

Newark and Sherwood District Council (IP20049649)

12 November 2024

Deadline 2: Comments to the Examining Authority’s initial written questions (ExQ1) – schedule of responses

The Examining Authority presented a series of questions which were outlined in its Rule 8 letter of 15 October 2024 to the Applicant and other Interested Parties, in order to receive further information about matters it considered relevant to the application. Newark and Sherwood District Council has responded to these questions in the following report and has provided the following schedule which provides an easy reference guide for the Examining Authority to see the comment to each of the questions posed to us.

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
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>	<p>The DCO application was accepted on 23rd May and the NPSNN 2024 was designated on 24 May 2024. As such, and applying the transitional provisions in paragraph 1.16 of the NPSNN 2024, NSDC accepts that the 2015 NPS should continue to have effect in relation to the DCO application. However, and applying paragraph 1.17 of the NPSNN 2024, NSDC consider that the terms of the NPSNN 2024, and the Proposed Development’s compliance with its provisions are both important and relevant material considerations. NSDC consider that how much weight should be attached to the provisions of the NPSNN 2024 is a matter for the Examining Authority in its recommendation to the Secretary of State and ultimately for the Secretary of State in its decision on the Application.</p>
Q1.0.3	The Applicant, NSDC, NCC	<p>Policy</p> <p>The following were published on 30 July 2024: 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”. Do these have any relevance to the Proposed Development or alter any of the conclusions in the application?</p>	<p>NSDC consider that the 30 July 2024 Ministerial Statement is a material consideration indicating the direction of travel of national policy. The draft NPPF is also a material consideration but the weight to be attached to it is likely to be quite limited as it is subject to consultation and may change.</p>
2. Air Quality			
Q2.0.3	NSDC	<p>Policy – Local</p> <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>	<p>a) The document is technical guidance, not a supplementary planning document. It has not been taken through the statutory plan making process, including being subject to a sustainability appraisal. As such, no significant weight can be given to this document.</p> <p>b) No</p>
Q2.0.5	The Applicant, NSDC	<p>Air Quality Targets 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>	<p>Paragraph 5.3.13 of ES Chapter 5 Air Quality (AS-021) indicates:</p> <p>“The targets are to be met at air quality monitoring stations. In the absence of air quality monitoring stations in the vicinity of the Scheme, the date by which the target is to be achieved and the factors noted at paragraph 5.5.21 of this Chapter, it is not relevant to include this target in Table 5-1. Likewise,</p>

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			<p>the interim PM2.5 air quality target mentioned above in paragraph 5.3.12 has also not been included in Table 5-1 either.”</p> <p>NSDC has asked National Highways (see Issue 30 of Table 3.1.1 of the NSDC and NH Statement of Common Ground REP1-029) to install air quality monitoring stations along the A46 to enable ongoing air quality monitoring. The Council would also seek a legal agreement to be in place regarding funding for future air quality monitoring.</p>
Q 2.0.8	The Applicant, NSDC	<p>ES Methodology 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>	<p>The selection of air quality sensitive receptors as reported in the air quality chapter of the ES has been undertaken in accordance with the National Highways LA105 Air Quality Standard.</p> <p>In air quality assessments, there is no scale of receptor sensitivity and receptors are either sensitive or not sensitive to air quality impacts. This is determined by the likely duration of exposure to the pollutants of concern at any given land use, relative to the averaging periods of the relevant air quality objectives.</p> <p>Individual sensitivity of public exposure to air pollutants was accounted for in the transcribing of the EU Air Quality Directive into UK legislation, as the existing (and amended) air quality objective values. The air quality limit values enforced by the directive and subsequent UK air quality objective values were set at a level at which the most sensitive members of the public were considered not to be at risk of harm from exposure to those pollutants, based on empirical data available at that time.</p> <p>The National Highways LA105 Air Quality Standard method followed by the assessment accounts for receptors that could be considered “more sensitive to poor air quality” when determining if the effect of the scheme is significant or not. A significant adverse effect is more likely where a scheme makes an existing exceedance of an air quality objective value worse, or creates a new exceedance, at a location where there is sensitive exposure.</p>
Q2.0.9	The Applicant, NSDC	<p>ES Methodology 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>	<p>NSDC understand that the assessment will have used the most current data available at the time it was carried out. If updated, it would require full reassessment and the difference is likely to be minimal.</p>
Q 2.0.11	The Applicant, NSDC	<p>Air Pollution and Dust – Winthorpe Primary School [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>	<p>Winthorpe Primary School, including its playing field, is located c.500m from the nearest section of the Affected Road Network (ARN) (the A46 NE-bound carriageway). The school grounds are located c.160m from the DCO Limits.</p> <p>a) The nearest receptor to the school considered in the assessment is R29, which is c.80m from the nearest section of the ARN (the A46 NE-bound carriageway). R29 is reported to experience a total annual mean NO2 concentration of 17.2 µg/m3 in the 2028 Do-Something scenario and an impact of 0.0 µg/m3 due to the operation of the proposed scheme. In accordance with the National Highways Air Quality Standard LA105, the assessment reports PM10 concentrations of 25.8 µg/m3 in the 2022 baseline scenario only. The concentrations and impacts reported at R29, which is closer to the ARN than the school, suggests that the operation of the scheme will not affect the school or its outdoor areas.</p> <p>b) The National Highways LA105 Air Quality Standard requires air quality sensitive receptors, including schools, to be selected where they are located within 200m of the ARN. Because the school is over 200m from the nearest section of the ARN, it not being included in the assessment is in accordance with the LA105 Air Quality Standard.</p> <p>c) The assessment of construction dust emissions reported in the chapter identifies a high risk of unmitigated dust impacts occurring. In line with the National Highways LA105 Air Quality Standard, the applicant has prepared an Environmental Management plan (EMP) that was submitted to and will be secured by the DCO. The EMP will include dust control measures that should be capable of</p>

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			mitigating impacts at the school. It should also set out how the effectiveness of the control measures will be secured, monitored and reviewed. The assessment reports no significant effects due to the operation of the proposed scheme and, therefore, no mitigation for this phase was required.
Q 2.0.13	The Applicant, NSDC	Dust [RR-020] states that health impacts from the construction phase “dust corridor” have not been modelled. 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.	The assessment of construction phase dust impacts, as reported in the air quality chapter of the ES, has been undertaken in accordance with the National Highways LA105 Air Quality Standard. a) Dust is typically considered to impact on amenity, rather than human health. Although construction phase activities that have the potential to generate emissions of dust also have the potential to generate emissions of finer particles, which are more associated with an impact on human health. The qualitative method used to assess dust risk is in line with the DMRB methodology and is consistent with other assessments that would generally be undertaken for construction dust assessment. The construction phase dust assessment method set out in National Highways Air Quality Standard LA105 does not explicitly refer to the health impacts of construction dust. However, it should be noted that the dust control measures set out in the chapter and the Environmental Management Plan (EMP) will mitigate the impact of finer particles, as well as the impact of dust. However it is considered that the applicant would be best placed to respond to this matter. b) The dust control measures are set out in Section 5.10 of the air quality chapter of the ES and also within the EMP. The EMP will be secured by the DCO.
Q 2.0.14	The Applicant, NSDC	Effect of Air Quality on NMUs [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?	NSDC believe this is the incorrect reference and it should be RR-071 Winthorpe Think Again comments re non motorised user (NMU) routes. The air quality assessment has been undertaken in accordance with the National Highways LA105 Air Quality Standard. NMUs are not defined as air quality sensitive receptors within that guidance, nor are they defined as such in Defra’s Local Air Quality Management Technical Guidance. As such, there is no requirement for air quality impacts to be predicted for such receptors. From review of the air quality predictions and impacts reported at receptors closest to the roads, annual mean NO2 concentrations are well below 60 µg/m3. An annual mean of 60 µg/m3 is pertinent because research suggests that this annual concentration represents when the hourly mean NO2 air quality objective may be at risk of an exceedance. It is this hourly mean NO2 objective that NMUs would be sensitive to and the results that are available in the assessment suggest that the hourly mean NO2 objective is unlikely to be exceeded.
Q 2.0.16	The Applicant, NSDC	Mitigation Measures – Dust 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.	It would be beneficial for 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.
3. Biodiversity, Ecology and Natural Environment			
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	NSDC has sought the advice of Nottinghamshire County Council’s (NCC) Natural Environment Team on this matter as the Council does not have a capacity at this time to answer this matter. NCC does not agree with the conclusion within the ES for the habitat loss for the lowland mixed woodland (a priority habitat): “ <i>slight adverse effect during construction that is not significant</i> ” (Paragraph 8.11.9). The loss of the lowland mixed woodland will be a permanent impact post construction

