A46 Newark Bypass

TR010065

7.34 Applicant's Comments on NSDC's Local Impact Report

APFP Regulation 5(2)(q)

Planning Act 2008

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

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

A46 Newark Bypass

Development Consent Order 202[X]

Applicant's Comments on Newark & Sherwood District Council's Local Impact Report

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010065
Application Document Reference	7.34
Author:	A46 Newark Bypass Project Team, National Highways

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Contents

1. Introduction

1.1.1. The Development Consent Order (DCO) application for the A46 Newark Bypass (the "Scheme") was submitted on 26 April 2024 by National Highways (the "Applicant") and accepted for Examination on 23 May 2024.

1.1.2. The purpose of this document is to set out the Applicant's comments on Newark & Sherwood District Council's Local Impact Report which was submitted at Deadline 1 [REP1-035].

1.1.3. **Table 1-1** contains a full schedule of the Applicant's comments.

Table 1-1

Table 1-1 - Applicant's comments on NSDC Local Impact Report

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
1. Terms of Reference and Introduction		
		No response required
2. Scope, Purpose and Structure of the Local Impact Report		
		No response required
3. The Scheme		
3.1.	The LIR does not describe the proposed development any further, relying on the applicant's description as set out in paragraph 2.5 (Scheme Description) of document 6.1 Environmental Statement Chapter 2 The Scheme, namely; The section of the A46 that would be upgraded is approximately 6.5 kilometres (approximately 4 miles) in length. The Scheme comprises on-line widening for most of its length between Farndon Roundabout and the A1. A new section of off-line dual carriageway would be provided between the western and eastern sides of the A1 before the new dual carriageway ties into the existing A46 to the west of Winthorpe Roundabout. The widening works include earthwork widening along the existing embankments, and new structures where the route crosses the Nottingham to Lincoln and ECML railway lines, River Trent, Brownhills link and the A1.	Agreed
3.2.	The key components of the proposed development, as set out in paragraph 2.5.3 of document 6.1 Environmental Statement Chapter 2 The Scheme. This list determines the permanent elements, temporary elements are detailed within Section 2.6 of this chapter. The provision of a dual carriageway for a distance of 6.5 kilometres (approximately 4 miles) to provide two traffic lanes in both directions.	Agreed
3.3.	This consists of the following key highways elements: • Partial signalisation of Farndon Roundabout at the southern extents of the Scheme • Widening of the existing A46 for a length of 4.5 kilometres • A new grade separated junction at Cattle Market Roundabout • A new off-line section to bypass the existing Brownhills and Friendly Farmer roundabouts for a length of 1.3 kilometres • A new grade separated link between Brownhills Roundabout and a new roundabout that is situated to the north of the new dual carriageway. These are linked to the new dual carriageway via a new northbound off-slip and southbound on-slip. • Retention of the existing dual carriageway between Winthorpe Roundabout and the A1 for a length of 0.8 kilometres • An upgraded roundabout with partial signal controls at Winthorpe Roundabout • A two-way parallel link road from Friendly Farmer to Winthorpe Roundabout situated to the south of the existing dual carriageway • Tie in with local roads at Farndon, Cattle Market and Winthorpe Junctions • New bridge structures over the Nottingham to Lincoln and ECML railway lines, River Trent and the A1. • New culverts and extensions of existing culverts. • A parking layby near Brownhills Junction.	Agreed

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	• Improvements/amendments to walking and cycling routes.
	• Floodplain compensation at the following three floodplain compensation areas (FCAs):
	  ○ Kelham and Averham FCA
	  ○ Farndon West FCA
	  ○ Farndon East FCA
	• Three potential borrow pit areas to support the creation of embankments required for the Scheme:
	  ○ Farndon West
	  ○ Farndon East
	  ○ Brownhills Junction
	• The provision of drainage systems including attenuation ponds to drain carriageways and adjacent land.
	• The provision of road lighting.
	• The provision of road markings and new traffic signs.
	• The provision of new road restraint systems.
	• Earthworks in order to establish the road foundation (including cuttings and embankments) and also to provide visual screening and noise attenuation.
	• Environmental mitigation including landscape planting, noise attenuation and areas identified for ecological mitigation.
	• Boundary treatments such as boundary fencing, hedgerow planting and trees.
	• Perimeter drainage ditches.
	• Technology installations.
	• Diversionary and protection works to public utilities including telephone, fibre optics, electricity, gas, water supply and sewers.
	• Associated accommodation works and maintenance access tracks.	

