DMRB makes reference to Section E3.2 and Table E.1 in Annex E (informative) of BS 5228-1:2009+A1:2014 [10] for the definition of SOAELs. Table E.1 of BS 5228-1:2009+A1:2014 provides examples of threshold values in

³ As defined in the Noise Policy Statement for England [3] and the Planning Practice Guidance [14].

⁴ Using equation 4.16 from [22], assuming free-field levels; $L_{A10,18\text{hr}}$ (free-field) = $L_{A10,18\text{hr}}$ (façade) – 2.5dB(A) as per CRTN [13].

⁵ Using conversion factors in para. 2.2.13 Transport Analysis Guidance (TAG) Unit A3 [15]

⁶ Using external – internal level differences reported by Locher et al. (2018) [12], based on measurements at 102 dwellings in Switzerland in 2016.

three categories, based on existing ambient values. Threshold values are higher when ambient noise levels are higher. Daytime (07:00-19:00, weekdays) thresholds can be traced back to principles promoted by the Wilson Committee in 1963 [11]: “Noise from construction and demolition sites should not exceed the level at which conversation in the nearest building would be difficult with the windows shut.” The Wilson committee also recommended that “Noisy work likely to cause annoyance locally should not be permitted between 22.00 hours and 07.00 hours.” BS 5228 states that these principles have been expanded over time to include a suite of noise levels covering the whole day/week period taking into account the varying sensitivities through these periods.

With reference to the noise exposure hierarchy table in the Planning Practice Guidance (Noise) [14], UKHSA is not aware of good quality scientific evidence that links specific noise levels to behavioural/attitudinal changes in the general population. Reactions to noise at an individual level are strongly confounded by personal, situational and environmental non-acoustic factors [16, 17], and large inter-personal variations are observed in the reaction of a population to a particular noise level [18-21]. For these reasons UKHSA is not able to provide evidence-based general recommendations for SOAELs that are able to achieve the aims and objectives of the Noise Policy Statement for England and the Planning Practice Guidance on noise. DMRB allows for project specific LOAELs and SOAELs to be defined if necessary, and UKHSA recommends that for each scheme the Applicant gives careful consideration of the following:

- i. The existing noise exposure of affected communities – in particular, consideration of any designated Noise Important Areas identified in proximity to the scheme;
- ii. The size of the population affected – for example an effect may be deemed significant if a large number of people are exposed to a relatively small noise change;
- iii. The relative change in number and type of vehicle pass-bys;
- iv. Changes in the temporal distribution of noise during day/evening/night, or between weekdays and weekends;
- v. Soundscape and tranquillity, in particular the value that communities put on the lack of environmental noise in their area, or conversely, on the lack of public areas within walking distance that are relatively free from environmental noise;
- vi. Opportunities for respite (predictable periods of relief from noise), either spatially or temporally;
- vii. Cumulative exposure to other environmental risk factors, including other sources of noise and air pollution,
- viii. Local health needs, sensitivities and objectives.

The WHO Environmental Noise Guidelines (2018) do not define LOAELs for environmental noise sources, partly because the scientific evidence suggests that there is no clear threshold where adverse impacts on health and quality of life cease to occur in the general population. Based on the systematic reviews that informed the 2018 WHO Environmental Noise Guidelines [2], the daytime operational noise LOAEL quoted in DMRB is equivalent to

approximately 8% of the population Highly Annoyed⁷, and the night time LOAEL is equivalent to approximately 2% of the population Highly Sleep Disturbed⁸. Therefore, the impact assessment should acknowledge that adverse health effects will occur beyond the assessment threshold (LOAEL). UKHSA recommends that the Applicant explains what its chosen SOAELs for a specific scheme mean in population health terms in a similar fashion. UKHSA does not believe that the current scientific evidence supports the modification of SOAELs and UAELs based on the existing noise insulation specification of residential dwellings, and in particular whether enhanced sound insulation avoids significant adverse effects on health and quality of life. See also sections on *Mitigation* and *Step Changes in Noise Exposure*.