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		<p>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?</p>	<p>not just during the construction period. The assessment prior to the mitigation and compensation measures for the loss of this habitat is “<i>major adverse at county level</i>” and therefore even with the compensation measures proposed, (replacement like for like of a larger area) the proposals will result in a permanent loss of lowland mixed woodland, which cannot be compensated in the short term.</p> <p>The assessment of the impacts appears not to consider the long-term impacts of the loss of habitats (or short term impacts of loss of connectivity), which left in situ will mature providing higher biodiversity value and additional opportunities for species in comparison to new woodland planting which is proposed as compensation.</p> <p>Furthermore, the establishment period for mitigation and compensatory planting provided at the start of section 8 (paragraph 8.11.2) does not adequately take into consideration the creation of lowland mixed deciduous woodland which would require more than the 15 years stated for trees to establish and provide the same habitat quality for which the assessment, compensation and mitigation measures are based on.</p> <p>In relation to habitat severance, we are concerned that an adequate evaluation of the scheme’s impact on habitat connectivity has not been provided. No assessment of the ecological function to wildlife has been provided and we would expect the proposed mitigation measures to include temporary or new permanent habitats to provide connectivity in place of the habitats to be lost as part of proposals, during the construction period.</p> <p>It does not appear that the ecological function and importance of the existing habitats forming a wildlife corridor has been assessed.</p> <p>Paragraph 8.11.16 notes that corridors for commuting and foraging for bats will be lost during construction but reestablished after post-construction, with no alternative provided for commuting and foraging for the construction period. No information on the estimated time for which the construction period will last has been provided and the consideration of the time it will take for the habitats to become of the same value to wildlife as well as provide the same level of opportunities has not been considered.</p>
Q3.0.6	NSDC	<p>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.</p>	<p>For sites at a higher level in the nature conservation designation hierarchy, guidance is that an effect is significant if it is likely to undermine the conservation objectives for that site (IAQM, 2020. A guide to the assessment of air quality impacts on designated nature conservation sites). Non-statutory Local Wildlife Sites do not have published conservation objectives making assessment of air quality impacts problematic. The methodology used has considered whether increased nitrogen deposition levels would affect the integrity of LWSs that have been designated for their botanical interest. NSDC consider that if a site degraded because of air pollution to the extent that it no longer met the relevant LWS selection criteria, that would clearly be a significant effect as continued qualification as a LWS would invariably be a conservation objective for that site. To have assessed air quality impacts on that basis would have aligned more closely with IAQM guidance. However, this would not have resulted in a conclusion whereby residual effects would have been of a higher level of adversity than has been concluded, so whilst we might have different view regarding the assessment method for air quality impacts on LWS, we agree with the conclusions.</p> <p>1.Dairy Farm Railway Strip:</p> <p>Para. 8.9.4 of ES Chapter 8 [APP-052] notes that loss of habitats includes arable habitats, but when the LWS boundary is viewed with an aerial image backdrop this doesn’t appear to encompass any arable habitat. On the assumption that this area is relatively small, NSDC do not consider that clarification is likely to alter the assessment conclusion for this site which we otherwise agree with.</p>

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			<p>2. Great North Road Grassland: NSDC are aware that following the most recent update (autumn 2024) of the LWS layers held by Nottinghamshire Biological and Geological Record Centre that the boundary of that part of this LWS that is located south of the A46 has been amended since the desk study was undertaken. We believe that the boundary has been redrawn to exclude hardstanding areas along the southern and eastern part of this section of the LWS. This would alter the assessed impact on the LWS in terms of percentage of the LWS area as set out in para. 8.9.5 of ES Chapter 8, but on the assumption that this has only affected areas of hardstanding that have no biodiversity value, this should not affect the overall conclusions for this LWS, which NSDC agree with.</p> <p>3. Newark (Beet Factory) Dismantled Railway NSDC agree with the assessment and conclusions for this LWS.</p> <p>4. Old Trent Dyke The assessment of impacts on this LWS have been considered in terms of linear length. Whilst the likely reasons for this (i.e., it is a linear habitat and is treated within the Biodiversity Metric as such), expressing potential effects in terms on linear meterage is considered by NSDC to have the potential to be misleading. The designation includes the full width of the channel, any marginal habitat and associated riparian habitat, so an assessment based on area rather than linear length should be used. However, in this instance, based on the average width of the designated LWS boundary being circa. 3m the total area of LWS that would be lost to the culvert would be 120m², which represents circa. 1% of the total area of the LWS. Therefore, notwithstanding this comment, NSDC agree with the overall conclusions for this site.</p> <p>The areas lost are not considered to be significant enough to adversely impact each LWS and their designated habitats, however no assessment on the connectivity these LWS provide and the impact the fragmentation of these LWS habitats during the construction has been provided.</p> <p>The proposals will result in a loss of 74% of the Great North Road Grasslands LWS and even with the compensation measures proposed will result in a moderate adverse effect significant at the county level. No explanation to why the proposals will impact the majority of this significant area of LWS grassland has been provided. The post development habitats include the creation of lowland meadow grassland and species rich grassland and not the retention and improvement of the existing LWS grasslands. Further justification for the level of habitat loss in this area will need to be provided as not all of the area is required for the proposed SUDS and carriageway widening. It is likely that the LWS status will be lost as part of the proposals.</p> <p>It should also be noted that lowland meadow is not defined as an irreplaceable habitat, but is difficult to create and maintain. Areas proposed for lowland meadow creation may not be feasible due to soil composition and management requirements.</p>
Q3.1.1	The Applicant, Natural England, Forestry Commission, the	Biodiversity Net Gain Approach 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. 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	NSDC agrees with Natural England’s view that ‘trading down’ in river units to compensate impacts on ‘high distinctiveness’ habitat with ‘medium distinctiveness’ habitats should be avoided. However, within the context of knowing how practically it is difficult to do otherwise for watercourse units, and the fact that mandatory BNG does not apply at the current time to NSIPs, it is our view that the proposed approach is likely to be acceptable if an acceptable justification is given as to why the habitat trading rules cannot be met, we are not aware that such a justification has been provided. In the

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	Environment Agency, NSDC	sufficient mitigation and compensation been provided for within the Order Limits. 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.	absence of this justification, it is NSDC's view that potentially, insufficient mitigation and compensation has been provided within the Order Limits for impacts on watercourse units. In respect of the issue regarding fry refuges commented on by the Environment Agency, it is our understanding that the 'missed opportunity' referred to is an opportunity to provide enhancement/improvement rather than required mitigation or compensation. Therefore, whilst we support the Environment Agency's view, and would welcome the creation of fry refuges if possible, in respect of the specific question being asked, we would consider that sufficient mitigation and compensation is being provided for within the Order Limits.
4. Climate and Carbon Emissions			
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>	<p>a) The climate and carbon emissions policy in NPSNN 2024 is significantly different to that featured in NPSNN 2015. NPSNN 2024 now includes explicit guidance on carbon emissions reduction and alignment with the UK's net zero targets, which were not prioritised in NPSNN 2015. NPSNN 2015 was oriented primarily towards economic growth and development, reflecting a focus on improving infrastructure with limited consideration for climate impacts. NPSNN 2024 emphasises sustainable development and environmental responsibility, particularly concerning carbon emissions and climate resilience. NPSNN 2024 seeks to reduce the risk of litigation by aligning more closely with climate commitments</p> <p>From a carbon/climate perspective the key differences are:</p> <p>Net Zero Alignment: NPSNN 2024 explicitly integrates the UK's commitment to net zero by 2050, which had not yet been legalised in 2015. NPSNN 2024 encourages planners to assess and mitigate carbon emissions from projects in a way that supports national carbon budgets, while allowing projects with residual emissions to proceed under certain conditions.</p> <p>Carbon Emissions Mitigation: NPSNN 2024 introduces clearer criteria for assessing GHG emissions and mitigating climate impacts. NPSNN 2015 policy focused more on economic growth and efficiency whereas NPSNN 2024 includes directives to reduce emissions and mitigate climate risk.</p> <p>Transparency and Accountability: NPSNN 2024 advocates for publishing the National Transport Model to improve transparency on how carbon impacts are forecasted. This level of transparency is aimed at allowing public and legal scrutiny of traffic demand forecasts and emission impacts and was not a feature of NPSNN 2015</p> <p>Biodiversity and Environmental Protection: NPSNN 2024 goes beyond carbon reduction to support wider environmental and biodiversity protection measures which aim to reduce the ecological impacts of new infrastructure projects.</p> <p>b) Under s.104 of the Planning Act 2008, the Secretary of State must decide the application in accordance with any relevant national policy statement unless the specific circumstances under subsections (4) to (8) apply. The transitional provisions of the NPSNN 2024 state that any applications for development consent accepted for examination before designation of the NPSNN 2024 should be determined in accordance with the 2015 NPSNN. This application was accepted for examination on 23 May 2024, and the NPSNN 2024 was designated on 24 May 2024. As such, the NPSNN 2015 is the relevant national policy statement for the purposes of s.104 Planning Act 2008. The NPSNN 2024 is, however, a material consideration (as is recognised in paragraph 1.17 of the NPSNN 2024), the precise weight to be attached to it is a matter of evaluative judgment for the Secretary of State to determine in the circumstances.</p>

