

A46 Newark Bypass

Scheme Number: TR010065

Statement of Common Ground with Lindum Developments Limited

Reg 8(1)(e)

Planning Act 2008

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

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

**The A46 Newark Bypass
Development Consent Order 202[x]**

**Statement of Common Ground with
Lindum Developments Limited**

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1 Introduction

1.1 Purpose of this document

1.1.1 This Statement of Common Ground (this "SoCG") has been prepared in respect of the A46 Newark Bypass (the "Scheme") as part of the application made by National Highways (the "Applicant") to the Secretary of State for Transport, via the Planning Inspectorate (the "Inspectorate") for a development consent order (DCO) under section 37 of the Planning Act (the "2008 Act"). A detailed description of the Scheme can be found in Chapter 2 of The Scheme the Environmental Statement (ES) [APP-046] This SoCG does not seek to replicate information which is available elsewhere with the application documents. All application documents will be made available on the Planning Inspectorate website.

1.1.2 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has (not) yet been reached. SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

1.2.1 This SoCG has been prepared between 1) National Highways as the Applicant and 2) Lindum Developments Limited.

1.2.2 National Highways (previously known as Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain, and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations, including in respect of the application, to be conferred upon or assumed by National Highways.

1.2.3 Lindum Developments Limited are a regional construction business with offices in Lincoln, Peterborough and York. Lindum are landowners within the construction area of the Scheme.

1.3 Terminology

1.3.1 Within the table in [Section 3](#), Issues of this SoCG, the terminology is as follows:

- "Agreed" indicates area(s) of agreement:
- "Under Discussion" indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue(s) to determine whether they can reach agreement by the end of the examination; and
- "Not Agreed" indicates a final position for area(s) of disagreement where the resolution of the divergent positions will not be possible, and parties agree on this point.

1.3.2 It can be assumed that any matters not specifically referred to in Section 3, Issues of this SoCG are not of material interest or relevant to Lindum Developments Limited and therefore have not been subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Lindum Developments Limited.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between National Highways and Lindum Developments Limited in relation to the application is outlined in **Table 2.1.1** below.

Table 2.1.1 Record of Engagement

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
16/05/2022	In person meeting	The Applicant and Lindum Developments Limited Introduction to the Scheme
22/06/2022	In person meeting	Design coordination between parties. Reviewing the proposed highway boundary and the interface with the developers' proposals.
04/07/2022	In person meeting	The Applicant and Lindum Developments Limited – Design integration meeting at Harris partnership (Lindum Development's designers) to look at exclusion zone corridors to provide space between the two proposed developments.
14/11/2022	Online - Teams meeting The Applicant / Lindum	A46/Overfield/Showground/Lorry Park Joint meeting between the Applicant, Lindum Developments, the Newark and Notts Agricultural Society and Newark and Sherwood District Council to review the A46 proposals, the Lindum Development Proposals and the outline proposals for the possible relocation of the Newark Lorry Park.
23/11/2022	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around: <ul style="list-style-type: none"> – Updates on Scheme – Requirements of Lindum Developments Limited land – Impact/requirement on/of Lindum Developments Limited – Advance purchase/Compensation/Professional fees
12/12/2022	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around: <ul style="list-style-type: none"> – Actions from last meeting – Scheme updates
19/12/2022	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around: <ul style="list-style-type: none"> – Actions from last meeting – Scheme updates
17/01/2023	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around: <ul style="list-style-type: none"> – Actions from last meeting – Scheme updates
01/02/2023	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around – <ul style="list-style-type: none"> – Southern Link Road (SLR) A46 Junction Overview – Actions from last meeting – Scheme t updates – Draft Head of Terms
15/02/2023	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around: <ul style="list-style-type: none"> – Actions from last meeting – Scheme updates – Public Rights of Way (PROW) – Transport Plans / Modelling
30/03/2023	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around: <ul style="list-style-type: none"> – Actions from last meeting – Scheme updates