Health Outcomes

UKHSA encourages the applicant to present noise exposure data in terms of the L_{den} metric (in addition to L_{eq} and L_{10}), to facilitate interpretation by a broad range of stakeholders. This is because most recent scientific evidence on the health effects of environmental noise is presented in terms of L_{den} [1, 5, 6]. UKHSA believes that quantifying the health impacts associated with noise exposure and presenting them in health-based metrics allows decision makers to make more informed decisions.

For transportation sources, UKHSA recommends the quantification of health outcomes using the methodology agreed by the Interdepartmental Group on Costs and Benefits - Noise subgroup [IGCB(N) [23] (currently under review)), and more recent systematic reviews [1, 5, 6]. UKHSA believes there is sufficient evidence to quantify the following health outcomes: long-term annoyance, sleep disturbance, ischaemic heart disease (IHD), and potentially stroke⁹ and diabetes¹⁰. Effects can be expressed in terms of number of people affected, number of disease cases, and Disability Adjusted Life Years (DALYs). THE IGCB(N) guidance can also be used to translate these effects into monetary terms.

Some health outcomes, namely annoyance and self-reported sleep disturbance, can be influenced by the local context and situation. In these cases, it would be preferable to use exposure-response functions (ERFs) derived in a local context. However, UKHSA is not aware of any ERFs for road traffic being available for a UK context from data gathered in the last two decades. Therefore, in UKHSA's view the ERFs presented in the WHO-

⁷ 55 dB $L_{A10,18hr}$ (façade) is approximately equal to 57 dB L_{den} (free-field), assuming motorway traffic [13, 22]. Applying the exposure-response function presented in Guski et al., 2017 [19] for road traffic noise and annoyance (excluding Alpine and Asian studies), approximately 8% of a population is highly annoyed at 57 dB L_{den} .

⁸ Applying the exposure-response function presented in Basner et al., 2018 [20] for road traffic noise and sleep disturbance gives the result that approximately 2% of a population is highly sleep disturbed at 40 dB L_{night} .

⁹ A literature review commissioned by Defra [6] identified nine longitudinal studies on road traffic noise and incidence of stroke, and eight longitudinal studies on road traffic noise and stroke mortality.

¹⁰ A literature review commissioned by Defra [6] identified four longitudinal studies on road traffic noise and incidence of diabetes.

commissioned systematic reviews offer a good foundation for appraisal of the health effects associated with road traffic noise [2]. For annoyance, the average curve derived excluding Alpine and Asian studies may be considered more transferable to a UK context. For metabolic outcomes, no ERF was published in the WHO ENG 2018. A recent meta-analysis of five cohort studies of road traffic noise and incidence of diabetes was reported by Vienneau in 2019 [24].

Where schemes have the potential to impact a large number of people, UKHSA expects the Applicant to carry out literature scoping reviews to ensure that the most robust and up-to-date scientific evidence is being used to quantify adverse effects attributable to the Scheme. UKHSA expects to see a clear outline of the steps taken to arrive at the final judgement of significance based on these health outcomes, including a description of local circumstances and modifiers anticipated, and how reasonably foreseeable changes in these circumstances will be dealt with during the assessment process.

Identification and Consideration of Receptors

The identification of noise sensitive receptors in proximity to the proposed scheme - or route options - is essential in providing a full assessment of potential impacts. Examples of noise sensitive receptors include but are not limited to:

- i. Noise Important Areas
- ii. Residential areas
- iii. Schools, hospitals and care homes
- iv. Community green and blue spaces and areas valued for their tranquillity, such as local and national parks
- v. Public Rights of Way (PRoWs)
- vi.

Noise Important Areas (NIAs) are areas with the highest levels of noise exposure at a national level and as such require very careful consideration in terms of protection from increased noise levels as well as opportunities for noise mitigation that can lead to an improvement in health and quality of life. DMRB requires a list of noise mitigation measures that the project will deliver in Noise Important Areas. UKHSA supports this requirement - new development should offer an opportunity to reduce the health burden of existing transport infrastructure, particularly for those worst affected. UKHSA would encourage this approach to extend beyond NIAs, in line with the third aim of NPSE [3].