4. Site description		
4.1.	The A46(T) is the 6.5km (4 mile) single carriageway section of carriageway between Farndon to the south and Winthorpe to the north. The carriageway to the south between Widmerpool and Newark (Farndon) was dualled and opened in April 2012 and the connection to Lincoln from Winthorpe much earlier. This 6.5km stretch is seen as the missing link to this connection	Agreed
4.2.	Farndon roundabout is located at the western extent of the Scheme where the B6166 Farndon Road joins the A46(T). Along its route it crosses the River Trent twice, the Nottingham to Lincoln railway line twice and the East Coast Main Line once, As well as crossing the A617 and B6326 at the Cattle Market Roundabout and the A1 between the Friendly Farmer and Brownhills Roundabouts.	Agreed
4.3.	The existing A46 is elevated as it crossed the above restrictions of the rail lines and rivers and due to the low-lying floodplain of the River Trent below. The floodplain is located to the west of the route with the exception of land to the southern side which is to the east of the carriageway.	Agreed
4.4.	The route is currently lined with well-established vegetation, softening its appearance in the locale. However, there are areas of industry along the route due to the Sugar Factory and Severn Trent Water works, disrupting wider views. Many built features can be experienced from the route including designated heritage assets of church spires and bridges**.**	Agreed

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5. Information on Newark and Sherwood and the surrounding area		
5.1.	The settlement of Newark on Trent is the main settlement within the District of Newark and Sherwood and is located along the navigable River Trent. The District of Newark and Sherwood, at over 65,000 ha, is the largest in Nottinghamshire and is situated in the northern part of the East Midlands Region.	No response required
5.2.	Adjoining the District to the west are the Nottingham and Mansfield conurbations; whilst Lincoln lies to the north-east and Grantham to the south-east.	No response required
5.3.	In Newark and Sherwood, the population size has increased by 7.0%, from around 114,800 in 2011 to 122,900 in 20211 (Office for National Statistics, 2024) This is higher than the overall increase for England (6.6%), where the population grew by nearly 3.5 million to 56,489,800. Nearby Districts of Rushcliffe, North Kesteven and South Kesteven have seen population increases by around 7.1%, 9.5% and 7.2% respectively, while others such as Gedling saw an increase of 3.3% and Melton 2.8%. In Newark and Sherwood between 2011 to 2021 there has been an increase of 26.7% in people aged 65 years and over living in the District, an increase of 2.9% in people aged 15 to 64 years and an increase of 1.3% on children aged under 15 years. The largest increase is people between 70 to 74 years at 47%.	No response required
5.4.	The settlement pattern of the District is dispersed, given its large rural nature, and ranges from market towns and large villages to smaller villages and hamlets. Newark, Southwell, Ollerton and Boughton act as a focus for their own communities and those in the wider area, whilst the larger villages function in a similar role for their immediate rural areas. Outside of this however, services are limited and some higher level and specialist facilities are only found in larger urban areas adjoining the District. Public transport services are limited outside of the main centres and routes, and as a result accessibility to employment and services is more difficult in rural areas, making the use of a private car more preferable. [1] https://www.ons.gov.uk/visualisations/censuspopulationchange/E07000175/ - Last accessed 26/09/2024	No response required
5.5.	The District's economy supported 65,400 people aged 16 and over in employment in the year ending December 2023. This is up from the previous year when there were 60,600 people who were employed. However, of people living in the District aged between 16 to 64 years, 77.5% were employed in the year ending December 2023. This is a decrease of the previous year when I was 79.0%. Unemployment has, however, risen to 3.7% which is comparable to the East Midlands as a whole (Office for National Statistics, 2024)[2].	No response required
5.6.	Key to the District's distinctiveness is its rich and diverse natural and built heritage, reflected in the unspoilt and open countryside and many traditional settlements. The District has an outstanding built heritage with over 1,300 listed buildings and structures and 47 Conservation Areas. Complementing the built environment are a number of sites important in nature conservation and biodiversity terms. The River Trent, and its associated floodplain, along with the remnants of the historic Sherwood Forest are the two most dominant landscape features within the District.	No response required
5.7.	The distinctive character is integral to the District's significant tourism appeal, with on average 466,2503 visitors were recorded as having visited Newark in 2023. The District's historical heritage and especially the attractive Market Town or Newark, is an attractive destination with the Castle (partially destroyed in the English Civil War), National Civil War Centre, traditional	No response required