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			<p>c) Chapter 14 (Climate) of the ES states that accordance tables have been published detailing how the scheme complies with NPSNN 2015 (TR010065/APP/7.2) and how the scheme complies with NPSNN 2024 (TR010065/APP/7.3). The NPSNN carbon and climate requirements and associated evidence of compliance have been reviewed and it is agreed that the information contained within Chapter 14 of the ES complies with the carbon and climate related requirements for both NPSNN 2015 and NPSNN 2024.</p> <p>d) NSDC considers there are no other policies other than those identified by the Applicant and those policies within the Council's LIR (REP1-035)</p>
Q4.0.9	The Applicant, NSDC	<p>Environmental Statement – Methodology 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 in the operational lifecycle assessment but these do not include B3 (repair), B4 (replacement) and B5 (refurbishment). Please clarify.</p>	NSDC believe this to be a matter for the Applicant to address in its responses to EXQ1.
Q4.0.11	The Applicant, NSDC	<p>Environmental Statement – Scope 3 Emissions [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> <p>a) whether there is any requirement for 'scope 3' emissions to be quantified and assessed for the Proposed Development;</p> <p>b) whether 'scope 3' emissions have been taken into consideration in the assessment of the Proposed Development as set out in the application documentation;</p> <p>c) whether the judgement of the UK Supreme Court in Finch (R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents) [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</p> <p>d) if the judgement is of relevance to the determination of the Application, what you consider to be the correct approach to addressing the Finch judgement.</p>	<p>a) Clarification may be required as RR-020 and RR-065 do not state that scope 3 emissions do not appear to have been taken into consideration. The increased traffic flow as a result of the Proposed Development, considered as the primary scope 3 elements, has been quantified and assessed as part of the whole life carbon assessment contained within the Climate Chapter 14 of the ES. This assessment is summarised in table 14-19 of chapter 14, showing scope 3 road user emissions to be 523,019 tCO2e over a 60 year assessment period. Table 14-20 also compares the Do-Minimum (not implementing the proposed development) scenario to the Do-Something (implementing the proposed development) scenario and finds that the difference (ie the increase in emissions resulting from increased traffic flow as a result of implementing the scheme) is 7,995 tCO2e in the proposed development's opening year (2028).</p> <p>b) The Applicant has assessed operational emissions in both the Opening Year (2028) and the Design Year (2043), with an uplift in vehicular emissions due to the increase in vehicle kilometres travelled as a result of the Scheme (APP-058 - ES Chapter 14 - paragraph 14.11.9 and Table 14-20).</p> <p>c) The whole life cycle carbon assessment provided in the existing version of Chapter 14 of the ES is sufficient to meet the requirements of the Finch ruling. The Finch ruling was that downstream scope 3 emissions should be taken into account for the environmental impact assessment supporting a planning application to expand an existing onshore oil well site. In the case of the Finch ruling, scope 3 referred to the carbon associated with burning the extracted oil from the well site i.e. the downstream emissions resulting from the use of the product. In the case of the A46 application the equivalent scope 3 emissions would be the emissions associated with the traffic using the new road. These emissions have already been taken into account in the whole life carbon assessment contained within Chapter 14 (see R4.011 a)) so no new carbon reporting requirements have arose for this project as a result of the Finch judgement.</p> <p>d) The Finch judgement should not be the main consideration and all material considerations should be taken in to account. The requirements arising as a result of the Finch judgement have already been addressed (see R4.011 a and c).</p>

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Q4.0.12	The Applicant, NSDC	<p>Carbon Emissions – Fifth Carbon Budget [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> <p>a) What period does the Fifth Carbon Budget cover?</p> <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>	<p>RR-036 Lincolnshire County Council reps don’t seem to mention Fifth Carbon Budget. Is this a typo?</p> <p>a) To the extent that NSDC can answer, the fifth carbon budget covers the years 2028 to 2032.</p> <p>b) To the extent that NSDC can answer, the fifth carbon budget sets an emissions limit for all emissions from all sectors (except international aviation and shipping) during the relevant period.</p> <p>c) This process should be carried out in line with the standard guidance published by the Institute of Environmental Management & Assessment (IEMA) which is entitled Assessing Greenhouse Gas Emissions and Evaluating their Significance (2nd Edition 2022). This is in alignment with the guidance provided in section 3.18 of DMRB LA 114 (Climate) Design Manual for Roads and Bridges. Section 6.4 of the IEMA document stipulates that it is necessary to contextualise an Application’s carbon footprint to determine whether it supports or undermines a national trajectory to net zero. The IEMA standard states that the starting point for contextualisation is the percentage contribution to the national carbon budget as advised by the Climate Change Committee (CCC). Where an Application extends over multiple 5 year carbon budgets, the project’s carbon emissions should be reported against each carbon budget for every stage as per section 3.19 of DMRB LA 114. Applying this approach requires comparing the relevant stages of the whole lifecycle carbon assessment to their corresponding carbon budget periods and calculating the contributions of the scheme to the UK’s carbon budget as a percentage. This has been followed in section 14.11.11 of the Climate Chapter 14 of the ES where it can be seen that emissions from the construction phase fall within the third and fourth carbon budgets and emissions from the operation phase fall into the fourth, fifth and sixth and subsequent budgets. Table 14-21 provides a summary of the net carbon emissions associated with the construction and operation of the scheme for the fourth, fifth and sixth carbon budget. Section 14.11.12 surmises that this carbon budget assessment shows that the emissions resulting from the scheme represent less than 0.007% of the total emissions in any 5-year UK carbon budget during which they would arise. Accordingly, the assessment has concluded that the carbon emissions impact of the scheme would not be significant.</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>	<ul style="list-style-type: none"> • NSDC would support the delivery of more opportunities for Active Travel by making routes easy to access for all users, in accordance with national standards LTN 1/20. • The delivery of a signage strategy that will help to reduce the length of vehicle journeys by effectively directing drivers to key destinations i.e. as identified in NSDC’s comments in our Statement of Common Ground with National Highways.
Q 4.0.19	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>a) NSDC would like to see a framework/ draft before a decision on the Application is made by which a final versions through the iteration EMP is based. Requirement 3 of the draft DCO states that a second iteration Environmental Management Plan (to include a Carbon Management Plan) must be approved by the Secretary of State in writing (following consultation with the LPA) prior to commencement of the development. That second iteration EMP must be prepared in substantial accordance with the first iteration EMP which has been submitted as part of the application [APP-184], but that document does not include a draft or framework Carbon Management Plan.</p>