Baseline Sound Environment

The greater the understanding of the baseline sound environment, the greater the potential for the assessment to reflect the nature and scale of potential impacts, adverse or beneficial, associated with the Scheme. UKHSA recommends that traditional averaged noise levels are supplemented by a qualitative characterisation of the sound environment, including any particularly valued characteristics (for example, tranquillity) and the types of sources contributing to it [25].

UKHSA recommends that baseline noise surveys are carried out to provide a reliable depiction of local diurnal noise variations for both weekdays and weekends, in a variety of locations, including the difference between day (07:00-19:00), evening (19:00-23:00) and night-time (23:00-07:00) periods. This is particularly important if there are areas within the scheme assessment boundary with atypical traffic day/evening/night distributions. Achieving these aims is likely to require long-term noise monitoring in multiple locations for a period greater than seven days. This information should be used to test the robustness of any conversions between noise metrics (e.g. converting from $L_{A10,18hr}$ to $L_{Aeq,2300-0700}$ and L_{den}). UKHSA suggests that a variety of metrics can be used to describe the sound environment with and without the scheme – for example, levels averaged over finer time periods, background noise levels expressed as percentiles, and number of event metrics (e.g. N65 day, N60 night) – and that, where possible, this suite of metrics is used to inform judgements of significance. There is emerging evidence that intermittency metrics can have an additional predictive value over traditional long-term time-averaged metrics for road traffic noise [27].

Mitigation

UKHSA expects decisions regarding noise mitigation measures to be underpinned by good quality evidence, in particular whether mitigation measures are proven to reduce adverse impacts on health and quality of life. For interventions where evidence is weak or lacking, UKHSA expects a proposed strategy for monitoring and evaluating their effectiveness during construction and operation, to ensure the effectiveness of said measures.

With regards to road traffic noise, low-noise road surfaces, acoustic barriers, traffic management and noise insulation schemes can all be considered. Priority should be given to reducing noise at source, and noise insulation schemes should be considered as a last resort. UKHSA expects any proposed noise insulation schemes to take a holistic approach which achieves a healthy indoor environment, taking into consideration noise, ventilation, overheating risk, indoor air quality and occupants' preference to open windows. There is, at present, insufficient good quality evidence as to whether insulation schemes are effective at reducing long-term annoyance and self-reported sleep disturbance [28], and initiatives to evaluate the effectiveness of noise insulation to improve health outcomes are strongly encouraged.

UKHSA notes the suggestion in DMRB methodology that post-construction noise monitoring cannot provide a reliable gauge for reference against predicted impacts of operational noise. The issues highlighted in DMRB relate to noise exposure, and not to health outcomes. UKHSA suggests that monitoring of health and quality of life can be considered pre and post operational phases, to ascertain whether mitigation measures are having the desired effect for local communities.

UKHSA expects consideration of potential adverse effects due to noise and vibration during construction and recommends that a full and detailed Construction Environmental

Management Plan (CEMP) is developed and implemented by the Applicant and/or the contractor responsible for construction. UKHSA recommends that the CEMP includes a detailed programme of construction which highlights the times and durations of particularly noisy works, the measures taken to reduce noise at source, the strategy for actively communicating this information to local communities, and procedures for responding effectively to any specific issues arising.

There is a paucity of scientific evidence on the health effects attributable to construction noise associated with large infrastructure projects [5, 6] where construction activities may last for a relatively long period of time. UKHSA recommends that the Applicant considers emerging evidence as it becomes available and reviews its assessment of impacts as appropriate.

Green Spaces and Private Amenity Areas

UKHSA expects proposals to take into consideration the evidence which suggests that quiet areas can have both a direct beneficial health effect and can also help restore or compensate for the adverse health effects of noise in the residential environment [29-31]. Research from the Netherlands suggests that people living in noisy areas appear to have a greater need for areas offering quiet than individuals who are not exposed to noise at home [29]. Control of noise at source is the most effective mitigation for protecting outdoor spaces; noise insulation schemes do not protect external amenity spaces (such as private gardens and balconies or community recreation facilities and green spaces) from increased noise exposure.

