

A46 Newark Bypass

TR010065

7.13 Applicant's Summary of the Open Floor Hearing 1

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Planning Act 2008
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009)

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

A46 Newark Bypass

Development Consent Order 202[]

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A46 NEWARK BYPASS DCO

Applicant's responses to Representations made at Open Floor Hearing held on 8 October 2024 at 2:30am.

1. Introduction

- 1.1 The Open Floor Hearing 1 (**OFH1**) for the A46 Newark Bypass Development Consent Order (**DCO**) Application was held at The Great Hall Room, The Renaissance at Kelham Hall, Main Street, Newark. NG23 5QX on Tuesday 8 October 2024, commencing at 2:30pm. Participation was possible virtually on Microsoft Teams as well as by attendance in person.
- 1.2 The Examining Authority (**ExA**) invited the Applicant to respond to matters raised at the Hearing but also in writing following OFH1.
- 1.3 This document summarises the responses made at OFH1 by the Applicant and addresses the representations made by Affected Parties, Interested Parties and other parties attending.
- 1.4 The Applicant has responded to the topics raised by each of the attending parties in the sequence that the ExA invited them to speak. It provides cross references to the relevant application or examination documents in the text below.
- 1.5 The Applicant has provided in section 3 of this document a list of actions captured during OFH1, where relevant the Applicant has provided a response to those actions.

2. Post-hearing submissions in response to matters raised at Open Floor Hearing 1 (OFH1)

| Ref. | Comment / Representation by: | Question / Issues Raised at OFH1 | Applicant's Response at the OFH1 | Applicant's Written Response |
|------------------------|------------------------------|--|---|--|
| 1 | ExA | <p>The ExA detailed the formal purpose for the hearing. OFH1 is an opportunity for interested parties (IPs) to make oral submissions and for the ExA to ask speakers questions about the evidence presented.</p> <p>Firstly, the ExA will hear from the IPs who have registered to speak at OFH1 in advance. They will be followed by parties who have not registered, but would like to be heard at the discretion of the ExA.</p> <p>The ExA requested that oral submissions be limited to 10 minutes if possible.</p> <p>The ExA requested parties who have made oral representations to submit written summaries of their submissions by Deadline 1.</p> | | |
| Caroline Parham | | | | |
| 2 | Caroline Parnham | Caroline Parnham (CP) is a landowner in Winthorpe Estate, whose home is situated directly in front of the A46 bypass. CP seeks clarity from the Applicant regarding the impact of the scheme on her land | <p>The Applicant confirmed that no residential properties are being compulsorily acquired.</p> <p>The Applicant encouraged CP to have a discussion with Kerri McGarrigle, the</p> | The Applicant engaged with CP during the break of OFH1 and exchanged contact details. The Applicant confirmed with CP that her property was not within the Order Limits and therefore was not subject to any |

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| | | and the Applicant's compulsory acquisition intention. CP wishes to expand her property but has paused works due to this uncertainty. CP received a letter from National Highways in 2022 notifying her that her land is within the affected area of the DCO and will be subject to compulsory acquisition. CP has been unable to locate any further information since. | Applicant's Senior Stakeholder and Communications Manager, during or after the hearing. | compulsory acquisition powers. The Applicant provided CP with a written confirmation of the discussion, which was issued on 11 October 2024. |
| 3 | ExA | <p>The ExA explained that compulsory acquisition will be decided at the same time as the DCO. The ExA clarified that there is a 6-month examination period, -month reporting period and the Secretary of State (SoS) has 3-month period after that.</p> <p>The ExA asked the Applicant whether it intended to compulsorily acquire any homes.</p> | The Applicant confirmed that no residential properties are being compulsorily acquired. | - |
| John Miller | | | | |
| 4 | John Miller | <p>John Miller (JM) is a Kelham resident and the owner of Manor Farm in Kelham.</p> <p>Lucie Muddiman from Savills LLP submitted a relevant representation on JM's behalf. JM has engaged with the Applicant since 2022 and has attended several and frequent</p> | - | - |