Written Representations		
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	Market Place, buildings of special architectural or historical interest and an extensive Conservation Area.	
5.8.	In terms of connectivity, Newark is well placed to provide quick rail links to wider settlements such as London, Leeds, Edinburgh and Nottingham due to its two stations providing both north to south (East Coast Main Line) and east to west connections. A central bus station located within the town is a hub for the connections on the extensive bus network. To the east of the Newark settlement is the A1(T) which provides the main road connection north and south with links east provided via the A17 connection and the A46(T) also joining this connection. The A46(T) is a key link from the Humber ports to Tewkesbury**.**	No response required
6. Planning History		
6.1.	National Highways have been in contact with the Council gathering information consented developments in the area of the Scheme and those allocated as part of the Development Plan. The result of those discussions is displayed within the Table 15-5 (existing developments) within document titled ES Volume 6.1 Chapter 15 (Combined Cumulative Effects) (DCO APP-059). It is not sought to reiterate this information as the applicant has already provided it. However, it is worth noting that ID13 (A46T Roundabout) states that they anticipated that the final phase will be completed by Spring 2024. Due to delays, this scheme is now not likely to be completed until Summer/Autumn 2026 which may cause a conflict with the A46 Scheme. [2] https://www.ons.gov.uk/visualisations/labourmarketlocal/E07000175/ Last accessed 26/09/2024 [3] https://www.newark-sherwooddc.gov.uk/media/newark-and-sherwood/images-and-files/strategies-and-policies/pdfs/Visitor-Economy--Strategy-2020-23---FINAL.pdf Last accessed 26/09/2024 Development Plan. The result of those discussions is displayed within Table 15-5 (existing developments) within document titled ES Volume 6.1 Chapter 15 (Combined Cumulative Effects) (DCO APP-059). It is not sought to reiterate this information as the applicant has already provided it. However, it is worth noting that ID13 (A46T Roundabout) states that they anticipated that the final phase will be completed by Spring 2024. Due to delays, this scheme is now not likely to be completed until Summer/Autumn 2026 which may cause a conflict with the A46 Scheme and the wider construction period which has not been mentioned in the application.	The Applicant welcomes the updated information about the ID13 (A46T Roundabout) and acknowledges that there is potential for the construction phase of this other development to overlap with the construction phase for the Scheme. This overlap has the potential to result in cumulative effects as a result of a culmination of disturbance from construction dust, noise, vibration, and lighting or other visual intrusions on sensitive wildlife, human and visual receptors in addition to construction traffic and disruption to journeys through the impact of overlapping construction periods. However, effects would be temporary in nature and it is assumed that best practices measures would be included for the development and the Scheme including the use of a Traffic Management Plan (TMP), Site Waste Management Plan (SWMP), Materials Management Plan (MMP) and Soils Management Plan (SMP) where required. These management measures would ensure that any adverse effects on the environment are avoided or reduced wherever possible, reducing the likelihood of significant cumulative effects.
7. Legislative and Policy Context		
7.1.	In accordance with Part 3, section 14(1)(h) of the 2008 Planning Act, the A46 Newark Bypass scheme is classed as 'nationally significant infrastructure project' (NSIPs). In accordance with the 2008 Planning Act, Newark and Sherwood District Council has been invited to submit a local impact report (LIR) giving details of the likely impact of the proposed development on the authority's area. The definition of an LIR is given in s60(3) of the Act as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'.	No response required
7.2.	Local authorities are identified as consultation bodies under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, in accordance with s43 of the PA 2008 (Planning Act 2008 Section 43 (3)). NB. It is acknowledged that The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 came into force on 30 April 2024 and amend the Infrastructure Planning (Applications: Prescribed Forms and Procedure (APFP)) Regulations 2009. However, it is understood that, as the DCO application was submitted prior to this date,	No response required

