



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

WRITTEN REPRESENTATIONS

A46 NEWARK BYPASS

NOVEMBER 2024



NEWARK AND SHERWOOD DISTRICT COUNCIL

SUBMISSION AS THE LOCAL PLANNING AUTHORITY

1.0 Introduction

- 1.1 This response is submitted as the Local Planning Authority and any submission as a landowner should be treated as a separate response.
- 2.1 The Scheme boundary lies solely within the Newark and Sherwood District Council (the Council) (as the Local Planning Authority) boundary.
- 1.2 The Council has already submitted their Local Impact Report (LIR) (REP1-035) which raised several concerns with the detail of the scheme based on the information provided at the time but also seeks to provide constructive information on how such matters could be reasonably overcome. We do not seek to reiterate those matters in this submission. The Council has also submitted Relevant Representations (RR-048).
- 1.3 The Council remains fully supportive the delivery of the A46 Newark Bypass given the current A46 congestion is a hinderance to Newark, the wider region, and nationally given the strategic importance of the A46 as a trade corridor. The current situation affects business confidence, productivity and investment. Improving the road network will demonstrably boost the local economy, as explored in Section 12 of our LIR.
- 1.4 The Council's Development Plan comprises of the Amended Core Strategy adopted 2019 and the Allocations and Development Management adopted 2013. A new publication of the Allocations and Development Management DPD is being examined from 5th November 2024 until 13th November 2024 so it is at an advanced stage. The Council will keep the ExA informed of any progression on this during the examination process.
- 1.5 The Council is engaged in a Statement of Common Ground with the applicant which is a living evolving document. This details matters where the Council are and are not in agreement and will be submitted at the appropriate deadlines to the ExA.

2.0 Summary of matters

- 2.1 The main matters the Council cannot currently agree relate to heritage and landscape character and the Council is awaiting the requested photomontages from the applicant, which will be submitted to the ExA by deadline 2, which is the same deadline as the written representations. Therefore, this matter is still unresolved. The Council will respond by deadline 3.
- 2.2 The Council's Relevant Representations stated we would submit Written Representations which includes an assessment on the individual impacts of the DCO. Upon reflection, and following the submission of the Council's LIR, this additional assessment is not considered by us to be necessary. The Council is in the process of carrying out a legal review of the dDCO document with a view to providing further comment on this at the ISH1 on the 3rd December 2024. The Council has already discussed some matters of the dDCO within the LIR and agrees to the submission of the Landscape and Ecology Management Plan being within the Second Iteration Environmental Management Plan and to the Council being on consultee on this. We would however wish to see the first iteration EMP and the landscape principles set out in the environmental masterplan (Schedule 2 Part 1 Requirements, para 6 Landscaping) amended to include greater landscape mitigation around Winthorpe and

Sandhills Park and the alterations to the acoustic fence at Cattle Market Roundabout (see para 9.40 of the Council's LIR REP1 – 035). Additional comments on the dDCO are explored within the Council's responses to the ExQ1 which the Council is submitting to the ExA by Deadline 2 (12th November 2024) and within points 23 (cultural heritage) and 46 (highways) of the SoCG (REP1-029) and will be a running theme for discussions throughout the examination process.

2.3 As part of the Council's LIR, we have suggested many points to the applicant which would, in our opinion, help to overcome several matters to which we have raised as a concern. This is explained in paragraph 18.6 of the Council's LIR and reiterated below.

- Potential conflict between the (delayed) A46T Roundabout improvement works and the proposed development should be assessed in the application (southern link road).
- The applicant has not identified all key designations that contribute to Landscape Character or visual matters which include nature conservation sites. These designations haven't been listed in Table 7.6. though they have been identified on the Constraints Plan Figure 2.2 Environmental Constraints Plan. These should be included within Chapter 7 Landscape and Visual Effects assessment;
- There may be scope for additional planting particularly within Trent Washlands LCA (focussed on Cattle Market Junction) and within Winthorpe Village and Farmlands the latter being where the residual impact is still significant at year 15. Refer to Table 1 for recommendations;
- Mitigation at viewpoints as shown in Table 1 of the LIR;
- Chapter 2 describes the extent of proposed lighting (p. 2.5.88) but does not explicitly show on a drawing where there is an introduction of lighting into the landscape which was previously unlit as opposed to an upgrade to existing lighting already present. This should be included in the descriptions within the LVA with an estimate as to the height of the columns;
- The landscape proposals shown on the Environmental Masterplan generally mitigate the majority of adverse impacts to surrounding receptors. Key points to note are:
 - Existing mature vegetation (embedded mitigation) that filters the route corridor should be retained and enhanced so that it is still able to provide a visual screen beyond Year 15.
 - Where there is scope to provide additional planting that reinforces landscape character, and reduces visual impacts, particularly those viewpoints where there are still residual effects that are significant this should be re considered. Refer to Table 1;
- We would welcome further discussion and consultation on the Scheme delivering more green corridors and other ecological benefits such as animal crossings;
- All veteran trees within the Order Limits should be retained in perpetuity;

