



Application by National Highways for A46 Newark Bypass

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 15 October 2024

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as [Annex B](#) to the Rule 6 letter of 9 September 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an issue number, a sub heading (if appropriate) and a question number. For example, the first question on Policy issues is identified as Q1.0.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact a46newarkbypass@planninginspectorate.gov.uk and include 'A46 Newark Bypass' in the subject line of your email. Those providing a table-based response should submit in both word and PDF versions, to assist the ExA's interrogation of the information.

Responses are due by Deadline 2: Tuesday 12 November 2024.



Abbreviations used:

PA2008	The Planning Act 2008	LLFA	Local Lead Flood Authority
AADT	Annual Average Daily Traffic	LPA	Local Planning Authority
AIL	Abnormal Indivisible Loads	LSE	Likely Significant Effect
ALC	Agricultural Land Classification	LTN	Local Transport Note
AQMA	Air Quality Management Area	LUP	Late Upper Palaeolithic
AQS	Air Quality Strategy	µg/m³	Microgrammes per square metre
Art	Article	MMC	Modern Methods of Construction
ATE	Active Travel England	mph	Miles Per Hour
ATP	Active Travel Partnership	Mt	Metric tonne
BNG	Biodiversity Net Gain	NCC	Nottinghamshire County Council
BoR	Book of Reference	NDHA	Non-Designated Heritage Asset
BW	Bridleway	NHA	National Highways Authority/ National Highways
C&APS	Consents and Agreements Position Statement	NE	Natural England
CA	Compulsory Acquisition	NH	National Highways
CCTV	Closed Circuit Television	NMU	Non-motorised User
CftS	Case for the Scheme	NO₂	Nitrogen Dioxide
CLRA	Contaminated Land Risk Assessment	NO_x	Nitrogen Oxides
CMAR	Combined Modelling and Appraisal Report	NPPF	National Planning Policy Framework
CO₂	Carbon Dioxide	NPS	National Policy Statement
COP26	2021 UN Climate Change Conference in Glasgow	NPSNN	National Policy Statement – National Networks
CRT	Canal and River Trust	NSDC	Newark & Sherwood District Council
		NSIP	Nationally Significant Infrastructure Project



CWTAP	Construction Worker Travel and Accommodation Plan	OMMP	Outline Materials Management Plan
dDCO	Draft DCO	OSMP	Outline Soil Management Plan
Defra	Department for Environment, Food & Rural Affairs	OSWMP	Outline Site Waste Management Plan
DfT	Department for Transport	OTMP	Outline Traffic Management Plan
DMRB	The Design Manual for Roads and Bridges	PM₁₀	Particulate matter with an aerodynamic diameter smaller than 10 µm
DSR	Drainage Strategy Report	PM_{2.5}	Particulate matter with an aerodynamic diameter smaller than 2.5 µm
DWMP	Dewatering Management Plan	PRoW	Public Right of Way
EA	Environment Agency	PP	Protective Provisions
EM	Explanatory Memorandum	R	Requirement
EMP	Environmental Management Plan	REAC	Register of Environment Actions and Commitments
ES	Environmental Statement	RIS2	Road Investment Strategy 2: 2020 to 2025
EU	European Union	RNAG	Reason Not Achieving Good
ExA	Examining Authority	RR	Relevant Representation
FCA	Flood Compensation Area	RSA	Road Safety Audit
FC	Forestry Commission	SAC	Special Area of Conservation
FP	Footpath	SATURN	Simulation and Assignment of Traffic to Urban Road Network
FRA	Flood Risk Assessment	SI	Statutory Instrument
GHG	Greenhouse Gas	SLR	Southern Link Road
GLD	Government Legal Department	SMP	Soil Management Plan
GRT	Gypsy, Roma and Traveller	SoP	Standard of Protection



GS	Geology and Soils	SoR	Statement of Reasons
Ha	Hectare	SoS	Secretary of State
HEWRAT	Highways England Water Risk Assessment Tool	SPD	Supplementary Planning Document
HDV	Heavy Duty Vehicle	SSEW	Soilscapes England and Wales
HGV	Heavy Goods Vehicle	SU	Statutory Undertaker
HPI	Habitat of Principle Importance	SuDS	Sustainable Drainage System
HRA	Habitat Regulations Appraisal	TAR	Transport Assessment Report
IAP	Inclusion Action Plan	TP	Temporary Possession
ID	Identity	ULEV	Ultra Low Emission Vehicle
IDB	Internal Drainage Board	UK	United Kingdom
INNS	Invasive Non-Native Species	UKCP	United Kingdom Climate Projections
IP	Interested Party	WCH	Walking, cycling and horse riding
LCRM	Land Contamination Risk Management	WCHAR	Walking, Cycling and Horse-Riding Assessment & Review
LEMP	Landscape and Ecology Management Plan	WFD	Water Framework Directive
LIA	Local Impact Area		

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[TR010065-000343-Examination Library PDF](#) It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1 1.0.1 – refers to question 1 in this table.



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ExQ1	Question to:	Question:
1. General overarching matters including Policy, Need and alternatives		
1.0 Policy		
Q1.0.1	All IPs	<p>Policy – National</p> <p>Do you consider NPSNN 2024 to be Important and Relevant to the Secretary of State’s decision? If yes, how much weight should the decision-maker attach to the Proposed Development’s compliance with NPSNN 2024?</p>
Q1.0.2	The Applicant	<p>Policy</p> <p>Please update [APP-192] to reflect NPSNN 2024 and explain in response to this question whether there are any significant differences between the draft NPSNN and NPSNN 2024 which affect the conclusions set out in the application submission. Please also attend to omissions such as the reference to “Appendix [x]” on page 126 of [APP-192].</p>
Q1.0.3	The Applicant, NSDC, NCC	<p>Policy</p> <p>The following were published on 30 July 2024:</p> <ol style="list-style-type: none"> 1. Consultation on “Proposed reforms to the NPPF and other changes to the planning system” and the “National Planning Policy Framework: draft text for consultation”. 2. The Secretary of State’s written ministerial statement entitled “Building the homes we need”. <p>Do these have any relevance to the Proposed Development or alter any of the conclusions in the application?</p>
1.1 Need		
Q1.1.1	The Applicant	<p>The National Highways’ Delivery Plan 2015-2020</p> <p>Paragraph 3.5.7 of the Transport Assessment Report (TAR) [APP-193] refers to A46 junction improvements in the National Highways’ Delivery Plan 2015-2020. Have these schemes been superseded by RIS2?</p>
Q1.1.2	The Applicant	<p>Need</p> <p>A number of IPs have suggested that there is no need for the Proposed Development or that it won’t meet the stated aims. Please respond to the following comments:</p> <ol style="list-style-type: none"> a) The rush hours would still have queues of traffic. Would people be happy if they had to queue for half the time they queue now? Would it be worth all the years of road works and the additional delays they will

ExQ1	Question to:	Question:
		<p>cause, for dualling to make no difference at all to people who travel outside rush hours (when there is rarely congestion) and only an insignificant difference to those who choose to travel during them? There will still be queues of traffic on the bypass at the busiest times [RR-015].</p> <p>b) Since the pandemic and the rise of the use of new technology, many more people are working from home so demands upon our roads are less [RR-015].</p> <p>c) We request that the NHA waits until the new Southern Link Road roundabout on the A46 South of Newark has been operational for two years before deciding whether to go ahead with the dualling work past Newark [RR-015].</p> <p>d) The southern link road would enable traffic to go from the A46 to the A1 and lessen the need to use the bypass [RR-017].</p> <p>e) The A46 is not used to its full capacity for 80% to 90% of the time but the three roundabouts are dangerous and cause sporadic delays. Dualling the carriage way would not improve matters. It would be far cheaper and more effective to fit traffic lights and re-engineer all the roundabouts [RR-054].</p>
1.2 Alternatives		
Q1.2.1	The Applicant	<p>Alternatives</p> <p>RIS 2 specifically refers to filling in key sections of the existing A46 without the need for major new road-building across open countryside.</p> <p>Expand upon your submission and provide more detail on what considerations were given over to a less invasive approach to achieving the aims of RIS 2 to alleviate congestion and the improve the flow of traffic along the A46.</p>
Q1.2.2	The Applicant	<p>Tunnelling</p> <p>Was any consideration given to tunnelling any section of the route, especially the grade separated main line at Cattle Market junction, to reduce the visual impacts. If not, why was this not considered further?</p>
2. Air Quality and Emissions		
Q2.0.1	The Applicant	<p>Clarification – Environmental Statement – Terminology</p> <p>a) Reference is made to HDVs and HGVs in ES Chapter 5: Air Quality [AS-021] and in other documents. Bearing in mind footnote 31 of ES Chapter 5, if there is no distinction between HDVs and HGVs please use a single term throughout the ES.</p>

ExQ1	Question to:	Question:
		<p>b) ES Chapter 5 includes multiple references to the Air Quality Directive (2008/50/EU). Confirm the domestic legislation that the Proposed Development should be assessed against and update ES Chapter 5 accordingly.</p> <p>c) Please explain the difference between ‘PR’ and ‘R’ receptors on [AS-028].</p>
Q2.0.2	The Applicant	<p>Clarification – Traffic Data</p> <p>a) Paragraph 5.5.29 of ES Chapter 5: Air Quality [AS-021] refers to Appendix D of the Transport Assessment [APP-193] – please indicate where Appendix D of the Transport Assessment information can be found.</p> <p>b) ES Appendix 5.2 SATURN Traffic Data Report [APP-129] does not state where the location of each data point / ‘Figure ID’ is illustrated. Please clarify – is this on Figure 5.5 [AS-032]?</p> <p>c) On ES Figure 5.5 [AS-032] please clarify why some numbers eg 100 (Sheet 10 of 19) and 234 (Sheet 9 of 19) appear twice and why some numbers, eg 236, do not appear at all.</p> <p>d) In response to [RR-048] does the data / modelling in [APP-129] take account of any redistribution of traffic as a result of the opening of the Southern Link Road (SLR) which is expected to be completed by Spring 2026? If no, please update ES Chapter 5: Air Quality [AS-021] to take account of the changes to vehicular flows once the SLR is open.</p> <p>e) Does the data / modelling in [APP-129] take account of any changes in traffic arising from the implementation of allocations in the adopted development plan or the schemes / growth alluded to at paragraph 1.3.10 of the Outline Traffic Management Plan [APP-196], page 7 of the Transport Assessment Report [APP-193] and section 3.12 of the Case for the Scheme [APP-190]? If no, please update ES Chapter 5: Air Quality [AS-021] to take account of any anticipated increase in traffic or changes to traffic flows.</p> <p>f) Why does the AADT in [APP-129] more than double between the 2022 and 2028 ‘Do-minimum’ at Figure IDs 385-386 while there is a smaller increase at other nearby Figure IDs such as ID 388 or 391?</p> <p>g) Why does the AADT in [APP-129] decrease between 2022 and 2028 ‘Do-minimum’ in some locations, eg at Figure IDs 98-102 and 133-137?</p> <p>h) Please explain how ES Appendix 5.2 SATURN Traffic Data Report [APP-129] relates to the data used in the Transport Assessment Report [APP-193], and whether or why there are any differences between the data sets.</p>
Q2.0.3	NSDC	Policy – Local

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		<p>Paragraph 5.3.43 of ES Chapter 5: Air Quality [AS-021] states that NSDC’s air quality supplementary planning document (SPD) is currently under review and yet to be adopted as either policy or guidance and, as such, has not been considered in this assessment.</p> <p>a) Should the SPD that is under review be taken into account in determining this Application? If yes, please provide a copy.</p> <p>b) Is the revised SPD likely to become available, whether in draft or adopted, before this Application is determined?</p>
Q2.0.4	The Applicant	<p>Air Quality Targets</p> <p>Paragraph 5.3.11 of ES Chapter 5: Air Quality [AS-021] (dated May 2024) states that the UK Government’s final revised Air Quality Strategy (AQS) was “<i>due to be published later in 2023</i>”.</p> <p>Has the final AQS been published and, if yes, does it include any targets which are different from those upon which the assessment in ES Chapter 5 has been based?</p>
Q2.0.5	The Applicant, NSDC	<p>Air Quality Targets</p> <p>Paragraph 5.3.12 of ES Chapter 5: Air Quality [AS-021] refers to interim targets in the Environmental Improvement Plan 2023 for England, noting that the targets are not legal thresholds but have been included for reference. Does the decision-maker need to take account of these targets or should other targets be referred to in their determination?</p>
Q2.0.6	The Applicant	<p>Air Quality Targets</p> <p>Footnote (d) to Table 5.1 of ES Chapter 5: Air Quality [AS-021] states that: “<i>the more stringent standard of 20 µg/m³ has been adopted for this assessment</i>”. Where has this standard been derived from and are there any policy or legislative requirements to meet this standard?</p>
Q2.0.7	The Applicant	<p>ES Methodology</p> <p>Paragraph 5.1.5 of ES Chapter 5: Air Quality [AS-021] states that plant emissions have been scoped out of the assessment but paragraphs 5.5.7 and 5.7.3 discuss plant. Please clarify whether plant emissions have been assessed.</p>
Q2.0.8	The Applicant, NSDC	<p>ES Methodology</p> <p>Does ES Chapter 5: Air Quality [AS-021] make a distinction between nearby receptors which could be impacted and those more sensitive to poor air quality per paragraph 5.13 of NPSNN 2024? If not, should it?</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
Q2.0.9	The Applicant, NSDC	<p>ES Methodology</p> <p>ES Chapter 5: Air Quality [AS-021] is based on 2022 air quality data. Is this a robust basis for assessment, or should more recent data be used?</p>
Q2.0.10	The Applicant	<p>ES Methodology</p> <p>[RR-050], [RR-070] and [RR-073] make comments in relation to particulates, noting that the ES does not include an assessment of particulate matter which is less than 2.5 micrometres in diameter (PM_{2.5}).</p> <p>Paragraph 2.21.4 of DMRB LA105 Revision 0 (November 2019) states that there should be no need to model PM_{2.5} as the UK currently meets its legal requirements for the achievement of the PM_{2.5} air quality thresholds and the modelling of PM₁₀ can be used to demonstrate that the Proposed Development does not impact on the PM_{2.5} air quality threshold.</p> <p>However, NPSNN 2024 makes specific reference to PM_{2.5} at: paragraph 2.35, paragraph 2.36, paragraph 5.9, paragraph 5.14, paragraph 5.20 and paragraph 5.22.</p> <p>a) If the ES does not include an assessment of PM_{2.5} please explain where the PM_{2.5} information in Table 5-7 of Case for the Scheme [APP-190] is derived from.</p> <p>b) Please update ES Chapter 5 in relation to PM_{2.5} to fully address the RRs, legislation and NPSNN 2024, including the points / paragraphs noted above.</p>
Q2.0.11	The Applicant, NSDC	<p>Air Pollution and Dust – Winthorpe Primary School</p> <p>[RR-070] and [RR-077] raise concerns about the effect of dust and air pollution on Winthorpe Primary School during the construction and operational phases. For both the construction and operational phases, and with specific reference to Winthorpe Primary School, please describe:</p> <p>a) whether any changes to air quality as described in the ES would likely affect the operation of the school including the use of outdoor areas;</p> <p>b) with reference to DMRB LA105 whether the approach to be taken to assessing air quality impacts differs where schools are receptors (eg are these ‘more sensitive’ receptors); and</p> <p>c) whether, based on the conclusions of the ES, any specific mitigation is needed and, if so, how this would be secured.</p>
Q2.0.12	The Applicant	<p>Air Pollution and Dust – Effects at Specific Locations</p>