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| | | <p>meetings with the Applicant since then.</p> <p>JM provided background on his farming business explaining that his family has been in occupation since January 1939. Farming takes place on 666 hectares of land, all arable operation.</p> <p>JM expressed the intention to engage as a stakeholder with the Applicant</p> | | |
| 5 | John Miller | <p>JM expressed his concerns regarding loss of land (estimated to lose approximately 47 hectares which equates to over 7% of land). This will have an impact on the profitability and viability of the business. JM also noted that Capital Gains Tax is payable on the compensation paid for the land, which may be at a high rate after the budget announcement later in October 2024.</p> | - | - |
| 6 | John Miller | <p>JM asked the Applicant whether it intended to permanently acquire the land or to temporarily acquire the land, permanently retaining rights.</p> | <p>The Applicant explained that there are two areas in question:</p> <p>The Farndon East and West fields (shown on Sheet 2 of the Land Plans [AS-004]). This is currently shown as being subject to permanent acquisition because it is required for the essential mitigation for the flood compensation areas. The Applicant notes that discussions are underway with JM to explore the possibility of exercising</p> | - |

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| | | | <p>lesser rights with JM taking long term responsibility for that flood compensation but under the provisions of the order, the Applicant is seeking permanent powers.</p> <p>The land at the Kelham and Averham flood compensation areas. These plots are being permanently acquired because of the need for long term mitigation for that.</p> | |
| 7 | John Miller | <p>One revenue stream for JM is biodiversity net gain (BNG). A section of land close to the Scheme and proximate to the River Trent was put forward for BNG. JM explained that he has spoken with the Applicant about having a BNG project here, but those conversations have now come to an end. The land is to be used for environmental mitigation.</p> <p>Land will be acquired for a flood compensation area where land is to be lowered to take account the embankment that would be part of the dualling of the A46. JM explained that some parcels of land have a certain value in relation to the minerals that would be extracted. Digging borrow pits in the area to help with the construction of the project. JM expressed that the business should be fairly compensated in commercial</p> | - | <p>The Applicant's full response to the relevant representation submitted by Mr Miller (RR-033) details the Applicant's position regarding BNG and compensation for minerals. This can be found in Applicant's response to Relevant Representation [TR010065/APP/7.10] submitted at Deadline 1.</p> |

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| | | terms for the extraction of the gravel on the land. | | |
| 8 | John Miller | In relation to access, JM explained that some parcels of land are to be retained and formal accesses must be ensured (the only access to the retained land is off of the A46). A service track is required coming off of the A46 to access the retained land. | <p>The Applicant explained that the existing access off of the A46 (southbound) is showing as a new access on the southbound dual carriageway, on Sheet 2 of the General Arrangement Plans [AS-007]. The design access will be completed in the detailed design stage of the project where designers will be checking the visibility splays to ensure safety, noting the increased speed limit of 70 mph.</p> <p>The Applicant explained that there is a new maintenance access track which follows north and goes underneath the existing farm underpass and then feeds into the field system on the western side of the A46 and then there is an existing track that it would tie into. The Applicant will provide access to the residual field system to the north of the flood compensation area. The Applicant will engage with the IP as to how it can maintain the IP's access during the construction period.</p> | - |
| 9 | ExA | The ExA noted that it would be useful if the Applicant could make a suggestion as to how the access would be secured. | The Applicant confirmed its intention to engage further with the IP to understand its concerns regarding access during the construction and operational periods. | The Applicant's full response to the relevant representation submitted by Mr Miller details how the Applicant intends to secure the access arrangements during construction. This can be found in Applicant's response to Relevant Representation |