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<ul style="list-style-type: none"> - Land acquisition - Head of Terms
05/04/2023	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around: <ul style="list-style-type: none"> - Actions from last meeting - Scheme updates - Head of Terms development
06/06/2023	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around: <ul style="list-style-type: none"> - The public rights of way provisions within the A46 Scheme design and how this is drafted within the Heads of Terms agreement.
02/10/2023	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited discussion around: <ul style="list-style-type: none"> - the SoCG - Valuation and Options Agreement - Lindum Developments Limited update on forthcoming planning submission that abuts the Scheme
03/11/2023	email	Subject to Contract - Heads of Terms for land required for the Scheme
11/01/2024	email	Overfield Park Newark - Planning Comments. Emails between the Applicant and Lindum on comments provided by the Applicant in Response to the Developers Outline Planning Permission application.
01/12/2023	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited – Discussion on the Outline Planning Application’s proposals for realigning FP03 and the interface with the Schemes combined footway and cycleway.
29/05/2024	Online - Teams meeting The Applicant / Lindum	The Applicant and Lindum Developments Limited – Discussion on the Outline Planning Application’s proposals for realigning FP03 and the interface with the Schemes combined footway and cycleway.
12/06/2024	Online - Teams meeting The Applicant / Lindum	Lindum Developments Limited Review of the SoCG- Representative from Newark Showground (Newark and Notts Agricultural Society present).
28/08/2024	Online - Teams meeting The Applicant / Lindum	Lindum Developments Limited Review of the SoCG <ul style="list-style-type: none"> - Review of options for the diversion of Footpath FP3 and the alignment of the combined footway and cycleway.
04/10/2024	Online - Teams meeting The Applicant / Lindum	Lindum Developments Limited Review of the SoCG <ul style="list-style-type: none"> - The Applicant presented proposals for a legal agreement to be drafted to agree a provision for how the Footpath FP3 diversion and the combined footway and cycleway could be secured in the event that the Lindum Developments planning application is approved.
30/10/2024	Online - Teams meeting The Applicant / Lindum / Schofield Sweeney / Wombledon Dickinson	Lindum Developments Limited Review of the SoCG Discussions in relation to: <ul style="list-style-type: none"> - FP3 and the combined footway and cycleway - Compromise Agreement

2.1.2 It is agreed that this is an accurate record of key meetings and other forms of consultation and engagement undertaken between 1) National Highways and 2) Lindum Developments Limited in relation to issues addressed in this SoCG.

3 Issues

3.1 Issues agreed, not agreed or under discussion

3.1.1 Table 3.1.1 below details the issues which have been agreed, not agreed or are under discussion between 1) National Highways and 2) Lindum Developments Limited

Table 3.1.1 - Issues

Issue No.	Issue	Document Reference	Lindum Position	The Applicant's Position	Status	Date status confirmed
1.	Design	<p>Streets, Right of Way and Access Plans sheet 5 of 7 [AS-006]</p> <p>General Arrangement Plans sheet 5 of 7 [AS-007]</p> <p>Appendix C of the Transport Assessment [APP-193].</p>	<p>Lindum Developments Limited have submitted outline planning permission (ref 23/02281/OUTM) in December 2023 for a development site between the A46 and the A17 to the northeast of Newark.</p> <p>Prior to submission of their planning application and prior to the Applicant's DCO submission, Lindum Developments Limited have flagged on multiple occasions that the route of the proposed footpath to be delivered as part of the Scheme is impractical and not agreed as it dissects their development land. Lindum Developments Limited were informed by the Applicant that they were unable to change the route prior to submission of the DCO application as this would have involved further surveys and consultation. Lindum Developments Limited strongly object to the current route as proposed as it will stifle the development and has the potential to prevent the purchase of land from Local charity, Newark and Nottinghamshire Agricultural society (N&NAS)</p> <p>On 12 June 2024 a Teams Meeting between the Applicant, Lindum Developments Limited and N&NAS it was confirmed by N&NAS and Lindum Developments Limited that the footpath route had not agreed (or to the knowledge of both landowners even fully discussed with all parties), the route as drawn as it would dissect land owned by both parties without confirmation of how the path would be constructed, finished, maintained or secured. Even without the live planning application, the route as drawn is unpractical and would have been objected to by both parties.</p> <p>The proposed footway/cycle way detailed on the General Arrangement Plans [AS-007] are shown bisecting the proposed development site and the proposed locations for the new units. (refer to Master plan options 1 and 2 in the outline planning application).</p> <p>The Outline Planning application also contains a design and access statement which sets out proposals for the pedestrian and cycling requirements, with an option to divert the existing public right of way (FP 3) around the south and west side of the proposed development area. It should be noted that FP3 is a right of way and is currently unsurfaced ground and therefore of very different grade and condition to what is being proposed by the Applicant</p> <p>Lindum Developments Limited request that the Applicant re-align the combined footway and cycleway from that currently shown on sheet 5 of the General Arrangement Plans [AS-007], such that it avoids the footprint of the proposed development site.</p>	<p>The Applicant has produced the alignment of the proposed footway and cycle way following discussions and meetings with Lindum Developments Limited in 2022, ahead of and during the Statutory Consultation period. During this period Lindum Developments Limited requested that the Order Limits along the southbound verge of the proposed Friendly Farmer Link Road be reduced to as far as reasonably practicable such as to maximise the area for the then proposed development site. The Applicant in consultation with the Lindum Developments Limited design team developed a solution that took into account these proposals.</p> <p>Subsequent design revisions to the proposed Lindum Developments Limited development have resulted in the proposed building units now clashing with the previously agreed alignment for the footway/cycleway as shown in the General Arrangement Plans [AS-007].</p> <p>The Applicant will continue to work with Lindum Developments Limited as the Outline Planning Application is determined, and into the subsequent design phase that would be associated with the Reserved Matters applications to develop a solution that can satisfy both parties outcomes. In meetings held between the two parties in 2024, Lindum Developments Limited have proposed two alternative routes for the combined footway/cycleway. The first is that shown on the developer's Design and Access Statement with a route along the south and west side of the Lindum Developments Limited development. The second is an option to divert the footway/cycleway around the eastern side of the development boundary. The second option requires land outside of the Order Limits of the Scheme and increases the journey for pedestrians and cyclists. For these reasons the Applicant do not agree that this option is viable. The first option could work with further design integration and assessment; however, it would require Lindum Developments to make suitable space for both a permanent (and temporary during construction of the Scheme) alignment for the combined footway/cycleway alignment within their Reserved Matters planning application.</p> <p>The Applicant refers to the Planning Response it provided to the Outline Planning application (23/02281/OUTM) in January 2024. An extract from the consultation letter from National Highways to the Newark and Sherwood District Council, dated 24th January 2024, is included below:</p> <p>Boundary Impacts</p> <p>The site sits adjacent to the A46 trunk road and as such there is potential for the development to have an impact on our network, assets and the Scheme. Notwithstanding this, the Applicant has developed a good collaboration and integrated working with Lindum Developments Limited during the preparation of the application for development consent and the Applicant looks forward to continuing this working relationship through Lindum Developments Limited detailed planning application. As Lindum Developments Limited progress their detailed (Reserved Matters) planning application, the Applicant must be consulted to ensure that the proposals for the Scheme are not compromised or precluded. As such, detailed plans must include a clear planning boundary between the two developments and further detail will be required in relation to the following:</p> <p><i>Provision of a combined footway/cycleway from the proposed Friendly Farmer Link to the A17</i></p> <p>Section 6 of Lindum Developments Limited Design and Access Statement proposes a new pedestrian/cycle path (shown in a yellow dotted line) along the western boundary of their development. This pedestrian/cycle path is on an alternative alignment to that which was consulted with the Applicant during the development of the application for</p>	Under Discussion	30/10/2024