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		<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>	<p>Chapter 14 of the ES includes many of the components required, such as the whole life carbon assessment, but should seek to now evaluate the extent to which the high-level carbon mitigation measures listed for the construction and operational phases of the project will mitigate the project's carbon footprint.</p> <p>b) NSDC wishes to review the Carbon Opportunities Log on a regular basis in the way that it might review a travel plan monitoring report. The Carbon Opportunities Log is a document to be kept by the Principal Contractor to record opportunities identified during the design and construction phase for carbon reduction. The intention is that these opportunities will be pursued as part of the third iteration Environmental Management Plan. Requirement 4 of the draft DCO states that this document must be approved by the Secretary of State (following consultation with the LPA) following the completion of construction, and the development must then be operated and maintained in accordance with it.</p> <p>c) NSDC believes that these are for the Highways Authority rather than NSDC to reply to. However within para 14.10.21, these matters would be, in our opinion, best dealt with through suitable management and maintenance plans which include a review mechanism to enable periodic review by the appropriate bodies to ensure such plans and works and checks are being carried out and any actions then instigated and completed as acceptable. Road sweeping is generally a task Newark Town Council manage within the Town Centre, outside of this the contractor would need to manage this themselves. The County Council manage the gritting of key vehicle routes when the weather requires it, however if the construction phase increases the number of potholes and subsequent highway damage then this would need to be dealt with through negotiation with the County Council.</p>
Q4.0.20	The Applicant, NSDC, The Environment Agency (part c)	<p>Effect of the Proposed Development on Proposed Solar Scheme 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> <p>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 DCO to ensure that the delivery of the solar scheme is not prejudiced by the Proposed Development?</p>	<p>a) Application 23/01837/FULM was submitted to NSDC on 17.10.2023 but is yet to be determined. The Council has some outstanding issues which the Applicant for the scheme, Assured Asset Solar 2 Ltd are exploring which relate to comments raised by consultees. It was originally due to be determined at December 2024 Planning Committee, however this maybe pushed back to early 2025. NSDC will inform the ExA when a date is set.</p> <p>The main issue NSDC can see with the two developments being located on the same parcel of land, is the ability for the development to still be able to provide adequate flood mitigation for both the A46 and the solar scheme. Although they are separate schemes, their land take overlaps and they both interact with each other. The solar scheme includes a landscaping belt on the land within the flood alleviation scheme on the boundary between two fields as well as internal access roads/tracks within the field. NSDC question whether this has been taken into account of during any modelling by the applicant and if this has also been taken into account of during the land discussions. It is noted that within the Land Rights Tracker (REP1-015) that both 001 and 008, that the land owner is to retain the land subject to any obligations and management requirements. NSDC would be keen to understand what these would comprise of.</p> <p>b) NSDC will submit the current proposed site plan with our submission but note this may change as discussions are still ongoing.</p> <p>c) NSDC has declared a climate change emergency so is generally supportive of solar schemes. However we request that suitable provisions are included in the draft DCO in order to ensure that these projects interface properly.</p>

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			The Cumulative Effects Assessment in Chapter 15 of the ES does not seem to refer to this solar development.
5. Compulsory Land Acquisition, Temporary Possession and Other Land or Rights Considerations			
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. 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. 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>	<p>NSDC support the use of a Land Rights Tracker prepared by the Applicant focussed on those who have objected to the compulsory acquisition or temporary possession of their land interest which should be regularly updated at each deadline during the Examination, including to note where no progress has been made or to confirm there is no update required.</p> <p>NSDC share the ExA's view that the Applicant should aim to resolve and ensure all objections are addressed and where possible be withdrawn before the close of the Examination.</p> <p>Discussions between the Council and the Applicant are now taking place and positive progress to prepare a draft Agreement between the parties is being made. This will be reflected in updates to the Statement of Common Ground between the parties and in discussion at CAH2.</p>
6. Draft Development Consent Order (dDCO)			
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>The draft Development Consent Order as submitted at Deadline 1 [REP1-001] provides that the following are permitted pre-commencement.</p> <ul style="list-style-type: none"> (a) archaeological investigations and mitigation works; (b) utilities works comprising utilities protection works or fencing and protection slabs or diversions; (c) baseline monitoring and investigations for the purpose of assessing and monitoring ground and water conditions and levels; (d) construction compound establishment including welfare facilities and temporary buildings; (e) construction of the temporary bridge over the River Trent; (f) site clearance; (g) preparation work for flood compensation areas; (h) laying down of haul roads and access works; (i) environmental surveys, mitigation and monitoring; (j) diversion of public rights of way; (k) demolition; (l) erection of temporary fencing; (m) establishment of vehicle recovery areas; (n) installation of temporary CCTV and speed enforcement cameras; (o) vegetation planting;

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		<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 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>	<p>(p) remedial work in respect of any contamination or other adverse ground conditions (q) receipt and erection of construction plant and equipment; and (r) temporary display of site notices, information and advertisements.</p> <p>As per Requirement 17, any of the above works must be carried out in accordance with the ‘pre-commencement plan’, which is provided at APP-188 and will be a certified document under the DCO. NSDC does not generally have any issue with the above list, other than to make sure that any clearance works are taken place outside of the bird nesting season (ideally) or under the supervision of a qualified ecologist and in accordance with an up to date ecology plan. Installation of temporary CCTV – NSDC would request sight of the location of these cameras prior to installation to ensure they do not interfere with the siting of our own CCTV cameras or security cameras within our own land, which are located in the area of the A46 and Newark Urban Area or interrupt visibility from them.</p> <p>b) NSDC are satisfied the controls are sufficient.</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>	<p>Maintain is currently defined as: <i>“in relation to any part of the authorised development to inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish or replace, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, and any derivative of “maintain” is to be construed accordingly”.</i></p> <p>This definition is the same as one which was included in a made DCO on the A428. In another recently approved road DCO scheme it was defined as follows: <i>“includes inspect, repair, adjust, alter, remove, replace or reconstruct, provided such works do not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, and any derivative of “maintain” is to be construed accordingly”</i></p> <p>This definition would be acceptable to NSDC.</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>	<p>Article 10 states the following limits of deviation: Laterally as shown on the Works Plans (AS-005) and vertically 1m up or down. Works 33 (1.6km of dual carriageway), 34 (455m of slip road), 36 (355m of slip road), 51 (240m of slip road) and 52 (305m of slip road) have more generous vertical limits for downwards deviation (2-2.5m). Other approved road schemes have not always specified additional or more generous limits of deviation for certain features, and the Explanatory Memorandum in this case has not stated reasons for these additional and more generous limits of deviation for these works. This is a concern given the sensitive landscape</p>

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			and heritage receptors around Cattle Market roundabout and Winthorpe which is stated within our LIR (REP1 – 035)
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>	<p>a) Article 49 will not impact the LA carrying out it’s functions; we would use Section 80 of the EPA 90, rather than S82. This would, however, limit the ability of individuals affected to bring their own action against the applicant.</p> <p>b/c) Article 50 enables appeal to the SoS in relation to the LA serving Notice under COPA, or attaching conditions to any consent granted. This introduces uncertainty as to their use to control noise from the development, particularly if this route is proposed to control noise from works outside of normal working hours.</p>
6.2 Requirements - Schedule 2			
Q6.2.2	The Applicant NSDC, NCC, LCC, NE, EA	<p>Requirement 3 – Second Iteration EMP</p> <p>a) R3(1) currently refers to the Local Planning Authority. Does this need to be defined?</p> <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>	<p>a) To the extent that NSDC is the relevant LPA, this should be made certain through a definition.</p> <p>b) NSDC believe this to be a matter for the Applicant.</p> <p>c) NSDC believe this to be a matter for the Applicant.</p> <p>d) NSDC agrees that there should be more certainty in the drafting of the dDCO that the necessary level of mitigation will be delivered and would suggest that it must “accord with” or “comply with” the mitigation measures would be preferable drafting.</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. a) Given the breadth of management plans and method statements, should other consultees not be identified including NCC, EA, NE? b) Are there any other management plans or method statements that should be included in the list in R3(2)?</p>	<p>The draft requires that the development is not commenced until the second iteration Environmental Management Plan (which is to be “substantially in accordance with the first iteration document” has been approved by the SoS following “consultation with the relevant planning authority”.</p> <p>NSDC wishes to be a consultee on all versions of the EMP.</p> <p>At this point NSDC does not consider there to be any other management plans requires which are not listed in Requirement 3(2)</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</p>	<p>The drafting requires the third iteration Environmental Management plan to be approved by the SoS following the completion of construction.</p>

