

# Response from Newark and Sherwood District Council as Planning Authority

A46 Newark Bypass

Inspectorate's reference number TR010065

## 1.0 Introduction

1.1. Newark and Sherwood District Council (NSDC) is the host local authority for the A46 Newark Bypass Development Consent Order (DCO) application. The 'order limits' of the DCO are wholly within the administrative boundary of the NSDC. Nottinghamshire County Council are the Highway Authority within this administrative boundary and will be providing separate Relevant Representations.

1.2. In accordance with section 102(1)(C) of the Planning Act 2008 (PA 2008), NSDC automatically qualifies as an 'interested party' (IP) for the purpose of the examination of the A46 Newark Bypass DCO.

1.3. In its capacity as an 'interested party' NSDC submits this Relevant Representation (RR) in accordance with sections 56 and 102(4) of the PPA 2008.

1.4. This RR is made without prejudice to the future views that may be expressed by NSDC in its capacity as an IP in the subsequent examination process. The comments are made following an initial review of the DCO material.

1.5. NSDC recognises the benefits of this project both locally and nationally. This scheme has been an important aspiration of the Government's National Road Investment Strategy, an aspiration supported by a raft of partners including ourselves, Midlands Connect, Nottinghamshire County Council, Lincolnshire County Council and a number of highway, Local Enterprise Partnerships and Local Planning Authorities from the Humber Ports to Tewkesbury.

1.6. The scheme represents a major opportunity in the District and the scheme should not miss opportunities to improve the environment and accessibility in this part of the District. The nature of the scheme and the location of the proposal means that the scheme should be sensitive to its impact on both the environment and the communities through which it passes and serves.

## 2.0 Scope of this Relevant Representation

2.1 NSDC will provide a detailed case on the impact of the applications within its Local Impact Report (LIR). The LIR will set out the views of NSDC following an opportunity to review the application in detail.

2.2 A full response setting out the technical assessment of the application, include policy compliance and planning balance, will be reported within NSDC's Written Representation (WR). The WR will include assessments on the individual impacts of the DCO.

2.2 This RR therefore sets out the key issues that NSDC consider to be important and relevant for the examination phase of the application to consider.

2.3 Many of the reports and drawings submitted as part of the DCO, have only been made available to the Council once the DCO has been formally accepted and therefore a full assessment has not been able to be made, but our comments represent our initial assessment of the scheme. It should be noted that many of the documents and how they are structured and referenced to other documents has made it difficult to find and assess information.

### **3.0 Core issues for consideration**

3.1 Without prejudice to matters that are identified following a detailed assessment, NSDC expect the following matters to be scrutinised in detail through the examination phase:

- Compliance with relevant legislation;
- Policy compliance and planning balance;
- Cultural Heritage – Built heritage - Although there is a visual receptor (no.25) in relation to Smeaton’s Arches, which is Grade II Listed, has not been identified as an important receptor. Due to the significance of the Smeaton arches, the significant historic approach along Great North Road into Newark, along with views of grade I listed St Marys Magdalene, this should be a ‘Key Visual Receptor and Photomontage’. This will allow for a full assessment on the potential impact of the engineering works will have on the setting of the listed building and historic route into Newark. In addition, it is considered that the visual receptors do not allow for a full assessment on potential impacts on Winthorpe Conservation Area. An additional visual receptor may be required or the existing (no. 41 & 43) may need to be wider than the 90 degrees shown. There are elevation plans for each bridge, however nothing showing the full length of the cattle market bridge from where it rises at Kelham Road to where it falls to the east. In addition, a full elevation of the bridge over the A1;

Archaeology – Investigations have already taken place and the potential for archaeological hotspots are possible within the site.

- Noise and vibration impacts – Certain activities will result in high noise levels at nearest receptors – particularly some overnight works and works at height where the provision of a barrier is not feasible. Measures will be required to show the reasonableness to implement mitigation for these periods. Also, a barrier is planned for an area of Tolney Lane to mitigate impact for a number of residents, but it is not clear what the rest of the impact would be on the residents and the area;
- Land Contamination – Although the long term human health risk hasn’t been identified as harmful, contamination hotspots are proposed to be mitigated by leaving in situ at depth (WS46) and placement beneath permanent hardstanding (BH11). It is expected that full details of mitigation will be confirmed prior to commencement of works;
- Air Quality – The southern link road, which is located to the south of Newark and links the A1 to the A46 and is expected to be completed by Spring 2026, has not been taken into consideration in any air quality assessment, which the Council would have expected. This would have an impact on the flows within and close to the scheme;
- Ecology and Biodiversity impacts (including Biodiversity Net Gain);
- Landscape and visual effects – The Council considers that the number of visual photomontages is insufficient to adequately represent the true impact of the development from key receptors taking in to account the significant increase in the levels and the elevations of the highway. The impact of the development upon the quality of the user experience of the public rights of way network and local roads has not been adequately assessed. An error on one of the visuals (viewpoint

18) labels the Staythorpe Power Station incorrectly as Stanhope power station, this will need correcting as could appear misleading.