ExQ1	Question to:	Question:
		<p>Please explain the air quality and dust effects during the construction and operational phases of development at the following locations. If any mitigation would be needed, please explain the nature of this and how it would be secured:</p> <ul style="list-style-type: none"> a) Nether Lock House [RR-010]; b) Millgate near the junction with the B6166 [RR-007]; and c) Bridge House Farm / Bridge House Boarding Kennels [RR-059]. <p>In respect of Bridge House Farm / Bridge House Boarding Kennels, please explain:</p> <ul style="list-style-type: none"> d) Why, according to the IP, no measurements were taken outside of Bridge House Farm, bearing in mind paragraph 2.20 of DMRB LA 105 Revision 0; e) whether it would be necessary for the occupants not to open any windows in the property during warmer months due to pollution levels; f) whether the effect on animals of any changes in air quality should be assessed; and g) whether adverse air quality would mean that animals and staff cannot use outdoor areas.
Q2.0.13	The Applicant, NSDC	<p>Dust</p> <p>[RR-020] states that health impacts from the construction phase “<i>dust corridor</i>” have not been modelled.</p> <ul style="list-style-type: none"> a) Why has an assessment of the potential health impacts from dust not been undertaken? b) Please describe the measures that would be put in place to manage / mitigate the effects of dust and how those measures would be secured.
Q2.0.14	The Applicant, NSDC	<p>Effect of Air Quality on NMUs</p> <p>[RR-070] states that every effort should take place to protect NMUs from air pollutants. Are there any locations where air pollution from use of the Proposed Development would give rise to any significant effects on NMUs? If yes, how could such significant effects be mitigated?</p>
Q2.0.15	The Applicant, Nottingham City Council, City of Lincoln Council, South Kesteven District Council	<p>Effect on AQMAs</p> <p>Paragraph 5.8.6 of ES Chapter 5: Air Quality [AS-021] notes the Lincoln AQMA, the Nottingham City Council AQMA and the South Kesteven District Council No 6 AQMA. Whilst the affected road network for the Proposed Development does not extend into these AQMAs (see Figure 5.2 [AS-029]), should consideration be given to the effects of the Proposed Development on the AQMAs? If yes, would there be any implications in terms of any Local Air Quality Action Plans for those areas?</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
Q2.0.16	The Applicant, NSDC, NCC	<p>Mitigation Measures</p> <p>Paragraph 5.10.3 of ES Chapter 5: Air Quality [AS-021] states that car sharing would be encouraged, and the main compound would also include bicycle storage, and bicycle and pedestrian access routes, to promote sustainable and active travel options.</p> <p>a) How would these measures be secured?</p> <p>b) Has the Applicant maximised opportunities to allow for journeys to be undertaken via sustainable modes per paragraph 5.287 of NPSNN 2024?</p>
Q2.0.17	NSDC	<p>Mitigation Measures – Dust</p> <p>Paragraph 5.13.1 of ES Chapter 5: Air Quality [AS-021] and paragraph 3.2.4 of Statement Relating to Statutory Nuisances [APP-186] state that potential dust impacts would be suitably controlled using the best practice mitigation measures set out in the First Iteration EMP ([APP-184], page 30). Are the proposed mitigation measures satisfactory? If not, please provide suggested changes.</p>
3. Biodiversity, Ecology and Natural Environment		
Q3.0.1	The Applicant	<p>Barn Owl Mitigation</p> <p>ES Chapter 8: Biodiversity [APP-052] states that to prevent barn owl collisions on the A46 trees, hedgerows and shrubs will be grown to a height of 3m, paragraph 8.11.44. However, it will take time for this vegetation to establish. ES Chapter 7: Landscape and Visual Effects [APP-051] specifies in paragraph 7.12.2 that the Second Iteration EMP will include a Landscape and Ecology Management Plan (LEMP) detailing the monitoring requirements for the first five years of planting.</p> <p>Please confirm the timescale for the barn owl collision mitigation measures to fully mature and what measures will be put in place in the intervening period? Furthermore, please confirm details for its ongoing maintenance.</p>
Q3.0.2	The Applicant	<p>Maintenance of Mitigation Features</p> <p>Can the Applicant provide a plan showing which areas are to be maintained for a period of 30 years, and which areas of planting and biodiversity mitigation are to be maintained for the lesser period of 5 years. Please also confirm whether all proposed mitigation and compensation measures within the Order limits will be maintained by the Applicant and if not by whom and how this is secured.</p>
Q3.0.3	The Applicant	<p>Compensation Measures</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		Figure 2.3 Environmental Masterplan [AS-026] shows compensation measures for barn owl boxes, kestrel boxes and bat boxes and areas of retained vegetation outside the Order limits. How will these be secured in the dDCO and who will be responsible for their maintenance.
Q3.0.4	The Applicant, NSDC	Habitat Severance ES Chapter 8: Biodiversity [APP-052] sets out the impact on habitats through paragraphs 8.11.8 to 8.11.12. This concludes a Slight Adverse effect during construction. With specific reference to the Environmental Masterplan [AS-026] please provide further explanation and justification of this conclusion and when doing so consider how the habitats currently link together creating green corridors and the impact of the Proposed Development to intrude on these networks resulting in habitat severance. Please also provide further detail on what opportunities have been identified to resolve existing issues of severance and those caused by the Proposed Development. Does the Council agree with this conclusion and if not, why not?
Q3.0.5	The Applicant	Veteran Trees The Forestry Commission (FC) has raised concerns regarding the harm to veteran trees T038, T136, T139 in their submission [RR-023]. Veteran trees are recognised in NPSNN 2015 paragraph 5.32 and NPSNN 2024 paragraph 5.62 as an irreplaceable habitat. What efforts have been made to avoid or reduce the reported effects to veteran trees.
Q3.0.6	NSDC	Local Wildlife Sites ES Chapter 8 [APP-052] provides a commentary on the impacts on four Local Wildlife Sites – Dairy Farm Railway Strip, Great North Road Grassland, Newark (Beet Factory) Dismantled Railway and Old Trent Dyke. Does the Council agree with the Applicant's assessment and conclusions.
Q3.0.7	The Applicant	Use of Borrow pits for Fry Refuge The EA [RR-020] comments that the borrow pits could benefit fisheries by turning them into permanent fry refuge areas after use in construction. In particular, the Brownhills borrow pit. The Applicant should provide comment with respect to their consideration to converting suitable borrow pits into fry refuges as part of the Proposed Development's ecological enhancements with consideration of NPSNN 2015 paragraph 5.33.
Q3.0.8	The Applicant, the Environment Agency	Invasive species – Himalayan Balsam

ExQ1	Question to:	Question:
		<p>The EA has commented [RR-020] that there is insufficient commitment to addressing spread of the non-native species, Himalayan Balsam, which is identified as impacting the development site as documented in the River Physical Habitat Technical Report [APP-158].</p> <p>The EA recommend that an Invasive Non-Native Species (INNS) Management Plan for Himalayan Balsam is prepared and included in the First Iteration EMP [APP-184]. This should include the eradication of existing upstream and downstream sections of waterbodies outside the Order limits where possible.</p> <p>Please consider if the existing commitment in Requirement 3 in the dDCO [APP-021] is sufficient to meet this request, and if not, explain why.</p>
3.1 Biodiversity Net Gain		
Q3.1.1	The Applicant, Natural England, Forestry Commission, the Environment Agency, NSDC	<p>Biodiversity Net Gain Approach</p> <p>ES Chapter 8 [APP-052] and the First Iteration EMP [APP-184] detail the mitigation and compensation strategy for the approach to BNG. This includes offsite compensation at Doddington Hall and reference to a bespoke agreement for the loss of lowland meadow to be agreed with Natural England.</p> <p>Given the comments from NE [RR-044], the EA [RR-020] and FC [RR-023] relating to river units, opportunity for fry refuge and habitat severance has sufficient mitigation and compensation been provided for within the Order Limits.</p> <p>Finally, can the Applicant confirm that the offsite planting at Doddington Hall is a separate compensatory method than that to be agreed with NE for the loss of lowland meadow and please explain how the offsite compensation will be achieved through the DCO.</p>
Q3.1.2	The Applicant	<p>Biodiversity Net Gain Calculation</p> <p>In NE's response [RR-044] it confirms that the proposal does not meet the suggested 10% BNG. What weight should be applied to not achieving this non-mandatory target?</p>
Q3.1.3	The Applicant	<p>Kelham and Averham FCA Ongoing Maintenance</p> <p>ES Chapter 8 [APP-052] sets out that the Kelham and Averham FCA will have a replacement pond enhancing its ecological value. The Environmental Masterplan [AS-026] shows this area being returned to agricultural use. Can the Applicant provide further detail as to how this area is to be managed in the future and how this would be secured in the dDCO.</p>
4. Climate and Carbon Emissions		

ExQ1	Question to:	Question:
Q4.0.1	The Applicant	<p>Clarifications</p> <p>a) Paragraph 14.3.48 of ES Chapter 14: Climate [APP-058] appears to be incomplete – please clarify.</p> <p>b) Please confirm the meaning in full of MtCO_{2e} (eg in paragraph 14.3.11 of ES Chapter 14).</p> <p>c) Please update paragraph 14.8.6 to reflect the Final Statement for the Third Carbon Budget which was published in May 2024.</p>
Q4.0.2	The Applicant, NSDC	<p>Policy – National</p> <p>a) Is the climate / greenhouse gas / carbon-related policy in NPSNN 2024 materially different to that in NPSNN 2015? If yes, in what way?</p> <p>b) Given that this Application is to be determined pursuant to s104 of PA2008, how much weight should the decision-maker attach to the Proposed Development's compliance with the climate-related policies of NPSNN 2024?</p> <p>c) Does the ES comprehensively address policy in both NPSNN 2015 and NPSNN 2024? If not, please explain the further work that you consider should be undertaken.</p> <p>d) Does any other policy, guidance, legislation or court judgement indicate that the climate / greenhouse gas / carbon-related effects of the Proposed Development should be assessed in a different way to that set out in the ES, or that the assessment in the ES needs to be supplemented? If yes, how?</p>
Q4.0.3	The Applicant	<p>Policy – National</p> <p>Paragraph 14.3.8 of ES Chapter 14: Climate [APP-058] states that the UK's Nationally Determined Contribution "<i>has been further strengthened and detailed since the COP26 in Glasgow</i>".</p> <p>a) Is the more stringent COP26 target reflected in policy or legislation?</p> <p>b) Has the COP26 target been taken into account in the assessment set out in the ES?</p>
Q4.0.4	The Applicant	<p>Policy – National</p> <p>Paragraph 14.3.22 of ES Chapter 14: Climate [APP-058] says that 'Department for Transport: Decarbonising Transport – setting the challenge (2020)' covers the projected trajectory of the forecast greenhouse gas emissions from transport to the fifth carbon budget (2028 to 2032) and beyond, based on the firm and funded commitments outlined.</p> <p>a) Do the commitments include RIS2 schemes, including the Proposed Development?</p> <p>b) Do any policies in this document support or militate against the Proposed Development?</p>
Q4.0.5	The Applicant	<p>Policy – Local</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		<p>Paragraph 14.3.42 of ES Chapter 14: Climate [APP-058] discusses targets to achieve 'net zero' by 2040 for construction and maintenance activities.</p> <p>a) Which target applies to the Proposed Development? b) Do measures to achieve the target need to be secured in the dDCO?</p>
Q4.0.6	The Applicant	<p>Environmental Statement – Methodology</p> <p>Paragraph 14.3.49 of ES Chapter 14: Climate [APP-058] states that DMRB LA 114 remains the sole standard which the Proposed Development has been assessed against.</p> <p>a) If DMRB LA 114 is the sole basis for assessment, please explain the relevancy of other policy, guidance and legislation referred to in ES Chapter 14. b) Does the approach outlined in DMRB LA 114 need to be altered to reflect any policy, legislation or court judgements which post-date its publication in June 2021.</p>
Q4.0.7	The Applicant	<p>Environmental Statement – Methodology</p> <p>Paragraph 14.6.12 of ES Chapter 14: Climate [APP-058] states that future decarbonisation of the grid would have an impact upon the greenhouse gas (GHG) emissions associated with the operation of the Proposed Development and that only tailpipe emissions are considered in the future road traffic modelling scenarios. It also notes that emissions data relating to electricity production and decarbonisation of the grid have not been considered. Paragraph 14.6.13 then states that the operational GHG emissions reported in this assessment are a worst-case scenario and are likely to be mitigated by existing plans and initiatives to decarbonise the grid and electrify road transport.</p> <p>Please explain why emissions from the generation of the electricity which is used to power electric vehicles does not need to be taken into account.</p>
Q4.0.8	The Applicant	<p>Environmental Statement – Methodology</p> <p>Paragraph 14.8.12 of ES Chapter 14: Climate [APP-058] states that DMRB LA 114 recommends the use of H++ scenarios used in UKCP09. However, LA 114 Version 0.0.1 appears to refer to UKCP18 (eg on page 14). Please clarify.</p>
Q4.0.9	The Applicant, NSDC	<p>Environmental Statement – Methodology</p> <p>Paragraph 14.7.5 of ES Chapter 14: Climate [APP-058] refers to maintenance, repair and replacement activities. However, Table 14-3 of ES Chapter 14 sets out the PAS 2080 modules which have been included</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		in the operational lifecycle assessment but these do not include B3 (repair), B4 (replacement) and B5 (refurbishment). Please clarify.
Q4.0.10	The Applicant	<p>Environmental Statement – Adequacy</p> <p>Please respond to [RR-012] which states that the Environmental Statement, including Chapter 14 on Climate Change, does not identify and describe:</p> <ul style="list-style-type: none"> a) the full science-based impacts of the development on the global climate system; b) a ‘worst case’ description of the likely significant effects; c) the impacts on meeting the UK’s commitments under the Paris agreement; and d) the impacts on the delivery the UK Climate plan (‘the Carbon Budget Delivery Plan’).
Q4.0.11	The Applicant, NSDC	<p>Environmental Statement – Scope 3 Emissions</p> <p>[RR-020] and [RR-065] state that ‘scope 3’ emissions do not appear to have been taken into consideration, ie the projected increase in CO₂ emissions attributed to increased traffic flow as a result of the Proposed Development. Please explain:</p> <ul style="list-style-type: none"> a) whether there is any requirement for ‘scope 3’ emissions to be quantified and assessed for the Proposed Development; b) whether ‘scope 3’ emissions have been taken into consideration in the assessment of the Proposed Development as set out in the application documentation; c) whether the judgement of the UK Supreme Court in <i>Finch (R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents)</i> [2024] UKSC 20) has raised any new issues which have not been included in the application documentation (bearing in mind that the Application was Accepted before the Finch judgement was handed down); and d) if the judgement is of relevance to the determination of the Application, what you consider to be the correct approach to addressing the <i>Finch</i> judgement.
Q4.0.12	The Applicant, NSDC	<p>Carbon Emissions – Fifth Carbon Budget</p> <p>[RR-001], [RR-016] and [RR-036] have commented on predicted carbon emissions arising from the Proposed Development both during construction and “over its 60 year lifetime”. They also state that these would occur during “the crucial 5th Carbon Budget, when we have to make the fastest and most significant cuts”.</p> <ul style="list-style-type: none"> a) What period does the Fifth Carbon Budget cover?

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		<p>b) Is it appropriate to consider construction phase and operational phase carbon emissions against the Fifth Carbon Budget? If not, please explain the approach that you consider should be taken.</p> <p>c) What is the correct approach to addressing the carbon emissions from the Proposed Development against the national carbon budget? If available, please provide examples of where that approach has been followed by the decision-maker in relation to other NSIPs.</p>
Q4.0.13	NSDC	<p>Design</p> <p>Do you agree that the Applicant “has sought to minimise carbon emissions as far as possible in order to contribute to the UK’s net reduction in carbon emissions (PRO.02)” (Scheme Design Report [APP-194], section 4.12). If no, what else do you suggest could be done?</p>
Q4.0.14	The Applicant	<p>Construction Phase</p> <p>Paragraph 14.7.3 of ES Chapter 14: Climate [APP-058] lists sources of GHG emissions during the construction phase. Do these include movement of site-won materials around and between the work sites, eg from borrow pits to construction sites?</p>
Q4.0.15	The Applicant	<p>Operational Phase</p> <p>Paragraphs 14.9.5 and 14.9.6 of ES Chapter 14: Climate [APP-058] state that the main impact on climate during operation would be the release of GHGs which contribute towards altering the UK’s climate beyond what would be expected from natural variation and that this impact could be caused by GHG released by: changes in vehicle distributions and speed limits; maintenance activities; energy usage for scheme operation; and reduced carbon sequestration from land-use change.</p> <p>a) In respect of ‘changes in vehicle distributions’, does this indicate that there would be no absolute increase in the number of vehicles on the highway network or in the total vehicle mileage across the highway network as a result of the Proposed Development?</p> <p>b) If the Proposed Development would result only in changes to vehicle distribution across the highway network, please explain why there would be a difference in the release of GHGs.</p>
Q4.0.16	The Applicant	<p>Design</p> <p>a) Please clarify which design guidance is referred to in paragraph 14.10.15 of ES Chapter 14: Climate [APP-058].</p> <p>b) Please clarify which design code is referred to in paragraph 14.10.16 of ES Chapter 14.</p> <p>c) How would adherence to the above be secured in the dDCO?</p>

ExQ1	Question to:	Question:
Q4.0.17	The Applicant	<p>Off-setting</p> <p>a) Does the Proposed Development include any voluntary measures to off-set residual carbon emissions using a recognised framework per NPSNN 2024 paragraph 5.35?</p> <p>b) Does the Proposed Development embed nature-based or technological processes to mitigate or off-set emissions? If yes, what are those processes?</p>
Q4.0.18	The Applicant	<p>Conclusions</p> <p>Paragraph 14.11.2 of ES Chapter 14: Climate [APP-058] says that it is unlikely that the Proposed Development would result in GHG emissions that would be defined as significant considering the GHG emissions from the Proposed Development are unlikely to have a material impact on the Government achieving its carbon targets.</p> <p>a) What degree of certainty can the decision-maker attach to the conclusion that a material impact is “unlikely”?</p> <p>b) Are the “carbon targets” the “statutory carbon budgets” referred to in paragraph 5.42 of NPSNN 2024?</p> <p>c) What are the relevant carbon budgets for each period in Table 14-21 which have led to the conclusion that GHG from the Proposed Development would amount to “less than 0.007% of the total emissions in any 5-year UK legally binding carbon budget”.</p>
Q4.0.19	NSDC	<p>Mitigation</p> <p>a) Should details of a Carbon Management Plan (reference C1 on pages 85 and 87 of the First Iteration EMP [APP-184]) be provided before a decision on this DCO Application is made per paragraph 5.35 of NPSNN 2024?</p> <p>b) How would the Carbon Opportunities Log (paragraphs 14.10.6 and 14.10.12 of ES Chapter 14: Climate [APP-058]) be secured and monitored?</p> <p>c) How would the mitigation measures detailed at paragraphs 14.10.6 and 14.10.21 of ES Chapter 14: Climate be secured?</p>
Q4.0.20	The Applicant, NSDC, The Environment Agency (part c)	<p>Effect of the Proposed Development on Proposed Solar Scheme</p> <p>In response to [RR-003]:</p> <p>a) Has application 23/01837/FULM for a solar scheme at Kelham been determined? If not, is it likely to be determined before the close of the Examination?</p> <p>b) Please provide a red line and a general arrangement drawing for 23/01837/FULM.</p>

ExQ1	Question to:	Question:
		c) Would 23/01837/FULM be deliverable if the land is used as a flood compensation area and if yes do any provisions need to be made in the dDCO to ensure that the delivery of the solar scheme is not prejudiced by the Proposed Development?
5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
Q5.0.1	The Applicant	<p>Statement of Reasons (SoR): Extent of land</p> <p>Paragraph 4.1.2 of the SoR [APP-025] states that “.....0 hectares will be permanent acquisition of airspace and/or subsoil rights over land”. Please clarify and explain this statement in the context of paragraph 4.1.3 which identifies various plots in which either Network Rail or Canal and River Trust have an interest where they are scheduled for Compulsory Acquisition where the Applicant is only seeking the airspace and rights specified.</p>
Q5.0.2	The Applicant and all Affected Persons including Statutory Undertakers	<p>Land Rights Tracker:</p> <p>The ExA has requested a separate Land Rights Tracker, in its Rule 6 letter, which seeks to focus on the Affected Persons who have objected to Compulsory Acquisition (CA) or Temporary Possession (TP) to enable more focussed attention to be provided in relation to on-going discussions on those objections. There is potential that other uncontested land may be resolved during the Examination and this can be suitably captured in Annex B without adding additional detail to the Land Rights Tracker.</p> <p>The Land Rights Tracker should be provided as an excel spreadsheet (with a PDF for publication) to enable the ExA to interrogate and sort the information. The Land Rights Tracker is focussed on those who have objected to the CA or TP of their land interest and should be regularly updated at each deadline during the Examination, or where no progress has been made confirmation there is no update required.</p> <p>The ExA are firmly of the view it should be the Applicant’s aim to resolve and ensure all objections are addressed and where possible withdrawn before the close of the Examination. Should agreement not be reached by the conclusion of the Examination, the Applicant and any Affected Persons should provide a final position statement, by the final deadline, in relation to the land interest so that the ExA is in a position to arbitrate on the matter and provide a firm recommendation to the Secretary of State (this covers all land interests including Statutory Undertakers).</p>
Q5.0.3	The Applicant	<p>Unknown Interests:</p> <p>Confirm the on-going investigations and actions being undertaking to minimise the number of unknown interest and identify any interests in land presently identified as having unknown interest. This should be updated regularly during the Examination as and when any changes occur by updating table 4-1 of the SoR.</p>

