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To the Applicant
(By email only)

Our Ref: TR010065
Date: 23 May 2024

Dear Mr Kalupahana,

Planning Act 2008 (as amended) – Section 51

Application by National Highways for an Order Granting Development Consent for the A46 Newark Bypass

Advice following issue of decision to accept the application for examination

On 23 May 2024 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Planning Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Construction Traffic and Air Quality

In acceptance, the Planning Inspectorate reviewed the Transport Assessment report (TA) (Document 7.4) and found that there was a large apparent variance between forecast construction traffic volumes in Chapter 8 and the discussion of construction traffic volumes in Environmental Statement (ES) Chapter 5, Air Quality (Document 6.1). That variance is not clearly explained in either document. Nor is it clear that the relevant provisions of the Design Manual for Roads and Bridges (DMRB) LA105 have been addressed in ES Chapter 5.

The Applicant is asked to provide the Planning Inspectorate with a revised version of ES Chapter 5 in which the relationship between construction traffic volumes forecast in the TA and the conclusions drawn about construction traffic air quality effects is made explicit. The relationship between the TA construction traffic conclusions and DMRB LA105 should also be made explicit in the revised document.

Certified Documents

The Tree Protection Plans are a proposed certified document in Schedule 10 but currently these do not exist as a self-contained document. All certified documents should be provided to the Examination as separate documents and not appended to, or enclosed within other documents. The Applicant is asked to provide the Planning Inspectorate with the Tree Protection Plans as a separate document.

NPSNN Accordance Tables

The NPSNN Accordance Tables (Document 7.2) does not make it fully clear that it relates to currently designated NPSNN (2015). That can be inferred because there is a draft NPSNN Accordance Tables document (Document 7.3), but the Applicant is requested to update Document 7.2 to make it clearer which version of the NPS it addresses.

Plans

In its review the Planning Inspectorate has identified that plans are inconsistent in searchability and readability, and some plans were very slow to load. The Applicant is asked to provide fully searchable plans, which must include labels, references and numbers. The Applicant is asked to check all plans within the application, including the Environmental Statement and provide corrected and searchable plans.

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

Minor errors and omissions

The Applicant is advised to ensure that all documents are provided with a cover page. There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist.

Next steps

Please pay close attention to the advice set out in this letter and act on it accordingly. The Applicant is advised to submit all of the required information (including revised or separate documents) before the notice of Acceptance is issued. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Deborah Allen

Deborah Allen

Case Manager

This communication does not constitute legal advice.

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