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| | | | | [TR010065/APP/7.10] submitted at Deadline 1. |
| 10 | John Miller | JM has fishing rights on land which is to be acquired by the Applicant. JM seeks clarity as to whether those rights can be exercised or whether the Applicant will compensate for this loss. | - | The Applicant notes the fishing rights which the landowner holds on the riverbank for plots 1/19a and 1/19b as shown on the Land Plans [AS-004]. The Applicant also notes that there is no public access to the riverbank for anglers. However, the Applicant has a working dialogue with the IP and this point will be incorporated into the land negotiations with the District Valuer. |
| 11 | ExA | The ExA confirmed with JM that the issue regarding fishing rights has not yet been raised with the Applicant. The ExA clarified that it would be useful for JM to develop that dialogue with the Applicant, since it was raised at the OFH1, and also asked for this matter to be reported back to the ExA preferably as soon as possible. | - | The Applicant's response is detailed at reference 10 to this document above. |
| 12 | John Miller | When accessing the A46 currently, there is approximately an 8 second period from seeing an oncoming vehicle to it being upon you. When the road is dualled, traffic will travel faster, and so there will be less time to see that oncoming traffic. JM has a concern that visibility entering the A46 will be reduced. At the moment there is a slight bend in the road and | The Applicant explained that detailed design will include design of the visibility splay. The carriageway will be 70 mph, and so it is crucial to ensure that it is designed safely. The Applicant explained that there will be a new maintenance access track which will follow north, under the underpass and then feeds into field system on the western side of the A46 and then there is | - |

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| | | vegetation to the side which masks the oncoming traffic. This is something which needs to be looked at. | an existing track which it would tie into. This is how it will provide access to the residual field system which lies to the north of the flood compensation area. | |
| 13 | ExA | <p>ExA noted the point in relation to the visibility and safety issues with the vegetation at the access.</p> <p>The ExA asked the Applicant to clarify how the Applicant intends to deal with this for Deadline 1.</p> | The Applicant confirmed that this will be achieved for Deadline 1. | The Applicant's full response to this point can be found in the Applicant's Response to the Relevant Representation [TR010065/APP/7.10]. However, the Applicant can confirm that the access will be designed to the required highways standards and requirements and requirements and will consider the new dual carriageway, speed limit, vegetation and visibility splay for the turning into and out of the works access track. |
| 14 | John Miller | JM has cricket bat willows growing on land which have been planted in parts of land prone to flooding. However these will now be 'grubbed out' as part of the project for flood compensation and drainage as part of the A46. JM is seeking recompense for this. | - | - |
| 15 | ExA | The ExA is unable to consider compensation when making its recommendation to the SoS. This would be a separate process if the DCO is confirmed. | - | - |
| 16 | ExA | The ExA confirmed that the Compulsory Acquisition Hearing | | |

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| | | <p>(CAH1) is tomorrow on 9 October 2024. The CAH1 will not provide parties an opportunity to discuss individual plots and specific compulsory acquisition elements.</p> <p>The ExA noted that there are some issues that delve into compulsory acquisition and temporary possession, but this will not be looked into at the upcoming CAH1. Individual objections to compulsory acquisition will be covered in further hearings currently scheduled to commence in the week commencing 2 December 2024.</p> <p>The ExA reminded parties to ensure that they register if they wish to speak at any future hearings.</p> | | |
| Nicholas Roulstone | | | | |
| 17 | Nicholas Roulstone | <p>Nicholas Roulstone (NR) prefaced his representation by flagging that he is not addressing items specified on the Agenda due to a faulty link leading to incorrect documentation.</p> <p>NR stated that the press have reported The Southern Link Road will cost £100 million and this scheme is for a simple 5 km road improvement. NR reported that the Midlands Content estimates the cost of the Scheme as £500 million. The project will consist of a dual carriageway,</p> | NH referred to the Funding Statement [APP-026] which cites a current funding estimate of £686.4 Million. | <p>Section 3 and section 4 of The Case For The Scheme [APP-190] clearly sets out the need for the scheme and the transport case for the scheme. These sections provide evidence and justifications for the scheme including journey time reduction, easing of congestion and improved safety.</p> <p>A full description of the transport modelling survey can be found in the Transport Assessment [APP-193]. In particular, section 3 which sets out the</p> |