- The environmental masterplan (Schedule 2 Part 1 Requirements, para 6 Landscaping) should be amended to include greater landscaping in areas, and re-siting of the acoustic fence;
- In line with comments from the EA, the applicant should prepare an acceptable site-specific FRA with appropriate drainage mitigation;
- The applicant should demonstrate that delivery of the proposed development will not impact delivery of the Tolney Lane flood storage scheme;
- The applicant should assess the impact of the proposed development on both Newark Castle the Church of St. Mary Magdalene (mainly through the requested montages);
- Additional photomontages should be provided to demonstrate the impact of the proposed development on the Winthorpe Conservation Area and other heritage assets;
- Measures that ensure the appropriate recording of the structure at Smeaton's Arches should be included in the Construction Environmental Management Plan (CEMP) and that appropriate mitigation is sought for surveying the buildings which could be impacted by vibration;
- Further details should be provided on the impact of the acoustic barriers at the Cattle Market roundabout and how this will interact with the character of the roundabout;
- Full surveys and field evaluations including geoarchaeological evaluation, metal detector surveys, field walking, monitoring of GI and trial trench evaluation should be included as appendices to ES Chapter 6;
- The applicant should submit a detailed Outline Mitigation Strategy for Examination, which the Council would wish to be consulted on, based on all the archaeological work to date;
- Impact on agricultural holdings and compensation should be addressed in the Population and Human Health section of the ES;
- The applicant should ensure information is provided on all noise sensitive receptors in the study area such as educational, medical and community facilities;
- An outline air quality and dust management plan to be submitted as part of the DCO Examination to enable Nottinghamshire County Council (NCC), NSDC and relevant parties to undertake a review and provide comments if necessary.;
- Potential combined air quality effects associated with construction vehicle flows and traffic management measures during the construction phase should be assessed;
- The applicant should provide further information on how air quality damage costs are being addressed locally;
- The CSM could account for unknown contamination and hotspots in unexplored areas of the site and the potential for construction workers to come into contact with these. The assessment could also include consideration for other sources of ground gases;

- The baseline data used in Chapter 9 of the ES is generally old and should be updated;
- The applicant should provide more detail as to the diversion of the footway at Brownhills and the existing underpasses at the A46 and A1; and
- The visual impact from Sandhills Park should be addressed, whilst consideration should be given to the visual impact of the Scheme upon the residents of Winthorpe and Newark due to the use of lighting.

2.4 Again the Council wishes to reiterate our support for the scheme and the benefits it is understood to deliver to the area and the wider links outside of our District and does not wish to be a barrier to stifle this opportunity which has been long in discussion, noting still the need to ensure all impacts are fully understood and reasonably mitigated.

SUBMISSION AS THE LAND OWNER

1. Introduction

- 1.1 Newark and Sherwood District Council (the “Council”) support National Highways’ (the “Applicant”) proposed A46 Newark Bypass Scheme (the “Scheme”) in principle but in their capacity as landowner the Council classifies as “Affected Persons” to the Examination given that the proposed Development Consent Order (the “Proposed Order”) seeks both temporary and permanent compulsory acquisition of their land and easements affecting their land.
- 1.2 This Council attended Compulsory Acquisition Hearing 1 (“CAH1”) on 9 October 2024 and submitted relevant representations to the Examination dated 22 October 2024, summarising their position.
- 1.3 This written representation supports the earlier relevant representations made by the Council in addition to responding to the Examining Authorities’ first written questions (ExAQ1).

2. Council’s Position

- 2.1 The Council’s concerns as landowner remain the same as those set out in their relevant representations dated 22 October 2024, save to confirm that the Applicant is now positively engaging with the Council and discussions are moving forward.
- 2.2 The affected land remains the same as that described within the Council’s relevant representations dated 22 October 2024.
- 2.3 The impact of the Proposed Order remains the same as that described within the Council’s relevant representations dated 22 October 2024, but discussions are on-going between the Council and the Applicant to determine how the parties can work together to facilitate appropriate reconfiguration of the lorry park sequentially with the proposed works coming forward.
- 2.4 Similarly, the extent of land subject to temporary possession and compulsory acquisition is subject to on-going discussion between the Applicant and the Council and whilst the Council’s previous relevant representations still stand, some positive progress is being made in this regard with discussions taking place between parties on 11 November 2024.
- 2.5 The Council confirmed in their relevant representations dated 22 October 2024 that it is well established that an authority seeking compulsory acquisition powers should seek to acquire the land required for its scheme by agreement where possible. Furthermore, the Council outlined that it would be to the benefit of both parties if an agreement were reached between the Applicant and the Council which would allow for the voluntary transfer/leasing of land to the Applicant and for the Council to be consulted on detailed design of the proposed facility and allow for the reconfiguration of the lorry park in advance of the exercise of powers. As part of this agreement the Council also needs to ensure continued unimpeded access to their main Council offices at Castle House.

- 2.6 As noted in earlier relevant representations the Council took the initiative to send an outline agreement to the Applicant on 27 September, in advance of the first Open Floor Hearing and CAH1 taking place. A positive meeting was held between the Applicant and the Council on 11 November 2024 and a further meeting has been scheduled for late November to continue dialogue with a view to updating the Examining Authority (“ExA”) on progress at the second Compulsory Acquisition Hearing (“CAH2”) scheduled for 3 December 2024.