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	these amendments are not applicable to this application.	
7.3.	The A46 Newark Bypass DCO application was accepted for examination by the Examining Authority on 23rd May 2024. As such, the 2015 National Policy Statement for National Networks4 has effect for any application for development consent accepted for examination prior to 24th May 2024 and will inform decisions made by the Secretary of State in relation to the A46 Newark Bypass scheme. National Planning Policy Framework (NPPF), NPPG and Written Ministerial Statements [4] https://assets.publishing.service.gov.uk/media/6650b0c5d470e3279dd3325e/npsnn-print.pdf	No response required
7.4.	The National Planning Policy Framework5 (NPPF) was first published in 2012 and updated in 2018, 2019, 2021, and 2023. Paragraph 5 of the NPPF states that the document does not contain specific policies for NSIPs. These are to be determined in accordance with the decision-making framework set out in the Planning Act and relevant National Policy Statements (NPS) for nationally significant infrastructure, as well as any other matters that are considered both important and relevant (which may include the NPPF).	No response required
7.5.	Other statements of government policy may also be material when deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission	No response required
7.6.	Whilst the NPPF isn't used to determine DCO applications, there are elements which relate to various aspects of the A46 scheme, such as Transport, Natural Environment, Historic Environment, and Climate Change. The NPPF advocates partnership working between local authorities and highway authorities so that strategies and investments for supporting sustainable transport and development patterns are aligned and NSDC has worked in close partnership with Nottinghamshire County Council (Highway Authority) on the production of this LIR.	No response required
7.7.	In terms of the economy, the NPPF indicates that planning policies should seek to address potential barriers to investment, such as inadequate infrastructure or a poor environment.	No response required
7.8.	National Planning Policy Guidance (NPPG) provides more detailed guidance to support policies in the NPPF. The following matters are covered by NPPG and are considered relevant to the A46: • Air quality • Noise • Biodiversity Net Gain • Climate Change • Design • EIA • Flood risk • Healthy and Safe Communities • Historic Environment • Land affected by Contamination. • Minerals • Natural Environment • Open Space and public rights of way • Transport evidence bases in plan making and decision taking. • Tree preservation areas and trees in conservation areas [5] https://www.gov.uk/government/publications/national-planning-policy-framework--2	No response required

<table>
<tr><th colspan="3">Written Representations</th></tr>
<tr><th>Reference</th><th>Text from Local Impact Report</th><th>Applicant's Response</th></tr>
<tr><td></td><td>• Use of planning conditions
• Water supply, wastewater and water quality
To summarise, NPSs provide the predominant policy context; and whilst the applicant's DCO application has cross referred to the NPPF and NPPG where applicable, where there are any inconsistencies between the NPPF and the relevant NPSs, it is policies within the latter that prevails. This report is not sought to come to a balanced judgement on the policy context but will provide a local policy perspective for the Examining Authority to consider.
<u>Newark and Sherwood Local Development Framework</u>
Newark and Sherwood Amended Core Strategy (2019)</td><td></td></tr>
<tr><td>7.9.</td><td>Newark Local Development Framework (LDF) is made up of two development plan documents, the Amended Core Strategy (2019) and the Allocations and development management development plan document (2013). Newark and Sherwood Amended Core Strategy (ACS), adopted in March 2019, provides the Strategic planning policies which provide the framework for the delivery of sustainable development in the district. Appendix D of the Amended Core Strategy identifies A46 Newark Bypass upgrades as a project required to support the delivery of the Newark and Sherwood Amended Core Strategy.
The following ACS policies are relevant to the A46 Newark Bypass scheme.
Relevant Policies:
<table>
<tr><th>Amended Core Strategy Policy</th><th>Summary of relevant aspects of the policies</th></tr>
<tr><td>Spatial Policy 1: Settlement Hierarchy</td><td>This policy defines Newark as a Sub Regional Centre.

Features - Major centre in the Sub-Region, containing services and facilities for the District.