ExQ1	Question to:	Question:
Q5.0.4	The Applicant	<p>Alternatives to Compulsory Acquisition:</p> <p>The SoR, Environmental Statement, Register of Environmental Actions and Commitments and the Consents and Agreements Position Statement make reference to other agreements and legal mechanisms as necessary, but none are before the Examination at this point in time. Reference is made to management agreements or other legal agreements in the documentation and within Relevant Representations by APs objecting to the CA of their land (including for Flood compensation or Biodiversity Net Gain for example).</p> <p>Has the Applicant fully explored the potential for the use of s106 planning agreements or sec 253 agreements under the Highways Act or other land agreements?</p> <p>Confirm what other alternatives to CA have been considered or are being considered in order to avoid the necessity for CA in relation to which plots and update on the progress on any such discussions or why they were concluded not to be appropriate.</p>
Q5.0.5	The Applicant , GTC Pipelines Ltd	<p>GTC Infrastructure</p> <p>GTC identify the location of their infrastructure and the plot numbers within which their infrastructure is located that may be affected or parts of the Proposed Development that may affect their infrastructure.</p> <p>The Applicant to explain how it has sought to address this potential impact on the infrastructure and what is the latest position.</p>
Q5.0.6	The Applicant	<p>Diversion of Winthorpe Footpath No.3 – Newark & Nottinghamshire Agricultural Society:</p> <p>a) Explain what other options have been explored in respect of the Compulsory Acquisition of land to facilitate the diversion of Winthorpe Footpath No.3, including the necessity for the diversion.</p> <p>b) Explain how the operational and security concerns identified in [RR-046] can be addressed and how any necessary measures proposed would be secured.</p>
Q5.0.7	The Applicant	<p>Management of Land by Agreement</p> <p>[RR-034] raises potential for management of land in preference to Compulsory Acquisition, in respect of Biodiversity Net Gain and Flood Compensation confirm whether such consideration was given and if so why it was rejected.</p>
Q5.0.8	Challenge Ltd	<p>Impacts on Property and income</p> <p>In respect of [RR-010] provide a plan to identify the location of the property interest and the access routes currently used and in which you have an interest.</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
Q5.0.9	The Applicant, Aldergate Properties Ltd	Impact on Aldergate Properties Property interest In respect of [RR-004] Aldergate Properties to identify the plots affected in which they hold an interest and the Applicant to confirm specifically why these plots are necessary for Compulsory Acquisition/ Temporary Possession.
Q5.0.10	The Applicant, Peridot Solar, Environment Agency	Impact on Solar Farm 23/01837/FULM [RR-058] references a letter of comfort from the Applicant to Peridot Solar to what extent is this an important and relevant matter, to what extent does it affect land interests and: <ul style="list-style-type: none">• Please provide a copy of the letter rather than information on where it can be located,• To what extent can any commitments/ comfort offered be secured,• Are the Applicant satisfied that the implementation of the use of any overlapping area is compatible with its intended use in the Proposed Development as Flood Storage,• Are Environment Agency in agreement that there is no significant effect on flood storage capacity or conveyancing of flood waters.
Q5.0.11	The Applicant	Motor Fuel Group land take, access and egress Explain the detail of the proposed amended access and egress arrangements for the Motor Fuel Group service station and the land take that is required and detail the extent of discussions with the Motor Fuel Group in respect of their land interests, including: <ul style="list-style-type: none">• The extent to which alternative arrangements to access and egress have been explored,• The extent of alternatives to Compulsory Acquisition has been explored,• The nature and extent of the impact on the operations of the site that the Applicant has considered the change would result in, including safety and circulation within the site.
Q5.0.12	The Applicant	Langford Hall access arrangements [RR-032] identifies concerns in respect of the Compulsory Acquisition of land to facilitate altered access arrangements for Langford Hall. It is suggested that Compulsory Acquisition is not necessary and that Temporary Possession and land agreements to ensure maintenance and aftercare would be more appropriate. Explain why Compulsory Acquisition is appropriate to secure the necessary outcomes explaining whether other alternatives have been explored and why these are not appropriate.
Q5.0.13	The Applicant	Impact on Newark Lorry Park

ExQ1	Question to:	Question:
		<p>Newark and Sherwood District Council have raised concerns with the effect of the Proposed Development on Newark Lorry [RR-048].</p> <ul style="list-style-type: none"> To what extent has the Applicant sought to ensure the land take was the least necessary, What other locations have been considered to avoid the land take and why is this location important to the Proposed Development, Have the Applicant fully considered the impact of the loss of lorry parking space on the Town and whether any substitute or replacement land is necessary,
Q5.0.14	The Charity of Thomas Brewer, The Applicant	<p>Effect on agricultural land holding</p> <p>The Charity of Thomas Brewer is concerned with the effect of the Proposed Development on its land holdings [RR-069] including agricultural land holdings.</p> <ul style="list-style-type: none"> The Charity of Thomas Brewer to identify its land holdings by plot reference from BoR and Land plans. The Applicant to confirm its intentions of the land affected and the assessment it has made on the viability of the land holding, taking account of the required interests to be acquired.
Q5.0.15	The Applicant	<p>Use of minerals rights</p> <p>Savills on behalf of various APs have raised the issue of mineral rights and their value, to what extent is this a matter for the ExA to have regard to in considering whether Compulsory Acquisition or Temporary Possession is justified?</p>
Q5.0.16	The Applicant	<p>Land Interests of Edmund Thornhill and 6th Earl of Listowel and Adrian Hatton</p> <p>[RR-070] sets out concerns that the proposed acquisition of land should be via options agreement and agreed purchase, also raising concerns in relation to the extent of the land to be acquired.</p> <p>What is the Applicant's position and what is the current position or progress towards seeking to resolve matters without recourse to Compulsory Acquisition?</p>
Q5.0.17	The Applicant	<p>Land within Flood Compensation Areas</p> <p>[RR-002 + RR-003] raise concerns regarding the necessity and extent of land and interest to be acquired primarily for Flood Compensation purposes, similarly in [RR-033]. Whilst the Issue of flooding including compensation areas will be examined under water resources. The Applicant should clearly set out</p> <ul style="list-style-type: none"> Why the land is necessary to be Compulsorily Acquired and no other mechanism is suitable, including management agreements,

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Detail why the land is the most appropriate for this purpose including identifying other alternative sites considered and why they have concluded the sites chosen are most appropriate, • Justify the extent of land take needed to meet the requirements for compensation and whether other mitigation proposal have been considered to reduce the amount of land to be subject to Compulsory Acquisition
Q5.0.18	The Applicant	<p>Canal and River Trust</p> <p>[RR-009] suggests that in the absence of an appropriate conclusion on discussions to purchase land, the Applicant cannot demonstrate that it has taken all reasonable steps to avoid Compulsory Acquisition. How does the Applicant respond to this point and what is the current state of discussions with the Canal and River Trust.</p>
Q5.0.19	The Applicant	<p>Canal and River Trust</p> <p>[RR-009] states “<i>The Trust is identified as ‘occupier’ of both plots 7/1a and 7/3a. The Trust do not, however, occupy this land (it relates to land parcels alongside a section of the River Trent upon which the Trust have no direct responsibilities). The Book of Reference may therefore need to be amended to account for this to avoid confusion</i>”. Please amend the BoR or explain why CRT are included for these plots.</p>
Q5.0.20	The Applicant	<p>Newark and Sherwood District Council (NSDC)</p> <p>NSDC have objected/ raised concerns as a land owner to the impact of the proposed development on, amongst other matters, the access to their offices and other land interests but have indicated a willingness to enter into a land and works agreements with the Applicant. Confirm the latest position and state of negotiations and the likelihood of reaching agreement before the conclusion of the Examination.</p>
Q5.0.21	The Applicant	<p>Winthorpe Family Settlement 1990</p> <p>[RR-077] questions the necessity of the extent of its land that is proposed to be acquired and the justification with concern that there will be a large amount of land taken to create embankments and floodplains with further land taken for a new pedestrian right of way, and includes suggested alternative approaches. They further suggest they would be willing to provide this land under licence on a temporary basis to allow future use of the remaining parcel of land once the new road has been constructed.</p> <ol style="list-style-type: none"> Explain why all of the land proposed to be Compulsorily Acquired is necessary; what alternative proposals were considered; to what extent other interests in the land were considered to achieve the required outcome other than Compulsory Acquisition including Temporary Possession management agreements or licencing.

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
5.1 Funding		
Q5.1.1	The Applicant	<p>General funding position:</p> <p>Given the recent change in Government is the Applicant still content that there is a reasonable prospect of the necessary funding being made available?</p> <p>If yes, explain the basis of this position and provide the ExA with any available assurance that funding for the scheme is secure.</p>
5.2 Special Considerations		
Q5.2.1	The Applicant	<p>Crown Land:</p> <p>One plot of land plot 2/6a is identified as Crown Land. You identify those with an interest being the Secretary of State for Transport and the Government Legal Department. As the consent of the Crown (which you identify as the SoST) is required, please update the ExA on the latest position with regard to securing the necessary consent and the likelihood of this being achieved before the close of the Examination.</p>
Q5.2.2	The Applicant	<p>Open Space Land:</p> <p>Confirm the owners/ those with an interest in any open space (where known) and confirm whether they have objected to the CA of their open space land and on what basis and what attempts the Applicant has made to voluntarily purchase any necessary interests.</p>
Q5.2.3	The Applicant, Canal and River Trust, National Rail Infrastructure, and National Grid Electricity Distribution.	<p>Statutory Undertakers Land:</p> <p>Objections have been raised by Canal and River Trust (CRT), National Rail Infrastructure and National Grid Electricity Distribution (National Rail) thereby triggering sec 127(3) and 127(5). Protective Provisions are only included in respect of CRT and National Rail. Do you intend to provide Protective Provisions for National Grid? If so, confirm the current progress on discussions and if not explain how their interest will be protected.</p> <p>In terms of the Protective Provisions already included in the Draft Development Consent Order, please advise on progress with discussions with the relevant party and the likelihood of reaching agreed provisions before the conclusion of the Examination.</p>
6. Draft Development Consent Order (DCO)		
Q6.0.1	The Applicant	<p>Explanatory Memorandum (EM) – Description of Development</p> <p>Paragraphs 2.4.11 and 2.4.14 in the description of the development in the EM appear to be duplicate or repetition. Confirm and delete or add additional commentary to explain the difference.</p>

ExQ1	Question to:	Question:
Q6.0.2	The Applicant	<p>Consents and Agreements Position Statement (C&APS) - disapplication</p> <p>Paragraph 3.1.6 of the C&APS states that discussions between the Applicant and consenting bodies are on-going. Can the Applicant confirm:</p> <p>a) Of those provisions presently identified in the dDCO whether any require consent and if so identify which.</p>
Q6.0.3	The Applicant	<p>Explanatory Memorandum (EM) – disapplication</p> <p>Paragraphs 4.15 and 4.16 identifies the disapplication of section 32 of the Land Drainage Act 1991, does this affect any other drainage body. If so, please identify and confirm whether their consent is required.</p>
Q6.0.4	The Applicant	<p>Explanatory Memorandum (EM) – disapplication</p> <p>For the sake of clarity identify those provisions where the Applicant may seek disapplication, who the consenting bodies are and the state of any on-going discussions including the likelihood of these being resolved before the conclusion of the Examination.</p>
6.1 Articles		
Q6.1.1	All IPs	<p>Article 2 – Interpretation ‘Commence/Commencement and Pre-Commencement:</p> <p>Is the list of pre-commencement works (a) – (r) acceptable, if not:</p> <p>a) identify those with which you have an issue and explain the reason/ justification for your concern.</p> <p>b) Are the controls secured through Requirement 17 and the pre-commencement plan sufficient or should they be amended, if so please provide your suggested amendments and justification</p> <p>In relation to the flexibility to carry out advance works, any “carve out” from the definition of “commencement” should be fully justified and it should be demonstrated that such works are de minimis and do not have environmental impacts which would need to be controlled by requirement. See section 21 of Advice Note 15. Pre-commencement requirements should also be assessed to ensure that the “carve out” from the definition of “commencement” does not allow works which defeat the purpose of the requirement.</p>
Q6.1.2	All IPs	<p>Article 2 – Interpretation ‘Maintain’</p> <p>Is the definition of maintenance acceptable, if not please explain your concern and suggest alternative wording to address your concerns including justification.</p>
Q6.1.3	NCC	<p>Article 3 – Disapplication of legislative provisions</p>

ExQ1	Question to:	Question:
		Article 3(4) seeks the disapplication of the Nottinghamshire County Council Permit Scheme Order 2020. Is the County Council in agreement and if not please explain and justify your response, including why the usual notice provisions of the New Roads and Street Works Act 1991 would not be sufficient.
Q6.1.4	LLFA, IDB, EA, Owners responsible for drainage	<p>Article 4 – Maintenance of drainage works</p> <p>Confirm that the provisions and responsibilities referenced in Article 4 and which would remain are acceptable. If not, explain and justify your concern.</p>
Q6.1.5	All IPs	<p>Article 10 – Limits of deviation</p> <p>The Applicant confirms the limits of deviation identified in Article 10 have been taken into account in assessing the effects of the Proposed Development in the ES.</p> <p>a) Are there any concerns with the limits of deviation identified, b) If so, please identify which limits and explain and justify your concerns.</p>
Q6.1.6	The Applicant	<p>Article 12 – Consent to Transfer benefit of Order</p> <p>Article 12(4) references ‘as identified in column (4) of the table in Part 3 of Schedule 4 (permanent stopping up of highways and private means of access & provision of new highways & private means of access)’. However, Part 3 of schedule 4 is for new highways which are otherwise to be provided and only contains 2 columns. Please explain or correct the reference.</p>
Q6.1.7	NCC	<p>Articles 13 - 22 (Part 3 – Streets)</p> <p>As local highway authority, are the provisions set out in Articles 13-22 acceptable. If not, identify which are not and provide suggested alternative wording to correct/ address any concerns with reasoned justification.</p>
Q6.1.8	The Applicant	<p>Article 15 – Classification of Roads</p> <p>a) Article 15(4) Includes the phrase ‘on such a day as the undertaker may determine’:</p> <p>I. Is this sufficiently precise? II. What are the parameters that would be involved in arriving at this determination of the day? III. How will Authorities or persons affected by the revocations or variations be made aware that they have come into effect?</p> <p>Please explain and justify any responses.</p> <p>b) Article 15(9) includes that variation of the application of provisions in this article is possible under any enactment and arguably this has the effect of disapplying section 153 which provides a procedure for changing a DCO. There may be precedent in other made DCOs for the same drafting but it should be</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		<p>clear under which section 120 power these articles are made and if necessary justification provided as to why the provision is necessary or expedient to give full effect to any other provision of the DCO. This is also relevant to Articles 21 and 22.</p>
Q6.1.9	EA, IDB, LLFA Owners or other SUs responsible for drainage	<p>Article 23 – Discharge of Water Confirm whether or not you are in agreement with the extent and form of this Article.</p> <ul style="list-style-type: none"> • If you have concerns please identify the concern and propose alternative wording to address your concern. • Explain and justify any alternative wording proposed
Q6.1.10	The Applicant	<p>Article 24 – Protective Works to Buildings Does this give authority to carry out protective works to Listed Buildings without Listed Building Consent? Please explain how it does not enable such works and if this is not the intention advise how this can be explicitly addressed in the Article.</p>
Q6.1.11	The Applicant	<p>Article 25 – Authority to Survey Land Art 25(1)(b) includes the term ‘adjacent to’ this is imprecise and should be clarified/ defined. If you believe it is not necessary to define explain and justify why not.</p>
Q6.1.12	The Applicant	<p>Article 29 – Compulsory Acquisition of rights and imposition of restrictive covenants</p> <p>a) Article 29 is drafted to enable compulsory acquisition of new rights and restrictive covenants over <u>all</u> of the Order land. Schedule 5 limits the compulsory acquisition power in defined plots to the defined rights listed in that schedule. This approach (allowing undefined rights in land not listed Schedule 5) should be clearly identified and the need for it explained and justified in the Explanatory Memorandum and Statement of Reasons. It is likely to be difficult to justify. There must be evidence to show that persons with an interest in the Order land were aware that undefined new rights were being sought over <u>all</u> of the Order land (including the land described as being for temporary possession in schedule 7) and were consulted on that basis. The Secretary of State DfT has previously limited the power to create undefined new rights by amending the temporary possession article</p> <p>b) Compulsory acquisition of an interest in land held by or on behalf of the Crown cannot be authorised through this or any other article. There is no specific drafting in article 29 to exclude interests held by or on behalf of the Crown. Reference to article 52 does not achieve this. The interests of the Crown</p>

ExQ1	Question to:	Question:
		<p>should therefore be excepted from the description of the relevant plots in the Book of Reference to ensure that the DCO does not purport to authorise compulsory acquisition of such rights</p>
Q6.1.13	The Applicant	<p>Article 29 Compulsory Acquisition etc and Article 26 (land) and 29 (rights)</p> <p>Temporary possession is not itself compulsory acquisition.</p> <p>The compulsory acquisition articles 26 (land) and 29 (rights), are drafted to authorise the compulsory acquisition of all of the Order land. Although the land in schedule 7 is described as being for temporary possession, there is nothing in the DCO which prevents the compulsory acquisition of new rights and restrictive covenants in that land. There should be a provision in article 40 which prevents compulsory acquisition of land which is only intended to be used temporarily. To prevent any compulsory acquisition of the land in schedule 7 something along the following lines is required:</p> <p><i>The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 38 (acquisition of subsoil or airspace only).</i></p> <p>The compulsory acquisition article (26) should be drafted in a way that expresses that it is subject to the temporary possession article (by reference to the temporary possession article number). Article 26 says that it is subject to article 40(9), however 40(9) simply refers to the undertaker not being required to acquire land if it takes temporary possession of it and does not serve to prevent the undertaker compulsorily acquiring rights over the land described as being for temporary possession (i.e the land in schedule 7).</p> <p>The drafting of the compulsory acquisition of rights article (article 29) authorises the creation of new rights over all of the order land, in addition to the new rights described in schedule 5. In the absence of a provision in article 40 along the above lines, this has the effect of permitting the creation of undefined new rights in the land over which temporary possession powers are granted under 40(1)(a)(i) (ie the land in schedule 7). This is likely to be difficult to justify.</p> <p>In these circumstances it is important that the book of reference, land plans and Statement of Reasons identify and define the land in schedule 7 appropriately. If the land is consistently described as being for temporary possession, then it may be that persons with an interest in the land have not understood the nature of powers sought over their land and consequently have not been correctly consulted. The applicant should clearly explain the powers that they are seeking over these plots, the need for these powers, how this is secured in the DCO and provide evidence that all persons with an interest in these plots have been consulted appropriately in a way that was clear about the nature of the powers sought</p>