- Effects on residential amenity – The Council considers that insufficient mitigation has been put forward to mitigate for the existing residents in the area of Cattle Market roundabout and especially those visual effects to residents of Sandhills Park and Close;
- Traffic and transport;
- Flood risk and drainage;
- Impact on the loss of trees;

3.2 NSDC will also express its judgement on the ‘planning balance’, assessing all of the schemes benefits and disbenefits against the relevant policy framework to provide an overall conclusion on the acceptability of the application.

3.3 In addition to the submission of a WR and LIR, NSDC understands its role in the examination process to respond to written questions directed to them and the requirement to participate in Hearings as scheduled by the Examining Authority.

#### **4.0 Conclusion**

4.1 As host authority and interested party for the project, NSDC will be taking a full and active role in the examination of the DCO application.

4.2 NSDC will undertake a thorough review and assessment of the application documents and provide a full response in a WR and LIR which will be submitted accordingly. NSDC will continue to engage with the applicant to try and minimise the harm caused by the project and address the issues raised where possible.

4.3 NSDC will continue to seek and advocate for s106 agreements to secure appropriate mitigation and/or compensation in relation to impacts caused by the project.

# Response from Newark and Sherwood District Council as Land Owner

NEWARK AND SHERWOOD DISTRICT COUNCIL

PROPOSED A46 NEWARK BYPASS

DEVELOPMENT CONSENT ORDER

RELEVANT REPRESENTATION

## **1 Introduction**

1.1 This is a relevant representation of Newark and Sherwood District Council (“the Council”) in respect of the application (“the Application”) made by National Highways (“the Applicant”) for The A46 Newark Bypass Development Consent Order (“the Proposed Order”) to authorise works for the improvement of part of the A46 and the construction of a new section of dual carriageway (“the Scheme”).

1.2 This representation is made by the Council as the owner of land affected by the Scheme. The Council’s representations as local planning authority are made separately.

## **2 Summary**

2.1 The Council owns and operates the Newark Lorry Park (“the Lorry Park”). The Newark Lorry Park occupies a strategic location on the UK’s Transport Network. The Lorry Park provides a critical service to the freight community arriving from or heading to the Humber ports.

2.2 The Proposed Order includes powers (including powers of compulsory acquisition and temporary possession) in relation to the Lorry Park which reduce its size and affects its operations to the extent that requires its reconfiguration. Of particular concern to the Council is the timing and duration of the works proposed.

2.3 The Proposed Order also includes powers to temporarily occupy land comprising the main Council offices at Castle House on Great North Road and the adjacent Air Space Institute,

2.4 The Council requests that the Applicant enters into an agreement with it to minimise and mitigate the impact of the Scheme and the exercise of powers under the Proposed Order on the operation of the Lorry Park.

## **3 The Newark Lorry Park**

3.1 The Freight industry continues to demonstrate strong signs of growth, which will result in more demand for parking spaces in Newark. Newark Lorry Park generated £0.755m gross income for NSDC in 2022/2023.

3.2 Due to regulations restricting working hours of goods vehicle drivers monitored by Tachograph, the Lorry Park provides an essential facility for such drivers using the A1. Newark Lorry Park has also developed a strong reputation amongst the freight community as a good location to stop. The combination of these two factors ensures that Newark remains a popular location for the

industry. There is evidence that at peak times a number of lorries are forced to look elsewhere for parking as the Lorry Park achieves peak occupancy. This demonstrates the strong reputation the existing Lorry Park holds within the freight industry.

3.3 The Lorry Park employs five full time and seven-part staff in the café and lorry wash facility.

3.4 The Council have a development plot that requires vehicle access and egress to Great North Road. The proposal from National Highways is to remove the existing vehicular access to the Lorry Park and create a new one further south on Great North Road. Due to the size of the development plot and the massing required, it is not feasible, from a spatial or financial perspective, to construct it with an entrance from the existing Lorry Park access and then to relocate it once the new access is built to the south.

A portion of the site is highlighted blue on the submitted Land Plans Regulation 5 (2) (i) Sheet 3 of 7. The blue shading denotes 'land to be used temporarily and rights to be permanently acquired'.

The Council cannot determine whether the development is viable until the following is understood and agreed:

- Programme confirming when the new access is constructed.
- Agreement on the intended temporary use of a portion of the site and timescales.
- Agreement on what rights are to be permanently acquired on the relevant land.