Function - To be the focus for housing and employment growth in Newark & Sherwood and the main location for investment for new services and facilities within the District. The Sub-Regional Centre is defined as Newark Urban Area which is made up of Newark, Balderton and Fernwood.</td></tr>
<tr><td>Spatial Policy 2: Spatial Distribution of Growth</td><td>Newark Urban Area will be the main location for new housing and employment growth in the District. Newark Town Centre will act as a focus for new retail, cultural and leisure development. To support such growth the District Council and its partners will work together to secure and provide new infrastructure, facilities and services.</td></tr>
<tr><td>Spatial Policy 5: Delivering the Strategy</td><td>To ensure that the housing and employment needs of the District are delivered over the plan period, sufficient sites have been allocated to more than meet the requirements. There are three large urban extensions in Newark which, combined, will deliver approximately 7500 new homes and associated infrastructure (Middlebeck to the south, Fernwood to the south east, and Land east of Newark.</td></tr>
</table></td><td>No response required</td></tr>
</table>

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Spatial Policy 6: Infrastructure for Growth	To ensure the delivery of infrastructure to support growth in the District, the District Council will secure Strategic Infrastructure via its Community Infrastructure Levy. Strategic Infrastructure is defined as improvements to the strategic highway network and other highway infrastructure as identified within the IDP and secondary education provision across the District; Local Infrastructure, including facilities and services that are essential for development to take place on individual sites, will be secured through Planning Obligations.
Spatial Policy 7: Sustainable Transport	Sets out the Council's commitment to work with Nottinghamshire County Council and National Highways to reduce the impact of roads and traffic movement and support alternative transport methods. Safeguarded locations of highway or public transport schemes identified within the Nottinghamshire Local Transport Plan and its implementation plan. The locations of these schemes are identified on the Policies Map. High quality, safe, cycle, footpath and bridleway networks will be safeguarded and extended to provide opportunities to reduce the number of short car journeys and for cycling, walking and horse riding for recreation in the countryside.
Core Policy 5 Criteria for considering sites for Gypsies and Travellers and Travelling Showpeople	In terms of criteria used to guide site allocations, Point 4 indicates that: *"The site would offer a suitable level of residential amenity to any proposed occupiers, including consideration of public health"*[6]
Core Policy 9: Sustainable Development	The District Council will expect new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.
Core Policy 10: Climate Change	This policy seeks to mitigate the impacts of climate change by ensuring that new development proposals minimise their potential adverse environmental impacts during their construction and eventual operation. New proposals for development should therefore:

[6] This policy is included in relation to the Tolney Lane GT site which adjoins the A46.

Written Representations		
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	Ensure that the impacts on natural resources are minimised and the use of renewable resources encouraged; and Be efficient in the consumption of energy, water and other resources. positively manage its surface water run-off through the design and layout of development to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime. Proposals for new development in flood risk areas will need to demonstrate that the safety of the development and future occupants from flood risk can be provided for, over the lifetime of the development.
Core Policy 12: Biodiversity and Green Infrastructure	The Policy sets out how the District Council will seek to conserve and enhance the biodiversity and geological diversity of the District by working with partners to implement the aims and proposals of the Nottinghamshire Local Biodiversity Action Plan, the Green Infrastructure Strategy and the Nature Conservation Strategy.
Core Policy 13: Landscape Character	This policy sets out, based on the comprehensive assessment of the District's landscape character, provided by the Landscape Character Assessment Supplementary Planning Document, the District Council will work with partners and developers to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
Core Policy 14: Historic Environment	Newark & Sherwood has a rich and distinctive historic environment and the District Council will work with partners and developers in order to secure the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy. There are several heritage assets, including two Conservation Areas, within close proximity to the A46 (Winthorpe Conservation Area and Newark Conservation Area).
Area Policy NAP1 Newark Urban Area	The policy supports growth (including the three strategic sites) and associated infrastructure in and around Newark, including the implementation of strategic highway schemes at the following locations as identified within Appendix D: Southern Link Road from Farndon to Balderton; A46 Link Capacity, Newark-on-Trent Bypass; A46/A617 Cattle Market Roundabout;