ExQ1	Question to:	Question:
Q6.1.14	The Applicant	<p>Article 30 – Private Rights over land</p> <p>Art 30(10) includes the phrase ‘From such date as the undertaker may determine...’ this is imprecise. Whilst an end date is provided how does the undertaker intend to notify owners or persons with rights that the stopping up has become effective?</p>
Q6.1.15	The Applicant	<p>Article 41 – Temporary use of land for maintaining the authorised development</p> <p>a) In Art 41(13) the maintenance period is specified as 5 years from the development first opening. Given some of the landscaping mitigation and other mitigation requires longer establishment periods in the region of 15 years or longer. Explain and justify why it is appropriate to limit maintenance here to 5 years.</p> <p>b) Is it appropriate to have different periods for different elements with longer periods than proposed here?</p> <p>c) What are the consequences of seeking to secure necessity for temporary access over a longer period?</p>
Q6.1.16	Statutory Undertakers	<p>Articles 42, 43 and 44 in relation to Statutory Undertakers</p> <p>Do these Articles raise any significant concerns, if so:</p> <p>a) Explain the concern.</p> <p>b) Propose any alternative wording</p> <p>c) Comment on whether Protective Provisions are being discussed to address and such issues and detail the state of play with those discussions, and</p> <p>d) Explain and justify any responses.</p>
Q6.1.17	The Applicant, NSDC, NCC, LCC	<p>Articles 49 and 50 – Statutory Nuisance and Control of Pollution</p> <p>a) Do these Articles create any issues for Local Authorities in relation to the carrying out of their functions and if so explain and justify any concerns and provide alternative wording for the Articles to address your concerns.</p> <p>b) For the Applicant, in respect of Article 50 why is a different procedure to the existing procedures for challenging such decisions under the Control of Pollution Act necessary, and</p> <p>c) The drafting of Article 50 does not appear to limit the power to appeal to notices / consents issued by the Local Authority in relation to works for which consent is granted by the order. The drafting appears to permit the undertaker to appeal any notice / consent issued to them by the Local Authority even if it related to works authorised under a different planning permission in a different location.</p>

ExQ1	Question to:	Question:
Q6.1.18	The Applicant	<p>Article 51 – Removal of Human Remains</p> <p>The SoS has recently removed such provisions from recent DCOs on the basis that no evidence has been submitted to suggest that such potential existed. Is the Applicant aware of any such potential within the Order limits and if so please sign post or provide this evidence.</p> <p>Is the Article necessary?</p>
Q6.1.19	Government Legal Department	<p>Article 52 – Crown Rights</p> <ol style="list-style-type: none"> Are GLD satisfied that Article 52 safeguard's its position and that its only interest lies in respect of interest in Plot 2/6a. Advise as to whether it is likely that agreement will be reached with the Applicant in respect of the necessary permission for the inclusion of the Article. The Applicant to confirm who they have engaged with in respect of Crown Land and what is the latest position in terms of on-going discussions and the likelihood of successful conclusion before the close of the examination. The word "take" should be removed from this Article. Consent under section 135 (1) and (2) should also be obtained from the Crown authority for the compulsory acquisition of any intertest held otherwise than by or on behalf of the Crown.
Q6.1.20	The Applicant	<p>Article 58 – Temporary suspension of navigation</p> <ol style="list-style-type: none"> Given Canal and River Trusts (CRT) [RR-009] update the ExA on the ongoing discussions and potential resolution to the issues raised. Is it likely this Article will be removed? Will Protective Provisions (PP) be required for CRT and if so, what is the state of discussion on the PPs including the likelihood these will be concluded before the close of the examination
6.2 Requirements - Schedule 2		
Q6.2.1	The Applicant	<p>Requirement 3 – Second Iteration EMP</p> <p>How are 'parts' of the authorised development defined in the context of R3(1) – the decision-maker would need to know the extent of the 'part' in order to decide if the EMP satisfactorily deals with it?</p>
Q6.2.2	The Applicant NSDC, NCC, LCC, NE, EA	<p>Requirement 3 – Second Iteration EMP</p> <ol style="list-style-type: none"> R3(1) currently refers to the Local Planning Authority. Does this need to be defined?

ExQ1	Question to:	Question:
		<p>b) R3(1) includes the phrase “substantially in accordance with”. Justify why this is sufficiently certain and precise to ensure essential mitigation is secured.</p> <p>c) R3(2) fourth line ‘...method statements and method statements...’ there is a duplication of words is this a typing error?</p> <p>d) R3(2) states the Second Iteration EMP ‘...must ‘reflect’ the mitigation measures...’ the term ‘reflect’ is imprecise and could lead to watering down of the requirement and the required mitigation, please reconsider the use of this phrase</p>
Q6.2.3	The Applicant, NSDC, NCC, LCC, NE, EA	<p>Requirement 3 – Second Iteration EMP</p> <p>The EA has requested that it is identified as a consultee in relation to the discharge of this requirement and that the EMP includes a Dewatering Plan.</p> <p>a) Given the breadth of management plans and method statements, should other consultees not be identified including NCC, EA, NE?</p> <p>b) Are there any other management plans or method statements that should be included in the list in R3(2)?</p>
Q6.2.4	The Applicant	<p>Requirement 4 – Third Iteration EMP</p> <p>What is the definition of the ‘completion of construction’ of the authorised development and should there be a trigger point included in R4 in relation to the bringing into use of the completed development?</p>
Q6.2.5	The Applicant, NSDC, NCC, LCC, NE, EA	<p>Requirement 4 – Third Iteration EMP</p> <p>Other consultation bodies should be included given the context of Q6.2.5. If you consider this should not the case, please explain your response. (The EM at paragraph 5.5(c) refers in relation to the EMP to consultation with the relevant LPA and the EA, but this is not secured in the wording of the Requirement).</p>
Q6.2.6	NSDC, NCC	<p>Requirement 5 – Construction Hours</p> <p>Is the LPA happy with the hours specified in R5(1) and with the excluded works in R5(2), (3) and (4)?</p>
Q6.2.7	The Applicant	<p>Requirement 6 – Landscaping</p> <p>Should the EA and NE not be included as consultees on landscaping given the interrelationship with BNG and ecology effects? If not, please explain and justify your response.</p>
Q6.2.8	The Applicant	<p>Requirement 6 – Landscaping</p>

ExQ1	Question to:	Question:
		R6(6) limits replacement within five years. Given that some of the mitigation requirements and establishment periods for BNG and landscaping are significantly longer, including 15-30 year time frames and the maintenance periods in the first iteration EMP. Explain and justify the limited five year period.
Q6.2.9	The Applicant	<p>Requirement 7 – Fencing</p> <p>a) The Requirement references the Manual for Contracts Documents, are these before the Examination (please sign post where if they are).</p> <p>b) The Requirement does not appear to secure the provision of the fencing. Please explain how the fencing proposed is secured as Requirement 7 appears to only identify the construction and installation method of any fencing adjacent to the new dual carriageway. It may be that reliance is placed on ‘The Authorised Development in Schedule 1’ or Requirement 12 detailed design? However an explanation of your intention is needed for clarity.</p>
Q6.2.10	The Applicant, NSDC, EA.	<p>Requirement 8 – Contaminated Land and Ground Water</p> <p>R8(2) appears to leave the decision as to whether remediation is necessary to the Undertaker. There is currently no cross reference to the Risk Assessment undertaken in accordance with consultation with the EA and LPA.</p> <p>Should it not be that the Requirement should state where the risk assessment in (1) determines that remediation is necessary it is required rather than leaving it to the discretion of the undertaker? If not please explain and justify your response.</p>
Q6.2.11	NSDC, EA	<p>Requirement 8</p> <p>Is Requirement 8 (Contaminated Land and Groundwater) of the dDCO [APP-021] sufficiently comprehensive? If not, please explain how you think it should be amended.</p>
Q6.2.12	The Applicant, NSDC, Couthy Archaeologist, District Archaeologist.	<p>Requirement 9 – Archaeology and built heritage</p> <p>Please address the following issues:</p> <p>a) In 9(1) ‘reflecting’ is imprecise and adds a degree of ambiguity more appropriate to ‘secure’ the mitigation measures.</p> <p>b) 9(6) third line a space is missing after the (4) – Typing error.</p> <p>c) In 9(7) why is the district archaeologist not referenced as in other subsections eg (4).</p> <p>d) What is the justification for 14 days stated in 9(8) given that once ‘identified’ must be subject to appropriate mitigation as set out in any relevant mitigation strategy and agreed. The timescale seems</p>

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ExQ1	Question to:	Question:
		unreasonably tight. Furthermore, as drafted 9(8) refers to 9(6) – surely this is referencing not-previously- identified remains which would be 9(7).
Q6.2.13	The Applicant, NSDC, EA, NE	<p>Requirement 10 – Protected Species</p> <p>Should the written scheme for protection and mitigation measures to be prepared by the Ecological Clerk of Works not be agreed with the LPA, Natural England or some other independent body? If not, explain and justify your response.</p> <p>Are NSDC, EA and NE content that this Requirement provides sufficient protection for protected species?</p>
Q6.2.14	The Applicant, NCC, NSDC	<p>Requirement 11 – Traffic Management</p> <p>a) How is the ‘part’ of the of the authorised development defined or identified?</p> <p>b) Should consultees not also include NSDC as the TMP potentially has implications beyond the effect on the local highway network?</p>
Q6.2.15	The Applicant	<p>Requirement 12 – Detailed design</p> <p>Should 12(b) not be ‘mitigation’ principles?</p> <p>Requirement 12 contains a tailpiece permitting the Secretary of State to amend the detailed design, this should be justified in consideration of the advice on tailpieces in advice note 15.</p>
Q6.2.16	The Applicant, NSDC, EA, IDB, LLFA.	<p>Requirement 13 – Surface and Foul water drainage</p> <p>Consultation requirements in (2) only reference the relevant local authority but does not reference EA as is done in (1), why the difference? Also given that the Requirement is in respect of surface water and foul water drainage should this not include LLFA, IDB or other relevant SUs?</p>
Q6.2.17	The Applicant, EA	<p>Requirement 14 - Flood Compensatory Storage</p> <p>Does the detailed flood compensation scheme proposed in Requirement 14 supersede the current submission and should this Requirement be reworded to consider the current details given Requirement 15 states the scheme must be carried out as per the FRA of which the FCA forms a part?</p>
Q6.2.18	The Applicant, EA LLFA	<p>Requirement 15 – Flood Risk Assessment</p> <p>Should this include consultation with the LLFA?</p>
Q6.2.19	The Applicant, NSDC	<p>Requirement 16 – Noise Mitigation</p> <p>a) (2)(a) ‘reflect’ is imprecise and introduces ambiguity, should this not be ‘include’?</p>

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ExQ1	Question to:	Question:
		b) Does (3) mean retained in perpetuity thereafter?
Q6.2.20	All IPs	Requirement 17 – Pre-commencement Works Are the details of the pre-commencement plan [APP-188] sufficient and address any concerns? If not, detail the particular parts and matters with which you have concerns and explain and justify your response.
Q6.2.21	The Applicant, NSDC, NCC, EA, NE	Requirement 18 – Highway Lighting 18(1) refers to consultation with the relevant local authority, this isn't defined. Moreover, the lighting is recognised as potentially affecting landscape, visual, biodiversity etc. Wider consultation to include NSDC, NCC, EA, NE would appear to be appropriate. If not, please explain and justify why not.
6.3 Other Schedules		
Q6.3.1	NCC	Schedule 3 – Classification of Roads etc Are NCC as the Local Highway Authority in agreement with: a) The Classified Roads listed in Parts 2 and 3 and unclassified Roads identified in Parts 3 and 4 b) The speed limits proposed in Part 5 c) The traffic regulation measures in Parts 7, 8 and 9 including revocations And d) The cycle tracks in Part 10.
Q6.3.2	NCC and other IPs	Schedule 4 – permanent Stopping up etc a) Are you in agreement with the stopping up of highways with or without substitution or are otherwise to be provided as referenced in parts 1, 2 and 3. b) Parts 4-6 dealing with private means of access. Are you in agreement with the highways and accesses listed and if not, please identify to which you object and explain why.
Q6.3.3	The Applicant	Schedule 9 – Protective Provisions Is it the Applicant's intention to secure complete other protective provisions than those presently included in the dDCO? If so, please specify with which parties and update the ExA on any ongoing discussions.
Q6.3.4	The Applicant	Schedule 9 – Protective Provisions Schedule 9 Part 1 deals with Electricity, Gas, Water and Sewage undertakers as a catch all. Part 3 is in respect of Cadent Gas, are there other Gas operators and utilities to be included or is cadent gas the only operator with equipment that is relevant and should Gas be excluded from Part 1.

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ExQ1	Question to:	Question:
		To avoid duplication or overlap should it be made clear that Part 1 does not relate to Cadent Gas as they are specifically addressed in Part 3?
Q6.3.5	The Applicant, Cadent Gas	<p>Schedule 9 – Protective Provisions</p> <p>Part 3 of Schedule 9 is for the benefit of Cadent Gas. Provide an update on the latest position in respect of the Protective Provisions in Part 3 and what the likelihood of these being agreed and completed prior to the close of the Examination.</p>
Q6.3.6	The Applicant, Network rail	<p>Schedule 9 – Protective Provisions</p> <p>Part 4 of Schedule 9 is for the benefit of Network Rail. Provide an update on the latest position in respect of the Protective Provisions in Part 4 and what the likelihood of these being agreed and completed prior to the close of the Examination.</p>
7. Geology and Soils		
Q7.0.1	The Applicant	<p>Clarifications</p> <p>a) Please review the syntax of paragraph 9.11.2 of ES Chapter 9: Geology and Soils [APP-053].</p> <p>b) In Table 9-9 of ES Chapter 9: Geology and Soils [APP-053] a number of “GS” references do not appear to correspond with Table 2-1 of the First Iteration EMP, eg GS10. Please check all references in Table 9-9 and update if necessary.</p>
Q7.0.2	The Applicant, NSDC	<p>Policy – Local</p> <p>On the webpage for which a link (https://www.newark-sherwooddc.gov.uk/landpollution/) is provided at footnote 33 of ES Chapter 9: Geology and Soils [APP-053], reference is made to a previous version of the NSDC’s contaminated land strategy. Is that document relevant to the consideration of this Application?</p>
Q7.0.3	The Applicant, EA	<p>Consultation Responses – Environment Agency</p> <p>With reference to paragraph 9.4.3 of ES Chapter 9: Geology and Soils [APP-053], please provide the response of the EA’s Groundwater and Contaminated Land officer in respect of the known contamination hotspot and risk to controlled waters.</p>
Q7.0.4	NSDC	<p>Consultation Responses – Contaminated Land</p> <p>a) Paragraph 9.4.2 of ES Chapter 9: Geology and Soils [APP-053] states that NSDC’s Environmental Health Technical Officer was in agreement with the Contaminated Land Risk Assessment conclusions and agreed with the proposal to leave the identified hotspot area of contamination <i>in situ</i>. Please confirm your</p>

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ExQ1	Question to:	Question:
		<p>position, including by reference to the Applicant's proposals as outlined at paragraph 9.11.7 of ES Chapter 9.</p> <p>b) Are you satisfied that the Applicant's approach is consistent with the EA's Land contamination risk management (LCRM) guidance?</p> <p>c) NSDC [RR-048] expresses an expectation that full details of mitigation would be confirmed prior to the commencement of works. What details should be provided, which Works Number(s) should the details relate to, and how should this be secured by the dDCO?</p> <p>d) Are you satisfied with the proposed measures in relation to non-hotspot areas as outlined at paragraph 9.11.8 of ES Chapter 9: Geology and Soils [APP-053]?</p> <p>e) Should construction-phase monitoring for contamination be added to Table 16.2: Summary of monitoring requirements of ES Chapter 16: Summary [APP-060]?</p>
Q7.0.5	The Applicant	<p>Effect on Landfill Site</p> <p>In response to [RR-020] please clarify:</p> <p>a) how the Proposed Development could impact the active landfill permit boundary;</p> <p>b) whether the proposed works extend onto the landfill site, and if they could affect the locations of existing monitoring boreholes on or around the site;</p> <p>c) if necessary, how boreholes would be retained and protected from damage; and</p> <p>d) whether the submitted drawings accurately show the extent of landfill sites and the Order Limits.</p>
Q7.0.6	The Applicant	<p>Agricultural Land Survey</p> <p>Natural England [RR-044] expressed concern relating to the absence of an ALC survey of land south of Farndon Roundabout. Paragraph 9.6.4 of ES Chapter 9: Geology and Soils [APP-053] states that SSEW soils data was used.</p> <p>a) Please provide a copy of the Soilsmap England and Wales (SSEW) map(s) for this area.</p> <p>b) Is it appropriate to rely on SSEW information given that paragraph 3.6.1 of DMRB LA 109 Revision 0 says that a survey should be undertaken?</p> <p>c) Please describe the works that would take place on the land to the south of the Farndon Roundabout which has not been surveyed and explain the maximum amount of agricultural land which could be lost as a result of those works as well as the ALC grade(s) of that land.</p>
Q7.0.7	The Applicant	<p>Agricultural Land</p>

ExQ1: 15 October 2024

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ExQ1	Question to:	Question:
		<p>a) Would all of the areas coloured pink on the Agricultural Land Impact Plan [AS-071] be permanently removed from agricultural use?</p> <p>b) If not, please indicate the areas that would be permanently removed from agricultural use, also stating the extent of each area in hectares.</p> <p>c) Please provide a drawing illustrating and noting in hectares the extent of each agricultural land classification grade that would be permanently removed from agricultural use and the farms to which each parcel belongs (farm references to correspond with the sub-receptor references in ES Chapter 12: Population and Human Health [APP-056]).</p>
Q7.0.8	The Applicant	<p>Agricultural Land</p> <p>Paragraph 9.12.6 of ES Chapter 9: Geology and Soils [APP-053] states that the Outline Soil Management Plan provides guidance on the handling of all soils to ensure they remain of comparable quality and functionality in the event that they are to be re-purposed.</p> <p>a) Would some soils not be re-purposed and if yes, what would happen to them? Please respond to Natural England’s comments [RR-044] in relation to:</p> <p>b) The lack of a clear commitment to reinstate all temporarily lost Best and Most Versatile land to its original classification after construction.</p> <p>c) The lack of a clear commitment to ensure that soils are not handled when wet.</p> <p>d) Would the Proposed Development adhere to Defra’s Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (referred to footnote 110 of NPSNN 2015).</p>
Q7.0.9	The Applicant	<p>Agricultural Land – Flood Compensation Area (FCA)</p> <p>a) What is the duration of the temporary loss of agricultural land in the Kelham and Averham FCA noted in Table 9.9 of ES Chapter 9: Geology and Soils [APP-053]?</p> <p>b) Would the creation of the Kelham and Averham FCA affect the ability of the land to be used for agricultural purposes?</p> <p>c) Would flooding affect the quality of this land (in terms of ALC)?</p>
Q7.0.10	The Applicant, NSDC, NCC	<p>Ground Gas</p> <p>Paragraph 9.8.55 of ES Chapter 9: Geology and Soils [APP-053] states that elevated carbon dioxide emissions were encountered during monitoring. Would any mitigation or safety measures be needed, or would any risks be controlled by another regime?</p>