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		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)	NSDC wishes to be a consultee on this matter and at this time we do not consider there to be any other management plans expected.
Q6.2.6	NSDC, NCC	Requirement 5 – Construction Hours Is the LPA happy with the hours specified in R5(1) and with the excluded works in R5(2), (3) and (4)?	NSDC consider that 07:00 is too early, particularly on Saturdays. We would normally specify 07:30/08:00 for Mon- Fri and Saturday. We appreciate that the works in (2) will require working outside of the specified hours. However, a number of the categories are broad in nature (h), or could lead to works outside of normal hours arising from poor scheduling, etc (k). There are also no details regarding notification (to NSDC/ residents) of these works, nor mitigation measures to be put in place prior to works commencing. (3) and (4) have different wordings- ‘consult’ vs ‘prior written consent’. NSDC suggest that we need to give consent for any such works.
Q6.2.10	The Applicant, NSDC, EA.	Requirement 8 – Contaminated Land and Ground Water 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. 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.	NSDC considers this may have been mis-interpreted, our understanding is that this requirement (8) is akin to the standard ‘watching brief’ during development so that if the developer should identify, during the course of site works, unexpected contamination, they will then carry out additional risk assessment and remediation for the unexpected contamination, this should not replace the investigation required in the first instance and is merely a standard contaminant watching brief.
Q6.2.11	NSDC, EA	Requirement 8 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.	Investigation and dealing with contaminated land is a four phased process under EA LCRM guidance, requirement 8 is missing stage 4 verification of remedial works. The wording of the whole requirement 8 section is (as mentioned Q6.2.10) is phrased as a watching brief for contamination would be. It should require all of the 4 phases of LCRM as is the normal approach with land contamination and planning. Whilst the watching brief is encouraged as an addition to the standard approach, it is not sufficient to use it in the absence of the standard phased approach. It was noted during the review of the ground investigation works that verification of remedial works was not proposed by either consultant or applicant.
Q6.2.12	The Applicant, NSDC, County Archaeologist, District Archaeologist.	Requirement 9 – Archaeology and built heritage Please address the following issues: a) In 9(1) ‘reflecting’ is imprecise and adds a degree of ambiguity more appropriate to ‘secure’ the mitigation measures. b) 9(6) third line a space is missing after the (4) – Typing error. c) In 9(7) why is the district archaeologist not referenced as in other subsections eg (4). 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 unreasonably tight. Furthermore, as	a) NSDC agreed with the Examining Authority’s suggestion as to how the drafting in 9(1) can be tightened up. b) NSDC believe this to be a matter for the applicant. c) NSDC agrees with the Examining Authority’s observation in relation to 9(7). d) NSDC agrees that 14 days is insufficient and would suggest that there are no specific timescales here and that, in essence, unless otherwise agreed in writing by the Secretary of State that no construction operations are to take place within 10 metres of the remains referred to in 9(7) unless and until an appropriate mitigation strategy has been agreed with the County Archaeologist and District Archaeologist.

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		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	Requirement 10 – Protected Species 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. Are NSDC, EA and NE content that this Requirement provides sufficient protection for protected species?	The current requirement states that any previously unidentified protected species or nesting birds must be reported to the Ecological Clerk of Works (appointed by the undertaker) who must prepare a written scheme of protection and mitigation measures. This drafting is identical to other National Highways made DCOs. NSDC would propose that the written scheme should be submitted for approval by the Secretary of State after consultation with Natural England and that the relevant works then should be carried out in accordance with the approved scheme or with any amended scheme which may be approved by the Secretary of State in consultation with Natural England and in accordance with the terms of any necessary licences
Q6.2.14	The Applicant, NCC, NSDC	Requirement 11 – Traffic Management a) How is the ‘part’ of the of the authorised development defined or identified? b) Should consultees not also include NSDC as the TMP potentially has implications beyond the effect on the local highway network?	a) NSDC believe this to be a matter for the Applicant. b) Given the TMP is to be “substantially in accordance with the outline traffic management plan”, which is a document to be certified by the SoS as part of making the DCO, NSDC would not wish to be consulted on it but would wish to make sure that NCC as the Highway Authority are.
Q6.2.16	The Applicant, NSDC, EA, IDB, LLFA.	Requirement 13 – Surface and Foul water drainage 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?	NSDC agree with the Examining Authority’s suggestion that the EA should be consulted on matters in relation to its functions in 13(2) as in the case of 13(1) and would further agree, for the avoidance of doubt that NSDC .
Q6.2.19	The Applicant, NSDC	Requirement 16 – Noise Mitigation a) (2) (a) ‘reflect’ is imprecise and introduces ambiguity, should this not be ‘include’? b) Does (3) mean retained in perpetuity thereafter?	a) NSDC agrees with the Examining Authority’s observation. b) NSDC agrees with the Examining Authority that for the avoidance of doubt that it should be stated that this is to retained for the lifetime of the Proposed Development.
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.	Section 1.2 states that the scope and methods described in this plan are indicative only. The list of general mitigations in section 3, however, looks substantial. 2.2.20 & 2.4.16 & 2.4.44 & 2.4.59states activity construction hours, however see our response to Q6.2.6 in response to Requirement 5 whereby NSDC consider that 07:00 is too early, particularly on Saturdays. We would normally specify 07:30/ 08:00 for Mon- Fri and Saturday. We don’t recall seeing details of acoustic barriers to cover 2.2.21 & 2.4.18 & 2.4.60, although these are only temporary, given the length of the construction period it would still have an impact on local character and heritage impact to the structures. 2.3.4, NSDC would need to be a consultee on the design and specific siting of the bridge for this purpose due to the local heritage impact. Removal of the bridge should be controlled through the dDCO 2.3.10 the River Trent is a navigable river used frequently by boats accessing Newark. Temporarily closing the access may have a detrimental impact on local tourism and this impact should be to a minimal degree and well advertised and in consultation with the Canal and River Trust. 3.1.67 if structures are proposed then compensation should be provided in close proximity due to mitigating the local need. There is no need in providing mitigation in another field/location as this

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			would not provide adequate mitigation for the harm caused in the immediate area. Unless the applicant can justify this is the most appropriate location for the mitigation and agreed with the Environment Agency.
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.	NSDC agrees with the Examining Authority's observation. Highway lighting should be kept to a minimum and that which is necessary for the reasons of highway safety. Lighting, especially on the raised sections could be detrimental to the landscape character, especially around Winthorpe which is referenced in our LIR.
6.3 Other Schedules			
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.	NSDC believe this to be a matter for NCC to comment upon as the Local Highways Authority.
7. Geology and Soils			
Q7.0.2	The Applicant, NSDC	Policy – Local 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?	Yes. The revised version is out for consultation and is expected to go to committee for approval in December and NSDC will inform the ExA on its progression.
Q7.0.4	NSDC	Consultation Responses – Contaminated Land 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 in situ. Please confirm your position, including by reference to the Applicant's proposals as outlined at paragraph 9.11.7 of ES Chapter 9. b) Are you satisfied that the Applicant's approach is consistent with the EA's Land contamination risk management (LCRM) guidance? 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?	a) the position remains the same, hotspot WS46 to remain at depth and BH11 placed beneath hardstanding. b) Yes c) Remedial strategy and full verification report should be provided. I am not clear how the DCO process can secure this.

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
		<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>	<p>d) 9.11.8 refers to the risk to ground workers from elevated soil contamination. This is not a matter for the land contamination regime and is controlled by health and safety and construction design and management regulations. 9.11.10 refers to non-hotspot areas and the risk to surface water receptors, this is a matter for the EA not NSDC.</p> <p>e) Environmental health expect a contamination watching brief to be in place as is routine for any development phase.</p>
Q7.0.10	The Applicant, NSDC, NCC	Ground Gas 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?	Mitigation measures are not required for the very low risk end use proposed in terms of human health. The risk mainly lies with site workers during construction phase and this is controlled by health and safety and construction design and management regulations.
Q7.0.11	NSDC, NCC	Mitigation 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)?	Agricultural soils is beyond the remit of NSDC responsibility under the contaminated land regime. Refer to AECOM.
Q7.0.12	NSDC, NCC	Mitigation Would the Outline Materials Management Plan (OMMP) at Appendix B.2 of the First Iteration EMP [APP184] 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?	Agricultural soils is beyond the remit of NSDC responsibility under the contaminated land regime. Refer to AECOM.
Q7.0.13	NSDC, NCC, The Environment Agency	Mitigation 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?	Groundwater is beyond the remit of NSDC responsibility under the contaminated land regime for planning and should be referred to the EA.
8. Cultural Heritage			
Q8.0.1	The Applicant, NSDC	<p>Winthorpe Conservation Area 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? 	<ul style="list-style-type: none"> It is accepted that noise mitigation will be needed for properties within a vicinity of the A46 improvements to make the proposed development acceptable. However, the conservation team would question if triple glazing is the most effective method to mitigate noise. This potentially could be achieved through alternative methods, such as double-glazed secondary glazing, while minimising the loss of historic fabric. The conservation team have had discussions with the owners of Lowwood about upgrading secondary glazing with double-glazed secondary glazing. Although each proposal would be assessed on its own merits, the conservation team do not believe there are circumstances where triple glazing would be supported. Replacement joinery with triple glazing due to its thickness, is unlikely to replicate authentic 18th and 19th century joinery. It is likely to result in a chunkier window detail that will be unacceptable.
11. Materials, Assets and Waste			
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>	NSDC consider this is one for NCC to respond to but NSDC consider this to be acceptable.
Q11.0.14	NSDC, NCC	Mitigation – Outline Soil Management Plan (OSMP)	NSDC consider this is one for NCC to respond to but NSDC consider this to be acceptable.