UKHSA expects consideration to be given to the importance of existing green spaces as well as opportunities to create new tranquil spaces which are easily accessible to those communities exposed to increased noise from the scheme. These spaces should be of a high design quality and have a sustainable long-term management strategy in place.

Step-changes in Noise Exposure and the Change-effect

The Applicant should take into consideration the “change-Effect”, i.e. the potential for a real or anticipated step-change in noise exposure to result in attitudinal responses that are greater or lower than that which would be expected in a steady state scenario [28, 32]. Where a perception of change is considered likely, UKHSA recommends that the change-effect is taken into account in the assessment for the opening year of the proposed development. For longer term assessments, the effects of population mobility need to be taken into consideration.

Community Engagement and Consultation Feedback

UKHSA recommends that public consultations carried out during the planning application process clearly identify the predicted changes to the sound environment during construction and operation of the Scheme, the predicted health effects on neighbouring communities,

proposed noise mitigation strategies and any proposed measures for monitoring that such mitigation measures will achieve their desired outcomes.

UKHSA encourages the Applicant to use effective ways of communicating any changes in the acoustic environment generated by the scheme to local communities. For example, immersive and suitably calibrated audio-visual demonstrations can help make noise and visual changes more intuitive to understand and accessible to a wider demographic. If the proposed scheme will have an impact over a relatively large geographical area, the Applicant should consider community-specific fact-sheets and/or impact maps, which are easily accessible to all individuals both in hard copy and online. If online, search functionality can potentially be included, for example, by postcode.

References.

1. World Health Organisation, *Environmental Noise Guidelines for the European Region*. 2018.
2. Lercher, P., G. Aasvang, and Y.e. de Kluizenaar, *WHO Noise and Health Evidence Reviews*. International Journal of Environmental Research and Public Health 2018(Special Issue).
3. DEFRA, *Noise Policy Statement for England*. 2010.
4. United Nations. *Sustainable Development Goals*. 2020 01/06/2020]; Available from: [REDACTED].
5. Clark, C., C. Crumpler, and A.H. Notley, *Evidence for Environmental Noise Effects on Health for the United Kingdom Policy Context: A Systematic Review of the Effects of Environmental Noise on Mental Health, Wellbeing, Quality of Life, Cancer, Dementia, Birth, Reproductive Outcomes, and Cognition*. Int J Environ Res Public Health, 2020. **17**(2).
6. van Kamp, I., et al., *Evidence Relating to Environmental Noise Exposure and Annoyance, Sleep Disturbance, Cardio-Vascular and Metabolic Health Outcomes in the Context of IGCB (N): A Scoping Review of New Evidence*. Int J Environ Res Public Health, 2020. **17**(9).
7. Highways England. *Design Manual for Roads and Bridges*. 2020 29/05/20]; Available from: <https://www.standardsforhighways.co.uk/dmrb/>.
8. World Health Organisation, *Night Noise Guidelines*. 2009.
9. *The Noise Insulation Regulations*. 1975; Available from: <http://www.legislation.gov.uk/uksi/1975/1763/introduction/made>.
10. British Standards Institution, *5228-1: 2009+ A1: 2014 Code of practice for noise and vibration control on construction and open sites. Part 1: Noise*. 2014.
11. National Archives. *Committee on the Problem of Noise (Wilson Committee)*. 2020 29/05/2020]; Available from: <https://discovery.nationalarchives.gov.uk/details/r/C10984>.
12. Locher, B., et al., *Differences between Outdoor and Indoor Sound Levels for Open, Tilted, and Closed Windows*. Int J Environ Res Public Health, 2018. **15**(1).
13. Department for Transport, *Calculation of Road Traffic Noise*. 1988.
14. Ministry of Housing, C.a.L.G., *Noise: Advises on how planning can manage potential noise impacts in new development*. 2014.
15. Department for Transport, *Transport Analysis Guidance Unit A3 Environmental Impact Appraisal*. 2019.
16. Job, R., *Community response to noise: A review of factors influencing the relationship between noise exposure and reaction*. J. Acoust. Soc. Am., 1988. **83**(3).
17. Guski, R., *Personal and social variables as co-determinants of noise annoyance*. Noise & Health, 1999. **1**(3): p. 45-56.
18. Miedema, H. and C. Oudshoorn, *Annoyance from Transportation Noise: Relationships with Exposure Metrics DNL and DENL and Their Confidence Intervals*. Environmental Health Perspectives, 2001. **109**(4).