ExQ1: 15 October 2024

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ExQ1	Question to:	Question:
Q7.0.11	NSDC, NCC	<p>Mitigation</p> <p>Is the Outline Soil Management Plan (OSMP) at Appendix B.3 of the First Iteration EMP [APP-184] in line with the ambition set out in the Government’s Environmental Improvement Plan in relation to the sustainable management of agricultural soils (per 5.190 of NPSNN 2024)?</p>
Q7.0.12	NSDC, NCC	<p>Mitigation</p> <p>Would the Outline Materials Management Plan (OMMP) at Appendix B.2 of the First Iteration EMP [APP-184] satisfactorily maximise the re-use of suitable site-won geological resources while minimising waste generated for disposal off site and the importation of virgin materials?</p>
Q7.0.13	NSDC, NCC, The Environment Agency	<p>Mitigation</p> <p>Are the measures in respect of controlled waters/ groundwater at references GS3, GS4 and GS5 on pages 59-63 (inclusive) of the First Iteration EMP [APP-184] satisfactory?</p>
Q7.0.14	The Applicant	<p>Mitigation</p> <p>In Table 9-9 of ES Chapter 9: Geology and Soils [APP-053] “<i>LCRM – CLRA (Appendix 9.2 (Contaminated Land Risk Assessment) of the ES Appendices (TR010065/APP/6.3))</i>” is listed as “<i>Essential Mitigation</i>”. How would this mitigation be secured?</p>
Q7.0.15	The Applicant	<p>Remediation</p> <p>Would full land remediation, including topsoil and re-seeding (as appropriate), be undertaken on the land described in [RR-003] and [RR-029]? If yes, how would this be secured?</p>
8. Cultural Heritage		
Q8.0.1	The Applicant, NSDC	<p>Winthorpe Conservation Area</p> <p>ES Chapter 6: Cultural Heritage [APP-050] refers to the potential installation of triple glazed windows in a property affected by noise in the conservation area. However, ES Chapter 11: Noise and Vibration [APP-055] makes no reference to this as a possible mitigation measure.</p> <ul style="list-style-type: none"> • Is the installation of triple glazed windows at this property necessary to make the Proposed Development acceptable at this location? If so, please provide details on what discussions have been had in this regard with the property owner and the Local Planning Authority (LPA). • NSDC please confirm, without prejudice to any potential application, if this would be acceptable?

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> NSDC please provide a copy of the Winthorpe Conservation Area Character Appraisal.
Q8.0.2	The Applicant	<p>Smeaton’s Arches</p> <p>To fully appreciate the impact on the Grade II listed Smeaton’s Arches we request that the Applicant provides a plan of their full extent and description of their current condition including a commentary of any elements that have already been impacted by existing works. Furthermore, please provide:</p> <ul style="list-style-type: none"> A drawing showing the location / extent of any alterations to or demolition of any part of the designated heritage asset as a consequence of the Proposed Development, along with an explanation of any such works, and how those works would affect the significance of the heritage asset.
Q8.0.3	The Applicant	<p>Civil War Landscape</p> <p>To gain a fuller understanding of the civil war landscape, please signpost where in the documentation the ExA can locate a map and commentary of the likely impacts, or provide a map and commentary, with only this information.</p>
8.1 Non-Designated Heritage Assets		
Q8.1.1	The Applicant NCC	<p>Non-Designated Heritage Assets (NDHAs)</p> <p>In the ES Chapter 6: Cultural Heritage [APP-050] the Applicant provides details of NDHAs. Can the Applicant and NCC confirm that this list is up to date?</p>
Q8.1.2	NCC	<p>Newark Flat Crossing</p> <p>In Section 7.3 of the Applicant’s Transport Assessment Report [APP-193] there is reference to the “<i>last remaining flat railway crossing in the UK</i>” (paragraph 7.3.3). Does this have any heritage value, and if so, should it be considered a NDHA and assessed as such?</p>
Q8.1.3	The Applicant	<p>Late Upper Palaeolithic (LUP) Archaeology</p> <p>NCC [RR-057] state that the identified LUP site around Farndon, applicant’s reference MM503 [APP-050], should be considered of equivalent significance as a Scheduled Ancient Monument (SAM). This has been recognised by Historic England (HE) and is detailed in the Council’s Local Plan. This approach is consistent with paragraph 5.124 of NPSNN 2015, paragraph 5.208 in NPSNN 2024 and footnote 72 of NPPF 2023.</p>

ExQ1	Question to:	Question:
		Please explain how the cultural heritage assessment considers the above in respect to the LUP site at Farndon.
9. Habitats Regulation Assessment (HRA)		
Q9.0.1	The Applicant	<p>Drainage Strategy Report (Construction Phase)</p> <p>In their response NE [RR-044] highlights that the Drainage Strategy Report [APP-179] does not include any measures to prevent silt and water quality impacts during construction, as the document relates to the operational phase only. This contradicts the contents of Table 8-9 of ES Chapter 8: Biodiversity [APP-052] which states “<i>temporary drainage and silt management techniques are outlined in Appendix 13.4 (Drainage Strategy Report)</i>”. The First Iteration EMP Table 3-2 (REAC) [APP-184] makes a similar statement. The HRA report [APP-185] (p30-31) includes reference to embedded construction mitigation measures for works close to the River Trent, namely silt fencing and protective fencing.</p> <p>Please provide further details on temporary drainage and silt management techniques to assess the likely impact of construction works on international designated sites (Humber Estuary SAC and Humber Estuary Ramsar) and their qualifying features.</p>
Q9.0.2	The Applicant	<p>Loss of Lamprey Individuals</p> <p>NE comments [RR-044] that page 39 of the HRA report (Stage 1: Screening) [APP-185] refers to the possibility for likely significant effects (LSEs) “<i>through the loss of lamprey individuals</i>”. There is no other reference to direct loss of lamprey individuals in the report and it is not discussed further. Please provide a justification for this potential direct loss of lamprey including how and why this might come about.</p>
Q9.0.3	The Applicant	<p>Loss of Lamprey Individuals</p> <p>The First Iteration EMP Table 3-2 (REAC) [APP-184] reference B9 states “<i>Electro-fishing will be undertaken as part of fish rescue prior to sheet piling at Windmill Viaduct and works to Slough Dyke to mitigate injury and death of fish. The screening aperture across the abstraction pump inlets during dewatering works at Slough Dyke would be small enough to prevent access of European eel (yellow eel life stage) (no greater than 3mm).</i>” These works have not been discussed in the HRA yet the EA advise [RR-020] that this may have the potential to cause direct loss of lamprey individuals and thus a likely significant effect to lamprey associated with the Humber Estuary.</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		Further clarity on this impact pathway is required. If there is any possibility of direct harm or loss to be caused to lamprey individuals this needs to be clearly set out within the report, along with associated prevention measures.
Q9.0.4	The Applicant	De Minimis Level Impact NE comments [RR-044] that the HRA report (Stage 1: Screening; p37) [APP-185] refers to a potential “ <i>de-minimis level impact upon resting lamprey or larval lamprey (if present)</i> ” due to daytime piling works. “ <i>De-minimis</i> ”, as defined in the HRA report glossary, relates to “ <i>effects considered to be ‘trivial’ and those that have no appreciable effect on the site</i> ”, and these effects are excluded from further assessment (para. 3.2.7). Please provide a further explanation as to how the conclusion of de minimis was reached.
Q9.0.5	The Applicant	Effects of Light Spill NE comments [RR-044] that the HRA [APP-185] does not refer to operational light spill and its possible effects on migrating lamprey. NE consider that the changes to the highway lighting scheme could introduce additional light spill and subsequently have a likely significant effect on migrating lamprey. Please provide a comment on the operational effects of highway lighting on migrating lamprey or provide justification for not including it within the HRA.
Q9.0.6	The Applicant	In-combination Effects The HRA [APP-185] in-combination assessment table lists projects by distance from the SAC/ Ramsar. However, it is considered that distance from the River Trent is also an important factor given the functional linkage to the Humber Estuary. Please provide an updated in-combination assessment considering the functional linkage of the River Trent to the Humber Estuary. This should also provide a justification as to not including non-NSIP projects, or should be updated to include them
Q9.0.7	The Applicant	Light Spill Impact on Migrating Lamprey (Construction phase) NE comments [RR-044] that the HRA [APP-185] report identifies “ <i>temporary severance of migratory routes along the river for breeding (as a result of artificial light spill)</i> ” as a likely significant effect which is taken through to Stage 2: Appropriate Assessment. As noted in Section 5.3, bridge beam installation is planned during May 2026, which is within the lamprey migration season as noted within the HRA report. This may contravene conservation objectives associated with maintaining the population and distribution of qualifying species (river and sea lamprey) of the Humber Estuary SAC/ Ramsar.

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Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		Review NE's comments and provide a response applying the mitigation hierarchy to the bridge beam installation.
Q9.0.8	The Applicant	<p>Terminology</p> <p>In their response [RR-044] NE points out that the terminology used within the HRA Appropriate Assessment Section 5.3.7 [APP-185] is incorrect. It is concluded that an LSE can be ruled out after considering the effect of mitigation. Any mitigation required must be considered in the Appropriate Assessment to demonstrate “no Adverse Effect on Integrity”.</p> <p>Please review Section 5 of the HRA to ensure impacts are considered with regard to site integrity.</p>
Q9.0.9	The Applicant	<p>Mitigation to Prevent Entrapment/Isolation of Lamprey During Flooding</p> <p>The wording at Reference B9 in the Register of Environmental Actions and Commitments (REAC) within the First Iteration EMP [APP-184] says “Following consultation with the Environment Agency...”. Please provide a justification as to why this is not worded to include agreement with the EA.</p>
Q9.0.10	The Applicant	<p>Fish Escape Passage Design</p> <p>NE [RR-044] has commented that the wording within HRA [APP-185] section 5.2.3 states that the EA's recommendations regarding the fish escape passage design would be incorporated “where possible”. The use of imprecise language such as this may introduce uncertainty around the implementation of these mitigation measures.</p> <p>NE also note that the design of these measures must include consideration for changes to flood events caused by climate change.</p> <p>Please provide a detailed response to this comment and an explanation as to why the EA's recommendations [RR-020] will only be incorporated “where possible”.</p>
10. Landscape and Visual effects		
Q10.0.1	The Applicant	<p>Maintenance</p> <p>ES Chapter 7: Landscape and Visual Effect [APP-051] states that the maintenance of landscape features will be undertaken for a period of five years, paragraph 7.12.2. However, the supporting information in the landscape and visual impact assessment [APP-139] details mitigation for up to year 15.</p> <p>Please provide a justification for the current maintenance period of five years instead of 15 when the latter would ensure those details set out in the LVIA can be achieved.</p>

ExQ1	Question to:	Question:
10.1	Photomontages	
Q10.1.1	The Applicant	<p>Photomontages</p> <p>Please confirm that the photomontages [APP-139] take account of the Environmental Masterplan [AS-026] with consideration of the vegetation that is to be lost and mitigation measures to be implemented such as noise barriers, bunds and planting. If not, please provide updated versions.</p>
11.	Material Assets and Waste	
Q11.0.1	The Applicant	<p>Clarifications – Environmental Statement</p> <p>In respect of ES Chapter 10: Material Assets and Waste [APP-054]:</p> <ol style="list-style-type: none"> Should Table 10-1 refer to the more recent Nottinghamshire and Nottingham Local Aggregates Assessment 2022 sales data which is now available? Please clarify what 'Mt' means in Table 10-6 and Table 10-7. Table 10-18 (page 54) states that: <i>“the use of the available sand and gravel by the Scheme is anticipated to be less than approximately 3.5%.”</i> Please clarify what the 3.5% estimate is a percentage of. Paragraph 10.8.39 states that: <i>“Not all landfills outlined in Table 10-12 and Table 10-14 may be suitable for accepting waste generated by the Scheme, but it demonstrates that sufficient landfills are within the surrounding areas of the Scheme.”</i> Those tables do not indicate which landfills would be suitable, the remaining capacity of those landfills, or the amount of materials that could be deposited in them as a consequence of the Proposed Development. Please clarify how the conclusion at 10.8.39 has been drawn. Paragraph 10.10.3 states: <i>“Details on the First and Second Iteration EMPs, including how mitigation is secured within the draft DCO (TR010065/APP/3.1), is provided within Section 4.4 of Chapter 4 (Environmental Assessment Methodology) of this ES.”</i> However, Section 4.4 of ES Chapter 4 [APP-048] relates to 'Consultation and engagement'. The paragraph numbering in Section 4 also appears to be incorrect. Please review and update. <p>In respect of ES Figure 10.1 [AS-053]:</p> <ol style="list-style-type: none"> Please confirm what the dark brown shading to the right of the 'historic landfill site' represents – it is not indicated on the key.
Q11.0.2	The Applicant	Policy – National

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Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		Paragraphs 10.3.43 and 10.3.44 of ES Chapter 10: Material Assets and Waste [APP-054] (dated April 2024) discuss the 2021 consultation version of the Waste Prevention Programme for England. The final policy paper was published in August 2023. Please update.
Q11.0.3	The Applicant, NCC	<p>Policy – Local</p> <p>Please explain the relevancy of the following policies, noted on pages 16 and 17 of ES Chapter 10: Material Assets and Waste [APP-054], to the determination of this Application?</p> <p>Nottinghamshire and Nottingham County Council Waste Core Strategy (Adopted 2013):</p> <ul style="list-style-type: none"> • WCS3 Future waste management provision • WCS5 Disposal sites for hazardous, non-hazardous and inert waste • WCS8 Extensions to existing waste management facilities • WCS10 Safeguarding waste management sites <p>Emerging Nottinghamshire County Council draft Waste Local Plan (2022):</p> <ul style="list-style-type: none"> • SP2 Future Waste Management Provision
Q11.0.4	NCC	<p>Policy – Local</p> <p>a) Please provide a clear extract from the Nottinghamshire Minerals Local Plan (adopted March 2021) showing the area within which the Proposed Development would be located.</p> <p>b) Subject Area Plan C on page 160 of the Nottinghamshire Minerals Local Plan shows an area covered by yellow cross-hatching in a south-west to north-east direction. However, yellow cross-hatching in a south-west to north-east direction does not appear on the key. Please clarify.</p>
Q11.0.5	The Applicant, NCC	<p>Policy – Local</p> <p>Paragraph 10.3.58 of ES Chapter 10: Material Assets and Waste [APP-054] (dated April 2024) states that: <i>“The new waste management plan is expected to be adopted by July 2023.”</i></p> <p>a) Is the <i>“new waste management plan”</i> a replacement Waste Local Plan? If no, please provide a reference to the <i>“new waste management plan”</i>.</p> <p>b) When was it, or when is it expected to be, adopted?</p>
Q11.0.6	The Applicant	<p>Minerals</p> <p>Table 10-18 of ES Chapter 10: Material Assets and Waste [APP-054] (page 55) states that: <i>“paragraph 10.8.21 outlines reasons of why prior extraction may not be appropriate.”</i> It does not appear to explain, with specific reference to the Proposed Development, why prior extraction may not be appropriate. Furthermore,</p>

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ExQ1	Question to:	Question:
		paragraph 10.10.14 says that site-won materials, including sand and gravel, would be re-used within the Proposed Development. Please clarify the position.
Q11.0.7	The Applicant, NCC	Minerals Do you consider that the Proposed Development complies with: a) Policies SP7, DM13 and DM15 of the Nottinghamshire Minerals Local Plan and the related paragraphs 3.84 and 3.87; and b) Paragraph 5.191 of NPSNN 2024?
Q11.0.8	The Applicant	Minerals Does the “ <i>loss of any future potential to work these minerals</i> ” in [RR-069] relate to the ability of the landowner to work the minerals, or does it relate to an absolute loss of the ability to work these minerals as a consequence of the Proposed Development. If the latter, what is the type and approximate volume of minerals that would be affected?
Q11.0.9	The Applicant, NCC	Site-won Material Paragraph 10.10.14 of ES Chapter 10: Material Assets and Waste [APP-054] says that site-won materials, including sand and gravel, would be re-used within the Proposed Development and, if required, further opportunities would be explored. However, paragraph 10.11.11 anticipates that not all site-won material would be re-used due to the potential poor quality of the material and its unsuitability for use as structural fill. a) (Applicant): What would happen to any unused site-won material, including any site-won minerals deposits? b) Does the dDCO need to include any provisions in relation to the use of any site-won minerals, including minerals that are not used in the Proposed Development (eg to avoid minerals going to waste)?
Q11.0.10	The Applicant	Use of Materials Paragraph 5.71 of NPSNN 2024 says that, where possible, applicants are encouraged to use existing materials first, then low carbon materials, sustainable sources, and local suppliers. Consideration should be given to circular economy principles wherever practicable, for example by using longer lasting materials efficiently, optimising the use of secondary materials and how the development would be maintained and decommissioned. Paragraph 5.78 says that, where possible, projects should include the use of recycled materials. Please explain your approach in relation to these considerations.