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
		<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 Environmental Statement Chapter 11: Noise and Vibration [APP-055] makes note that the gypsy and traveller community at Tolney Lane is recognised as a “Noise Sensitive Receptor” and “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”. DMRB 111 makes reference to “Determining Significance” 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 “Determining Significance” on page 21 of the DMRB LA 111.</p> <p>Do both parties confirm that this has been considered and do both agree with the applied methodology?</p>	<p>The Environmental Statement Chapter 11: Noise and Vibration [App-055] does not provide any specific information on the approach taken by the Applicant in determining the significance of the effect of the scheme at Tolney Lane Traveller Site during either construction or operation. Therefore, without the additional information from the Applicant, as has been requested within this question, NSDC cannot confirm what allowances have been made in the methodology for the Traveller site or if they agree with the applied methodology.</p>
13. Population and Human Health			
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>	<p>NSDC has listed all site allocations to be taken into consideration in the NSDC Local Impact Report. Those applications the applicant has taken in to account in their cumulative impact for the applicant to state. However NSDC would wish to make the ExA aware of the following applications:</p> <p>Pending planning applications to be taken into consideration adjacent to Friendly Farmer roundabout and Newark Showground:</p> <p>23/02281/OUTM Outline Planning Permission (all matters reserved) for up to 41,806sqm of Employment land (use class B2, B8 and E(g) (i), (ii) and (iii) with associated internal access roads, landscaping and drainage. Diversion of existing footpath and creation of new access into Newark Showground. Still pending consideration</p> <p>23/01283/OUTM Outline Planning Permission for up to 12,008sqm employment development (use class B2, B8 and E(g) i, ii and iii) with associated internal access roads, landscaping and drainage (all matters reserved). Still pending consideration</p> <p>24/00548/FUL Change of use of land to residential Gypsy/Traveller caravan site comprising 6 pitches each providing 1 static and 1 touring caravan and dayroom. Still pending consideration</p>

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
			24/SCO/00004 further big box development off the A17 Sleaford Road, Coddington. Determined awaiting the planning application.
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>	N/A to NSDC
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> <p>c) If no, can the Public Sector Equality Duty be discharged in determining this Application (NPSNN 2015 paragraph 3.21)?</p>	<p>a) Question for applicant.</p> <p>b) Yes</p> <p>c) N/A</p>
Q13.0.9	NSDC	<p>Employment</p> <p>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?</p>	No, NSDC acknowledges that this use will be temporary. The land is within the ownership of Nottinghamshire County Council and there are no planning applications on this land at present.
Q13.0.11	NSDC	<p>Employment and Skills</p>	Both PHH4 and PHH5 are acceptable in principle but NSDC would like to see the detail of these proposals to ensure they effectively address these matters.

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
		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?	
Q13.0.14	The Applicant, NSDC, NCC	<p>Health Effects - indirect</p> <p>– Indirect 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>	NSDC consider that this question is best responded to by NCC
Q13.0.18	NSDC, NCC	<p>Walking, Cycling and Horse riding – Temporary Diversions</p> <p>– Temporary Diversions 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>	NSDC is concerned that the route between Newark and Winthorpe using the underpass routes would be restricted or due to the temporary route would not be suitable for all abilities. Early notification of the diversions would be of benefit to local communities.
Q13.0.22	The Applicant, NSDC, NCC	<p>Walking, Cycling and Horse riding – Friendly Farmer Area</p> <p>– 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>a)</p> <p>i) It has potential to prejudice the delivery of NSDC Local Plan allocation NUA/MU/1. There is currently a pending planning application for this site 23/01283/OUTM (phase 1) and 23/02281/OUTM (phase 2). The proposed footpath would cut through the centre of the site:</p> <p>23/02281/OUTM Outline Planning Permission (all matters reserved) for up to 41,806sqm of Employment land (use class B2, B8 and E(g) (i), (ii) and (iii) with associated internal access roads, landscaping and drainage. Diversion of existing footpath and creation of new access into Newark Showground.</p> <p>However this application includes the diversion of this footpath along its current route and the new route as proposed F-MD – F-5D is not compatible with this allocation as proposed.</p> <p>ii) There is potential for the footpath to be lost. However, it could be addressed by diverting the new footpath around the edge of the site.</p> <p>iii) Question for applicant</p> <p>(iv) Question for applicant</p> <p>b) Question for applicant</p> <p>c) Question for applicant</p> <p>d) Question for applicant. NSDC and NCC need to be reassured that the route meets LTN 1/20 standards.</p>

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
		<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>	
Q13.0.24	The Applicant, NSDC, NCC	<p>Walking, Cycling and Horse riding - Enhancements</p> <p>– Enhancements 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>	<p>a) Question for applicant, however the upgrade to the pedestrian link from the Friendly Farmer to the Winthorpe roundabout is more appealing for users and will hope to encourage greater use. The use of signalised junctions at Brownhills will also be safer for users in this area.</p> <p>b) Question for applicant. It is expected that there is an improvement to accord with LTN 1/20 requirements such as step free access, safety barriers etc. and the plans seem to indicate that there will be an improvement.</p> <p>c) For the applicant and NCC to answer.</p>
14. Transportation and Traffic			
Q14.0.3	The Applicant, NSDC, NCC	<p>Policy – National</p> <p>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>	<p>NSDC needs to be reassured that all footpaths/cycleways will meet LTN 1/20 standards which sets out five core principles - networks and routes should be:</p> <ol style="list-style-type: none"> 1. Coherent; 2. Direct; 3. Safe; 4. Comfortable; and 5. Attractive. <p>The Equality Act 2010 requires public sector authorities to comply with the Public Sector Equality Duty in carrying out their functions. This includes making reasonable adjustments to the existing built environment to ensure the design of infrastructure is accessible to all.</p> <p>NSDC considers there are always improvements to be made to encourage people out of their cars but unfortunately the arrangements at Winthorpe have made it convoluted for people to cross the A46 and the route has become a barrier.</p>
Q14.0.4	NSDC	Policy – Local Plan	

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
		<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>	<p>a) Yes</p> <p>b) No, Appendix D of the Amended Core Strategy gives an indication of likely infrastructure requirements at the time the plan was produced when the type of junction improvement required at the A46 Winthorpe Roundabout was unknown and it was assumed that a grade-separated junction would be required. The relevant policy NAP1 refers simply to improvements which this proposed development addresses appropriately. The fact that Appendix D is referenced in the policy does not mean the proposal is in conflict.</p>
Q14.0.5	The Applicant, NSDC, NCC	<p>Policy</p> <p>– Local Plan 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> <p>b) What weight should be given to this aspect of the Proposed Development?</p>	<p>a) Traffic congestion and delays on the A46 Newark Bypass currently act as a barrier to vehicular movement to/from Newark-on-Trent town, particularly at the following junctions where regular queuing and delays occur throughout the day:</p> <ul style="list-style-type: none"> • A46 / A616 / A617 ‘Cattle Market’ roundabout • A46 / A1 / B6166 ‘Brownhills’ roundabout • A46 / A1 / A17 ‘Friendly Farmer’ roundabout <p>The A46 Improvement Scheme will address these congestion hotspots, reduce journey times and improve journey time reliability, thereby facilitating easier access to and from the town in general, benefiting residents, employees and businesses in the Newark Urban Area. All Local Plan allocation sites within the Newark Urban Area will therefore benefit either directly or indirectly from the Proposed Development.</p> <p>The Newark & Sherwood Amended Core Strategy identifies the Newark Urban Area as the location for the majority of employment land provision and planned new housing to support Newark’s role as a sub-regional centre, deliver employment growth and benefit local regeneration aims. To help meet these objectives the Core Strategy identifies three strategic sites within the Newark Urban Area, these are listed as follows.</p> <ul style="list-style-type: none"> • Land South of Newark (NAP 2A) – 3,150 homes and 50 hectares of employment land • Land East of Newark (NAP 2B) – 1,000 homes • Land around Fernwood (NAP 2C) – 3,200 homes and 15 hectares of employment land <p>Whilst none of these strategic sites are accessed directly from the A46 they will benefit indirectly from the Proposed Development because without the A46 Improvement Scheme the existing congestion and delays on the A46 will act as a barrier to vehicular movement between these sites and the west. Full build-out of these strategic sites will also put additional traffic pressure on the A46 which, without improvement will further delay and impede vehicular movements to/from Newark-on-Trent town generally.</p> <p>Employment allocations that will directly benefit from the Proposed Development are summarised in Table 1 below and discussed in the following paragraphs.</p> <p>Table 1 – Employment Allocations Directly Facilitated by the Proposed Development</p>