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| | | <p>river crossing, and other significant modification. Taking into account inflation, NR believes the final cost of the project will be closer to £2 billion. NR stated that the published cost benefit calculation is out of date.</p> <p>NR reported that, from his experience, the A46 is not busy and is hardly impacted by traffic except for Friday afternoons between 15:00 and 17:00.</p> <p>NR asked whether it is sensible to spend money to reduce congestion which only occurs for 2 hours per week.</p> <p>NR specifically asked the Applicant when the last traffic flow measurement was last carried out.</p> | | baseline data, model development and previous studies. |
| 18 | | <p>NR explained that the Cattle Market flyover is very close to the end of at Kelham Road, which is situated close to where NR resides. The speed limit at present along this section is currently 50 mph. In operation of the Scheme, this speed limit increases to 70 mph. The increased speed limit alone will increase noise levels substantially, with the raise level of the carriageway raising it further. NR contends that the noise mitigation plans are not equate enough to keep noise levels below World Health Organisation's recommended levels.</p> | <p>The point regarding Trent Valley Way is noted by the Applicant. The Applicant has made diversions of the Trent Valley Way, both temporarily and permanently.</p> <p>The Applicant explained that, in respect of the suggestion to utilise an underpass. The suggested location at Cattle Market is within the floodplain and there is an existing flood culvert going through. Therefore, an underpass in that suggested area would be is prone to flooding and usability issues associated with such flooding.</p> | - |

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| | | NR noted that the existing routes re-route the Trent Valley Way along roads instead of the existing route access fields. NR suggested that it would have been better to include an underpass to allow people to walk from Newark to Kelham across the fields without crossing any major roads. | | |
| Anthony Northcutt | | | | |
| 19 | Anthony Northcote | <p>Anthony Northcote (AN) is a chartered town planner, local resident and business owner. AN has spoken in support of the Scheme and invited the ExA to consider that this particular route includes various challenges. The question as to whether the A46 is in the right place is a matter which was decided a long time ago. The A46 Project proposal is presented with so many challenges, such as river crossing, the existing A1 development and being situated 600m from a castle which is unusual.</p> <p>AN invited the ExA to consider that the Scheme does not operate in isolation. When considering the Scheme, it is crucial to consider the wider strategic road network which it operates within.</p> <p>The A46 is trying to do two completely incompatible things; operating as a through route and a local route in</p> | The Applicant thanks the IP for its representations and confirmed it has no further comments to add at this stage. | - |

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| | | <p>getting accesses to and from various villages; and a strategic role as being a Trent crossing.</p> <p>AN stated that the A46 currently does not operate satisfactorily, in terms of these two roles. The grade alignment of the A46 and the way the junctions are arranged creates unpredictability in journey times at any point and anytime of the week. AN fundamentally disagrees with people who claim the traffic is only an issue on a Friday afternoon. There is a huge disparity in time and, where traffic has become congested, AN has often re-routed via Retford or Lincoln.</p> <p>AN supports the importance of the grade separation at the Cattle Mark Roundabout which tends to bottle up.</p> <p>AN had reservations about the effectiveness of the [at grade] proposals at either end, but suggested that signalisation would solve that.</p> <p>AN encouraged the ExA to consider the A46 linkages.</p> <p>AN referred to the Castle Level Crossing and the ABC Railway guide. AN reported that between all trains, there are 84 trains that go through the route every day. It is heavily used by freight as well as passenger services causing closure for 17.5% of every</p> | | |

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| | | <p>24-hour period. When it fails, it takes 1-2 hours for engineers to fix it.</p> <p>AN encourages the ExA to consider other developments when considering this application such as the Newark Southern Link Road, which is going to tie in with the new roundabout just 700m south of Farndon; and the lorry park entrance which is only 115m from the Cattle Market roundabout.</p> <p>It is also important to consider the relationship between the A1 and the slip road at Brownhill Junction. The A46 takes priority and where there is no traffic, the A17 prevents road-users coming off. The proposal is not just improving the A46, but improving the knock-on impacts</p> <p>AN represents developers who will not locate on Newark industrial estate because it is not possible to get out. Instead, developers go to Sleaford or Tuxford. AN asked the ExA to think about the wider economic implications.</p> <p>AN explained that there are major developments, with 3 strategic sites. This is going to increase Newark to the south with another 3159 dwellings, 50 hectares of employment. The land east of Newark will gain an additional 1000 dwellings. The land around Fernwood will gain</p> | | |