ExQ1	Question to:	Question:
Q11.0.11	The Applicant	<p>Modern Methods of Construction (MMC)</p> <p>Paragraph 5.75 of NPSNN 2024 states that infrastructure projects should look to use MMC such as legal and sustainable timber and low carbon concrete and other sustainable design practices, where possible. [APP-192] states that: “<i>The Scheme would as far as possible look to use modern methods of construction.</i>” Please explain the type and extent of MMC that you anticipate being used in the Proposed Development.</p>
Q11.0.12	NSDC, NCC	<p>Mitigation – Outline Site Waste Management Plan (OSWMP)</p> <p>Do you consider that the OSWMP at Appendix B.1 of the First Iteration Environmental Management Plan [APP-184] would satisfactorily address paragraph 5.76 of NPSNN 2024? Is the Applicant’s approach consistent with Nottinghamshire and Nottingham County Council Waste Core Strategy policies WCS1 and WCS2?</p>
Q11.0.13	NSDC, NCC	<p>Mitigation – Outline Materials Management Plan (OMMP)</p> <p>Do you consider that the OMMP at Appendix B.2 of the First Iteration Environmental Management Plan [APP-184] to be satisfactory?</p>
Q11.0.14	NSDC, NCC	<p>Mitigation – Outline Soil Management Plan (OSMP)</p> <p>Paragraph 10.10.7 of ES Chapter 10: Material Assets and Waste [APP-054] states that the OSMP would be developed into a full Soil Management Plan (SMP) prior to construction.</p> <p>a) Are you satisfied with this arrangement?</p> <p>b) Do you consider that any amendments need to be made to the OSMP (Appendix B.3 of First Iteration Environmental Management Plan [APP-184])?</p>
12. Noise and Vibration		
Q12.0.1	The Applicant NSDC	<p>Tolney Lane Traveller Site</p> <p>Environmental Statement Chapter 11: Noise and Vibration [APP-055] makes note that the gypsy and traveller community at Tolney Lane is recognised as a “<i>Noise Sensitive Receptor</i>” and “<i>it is acknowledged mobile houses may provide a lesser degree of sound insulation; context will be considered as part of the standard DMRB LA 111 methodology</i>”. DMRB 111 makes reference to “<i>Determining Significance</i>” with several examples of those noise sensitive receptors that might be more sensitive to noise than others. Can the Applicant confirm what allowances have been made to the methodology to account for Tolney Lane gypsy and traveller site, if any, as per the “<i>Determining Significance</i>” on page 21 of the DMRB LA 111.</p>

ExQ1	Question to:	Question:
		Do both parties confirm that this has been considered and do both agree with the applied methodology?
Q12.0.2	The Applicant	<p>Bridge House Farm Traveller Site</p> <p>It is noted that there is a live planning application for a permanent traveller site at Bridge House Farm, NSDC reference 24/00548/FUL. Does the applicant consider that the noise assessment should include this site in the interests of the Public Sector Equality Duty?</p>
Q12.0.3	The Applicant	<p>ES Chapter 11: Noise and Vibration [APP-055] states in paragraph 11.13.5 that “<i>No properties eligible for noise insulation under the Noise Insulation Regulations 1975 (amended 1988) have been identified.</i>”</p> <p>However, Chapter 6: Cultural Heritage [APP-050] identifies the potential for the installation of triple glazed windows at Lowwood House, paragraph 6.11.25.</p> <p>Does this have any bearing on the noise assessment and can the Applicant expand on the potential impacts on this property resulting from the proposal without the installation of new windows.</p>
12.1	Construction Noise	
Q12.1.1	The Applicant	<p>Crushing Activities</p> <p>It is noted in the Consents and Agreements Position Statement Appendix A [APP-023] that a crusher is proposed as part of the construction works. Although this will be subject to separate permitting, can the Applicant confirm the proposed location for this activity and whether this has been considered in the noise and vibration assessment.</p> <p>If this has not been considered should the Noise and Vibration Assessment be updated? If not, explain why?</p>
12.2	Operational Noise	
Q12.2.1	The Applicant	<p>Operational Noise – Surface Course</p> <p>ES Chapter 11: Noise and Vibration [APP-055] states in paragraph 11.10.7 that “<i>A thin surface course would be applied to new carriageways associated with the Scheme to reduce operational road surface noise.</i>”</p> <p>Can the Applicant signpost where this will be applied and how it is secured through the dDCO?</p>
Q12.2.2	The Applicant	<p>Operational Noise – Traffic Flow</p> <p>NPSNN 2015 paragraph 3.7 provides a commentary on the uptake of ultra-low emission vehicles (ULEVs), including pure electric vehicles, plug-in hybrids and fuel cell electric vehicles. Given some such vehicles are generally accepted as being quieter than traditional combustion engine vehicles should [APP-055] have any consideration to this? If so, should this chapter be updated, but if not, explain why?</p>

ExQ1	Question to:	Question:
13.	Population and Human Health	
Q13.0.1	The Applicant	<p>Clarifications</p> <p>In respect of ES Appendix 12.1 Walker, Cyclist and Horse-rider Survey Results [APP-174]:</p> <ol style="list-style-type: none"> Please provide a larger-scale map which clearly shows each of survey locations on an 'existing situation' base (ie without the Proposed Development). It is indicated that Newark FP3 (near the Farndon Roundabout) would be stopped up. However, on [AS-006] it is indicated that a private means of access would be stopped up along the route of Newark FP3. Please explain what is intended in relation to Newark FP3. Would the part of Newark FP14 outside the Order Limits near Cullen Close remain a PRow? If yes, what purpose would this serve? <p>In respect of ES Chapter 12: Population and Human Health [APP-056]:</p> <ol style="list-style-type: none"> Should the reference to 'Mathers Road' on page 34 read 'Mather Road'? Is the list of PRow at paragraph 12.8.19 complete, for example Newark FP3 appears to be in the Local Impact Area but does not appear on the list? In relation to Farm 14 (pages 46 and 47), are the areas for temporary possession and permanent acquisition correct (both are stated to be 2.7ha)?
Q13.0.2	The Applicant	<p>Policy – National</p> <p>Please indicate where evidence relating to the consideration of opportunities to deliver social benefits per paragraph 3.3 of NPSNN 2015 can be found in the application documentation.</p>
Q13.0.3	The Applicant, NSDC	<p>Policy – Local Plan Allocations</p> <p>Paragraph 12.8.12 of ES Chapter 12: Population and Human Health [APP-056] refers to three employment sites with planning permission, four housing sites with planning permission and two mixed-use allocations. What are these sites, and are there any other employment or housing allocations which do not have planning permission but which should be taken into account in the assessment?</p>
Q13.0.4	The Applicant	<p>Managing Disruption During Construction – Winthorpe</p> <p>[RR-078] expresses concern about the disruption to the Winthorpe village community during the 3.5-year construction phase and the implications for Winthorpe School and the village pub.</p> <ol style="list-style-type: none"> Has direct consultation taken place with the school and business mentioned in [RR-078]?

ExQ1	Question to:	Question:
		b) How would you manage disruption, ensure access to community facilities and businesses, and communicate with the local community before and during construction.
Q13.0.5	The Applicant	<p>Managing Disruption During Construction – Newark Showground</p> <p>a) Would works be planned to take account of events as noted in [RR-046]?</p> <p>b) Would any temporary changes to the road network during construction take account of any large vehicles and large volumes of movement associated with events?</p>
Q13.0.6	The Applicant	<p>Managing Disruption During Construction – Businesses in Newark</p> <p>[RR-028] and [RR-059] express concern that disruption would discourage people from travelling into Newark.</p> <p>a) What disruption would you expect to occur to Newark-bound journeys and how would disruption be managed?</p> <p>b) How would you communicate disruption to businesses?</p> <p>c) Would there be a mechanism for businesses to communicate with the project team if issues arise?</p>
Q13.0.7	The Applicant, NSDC, NCC, Emergency Services	<p>Managing Disruption During Construction – Communications</p> <p>a) Paragraph 12.10.2 of ES Chapter 12: Population and Human Health [APP-056] refers to a Construction Communications Management Plan and a Construction Communications Plan. What is the difference between these documents?</p> <p>b) It is also indicated at paragraph 12.10.2 that these documents would be prepared as part of a Second Iteration Environmental Management Plan prior to the commencement of construction. Should an outline of the proposed commitments and details of parties who would be consulted be provided before a decision is made on this Application?</p> <p>c) How would changes to the road network be communicated to the emergency services?</p> <p>d) Do the emergency services have any specific requirements?</p>
Q13.0.8	NSDC, NCC	<p>Inclusion Action Plan</p> <p>Paragraph 12.10.2 of ES Chapter 12: Population and Human Health [APP-056] refers to an Inclusion Action Plan (IAP) and indicates that this would be prepared as part of a Second Iteration Environmental Management Plan prior to the commencement of construction.</p> <p>a) What is the relationship between this document and the Population and Human Health topic – it does not appear to be discussed anywhere else in Chapter 12?</p> <p>b) Should an outline of the proposed commitments and details of parties who would be subject of the IAP be provided before the decision on this Application?</p>

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ExQ1	Question to:	Question:
		c) If no, can the Public Sector Equality Duty be discharged in determining this Application (NPSNN 2015 paragraph 3.21)?
Q13.0.9	NSDC	Employment On page 34 of ES Chapter 12: Population and Human Health [APP-056] it is noted that land designated as employment land in the Newark & Sherwood Development Plan would be used as the Main Construction Compound for 48 months. Would this be a cause of concern in relation to the supply of employment land in the District?
Q13.0.10	The Applicant	Employment a) With regard to 'Employment and Income' on Table 12-14 of ES Chapter 12: Population and Human Health [APP-056], how many construction-phase jobs would be created? b) Should the significance of construction-related employment be quantified in ES Chapter 12? c) Why is the Education, Employment and Skills Plan noted at 12.10.2 of ES Chapter 12 considered to be a 'mitigation measure' and what provisions would it make?
Q13.0.11	NSDC	Employment and Skills Are the arrangements in relation to employment and skills set out under references PHH4 and PHH5 on pages 77 and 78 of the First Iteration EMP [APP-184] satisfactory?
Q13.0.12	The Applicant	Farms A number of significant effects on agricultural land holdings are reported summarised in Table 12-19 of ES Chapter 12: Population and Human Health [APP-056]. These are based on the land take from the part of the farm within the Local Impact Area (LIA). a) What efforts have been made to establish the total extent of each farm? b) Would the impacts be significant if the assessment took account of parts of the farms beyond the LIA? c) Would the viability of any farms be affected by the temporary or permanent use of land for the Proposed Development? d) During the August 2024 USI, the ExA noted that cattle were grazing on Farm 16. Is there suitable grazing land to which livestock could be relocated?
Q13.0.13	The Applicant	Health Effects – Direct [RR-028] and [RR-059] suggest that pollution caused by construction works and increased traffic could affect the health and wellbeing. [RR-059] also suggests that the Proposed Development would result in negative

ExQ1	Question to:	Question:
		health consequences. Please indicate where these effects have been addressed in ES Chapter 12: Population and Human Health [APP-056]. If they have not been addressed, please provide a response to the relevant parts of these RRs.
Q13.0.14	The Applicant, NSDC, NCC	<p>Health Effects – Indirect</p> <p>Paragraph 4.80 of NPSNN 2015 and paragraph 4.71 of NPSNN 2024 state that national road networks may have indirect health impacts eg if they affect access to key public services, local transport, opportunities for walking, cycling and wheeling, or the use of open space for recreation and physical activity. Would the Proposed Development have indirect health effects and, if yes, what weight do you consider should be given to them by the decision-maker?</p>
Q13.0.15	The Applicant	<p>Local Vulnerable Populations</p> <p>Please respond to [RR-073] which states that ES Chapter 12: Population and Human Health [APP-056]:</p> <p>a) does not adequately identify local vulnerable populations and report on potential effects on these groups in addition to the general population. The IP refers to two Gypsy, Roma and Traveller groups at Tolney Lane and Bridge House Farm and says that Chapter 12 should be revised and report any differential or disproportionate effects on vulnerable populations when compared to the general population; and</p> <p>b) does not address potential suicide risk and that further assessment of the risk and mitigation should be undertaken.</p>
Q13.0.16	The Applicant	<p>Walking, Cycling and Horse riding – Temporary Diversions</p> <p>Please provide a map which clearly illustrates/ labels:</p> <p>a) the sections of existing WCH routes (whether PRow or not) that would be closed during the construction phase; please illustrate different types of routes, such as pedestrian-only, bridleway and so on, in different colours;</p> <p>b) the diversionary routes; and</p> <p>c) in each case, the difference in length between the existing route and the diversion.</p>
Q13.0.17	The Applicant, NCC	<p>Walking, Cycling and Horse riding – Temporary Diversions</p> <p>On pages 58 and 59 of ES Chapter 12: Population and Human Health [APP-056] it is stated that Newark BW2 is well-used and that users would be temporarily diverted via Newark FP3 and it is stated on page 35 of the Scheme Design Report [APP-194] the Order limits were altered to enable an alternative route to be used</p>

ExQ1	Question to:	Question:
		as a temporary bridleway diversion during construction. Is all of the diversionary route, including Newark FP3 and the A46 underpass, suitable for cyclists and horseriders in addition to walkers?
Q13.0.18	NSDC, NCC	<p>Walking, Cycling and Horse riding – Temporary Diversions</p> <p>Are the arrangements in relation to WCH diversions, which are set out under reference PHH3 on page 77 of the First Iteration Environmental Management Plan [APP-184], satisfactory?</p>
Q13.0.19	The Applicant, NCC	<p>Walking, Cycling and Horse riding – PRow Newark FP14</p> <p>Paragraph 12.8.21 of ES Chapter 12: Population and Human Health [APP-056] says that the existing A46 is considered to cause a severance effect on this Newark FP14 and that due to safety concerns, Newark FP14 has been proposed for closure by NCC.</p> <p>However, ES Appendix 12.2: Population and human health supplementary information [APP-175] states that the Newark FP14 crossing is not currently used due to safety hazards and that foot traffic is diverted along Kelham Road and Great North Road.</p> <p>a) Is Newark FP14 currently in use? If no, how long has it been out of use? b) Please provide details of NCC's proposed closure. c) Is the diversion via Kelham Road and Great North Road signposted?</p>
Q13.0.20	The Applicant	<p>Walking, Cycling and Horse riding – Trent Valley Way</p> <p>In relation to National Cycle Network Route 64, National Highways' Studies Team are reported as highlighting the reduction of existing severance effects and the provision of grade-separated crossings as a key priority (paragraph 3.16.1 of the WCHAR [APP-193]).</p> <p>Have options been considered to avoid the need for users of the Trent Valley Way / National Cycle Network Route 64 to cross the proposed A46 northbound off-slip? For example, could the route follow the existing underpass, run between the proposed A46 mainline and on-slip, and then via an underpass beneath the A46 and the off-slip? If so, would this reduce the magnitude of the significance of the residual effect report on page 77 of ES Chapter 12: Population and Human Health [APP-056]?</p>
Q13.0.21	The Applicant, Winthorpe Primary School	<p>Walking, Cycling and Horse riding – School Journeys</p> <p>[RR-078] says: "Our children and school community use the underpass to cycle and walk to school. Some of our pupils take this route by themselves. It is imperative for the school that the cycling and walking route remains open without long detours during all construction phases as up to 27% of Winthorpe Primary School pupils can use this route to and from school. As well as remaining open, the route also needs to remain</p>

ExQ1	Question to:	Question:
		<p><i>accessible and free of long detours to enable everyone to be able to get to and from school easily and safely, along with the pushchairs, scooters etc. that accompany the school run.</i>” It also questions whether Thoroughfare Lane be utilised and improved to enable a safe pedestrian and cycle route to both the school and the village?</p> <p>a) Does “<i>the underpass</i>” relate to the underpasses beneath the A1 and A46?</p> <p>b) If yes, what is the distance between Newark and Winthorpe Primary School via this route?</p> <p>c) How many pupils are on roll at the Winthorpe Primary School?</p> <p>d) Whilst it is noted that 27% of pupils “<i>can</i>” use this route, is there any evidence to show how many actually use this route?</p> <p>e) Does the data used to prepare the Walker, Cyclist and Horse-rider (WCH) Survey Results [APP-174] indicate the usage of the underpasses in the periods before and after the school’s core hours? If yes, please provide these data.</p> <p>f) Does Thoroughfare Lane connect to any existing pedestrian / cycle infrastructure to allow for an alternative safe access route?</p>
Q13.0.22	The Applicant, NSDC, NCC	<p>Walking, Cycling and Horse riding – Friendly Farmer Area</p> <p>a) In respect of the ‘Footway / Cycle Track’ between F-5M and F-5D on Sheet 5 of Streets, Rights of Way and Access Plans [AS-006]:</p> <p>(i) Could this route prejudice the delivery of NSDC Local Plan allocation NUA/MU/1?</p> <p>(ii) Could the route be lost as a consequence of the development of NUA/MU/1? If yes, how would an alternative route be secured?</p> <p>(iii) Given that this section of the footway / cycle track does not run parallel with the A46, is there any risk arising from the formation and use of an ‘informal’ route / desire line between F-5M, FX-5E and the Shell Service Station?</p> <p>(iv) If yes, how would this be addressed?</p> <p>b) What is the purpose of retaining the part of Winthorpe FP3 that crosses the area shaded in yellow on Sheet 5?</p> <p>c) How would users of Winthorpe FP2 access the Esso Service Station and associated convenience store (noted on page 44 of Walking, Cycling & Horse-Riding Assessment and Review Report [APP-193])?</p> <p>d) Where proposed footways / cycle tracks (illustrated in pink on [AS-006]) join an existing route, eg at point F-5C on Sheet 5, would those existing routes be suitable for cycles as well as pedestrians? If no, would facilities be created to enable cyclists to safely change route / transition to the highway without dismounting?</p>

ExQ1	Question to:	Question:
Q13.0.23	The Applicant	<p>Walking, Cycling and Horse riding – Active Travel</p> <p>In ES Chapter 12: Population and Human Health [APP-056] discussions with the Newark A46 Active Travel Partnership (ATP) are outlined (eg at paragraph 12.4.3). Please provide a tabulated summary of the ATP's requests / suggestions and how you have responded to them (<i>note – this could be addressed in a SoCG with the ATP</i>).</p>
Q13.0.24	The Applicant, NSDC, NCC	<p>Walking, Cycling and Horse riding – Enhancements</p> <p>NPSNN 2015 notes at paragraph 3.22 that applicants should seek to deliver improvements that reduce community severance and improve accessibility. NPSNN 2024 notes at paragraph 4.72 that enhancement opportunities should be identified and that this includes potential impacts on vulnerable groups.</p> <p>a) Which aspects of the Proposed Development do you consider to be 'enhancements' in terms of WCH?</p> <p>b) Would the Proposed Development result in a worsening of conditions for active travel and / or vulnerable groups in any locations?</p> <p>c) Has the Applicant addressed new or existing severance issues and/ or safety concerns that act as a barrier to non-motorised users (NPSNN 2015 paragraph 5.205 and NPSNN 2024 paragraph 5.274)?</p>
14. Transportation and Traffic		
Q14.0.1	The Applicant	<p>Clarifications</p> <p>a) Paragraph 2.5.59 of ES Chapter 2: The Scheme [APP-046] refers to "<i>the exiting A46</i>" – please clarify.</p> <p>b) Paragraph 2.6.110 of ES Chapter 2 refers to "<i>CCTV mass</i>" – please clarify.</p> <p>c) The figures in Table 6-2 of the Transport Assessment Report (TAR) do not appear to accord with Figure 6-1 of the TAR – please check.</p> <p>d) Parts of Table 6-33 of the TAR [APP-193] are not legible – please rectify.</p> <p>e) Paragraph 3.3.53 of the TAR states that the A46 is designed as a dual carriageway with a 50-mph speed limit. However, the Permanent Speed Limit Plans [AS-104] show that the national speed limit would apply to part of the Proposed Development. Please clarify.</p> <p>f) Please provide a list of the diverted routes that a referred to in 7.2.23 of the TAR.</p>
Q14.0.2	The Applicant	<p>Clarification</p> <p>Paragraph 6.4.13 of the TAR [APP-193] refers to the A617 corridor between Ollerton Road and Drove Lane and refers to delays caused at the Brownhills junctions.</p>