				<p>development consent. The proposals are therefore different to that shown on the plans submitted by Lindum Developments Limited and would currently impact the ability for the Applicant to provide a temporary diversion of the footpath and footway during the construction of the proposed Friendly Farmer Link Road. This could prevent the ability of the Scheme to provide a continuous pedestrian/cyclist link from the Friendly Farmer Link Road to the A17.</p> <ul style="list-style-type: none"> Both parties have entered formal discussions with regard to a Legal agreement for acquisition of land by agreement which would also include terms which allow for alternative alignment for the combined footway / cycleway to be achieved <p>The Applicant therefore requests to be consulted in the development of the detailed plans for the Reserved Matters planning application such that the proposals for the combined footway/cycleway and re-alignment of Winthorpe Footpath FP03 do not preclude or prevent the outcomes of the Scheme from being achieved.</p>		
2.	DCO - Land Acquisition		<p>The Applicant has sought to purchase a strip of land fronting the A46 to enable the Scheme. An Option Agreement has been tabled as a method of acquiring the land. Lindum Developments Limited would welcome certainty on this and would like this to be concluded by September 2024.</p> <p>Should the need for the combined footway / cycleway to be directed along the boundary of the Friendly Farmer within Lindum Developments Limited land ownership, confirmation will be required on who is constructing / maintaining this combined footway / cycleway, how this is to be secured (i.e. fence or hedge boundary) and whether this land will need to be purchased by the Applicant.</p>	<p>The conclusion of the option agreement is directly linked to the outcome of the proposed legal agreement regarding provisions for the diversion of footpath FP03 and the alignment of the combined footway and cycleway. This agreement is being drafted and the Applicant continues to engage with Lindum Developments on this matter.</p>	Under discussion	04/10/2024
3.	Construction access for Overfield Park whilst the Scheme is being undertaken		<p>Lindum Developments Limited would like to obtain reassurance that should the Applicant undertake road improvements to the A46 this won't affect access for Lindum Developments Limited construction vehicles for future developments on Overfield Park.</p>	<p>Lindum Developments have confirmed that their construction access would be via Godfrey Drive on which the Applicant is not proposing works. Construction access to the Lindum Development site would not be impeded by the Scheme.</p>	Agreed	28/08/2024
4.	Utilities	Work Plans [AS-016]	<p>The Applicant will consult with Lindum Developments Limited / National Grid Electricity Distribution regarding any works to the electricity power lines or other utilities adjoining the site and will not do any works that will interfere with the Overfield Park development</p>	<p>The Applicant is in discussion with National Grid Electrical Distribution regarding the diversion of the 11kv overhead power lines along the highway boundary of the southbound A46. The diversion of this asset (identified as Work No. U24 on the Utility Work Plans [AS-016]) will be undertaken by National Grid Electrical Distributions who will liaise with the end users of this service ahead of the diversion.</p>	Agreed	30/10/2024