19. Guski, R., D. Schreckenberg, and R. Schuemer, *WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Annoyance*. Int J Environ Res Public Health, 2017. **14**(12).
20. Basner, M. and S. McGuire, *WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep*. Int J Environ Res Public Health, 2018. **15**(3).
21. McGuire, S., et al., *Inter-individual Differences in the Effects of Aircraft Noise on Sleep Fragmentation*. Sleep, 2016. **39**(5): p. 1107-10.
22. Abbott, P. and P. Nelson, *Converting the UK traffic noise index $L_{A10,18hr}$ to EU noise indices for noise mapping*. 2002.
23. DEFRA, *Environmental Noise: Valuing impacts on sleep disturbance, annoyance, hypertension, productivity and quiet*. 2014.
24. Vienneau, D., et al., *Association between transportation noise and cardio-metabolic diseases: an update of the WHO meta-analysis*. 2019.
25. Standardization., I.O.f., *ISO 12913-1: 2014 Acoustics—soundscape—part 1: definition and conceptual framework*. 2014.
26. World Health Organisation, *Burden of Disease from Environmental Noise*. 2011.
27. Brink, M., et al., *A survey on exposure-response relationships for road, rail, and aircraft noise annoyance: Differences between continuous and intermittent noise*. Environment international, 2019. **125**: p. 277-290.
28. Brown, A.L. and I. Van Kamp, *WHO environmental noise guidelines for the European region: a systematic review of transport noise interventions and their impacts on health*. International journal of environmental research and public health, 2017. **14**(8): p. 873.
29. Health Council of the Netherlands. *Quiet Areas and Health*. 2006; Available from: [REDACTED].
30. QSide. *The positive effects of quiet facades and quiet urban areas on traffic noise annoyance and sleep disturbance*. 2013; Available from: [REDACTED].
31. COST. *TD0804 - Soundscape of European Cities and Landscapes*. 2012; Available from: [REDACTED]|Name:overview.
32. Brown, A., *Longitudinal annoyance responses to a road traffic noise management strategy that reduced heavy vehicles at night*. The Journal of the Acoustical Society of America, 2015. **137**(1): p. 165-176.

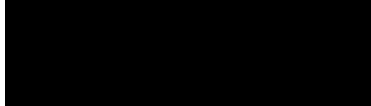


Guildhall
Marshall's Yard
Gainsborough
Lincolnshire DN21 2NA

Telephone 01427 676676
Web www.west-lindsey.gov.uk

Your contact for this matter is:
George Backovic

The Planning Inspectorate
Environmental Services, Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN



11 October 2022

SENT BY EMAIL ONLY ON 11th October 2022

Dear Sir/Madam

APPLICATION REFERENCE NO: 145545

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11 Application by National Highways (the Applicant) for an Order granting Development Consent for the A46 Newark Bypass (the Proposed Development)

PINS consultation on behalf of the Secretary of State regarding information (Scoping Opinion) to be provided in an Environmental Statement - Ref: TR010065

PROPOSAL A46 Newark Bypass

I refer to the above. West Lindsey District Council have **no comment** to make.