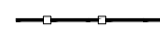
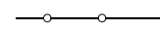



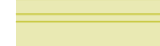



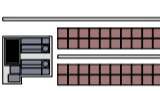
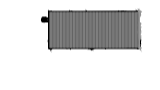



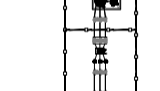

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>				
			Allocation Reference	Description	Area (Ha)	Location	A46 Junction Accessed via
			NUA/E/2	Land off Stephenson Way	6.20	Newark Industrial Estate	Brownhills
			NUA/E/3	Land off Telford Drive	0.88	Newark Industrial Estate	Brownhills
			NUA/E/4	Former NCC Highways Depot	2.07	Great North Road	Cattle Market
			NUA/MU/1	Land off Godfrey Drive	3.47	Newark Business Park	Friendly Farmer
			Total Employment Area		12.62	Hectares	
			<p>The Newark Industrial Estate is located at the northern edge of the Newark Urban Area and is situated south of Lincoln Road between the Midland Mainline railway line and the A1(T). Brunel Drive serves as the main access road through the Industrial Estate and joins Lincoln Road at its northern end and Beacon Hill Road, at its southern end (via Northern Road). There are numerous side roads off Brunel Drive providing access to industrial plots within the estate, including Telford Drive and Stephenson Way.</p>				
			<p>The junction of Brunel Drive with the B6166 Lincoln Road is located approximately 150m to the south of the A46 / A1 / B6166 'Brownhills' roundabout. In peak periods traffic queues at the Brownhills roundabout extend back along Lincoln Road to the Brunel Drive junction interfering with the junction operation and creating delays for vehicle movements out of the Industrial Estate. By addressing congestion at the A46 / A1 / B6166 'Brownhills' roundabout the Proposed Development will therefore directly facilitate development of employment allocations 'NUA/E/2 Land off Stephenson Way' and 'NUA/E/3 Land off Telford Drive' which combined total 7.08 hectares.</p>				
			<p>The Former Nottinghamshire County Council Highway Depot site is located to the west of Great North Road immediately south of the A46 Cattle Market roundabout. This site is allocated as 'NUA/E/4 Former NCC Highways Depot' for employment uses with an area of 2.07 hectares. The Cattle Market roundabout experiences severe congestion and delays throughout the day, with queues on all arms of the junction. Without improvement the operation of the A46 / A616 / A617 Cattle Market roundabout will impede vehicular access to/from the Former NCC Highways Depot site, which is likely to make the site unattractive for redevelopment. By addressing congestion at the A46 / A616 / A617 Cattle Market roundabout, the Proposed Development will therefore directly facilitate development of this employment allocation.</p>				
			<p>The Newark Business Park is situated within the Newark Showground Policy Area north of the A17 and south of the A46(T). The site is allocated as 'NUA/MU/1 Land North of the A17' which is a mixed-use allocation for employment, hotel/conference, restaurant and wider showground uses. The site is accessed off Godfrey Drive which joins the A17 at a roundabout approximately 250m to the east of the A46 / A1 / A17 'Friendly Farmer' roundabout. The roundabout connecting Godfrey Drive to the A17 also serves a national Currys distribution centre located to the south of the A17. The Friendly Farmer roundabout regularly experiences queuing and delays which impede movements to/from the A17. Policy NUA/SPA/1 which relates to allocation NUA/MU/1 specifically acknowledges these issues and states "The need to address access constraints relating to the A1/A46/A17 junctions, including the</p>				

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
			<p>A46 Newark Northern Bypass dualling identified in the Road Investment Strategy 2". By addressing congestion at the A46 / A1 / A17 'Friendly Farmer' roundabout, the Proposed Development will therefore directly facilitate development of allocation NUA/MU/1 which has an area of 3.47 hectares, as well as facilitating easier and more reliable access to the existing distribution and employment uses located off the A17 in the Newark Showground Policy Area.</p> <p>b) Significant weight should be given to this aspect of the Proposed Development. The Newark & Sherwood Amended Core Strategy identifies the Newark Urban Area as the location for the majority of employment land provision and planned new housing to support Newark's role as a sub-regional centre, deliver employment growth and benefit local regeneration aims. Without improvement the forecast congestion and delays on the A46 will impede vehicular access to the town as well as delaying longer distance through movements. This will have a detrimental effect on existing residents and employees in the Newark Urban Area as well as restricting the quantum of new employment and residential development that can be achieved.</p>
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 [APP190]:</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>	<p>a) Question for applicant</p> <p>b) Question for Newark Showground</p> <p>c) There are currently no plans for the relocation of Newark Lorry Park. NSDC is currently in discussions with National Highways regarding compensation for the proposed reduction in parking spaces caused by land acquisition for the A46 scheme.</p> <p>d) This site is not in Newark and Sherwood District and is located within North Kesteven District Council.</p> <p>e) This site is not in Newark and Sherwood District and is located at Witham St Hughes within North Kesteven District Council area.</p> <p>f) Middlebeck is site allocation NAP 2A Land South of Newark – see pages 87 – 91 of the Amended Core Strategy. It is located to the south of Newark and is a strategic allocation of housing, employment, leisure, educational and infrastructure development. It was approved under 14/01978/OUTM and includes the Southern Link Road which connects the A1 to the A46 with a new roundabout to be constructed on the A46T. The development has commenced with Phase 1 of the scheme underway (consented 927 dwellings) and the Southern Link Road phase 1 complete from the A1 to Bowbridge Road and the realigned Hawton Road complete to Hawton and the link inbetween. The remaining section is the A46 roundabout to Hawton Road. This entire link is due to open in autumn 2026.</p> <p>g) Question for applicant. NSDC has provided the applicant a list of applications and developments in the initial consultation which has been included in the table.</p>
Q14.0.7	NSDC, NCC	Assessment – Regard to Local Policies	

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
		<p>– 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>	<p>a) Yes, NSDC has had ongoing discussions with National Highways throughout the development of the A46 Newark Bypass scheme.</p> <p>b) To a large extent, yes. Again, NSDC would like reassurance that new footpaths and cycle lanes will accommodate the needs of all users and meet national standards.</p>
Q14.0.16	The Applicant, NCC, NSDC	<p>Construction Phase – Construction Traffic</p> <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: “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”.</p> <p>a) 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?</p> <p>b) How would any ‘ban’ on construction traffic moving through the centres of Farndon and Newark be monitored and enforced?</p> <p>c) 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?</p> <p>d) 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?</p> <p>e) 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 “with restrictions”. Please provide details for each of the roads listed</p>	<p>a) NSDC will rely on the advice of Nottinghamshire County Council as the local Highway Authority for this question however we are supportive of the construction routes being defined within the dDCO and we would wish to see this route as part of the examination process or being a consultee on this matter prior to its approval.</p> <p>b) Question for applicant and NCC.</p> <p>c) Question for applicant and NCC, however NSDC is unclear how Wolsey Road would be impacted when it is assumed traffic would use Winthorpe Road and Quibells Lane. We would not advocate the use of Wheatsheaf Ave for construction traffic due to the congestion already experienced at the junction with Lincoln Road.</p> <p>d) Question for applicant and NCC.</p> <p>e) Question for applicant and NCC.</p>
Q14.0.19	The Applicant. NSDC	<p>Construction Phase – Newark Lorry Park</p> <p>– Newark Lorry Park NSDC [RR-048] notes that there could be an impact on Newark Lorry Park during construction.</p>	<p>Clause... 5.289 of the NPSNN 2024 states <i>Infrastructure development should recognise the importance of providing adequate lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. For strategic rail freight interchanges, facilities should serve those drivers using the site.</i></p> <p>The council are reconfiguring the lorry park to mitigate the number of spaces lost within the reduced demise of the existing lorry park. The reconfigured lorry park will still result in a loss of capacity of</p>

<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>NSDC Response</u>
		<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>	around 30% but there are no options available to us to provide this off site due to the confined nature of the site.
Q14.0.26	NSDC, NCC	<p>Construction Phase – Mitigation – CWTAP</p> <p>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?</p>	Question for Nottinghamshire County Council.