ExQ1	Question to:	Question:
		<p>The ExA understands that the A617 originates at the Cattle Market Roundabout and continues in a westerly direction to Chesterfield. It does not appear to interface with Drove Lane or the Brownhills junctions. Paragraph 6.4.13 also refers to 2023 as opposed to 2028. Please clarify paragraph 6.4.13.</p>
Q14.0.3	The Applicant, NSDC, NCC	<p>Policy – National NPSNN 2015 states at paragraph 5.205 that applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. Paragraph 5.270 of NPSNN 2024 says that the Government is committed to sustainable development through facilitating a modal shift to active travel and public transport and that the needs of pedestrian and other vulnerable road users should be considered, where appropriate (paragraph 5.273). Has the Applicant taken available opportunities to contribute towards this aim? If no, what else do you consider could be done?</p>
Q14.0.4	NSDC	<p>Policy – Local Plan</p> <p>a) The Newark and Sherwood Amended Core Strategy adopted March 2019 refers to:</p> <ul style="list-style-type: none"> • A46 Link Capacity, Newark-on-Trent Bypass (Policy NAP1); and • A46 Newark Bypass – Upgrade(s) – Upgrade to ‘expressway standard’ (page 140). <p>Would these aspirations be addressed by the Proposed Development?</p> <p>b) Core Strategy page 141 refers to: “A46(T)/A113 Drove Lane (A46 Winthorpe Roundabout) Winthorpe – Grade Separated Junctions”. The Winthorpe Roundabout would not be grade separated. Does the Proposed Development conflict with this policy, therefore?</p>
Q14.0.5	The Applicant, NSDC, NCC	<p>Policy – Local Plan</p> <p>Paragraph 3.8 of NPSNN 2024 states that transport infrastructure is a catalyst and key driver of growth, and it is important that the planning and development of infrastructure fully considers the role it can play in delivering sustainable growth, how it can support local and regional development plans and the growth aspirations of local authority areas. On page 7 of the Transport Assessment Report [APP-193] it is stated that Newark Business Park represents a significant part of Newark-on-Trent’s planned growth but development is currently limited by the lack of capacity at Brownhills roundabout. It also refers to “a number of housing development sites identified within the Newark and Sherwood District Allocations and Development Management Development Plan Document, which rely on the Scheme to achieve their full completion as detailed within Section 3.12 of the CftS”.</p> <p>a) Please detail the allocated sites and the amount of development that would be directly facilitated by the Proposed Development.</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		b) What weight should be given to this aspect of the Proposed Development?
Q14.0.6	The Applicant, NSDC	<p>Major Development Sites</p> <p>In respect of Table 3-5 ‘Major development sites within Newark-upon-Trent’ of Case for the Scheme [APP-190]:</p> <p>a) This appears to include sites that are not within Newark-upon-Trent – please clarify.</p> <p>b) Why does Newark Showground have 8,000 free parking spaces if it caters for up to 3,000 people?</p> <p>c) Are there any proposals for the relocation of Newark Lorry Park? When would it be relocated and where to?</p> <p>d) Is the “William St Hughs Development” at Witham St Hughs?</p> <p>e) Where is the St Modwen Business Park?</p> <p>f) What is the Middlebeck scheme?</p> <p>g) Does this list include all of the major sites noted in Appendix 15.2 Assessment of Cumulative Effects for Construction and Operation [APP-182]?</p>
Q14.0.7	NSDC, NCC	<p>Assessment – Regard to Local Policies</p> <p>a) Has the Applicant consulted the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts per NSPNN 2015 paragraph 5.204?</p> <p>b) Has the Applicant paid appropriate regard to policies outlined in existing or emerging local plans, Local Transport Plans, Local Cycling and Walking Infrastructure Plans and Rights of Way Improvement Plans where appropriate, per NPSNN 2024 paragraph 5.271?</p>
Q14.0.8	The Applicant, NCC	<p>Assessment – Transport Assessment Report – Surveys</p> <p>[RR-015] suggests that the traffic surveys are now out-of-date, should be repeated and should cover a period of 24 hours to evidence how many minutes per day conditions are congested and how many hours per day traffic flow is unhindered on the current system. Do you agree? If no, please explain why you consider the submitted information to be robust.</p>
Q14.0.9	The Applicant, NCC	<p>Assessment – Transport Assessment Report – Junctions</p> <p>[RR-057] states that the submitted documents do not provide sufficient details in order to adequately appraise the impacts on junctions. It notes that further information has been requested from the Applicant around flow difference plots and individual junction modelling.</p> <p>a) Which junctions are a cause for concern?</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		<p>b) Please provide to the Examination details of the concerns raised with the Applicant and any information subsequently provided by the Applicant.</p> <p>c) The Stage 1 Road Safety Audit (RSA) [APP-193] notes that it does not include a full assessment at this stage. When would a full assessment be undertaken, and could this affect the design of the junctions?</p>
Q14.0.10	The Applicant, NCC	<p>Assessment – Transport Assessment Report – Network Changes and Growth</p> <p>Paragraph 1.3.10 of the Outline Traffic Management Plan (OTMP) [APP-196] refers to several areas in the vicinity of the Proposed Development for strategic future growth and development for the region includes development of new distribution areas along the A17 and A46.</p> <p>a) Please provide details of the development sites which are numbered on Figure 12-4 of the Combined Modelling and Appraisal Report (CMAR) [APP-193].</p> <p>b) Paragraph 12.4.16 of the CMAR discusses port-related traffic. Has regard been paid to the Immingham Eastern Ro-Ro Terminal NSIP which was approved by the Secretary of State for Transport on 4 October 2024?</p> <p>c) Does the modelling in the TAR [APP-193] take account of any redistribution of traffic as a result of the opening of the Southern Link Road (SLR) which is expected to be completed by Spring 2026? If not, please update the TAR to take account of the changes to vehicular flows once the SLR is open.</p> <p>d) Does the data / modelling in the TAR take account of any changes in traffic arising from the implementation of allocations in the adopted development plan or the schemes / growth alluded to at paragraph 1.3.10 of the OTMP?</p> <ul style="list-style-type: none"> • If yes, please provide details of the schemes / growth that has been taken into account. • If no, please update the TAR to take account of any anticipated increase in traffic or changes to traffic flows.
Q14.0.11	The Applicant	<p>Assessment – Transport Assessment Report – Changes in Traffic Distribution</p> <p>a) What is the cause of the large increases in traffic near Newark Castle station on Figures 6-1 and 6-2 of the TAR [APP-193]?</p> <p>b) What is the cause of the large increases in traffic on the A17 near Drove Lane on Figures 6-1 and 6-2 of the TAR?</p> <p>c) Table 6-2 – why would there be a 45% decrease in cars on the A1 between Beacon Hill Road and A46 (Table 6-2 of the TAR) when the adjacent section to the south would experience a 1% decrease? Where would the traffic be re-distributed to?</p>
Q14.0.12	The Applicant	<p>Assessment – Transport Assessment Report – Additional Traffic</p>

ExQ1	Question to:	Question:
		<p>Paragraph 6.4.2 of the TAR [APP-193] states that <i>“This analysis broadly indicates that the Scheme is likely to result in additional traffic using the network in both the weekday AM and PM peak hours in 2028 and 2043.”</i> Paragraph 6.4.3 states that: <i>“by 2043, the number of vehicles passing through the network is forecast to increase by around 1,200 to 1,600 vehicles as a result of the Scheme, which is an increase of around 9 to 11%”.</i></p> <p>a) Does the <i>“additional traffic using the network”</i> relate to the parts of the road network that have been studied in the TAR, or the entire road network?</p> <p>b) If it relates to the parts of the road network that have been studied in the TAR, would some of the additional traffic be re-assigned from other parts of the network? If yes, how much of the increase is accounted for by reassignment?</p> <p>c) Does the increase include growth in usage that is predicted to take place without the Proposed Development?</p>
Q14.0.13	The Applicant	<p>Assessment – Combined Modelling and Appraisal Report – ‘Do Minimum’ Scenario</p> <p>Which part of the network do the journey times in Table 3-1 of the CMAR [APP-193] relate to?</p>
Q14.0.14	The Applicant	<p>Assessment – Combined Modelling and Appraisal Report – Traffic Flow Impacts</p> <p>On figures showing forecast traffic flows (eg Figure 13-4 of the CMAR [APP-193]) do the numbers which are connected with the A46 to the east of Winthorpe (48,300, 21,300 and -27,000 in the case of Figure 13-4) relate to the Friendly Farmer Link Road as opposed to the A46?</p>
Q14.0.15	The Applicant, NCC	<p>Assessment – Combined Modelling and Appraisal Report – Modelling Data</p> <p>Paragraph 1.1.3 of the CMAR [APP-193] states that further details of all of the areas of model development and scheme appraisal can be found in the following:</p> <ul style="list-style-type: none"> • Transport Data Package (HE551478-SKAG-GEN-CONWI_CONW-RPTR-00013); • Transport Model Package (HE551478-SKAG-GEN-CONWI_CONW-RPTR-00019); • Transport Forecasting Package (HE551478-SKAG-GENCONWI_CONW-RP-TR-00022); and • Economic Appraisal Package (HE551478-SKAG-GEN-CONWI_CONWRP-TR-00032). <p>The ExA has been unable to locate these documents. Do they need to be submitted to the Examination and made available to IPs such as the local highway authority?</p>
Q14.0.16	The Applicant, NCC, NSDC	<p>Construction Phase – Construction Traffic</p>

ExQ1	Question to:	Question:
		<p>Paragraph 8.2.16 of the TAR [APP-193] states that there is no set route for construction vehicles but where practicable they would primarily travel on the A46 and A1, and limit travel on local or side roads when travelling to work sites and compounds, as set out in the OTMP. Paragraph 2.6.59 of ES Chapter 2: The Scheme [APP-046] states that: “<i>HGV movements will be banned through the centre of Farndon and Newark, and they will also be prohibited from using the railway level crossing at Newark Castle</i>”.</p> <ol style="list-style-type: none"> Are any roads unsuitable for construction traffic, and should use of any such roads be restricted by the dDCO? Alternatively, should construction routes be defined in the dDCO? How would any ‘ban’ on construction traffic moving through the centres of Farndon and Newark be monitored and enforced? Could on-street parking, eg on (but not limited to) Wolsey Road, impede construction traffic? If yes, would on-street parking controls need to be provided for in the dDCO? Would the Proposed Development require the movement of Abnormal Indivisible Loads (AIL) on the highway network? If yes, has route testing been undertaken and should there be any controls in the dDCO in relation to AIL routing? What are the restrictions noted in Table 8-3 of the TAR [APP-193] eg where it is noted that construction traffic would be permitted to use Fosse Road or Mather Road “<i>with restrictions</i>”. Please provide details for each of the roads listed.
Q14.0.17	The Applicant	<p>Construction Phase – Construction Traffic</p> <p>Paragraph 8.5.5 of the TAR [APP-193] says that there is a forecast to be a minimal increase in the number of vehicles on the network as a result of construction activity (from around 12,900 vehicles to around 13,200 vehicles). Paragraph 8.2.25 of the TAR says that there would be 1,900 two-way vehicle movements per day at the peak of the construction period.</p> <ol style="list-style-type: none"> Paragraph 8.5.5 suggests an increase of 300 vehicles per day. Are these individual vehicle movements or two-way movements? Please explain the difference between the two numbers. How long would the peak construction period last for? Would there be a typical number of construction vehicle movements outside of the peak construction period? How do these figures relate to threshold traffic scoping criteria in respect of air quality (ID3.1.4 of Scoping Opinion [APP-189])?

ExQ1	Question to:	Question:
Q14.0.18	British Sugar plc, RWE Generation UK PLC	<p>Construction Phase – British Sugar / Staythorpe Power Station</p> <p>Does the Outline Traffic Management Plan (OTMP) [APP-196] address your comment [RR-008]/ [RR-063] regarding access to your facilities? If no, please explain the measures that you would like to be included in the OTMP.</p>
Q14.0.19	The Applicant. NSDC	<p>Construction Phase – Newark Lorry Park</p> <p>NSDC [RR-048] notes that there could be an impact on Newark Lorry Park during construction.</p> <p>a) Would a reduction in the Lorry Park’s capacity necessitate replacement capacity elsewhere to ensure that adequate facilities are provided per NPSNN 2024 paragraph 5.289?</p> <p>b) If yes, how would this be secured?</p>
Q14.0.20	The Applicant	<p>Construction Phase – Access to Properties</p> <p>Please provide details of:</p> <p>a) The temporary access route that would be provided to maintain access to the hydroelectric power station (Paragraph 2.6.129 of ES Chapter 2: The Scheme [APP-046] and [RR-009]).</p> <p>b) The alternative access to be provided for accessing the Crankley Point Sewage Treatment Works during the extension works on the underpass (page 11 of the OTMP [APP-196]).</p> <p>c) Access to Langford Hall and its properties during the construction phase. Would the proposed new access drive from the A1133 be provided in advance of the main A1133 and A46 works being carried out [RR-032]?</p> <p>d) The existing access(es) to Nether Lock House [RR-010] and whether there would be any changes to access during the construction phase?</p>
Q14.0.21	The Applicant	<p>Construction Phase – River Trent Navigation</p> <p>a) Paragraph 2.6.34 of ES Chapter 2: The Scheme [APP-046] states that a temporary bridge would be constructed (Work No 63) over the River Trent. Would this provide sufficient clearance for navigation?</p> <p>b) Paragraph 2.6.90 of ES Chapter 2: The Scheme [APP-046] notes that lifting of the bridge beams and subsequent deck works would temporarily prevent navigation along the River Trent. How long would navigation be prevented for?</p>
Q14.0.22	The Applicant, NCC	<p>Construction Phase – Walking and Cycling</p> <p>a) How would the consultation noted at paragraph 7.2.27 of the TAR [APP-193] be secured?</p> <p>b) How would the measures in Table 7-1 of the TAR be agreed (where alternatives are noted), secured and monitored?</p>

ExQ1	Question to:	Question:
		c) How would temporary / phased diversions of PRoW and cycle routes be communicated? d) Should channels of communication be established with specific parties / groups?
Q14.0.23	The Applicant	Construction Phase – Access to Newark BW2 from The Ivies [RR-053] states that the construction process would cause significant disruption to their daily lives in terms of access to walks for the dogs. Would alternative routes be available during construction, and would the access from The Ivies to Newark BW2 be maintained throughout the construction phase?
Q14.0.24	The Applicant	Construction Phase – Air Traffic A civil airfield, “ <i>Recotory Farm Civil Airfield</i> ”, is marked on Figure 9.2 Potential Sources of Contamination [APP-087]. Does this facility give rise to the need for any safety precautions during construction, for example when cranes are in use?
Q14.0.25	The Applicant	Construction Phase – Temporary Speed Limits Paragraph 8.3.5 of the TAR [APP-193] and Table 2-4 of the OTMP [APP-196] refer to temporary speed limits. Should these be secured in the dDCO?
Q14.0.26	NSDC, NCC	Construction Phase – Mitigation – CWTAP Paragraph 8.3.16 of the TAR [APP-193] says that a Construction Worker Travel and Accommodation Plan (CWTAP) would be developed by the Principal Contractor as the Proposed Development progresses through the detailed design phase. Is it appropriate for these details be reserved until after a decision is made on the Proposed Development?
Q14.0.27	The Applicant, NCC, LCC	Construction Phase – Mitigation – Outline Traffic Management Plan a) Are diversionary routes at Appendix A1 of the OTMP [APP-196] acceptable? Do any other parties need to be consulted in relation to these? b) Would the measures in the OTMP allow for the effects of the simultaneous implementation of other schemes (such as the Southern Link Road and the North Hykeham Relief Road) to be suitably managed? c) Do any other stakeholders need to be included in the Outline Traffic Management Plan [APP-196], eg the owner / operator of the power station [RR-063]? d) At paragraph 2.3.20 and on page 13 reference is made to a “ <i>caravan site</i> ” at Bridge House Farm. To ensure that full regard is paid to the Public Sector Equality Duty, should this be referred to as a Gypsy, Roma and Traveller (GRT) site? e) Should specific reference to the GRT site at Tolney Lane also be included in the OTMP?