Yours faithfully

George Backovic
On behalf of West Lindsey District Council

If you require this letter in another format e.g. large print, please contact Customer Services on 01427 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

If you want to know more about how we use your data, what your rights are and how to contact us if you have any concerns, please read our privacy notice: www.west-lindsey.gov.uk/planning-privacy

Planning Services Feedback

We value your opinion on our service, as your comments will help us to make improvements. Please visit our website where you may either make your comments online or download our feedback form to fill in and post back: www.west-lindsey.gov.uk/planning

Date: 10 October 2022
Our ref: 406528
Your ref: TR010065



The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 900

BY EMAIL ONLY - A46NewarkBypass@planninginspectorate.gov.uk

Dear Katherine King

Environmental Impact Assessment Scoping consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

**Proposal: Scoping consultation for Environmental Statement
Location: A46 Newark Bypass**

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 14 September 2022, received on 14 September 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Detailed advice on scoping the Environmental Statement is available in the attached Annex.

For any further advice on this consultation please contact the case officer Caolan Gaffney (caolan.gaffney@naturalengland.org.uk) and copy to consultations@naturalengland.org.uk.

Yours sincerely

Caolan Gaffney
Senior Adviser

Annex A – Natural England Advice on EIA Scoping

1. General Principles

Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Appropriately scaled and referenced plans which clearly show the information and features associated with the development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided¹.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- An outline of the structure of the proposed ES

2. Cumulative and in-combination effects

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects
- b. approved but uncompleted projects
- c. ongoing activities
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

¹ National Infrastructure Planning (planninginsepectorate.gov.uk) Insert 2 – information to be provided with a scoping request, Advice Note Seven, Environmental Impact Assessment, Process, Preliminary Environmental Information and Environmental Statements

The Planning Inspectorate uses a four staged approach to Cumulative Effects Assessment (CEA) with the applicant required to fill in templates [4 Stage CEA Process](#).

3. Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at www.magic.gov.uk.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

4. Biodiversity and Geodiversity

The assessment will need to include potential impacts of the proposal upon sites and features of nature conservation interest as well as opportunities for nature recovery through biodiversity net gain (BNG). There might also be strategic approaches to take into account.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

5. Designated nature conservation sites

The [A46 Newark Bypass NSIP](#) is unlikely to adversely impact any European or internationally designated nature conservation sites or nationally designated sites and has not triggered an Impact Risk Zone.

6. Regionally and Locally Important Sites

We are not aware that the applicant has considered regionally and locally important sites through our current engagement. We would welcome the Inspectorate reminding the applicant that the ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group. The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. They may also provide opportunities for delivering beneficial environmental outcomes.

These are contacts for the relevant local body in this area who will be able to provide further information.

Table 4: Local Wildlife Trust (conservation body) contacts			
Wildlife Trust name	Address	Telephone	Email
Nottinghamshire Wildlife Trust – Janice Bradley	Nottinghamshire Wildlife Trust The Idle Valley Rural Learning Centre North Road Retford Nottinghamshire DN22 8RQ	07734 012458	jbradley@nottswt.co.uk

7. Protected Species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System](#).

Natural England advise that National Highways have sought and been provided with protected species advice through our Discretionary Advice service.

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

8. Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the

(draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

9. Biodiversity net gain

The Environment Act 2021 includes NSIPs in the requirement for Net Gain but the implementation details including what marine net gain means is not yet clear and not likely to come into force until November 2025.

The ES should use an appropriate biodiversity metric such as [Biodiversity Metric 3.0](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on-site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies. These are prepared by local planning authorities.

10. Landscape

The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed

development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

The National Infrastructure Commission has also produced Design Principles [Design Principles for National Infrastructure - NIC](#) endorsed by Government in the National Infrastructure Strategy.

11. Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line paragraphs 5.168, 5.167 and 5.179 of the NPS for National Networks. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).

- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and](#)
The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

12. Air Quality

The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts of air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([REDACTED]).

Natural England has produced guidance for public bodies to help assess the impacts of road traffic emissions to air quality capable of affecting European Sites. [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001](#)

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - [REDACTED]
- Ammonia assessment for agricultural development
<https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions
<https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England [REDACTED]