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- KEY**
-  LAND UNDER THE CONTROL OF THE APPLICANT
 -  SITE BOUNDARY
 -  GROUND CONTOURS WITH EXISTING BUND REMOVED
 -  EXISTING OVERHEAD CABLES
 -  EXISTING HEDGES
 -  EXISTING TREES
 -  PROPOSED PV PANELS
 -  PROPOSED 2.4m HIGH PALADIN FENCE
 -  PROPOSED 2.4m HIGH PALISADE FENCE
 -  PROPOSED 2.0m HIGH DEER FENCE
 -  PROPOSED 4m HIGH ACOUSTIC FENCE
 -  PROPOSED 2m HIGH CLOSE BOARDED TIMBER FENCE
 -  PROPOSED ACCESS TRACKS
 -  PROPOSED SCREENING BUND
 -  PROPOSED TRANSFORMER
 -  PROPOSED SWITCHROOM
 -  PROPOSED SPARES CABIN
 -  PROPOSED BATTERY, TRANSFORMER AND INVERTER
 -  PROPOSED FIREWATER PUMPHOUSE
 -  PROPOSED FIREWATER TANK
 -  PROPOSED DNO CABIN
 -  PROPOSED DNO SWITCHROOM
 -  PROPOSED DNO MAST (subject to DNO confirmation)
 -  PROPOSED 132kV SUBSTATION

2	SITE LAYOUT AMENDED.	6/6/24	S.T
1	SITE LAYOUT AMENDED.	27/3/24	S.T
REV	DESCRIPTION	DATE	BY

CLIENT

**ASSURED ASSET
SOLAR 2 LIMITED**



4245 Park Approach, Thorpe Park, Leeds. LS15 8GB. 0113 264 9960

JOB TITLE

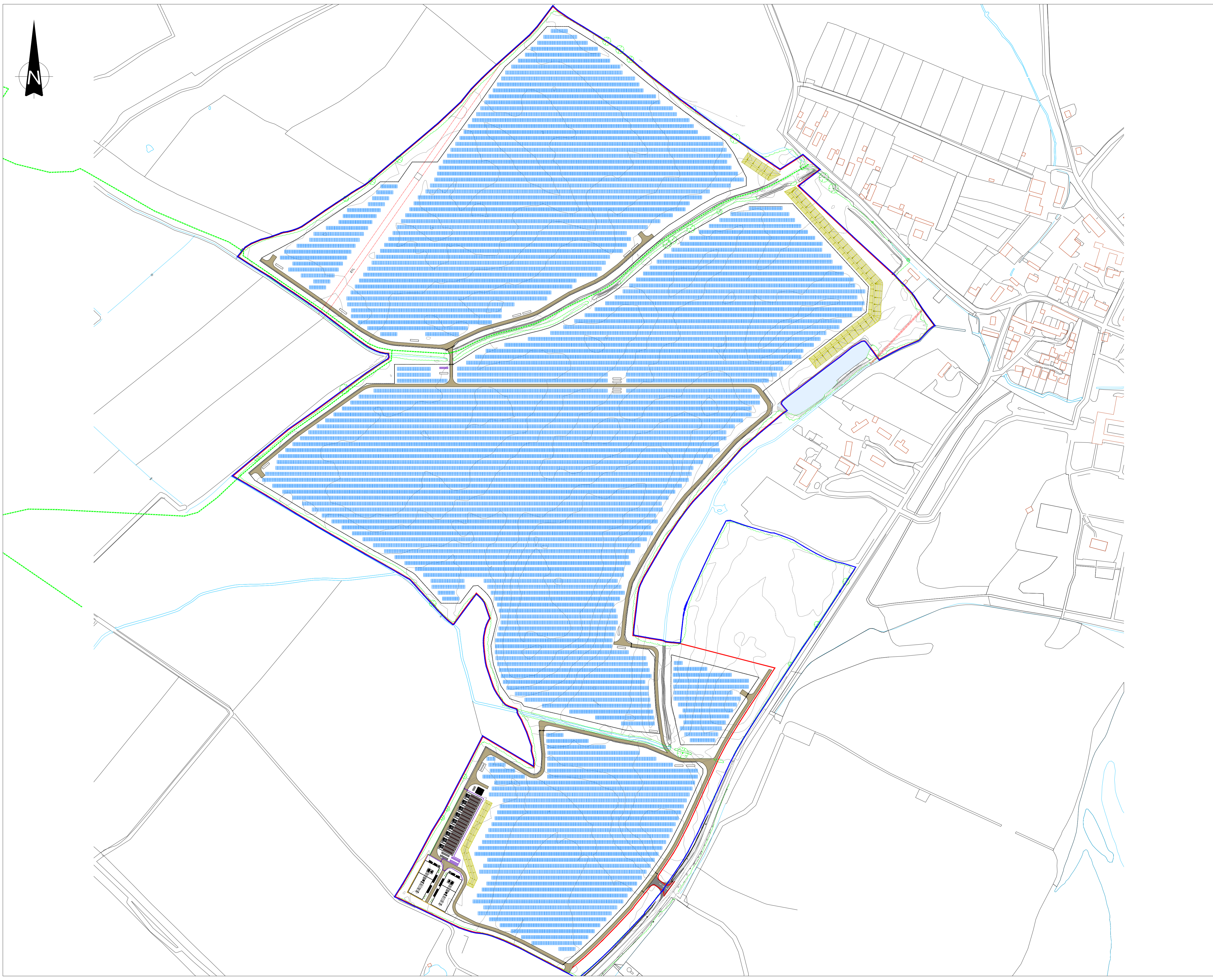
KELHAM SOLAR FARM AND BESS

DRAWING TITLE


















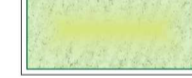
SITE LAYOUT

DRAWN	DATE	APPROVED	DATE
S.T	17/6/2024	J.C	17/6/2024

SCALE	SHEET	DRAWING NUMBER	REVISION
1:2500	A1L	HC1002/05/03	2



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- KEY**
-  Land Under the Control of the Applicant
 -  Planning Application Boundary
 -  Existing Public Footpath
 -  Proposed Permissive Bridleway Route
 -  Proposed Perimeter Solar Fencing
 -  Close Board Timber Fencing around BESS
 -  Proposed Solar Arrays
 -  Proposed Battery Storage (BESS) /Transformer Bay
 -  Proposed DNO Substation
 -  Proposed Landscape Bunding
- Soft Works**
-  Existing Tree
 -  Existing Woodland and Hedgerows
 -  Existing hedgerow - translocated
 -  Proposed Planting - Native Hedgerow Mix
 -  Proposed Planting - SemiNative Low Scrub Mix
 -  Proposed Tree - Standard
 -  Proposed Grass Seeding - EG10 Tussock Grass Mixture
 -  Proposed Grass Seeding - EM2 General Purpose Meadow Mixture

REV	DESCRIPTION	DATE	BY
1	LAND UNDER THE CONTROL OF THE APPLICANT ADDED.	6/6/24	S.T/R.B.

CLIENT

ASSURED ASSET SOLAR 2 LTD



JOB TITLE

KELHAM SOLAR FARM & BESS

DRAWING TITLE

LANDSCAPE MITIGATION

DRAWN	DATE	APPROVED	DATE
R.B.	20/06/2024	A.S.	20/6/2024

SCALE	SHEET	DRAWING NUMBER	REVISION
1:2500	1	HC1002 02 16	1