#### **4 The Proposed Order**

4.1 The Land Plans, Work Plans, and the Book of Reference for the Scheme identify the following plots within the Proposed Order limits which form a part of the Lorry Park:

4.1.1 Plots 3/14a, 3/14e, 3/14g and 3/14j, which are subject to proposed powers of permanent acquisition ("Permanent Acquisition Land"); for the purposes of Works 40, 51, U9, U10 and environmental mitigation of the Scheme comprising, in summary, the construction of the A46 and Cattle Market Junction Circulatory, the diversion of low voltage cables, 11KV electricity distribution cables and electronic communications equipment, and for environmental mitigation, maintenance and monitoring commitments ("the Works").

4.1.2 Plots 3/14b, 3/14b1, 3/14c, 3/14d, 3/14f, 3/14h, 3/14i and 3/14k, which are subject to powers of temporary use for the purposes of the Works ("Temporary Possession Land") (such powers also apply in relation to the Permanent Acquisition Land); and

4.1.3 Plots 3/14b, 3/14c, 3/14d, 3/14f, 3/14i and 3/14k ("the Easement Land") which are subject to proposed powers for the creation and acquisition of easements and the creation of restrictive covenants. As noted above, some of these plots are also part of the Temporary Possession Land. The extent of the easements and restrictive covenants are set out at schedule 5 to the Proposed Order and vary by plot but include in each case a right to pass and repass and to remain on the land with or without vehicles which would prevent the use of the plots affected by the Council for most purposes.

#### **5 Effect on the Lorry Park**

5.1 The loss of the Permanent Acquisition Land and the imposition of rights over the Easement Land will reduce the size of the Lorry Park and the number of parking spaces available and will have a significant impact on both the current operation of the Lorry Park and the ability to expand the Lorry Park to meet future demand.

5.2 The Applicant's proposals include the provision of a new access to the Lorry Park which, alongside of the loss of the Permanent Acquisition Land, the use of the Temporary Possession Land as a worksite and the sterilisation of the Easement Land will require a complete reconfiguration of the site to ensure sufficient space to meet demand and to allow for HGVs to safely turn and navigate the Lorry Park. Site security, lighting, fencing, the café, lorry wash and fuel bunker and welfare facilities will have to be reassessed in any reconfiguration.

5.3 The costs of reconfiguration and the loss of an estimated 30% of current spaces will affect the Council financially and risks making the Lorry Park unviable. There is a significant risk that lorry drivers will instead need to park in Newark town centre.

5.4 The Council has CCTV and lighting towers which appear to be affected by the scheme proposed by the applicant. Consideration to the impact on this equipment will be required by the applicant as this forms a vital part of community safety service offered by the Council. Therefore, as part of any compensation/ works on site the Council would request to the applicant that there is no disruption to the vital service this equipment provides.

5.5 The proposed Works and exercise of powers will prevent the Council from seeking planning permission for new commercial development ("the Proposed Development") which would provide further income for the Council and facilities for lorry drivers and the wider public.

## **6 Access to Castle House and the Air Space Institute**

6.1 Plot 3/14h (land to be occupied temporarily) includes the entrance to Castle House (the head offices of the Council) and the adjacent Air Space Institute, both owned by the Council. It is essential that agreement is reached to ensure that any temporary possession by the Applicant of this land and any works undertaken by the Applicant do not impede or interrupt the safe access and egress of users of those buildings.

## **7 Additional land parcels outside of the areas mentioned above.**

7.1 The Council has additional land parcels affected by the proposed scheme. The Council requests that any activities on these land parcels be of minimal disruption to the Council's operations and to third parties or members of the public who may use the land.

## **8 Negotiations with the Applicant**

8.1 The Council has engaged with the Applicant in relation to its proposals, but these have focussed primarily on the location of the new access and the Applicant's proposals rather than on how the impact of the Scheme on the Lorry Park might be mitigated.

8.2 The Council welcomes the Applicant's statement in the Statement of Reasons that "Negotiations will be commencing shortly, and it is hoped that the required land and rights in land can be acquired by agreement."

8.3 The Council wishes to enter into a land and works agreement with the Applicant which will, amongst other things:

8.3.1 ensure that the Applicant consults with (and in some cases) secure the Council's approval to the detailed design of and construction methodology for the Works;

8.3.2 ensures that the Lorry Park can be accessed while the Works are taking place;

8.3.3 provides sufficient certainty as to the detailed design and timing of the Works to enable the Council to advance the Proposed Development;

8.3.4 provides forward funding for any reconfiguration works required to the Lorry Park and a mechanism for compensating the Council for loss of income;

8.3.5 provides for clarity as to the commencement and duration of the Works;

8.3.6 ensures the maintenance of utilities and services required for the operation of the Lorry Park;

8.3.7 protects the safe entrance to and egress from Castle House and the Air Space Institute

8.3.8 Mitigates against any operational impact to CCTV/ lighting masts and compensates the Council for the relocation of these structures.

8.4 Until such an agreement is completed and despite its support of the Scheme, the Council will be obliged to maintain its position to the Proposed Order in relation to the matters referred to above.

8.5 The Council reserves the right to expand on these representations as the examination progresses.

12 July 2024