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| | | <p>3200 dwellings and 15 hectares of employment space. There is also continued development of the existing Curry's National Distribution Centre with another 37,000 sqm warehouse permitted. NSDC has had screening opinion to cover another additional 47 hectares of additional land adjacent to that site.</p> <p>AN urged the ExA to not only consider the A46 in isolation, but everything around it, including any dependencies on the A46 for future prosperity.</p> | | |
| Martin Shapley (on behalf of Winthorpe Action Group) | | | | |
| 20 | Martin Shapley on behalf of Winthorpe Action Group, Think Again | <p>Martin Shapley (MS) on behalf of Winthorpe Action Group, Think Again (Think Again) was initially elected to not speak at the OFH, however on reflection, MS wanted to attend and present a summary on Think Again's current views and position.</p> <p>Think Again consists of local residents and villagers who are concerned by the impact of the new road on the village</p> <p>MS clarified that from the beginning of the consultation process, Think Again has only sought clarity regarding technical details and considerations.</p> <p>MS confirmed there has been positive engagement with the Applicant and the Applicant's agents. There has</p> | <p>The Applicant confirmed its desire to continue progressing discussions with Think Again and confirmed that the SoCG is being progressed.</p> <p>The Applicant will provide a full response to Think Again's submitted relevant representation [RR-071] by Deadline 1 in accordance with the examination timetable.</p> | |

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| | | <p>been some success in reducing the negative impacts of the new road on Winthorpe.</p> <p>In addition, a Statement of Common Ground (SoCG) is being agreed between Think Again and the Applicant. This is currently an ongoing process, with a few issues still outstanding. A detailed submission has been made to the ExA and MS urges the ExA to look more closely at the issues raised in this submission.</p> <p>MS noted that Think Again has limited knowledge regarding road and drainage design, biodiversity, air quality and noise impacts. Think Again seeks the ExA's impartial and professional judgement on these points.</p> <p>MS expressed Think Again's intention to address specific points in more detail during future hearings and do not wish to repeat the issues detailed in their written submissions at this OFH1.</p> | | |
| 21 | ExA | The ExA will publish agendas setting out in more detail those certain technical matters that will be looked at in future issue specific hearings. | | |

15:21 OFH1 ended.

3. HEARING ACTION POINTS ARISING FROM OPEN FLOOR HEARING 1

| Action | Description | Action by | When | Applicant's Response |
|--------|--|--|------------|---|
| 1 | Parties who have made oral submissions to submit written summaries of their submissions. | The Applicant Carline Parnham John Miller Nicholas Roulstone Anthony Northcote Martin Shapley | Deadline 1 | |
| 2 | The Applicant to engage with Caroline Parnham and confirm compulsory acquisition position in writing. | The Applicant | Deadline 1 | The Applicant provided CP with a written confirmation of the discussion, which was issued on 11 October 2024 |
| 3 | The Applicant to engage with John Miller in respect of fishing rights and maintaining access to his retained field during the construction period and provide the ExA with a report. | The Applicant | Deadline 1 | The Applicant notes the fishing rights which the landowner holds on the riverbank for plots 1/19a and 1/19b as shown on the Land Plans [AS-004]. The Applicant also notes that there is no public access to the riverbank for anglers. However, the Applicant has a working dialogue with the IP and this point will be incorporated into the land negotiations with the District Valuer. |
| 5 | Provide full response to the relevant representation submitted by Winthorpe Action Group, Think Again. | The Applicant | Deadline 1 | The Applicant's full response to the relevant representation submitted by Winthorpe Action Group, Think Again can be found in document TR010065/APP/7.10 submitted at Deadline 1. |