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		<p>f) Please explain how the matters raised in [RR-010] and [RR-078] in relation to NMUs and vehicular access would be addressed.</p> <p>g) [RR-036] refers to attendance of monthly traffic management workshops and consultation on the Traffic Management Plan which is to be approved under Schedule 2 Requirement 11 of the draft DCO. How would these arrangements be secured?</p> <p>h) Would the emergency services be consulted on the OTMP and road closures / diversions?</p> <p>i) Would the Royal Mail be consulted on the OTMP and road closures / diversions?</p>
Q14.0.28		<p>Construction Phase – Public Transport</p> <p>Paragraph 7.3.18 of the TAR [APP-193] says during the construction phase the Principal Contractor would liaise with bus operators and NCC. How would this be secured?</p>
Q14.0.29	NCC	<p>Scheme Design – Great North Road / Kelham Road Junction</p> <p>Please elaborate on your concerns in [RR-057] regarding the dedicated right turn lane from Great North Road into Kelham Road. How could these concerns be addressed?</p>
Q14.0.30	NNAS, The Applicant	<p>Operational Phase – Access to Newark Showground</p> <p>a) With reference to [RR-046], what are the “<i>significant traffic benefits</i>” of providing an alternative Showground access / egress on the proposed Friendly Farmer Link Road?</p> <p>b) Would an access include facilities pedestrians and cyclists?</p> <p>c) Would an access affect the satisfactory performance of the Friendly Farmer Link Road?</p>
Q14.0.31	The Applicant	<p>Operational Phase – Congestion in Newark</p> <p>Please respond to the concern in [RR-060] that: “<i>all new road schemes have been shown to fill up and increase traffic and pollution</i>” and “<i>that traffic issues in Newark and the surrounding areas would become permanently worse if the bypass was built.</i>”</p>
Q14.0.32	The Applicant, NCC	<p>Operational Phase – Congestion in Newark</p> <p>[RR-007] notes that they are experiencing direct environmental impacts (including noise, air quality, visual detriment) from traffic diverting through the Town Centre due to capacity issues on the existing A46 around Newark. They also note severe disruption to access / egress to and from their property / the town centre and circulation around the town from displaced congestion. Would the Proposed Development result in any changes to traffic in Newark?</p>
Q14.0.33	The Applicant	<p>Operational Phase – Farndon</p>

ExQ1	Question to:	Question:
		Under normal operating conditions, would traffic queue back across the vehicular accesses to residential properties on Fosse Road, a concern raised in [RR-018]?
Q14.0.34	The Applicant	<p>Operational Phase – Winthorpe</p> <p>Please respond to the concerns in [RR-071] in relation to:</p> <p>a) the operation of the Winthorpe ‘through-about’ in the event of a power failure or computer malfunction; and</p> <p>b) the merging of traffic on the Friendly Farmer Roundabout in the direction of the Friendly Farmer Link Road.</p>
Q14.0.35	The Applicant	<p>Operational Phase – Hargon Lane, Winthorpe</p> <p>Please explain the type and typical frequency of vehicles that would use Hargon Lane, what those vehicles would be accessing, and whether such use of Hargon Lane is compatible with the on-street parking noted in [RR-006].</p>
Q14.0.36	The Applicant, NCC	<p>Operational Phase – Cattle Market Junction</p> <p>Paragraph 1.1.3 of the CMAR [APP-193] states that the railway level crossing on the B6326 between the A46 and Newark causes traffic to back-up onto the A46 several times during the day and that this impacts on the operation of the Cattle Market junction.</p> <p>Would the Proposed Development include sufficient queuing space to ensure that the Cattle Market Junction would perform satisfactorily and safely when the level crossing is closed?</p>
Q14.0.37	The Applicant, NCC	<p>Operational Phase – Speed Limits</p> <p>Please respond to the following:</p> <ul style="list-style-type: none"> • [RR-079] which says that the speed limit from Winthorpe Roundabout along the (modified) A1133 towards Langford should be reduced. • [RR-032] which says that a 40 miles per hour (mph) zone should be introduced from the Winthorpe roundabout to the entrance to the current 40mph limit at the entrance to Langford village and that this would ensure safe and convenient access to and egress from the new private means of access that is proposed to their property.
Q14.0.38	The Applicant	<p>Operational Phase – Signage</p> <p>Paragraph 2.5.99 of ES Chapter 2: The Scheme [APP-046] notes that static road signage would be agreed with the applicable local authorities to ensure continuity is achieved along the adjoining routes.</p>

ExQ1	Question to:	Question:
		<p>a) Who would pay for new or replacement static road signage on other authorities' networks?</p> <p>b) Does the dDCO need to include provisions in relation to such signage?</p> <p>c) Please respond to the comments in [RR-065] regarding access to the Shell Station once it is taken off-line and the need for advance signage.</p>
Q14.0.39	The Applicant	<p>Public Transport</p> <p>Would provision be made for bus priority signals as part of the Proposed Development (Paragraph 7.3.14 of the Transport Assessment Report [APP-193])?</p>
Q14.0.40	The Applicant	<p>Walking, Cycling and Horse riding – WCHAR</p> <p>Paragraph 7.2.1 of the TAR [APP-193] says that a Walking, Cycling and Horse-Riding Assessment & Review (WCHAR) for the Proposed Development was completed in June 2023 based on the preliminary design for the Proposed Development and that a further WCHAR would follow at the detailed design stage to ensure that the needs of WCH continue to be considered as the design progresses.</p> <p>a) How would a further WCHAR be secured?</p> <p>b) Could this exercise result in some of the proposed WCH measures being omitted from the Proposed Development?</p>
Q14.0.41	The Applicant, Active Travel England	<p>Walking, Cycling and Horse riding – Walking and Cycling Facilities</p> <p>Please respond to the concern expressed by NCC [RR-057] that cycling and walking facilities may not comply with the standards in LTN 1/20 and that it should be demonstrated that Active Travel England (ATE) is appropriately consulted by the Applicant and assurance sought that the proposals are acceptable from ATE's perspective.</p>
Q14.0.42	The Applicant, NCC	<p>Walking, Cycling and Horse riding – Cycling Facilities</p> <p>[RR-040] suggests that the Proposed Development would make it more difficult for cyclists to travel from Newark to Lincoln. Do you agree? If no, please explain why.</p>
Q14.0.43	The Applicant	<p>Walking, Cycling and Horse riding – Winthorpe Road</p> <p>[RR-059] says that Winthorpe Road would no longer be suitable to walk along during construction or after completion. Would any alternative walking facilities be provided?</p>
Q14.0.44	The Applicant	<p>Walking, Cycling and Horse riding – Safety</p>

ExQ1: 15 October 2024

Responses due by Deadline 2: 12 November 2024

ExQ1	Question to:	Question:
		Section 4.2 of the Transport Assessment Report [APP-193] notes that there were accidents involving cyclists at the Brownhills and Cattle Market junctions. How has the design of the proposed development endeavoured to make junctions safer for NMUs?
Q14.0.45	The Applicant	Walking, Cycling and Horse riding – Footway to Residential Property Could footway F-6C to F6-E (as shown on [AS-006] – Sheet 6) be extended to meet with the proposed access drive to facilitate access / egress on foot as requested in [RR-032]?
Q14.0.46	The Applicant	Walking, Cycling and Horse riding – Diversion of PRoW [RR-046] says that the proposed permanent re-routing of Winthorpe FP3 raises serious operational and security issues for the Newark & Notts Agricultural Society. However, the Streets, Rights of Way and Access Plans [AS-006] do not appear to show any diversion of Winthorpe FP3. Please clarify.
Q14.0.47	Network Rail	Railway – Newark Flat Crossing Paragraph 7.3.4 of the Transport Assessment Report [APP-193] states that the Applicant worked with the DfT designer to provide confidence that the Proposed Development would not preclude a future grade separated rail scheme from being delivered in the future. Do you consider the Proposed Development to be acceptable in this regard? Do any changes need to be made to the Proposed Development as suggested by [RR-029]?
15. Water Environment and Road Drainage (inc Flooding)		
Q15.0.1	The Applicant	Water Quality – Surface Water Sensitivity In ES Chapter 13: Road Drainage and the Water Environment [APP-057] the sensitivity of surface waters is derived from the importance of surface waters as detailed in Table 13-1. Importance has been assessed using Water Framework Directive (WFD) classification and the Q95 flow, with high importance equalling a higher Q95. The EA has advised [RR-020] that the sensitivity of a watercourse to water quality impacts is the reverse, with less dilution meaning a watercourse is more sensitive. The EA advises that this approach risks underestimating the sensitivity of waterbodies and therefore underestimating the significance of an affect. Please consider and provide a response to this query.
Q15.0.2	The Applicant	Highways England Water Risk Assessment Tool (HEWRAT) – baseline The EA comments [RR-020] that the HEWRAT [APP-178] does not offer the results from the existing baseline for comparison and advise that the HEWRAT assessment should be completed for the existing

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ExQ1	Question to:	Question:
		baseline conditions and the results offered for comparison. This will make it clear whether the Proposed Development will reduce or increase the contribution from the Reason for Not Achieving Good (RNAG). Please provide the results from the existing baseline.
Q15.0.3	The Applicant	<p>Dewatering Management Plan (DWMP)</p> <p>The EA has commented [RR-020] that a dewatering management plan (DWMP) should be submitted as part of the Second Iteration EMP.</p> <p>Is the Applicant committing to preparing a DWMP as part of the Second Iteration EMP? If not, why not and if yes Requirement 3 should be updated.</p>
Q15.0.4	The Applicant	<p>Surface water and groundwater monitoring</p> <p>The EA [RR-020] considers that there is a lack of clarity in relation to surface water and groundwater monitoring commitments.</p> <p>Please consider the EA comments and either update [APP-184] or provide a justification for your approach.</p>
Q15.0.5	The Applicant	<p>Drainage Strategy – Points of Discharge</p> <p>The submitted Drainage Strategy Report (6.3, Appendix 13.4) [APP-179] identifies that the proposals seek to discharge water to the River Trent, utilising three existing outfalls to the river (labelled as 01, 09 and 09a.) The Canal and River Trust [RR-009] comments that it does not have a record of any outfall other than 09a. Please respond in full to [RR-009] and provide specific detail on these outfalls</p>
Q15.0.6	The Applicant	<p>Ongoing Management of Farndon West FCA</p> <p>ES Chapter 8: Biodiversity [APP-052] sets out that the Farndon FCA is to be turned into coastal and floodplain grazing marsh HPI. Can the Applicant explain what measures they intend to put in place to secure the management of this area and how this would be secured through the dDCO.</p>
15.1	Flooding	
Q15.1.1	The Applicant	<p>Clarification</p> <p>Paragraph 1.3.3 of the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the FRA) [APP-177] sets out that during detailed correspondence with the EA on 20 July 2023, it was proposed that the Farndon East borrow pit area would be utilised as attenuation to offset, by displacement, the exceedance volume for events above the 1 in 30-year storm (+ climate change) up to the 1 in 100 year (+ climate change %) which cannot be managed in the borrow pits or their landscaped area.</p>

ExQ1	Question to:	Question:
		<p>This additional attenuation has been described within the FRA and has been secured by Requirement 14 of the dDCO [APP-021]. However, this does not appear to match up with the list of agreed design parameters at Section 1.3 of the Drainage Strategy Report (DSR) [APP-179] with paragraph 1.3.1 stating that detention basins would hold the 1 in 30 years (plus 25% climate change) pluvial storm event volumes.</p> <p>Please clarify the position and update the documentation as appropriate.</p>
Q15.1.2	The Applicant, NCC as LLFA	<p>Agreement with Stakeholders</p> <p>Has the latest proposed drainage strategy, discussed in the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the FRA) [APP-177] been agreed? If not, please set out any outstanding matters.</p>
Q15.1.3	The Applicant, LLFA	<p>Flood Compensation Areas</p> <p>The FRA [APP-177] details that maintenance of the FCAs and their features will be ensured by the Applicant for the operational life of the Proposed Development. RDWE10 of the REAC (in the First Iteration EMP) [APP-184] says that maintenance details would be defined at the next stage of design.</p> <ul style="list-style-type: none"> • Please provide further detail and assurances with respect to the maintenance of the FCAs. • Are the LLFA content with the approach adopted?
Q15.1.4	The Applicant	<p>Interaction with Existing Flood Defences</p> <p>FRA [APP-177] mentions that the Scheme will “<i>tie-in</i>” with existing EA flood defences (see paragraphs 3.4.2 and 7.7.2), but there is no explanation for how this will occur, or how it will be ensured that there will be no detriment to the defences.</p> <p>The Applicant should provide further information on:</p> <ul style="list-style-type: none"> • the current Standard of Protection (SoP) of the existing defences, their composition, current condition, and inspection regime; • detailed plans for areas around the defences, showing tie-in with the Proposed Development; • confirm that the lifespan of the defences is commensurate with the Proposed Development; and • agreement showing this matter has been resolved with those responsible for the existing defences.
Q15.1.5	The Applicant	<p>Extent of Functional Floodplain Land Take</p> <p>Please provide a map showing the extent of the Proposed Development that lies within Flood Zones 3a and 3b.</p>

ExQ1	Question to:	Question:
Q15.1.6	The Applicant	<p>Sequential Test</p> <p>Paragraph 10.2.2 of the FRA [APP-177] states that the Proposed Development alignment was developed following a comprehensive assessment of different alignment options, which considered all environmental impacts (inclusive of flood risk). Further detail on this process has been provided in ES Chapter 3 (Assessment of Alternatives) [APP-047]. The selected route option (Option C) did not score as well as other options regarding flood risk but was selected due to performing better with regards to other potential impacts. Please provide further commentary as to how the flood risk Sequential Test, as detailed in NPPF 2023, has been considered and how the proposal meets this.</p>
Q15.1.7	The Applicant	<p>Omission of Reference to UK Climate Projections 18 (UKCP18)</p> <p>No explicit reference has been made to UKCP18 in the FRA [APP-177]. Please explain this omission, and if it is not relevant, explain why.</p>
Q15.1.8	The Applicant	<p>Exception Test</p> <p>Despite acknowledging the increases in flood risk, the FRA [APP-177] does not consider any additional mitigation measures to offset these increases. The FRA also fails to consider any opportunities presented by the Proposed Development for reducing fluvial flood risk overall as required by paragraphs 5.108 of the 2015 NPSNN and 5.128 of the 2024 NPSNN.</p> <p>The Applicant should demonstrate what opportunities to reduce flood risk overall have been considered and incorporated into the design. Thereafter, the Applicant should provide a clear demonstration that the proposal meets with the Exception Test as outlined NPPF 2023. The Applicant should consider the EA response [RR-020] when replying to this question.</p>
Q15.1.9	The Applicant	<p>Compensatory flood storage</p> <p>The FRA [APP-177] fails to provide details on the amount and location of the flood storage being displaced, compared to the amount and location of flood storage being provided, demonstrating that any flood storage provided will become effective at the same point in a flood event as the lost storage would have done.</p> <p>Please provide details of where exact volumes of flood storage are being lost, and subsequently compensated for, to demonstrate the proposed compensatory flood storage is sufficient, and where possible can provide additional storage to reduce flood risk to the local area and the Proposed Development overall.</p>
Q15.1.10	The Applicant	<p>Compensatory flood storage – phasing of works</p>

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ExQ1	Question to:	Question:
		Please provide details of the locations and exact volumes of flood storage which are being lost in each phase of works, and compensatory arrangements to maintain effective flood storage. Please also explain if additional storage would be provided to overall reduce flood risk to the local area and the Proposed Development
Q15.1.11	The Applicant	<p>Compensatory flood storage – maintenance</p> <p>The FRA [APP-177] should consider the impact on flood risk should the culverts beneath the A617 become blocked and flood water be unable to reach the floodplain compensation area. The assessment should be informed by blockage modelling, a rationale for the culvert sizes chosen, and how the risk of culvert failure or blockage can be mitigated. The latter should be addressed through a maintenance plan, outlining who would be responsible for culvert maintenance and how frequently it will be undertaken. The maintenance plan should be maintained in perpetuity.</p> <p>Similarly, the FRA should consider the maintenance strategy for the carriageway piers proposed within the floodplain, in order to demonstrate that there will not be any debris build up between the piers that could result in a blockage risk and the subsequent in loss of flood storage capacity.</p>
Q15.1.12	The Applicant	<p>Slough Dyke (main river) Realignment</p> <p>No detailed drawings for the Slough Dyke realignment have been provided and the realignment has also not been represented within the hydraulic modelling undertaken.</p> <p>Detailed drawings should be provided and with-mitigation scheme modelling re-run with the realignment to understand the flood risk impacts</p>
Q15.1.13	The Applicant	<p>Climate change Allowances Sensitivity Test</p> <p>The FRA has not assessed a credible maximum peak river flow climate change scenario, in line with UK government guidance on climate change allowances for flood risk assessments.</p> <p>The Applicant should review the EA's RR [RR-020] and provide a detailed comment that should include a sensitivity assessment of the Upper End (62%) climate change allowance for peak river flow.</p>
15.2 Water Framework Directive		
Q15.2.1	The Applicant	<p>Detailed Assessment</p> <p>Table 5-1 of the WFD Compliance Assessment [APP-176] states that upgrades to the existing drainage for the road would prevent contaminated runoff from entering the “<i>Trent from Soar to The Beck</i>” (water body). The detailed assessment has deemed that WFD compliance is achieved in this catchment as a result.</p>

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ExQ1	Question to:	Question:
		The EA [RR-020] considers that this section should not state that contaminated runoff will be prevented. The Applicant should either amend the WFD Compliance Assessment or provide a rebuttal to the EA comment.
Q15.2.2	The Applicant	Detailed Assessment The WFD Compliance Assessment [APP-176] details in Tables 5-1 to 5-4 do not confirm whether a comparison of the proposed drainage impacts shows an improvement or deterioration from the existing baseline. The EA comments [RR-020] that the detailed assessment should reference the Highways England Water Risk Assessment Tool (HEWRAT) assessment and confirm whether the proposed drainage strategy offers an improvement on the existing baseline. This is particularly pertinent, as transport drainage has been identified as a RNAG status for almost all of the assessed waterbodies. The mitigation must ensure that the proposed development does not increase the contribution from this RNAG. The Applicant should provide a response to this comment.
Q15.2.3	The Applicant	Water Body Mitigation The EA comments [RR-020] that whilst a WFD deterioration from this Proposed Development is unlikely, given the WFD assessment results [APP-176], if the relatively minor impacts that the Proposed Development is introducing are not mitigated, then there is a risk of there being a cumulative impact on the water body when combined with other schemes. Therefore, it would stand to benefit the water body to mitigate all impacts. The EA comments that all works impacting WFD Water Bodies should be mitigated to avoid cumulative impacts. Opportunities for further mitigation should be incorporated into the Proposed Development, such as looking to naturalise areas of artificial banks, so that the Proposed Development does not add to any cumulative pressure on the water body. This could be combined with considerations about BNG concerning the water bodies. The Applicant should provide a response to this comment from the EA.
15.3	Surface Water Drainage	
Q15.3.1	The Applicant	Frequency of Water Quality Monitoring The Surface Water Quality Monitoring Report [APP-180] proposes quarterly monitoring of water quality during the construction phase. The EA comments [RR-020] that quarterly monitoring may be insufficient for identifying significant but short-term impacts. Additionally, it risks impacts to the water environment not being detected for prolonged periods of time.

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ExQ1	Question to:	Question:
		The Applicant should provide a justification for their approach or provide a more regular monitoring method during the construction phase.
Q15.3.2	The Applicant	Surface Water Quality Monitoring – Ecological Monitoring The Surface Water Quality Monitoring Report [APP-180] does not propose any ecological monitoring. Provide a justification for this approach or amend the document to include ecological monitoring.
Q15.3.3	The Applicant	Surface Water Quality Monitoring – Baseline In section 4.1.1, Table 4-1 of document [APP-176] provides the results from the surface water quality monitoring to date. Sampling has been completed on three occasions and has returned some outlier results (ie 62.1 mg/l Biochemical Oxygen Demand). Please respond to the EA's comments that [RR-020] the current level of monitoring is unlikely to provide a representative picture of the baseline environment. .
Q15.3.4	The Applicant	Water Quality – Surface Water Run-Off The EA [RR-020] has commented that there is a need to further explore existing surface water flow pathways and existing highways outfalls to better understand existing and cumulative water quality impacts from any increases in surface water runoff. Opportunities should be identified and incorporated to improve existing surface water diffuse highways pathways. This should be combined with the water quality monitoring scheme. Opportunities should also be explored to set back culverts and incorporate with Sustainable Drainage Systems (SuDS) and constructed wetlands. The EA also comment that the SuDS near Farndon roundabout is positive, but it only addresses the proposed construction and not existing and cumulative issues. The Applicant should review this element of the EA response and provide a detailed response. If opportunities to improve the situation are not incorporated, then the Applicant should explain why not.