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	A46 Roundabout at Farndon; A1/A17/A46 Roundabout; A1/A46 Brownhills Roundabout; A1 Overbridge, Fernwood; and A617 Kelham Bypass. <u>Historic Environment</u> Protect and enhance the architectural, historic and archaeological character of Newark and its riverside.
Area Policy NAP 2A Land South of Newark	This area, as shown on the Proposals Map, is identified as a strategic site for housing (in the region of 3,150 dwellings); employment land uses (B2 and B8 uses: 50 hectares); two local centres, comprising retail (including provision of an expanded foodstore or superstore in line with the approach set out in Core Policy 8), service, employment and community uses; and associated green, transport and other infrastructure. The distribution of proposed uses is indicatively illustrated on Figure 5 - Land South of Newark.
Area Policy NAP 2B Land East of Newark	This area, as shown on the Proposals Map, is identified as a strategic site for housing (in the region of 1000 dwellings) and a local centre, comprising retail, service, employment and community uses; and associated green, transport and other infrastructure. The distribution of proposed uses is indicatively illustrated on Figure 6 - Land East of Newark.
Area Policy NAP 2C Land around Fernwood	This area, as shown on the Proposals Map, is identified as a strategic site for housing (in the region of 3,200 dwellings); employment development (15 hectares) including provision of a high quality, landscaped B1 Business Park for individual regional and national HQ and high-tech businesses; a local centre, comprising retail, service, employment and community uses; and associated green, transport and other infrastructure. The distribution of proposed uses is indicatively illustrated on Figure 7 - Land around Fernwood.
Area Policy NAP 4: Newark Southern Link Road	The District Council will require the provision of the Newark Southern Link Road linking the A46 at Farndon to the A1 at Balderton as identified indicatively on the Policies Map and on Figure 5. Planning permission will not be granted for any development which would inhibit the implementation of this scheme.
Appendix D	Includes a list of strategic highways projects (including the A46) required to support the delivery of the Amended Core Strategy.
Policies Map	Newark and Sherwood District Council website https://www.cartogold.co.uk/newark_sherwood/map.htm

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	last accessed 16/10/2024	
	Newark and Sherwood Allocations and Development Management DPD (2013)	
7.10.	Adopted in July 2013, the Allocations & Development Management DPD (ADMDPD[7]) forms part of the Local Development Framework and accords with the 2011 Newark and Sherwood Core Strategy and its approach to settlement growth in identifying specific sites where new homes and employment sites should be built. The DPD illustrates the location and extent of the allocated land on the Policies Map and provides guidance on how and when the sites should be developed. This DPD has been subject to review in recent months to ensure its policies accord with the Amended Core Strategy (2019) and National Planning Policy Framework. *Relevant policies:* **Policy** / **Summary** NA/MOA Newark Area – Main Open Areas: Main Open Areas represent those areas of predominantly open land that play an important part in defining a settlements form and structure. This policy covers areas around Newark. NUA/OB/1 Newark Urban Area - Open Breaks: In order to ensure that existing settlements retain their separate identities and characteristics, the District Council has identified certain areas that are under pressure for development which provide an open break between settlements. Areas designated include: Newark and Farndon; Newark and Winthorpe; and Newark and Coddington. Within land allocated on the Policies Map as Open Breaks in Newark Urban Area, planning permission will not normally be granted for development. Exceptions include development which does not unacceptably harm the openness of the Open Break. Policy NUA/MU/1 Newark Showground Policy Area: This area adjoins the A46 Newark Bypass to the south and east. Within the area defined on the Policies Map as Newark Showground Policy Area new development which supports and complements the East Midlands Events Centre (Newark & Nottinghamshire Agricultural Society Showground) and other leisure uses on site will be supported provided that it meets the wider requirements of the Core Strategy and the Development Management Policies in Chapter 7. The District Council will work with	No response required

Written Representations		
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	the County Council, the Highways Agency, Parish Councils and the various landowners to prepare a Master Plan for the whole policy area to secure appropriate enhancement and development of the site.
Policy NUA/MU/1 Newark Urban Area - Mixed Use Site 1	Land North of the A17 has been allocated on the Policies Map for mixed use development. The site will accommodate a Hotel/Conference Facility, restaurant facilities to support the wider showground uses, and employment uses.
Policy NUA/MU/2	Land at the current Brownhills Motor Homes site has been allocated on the Policies Map for mixed use development. The site will accommodate employment (B1/B2/B8) development, roadside services including a hotel (which currently has outline Planning Permission), and the continued sui generis use of the site for the sale of Motor Homes. **NB**. This site is proposed for deallocation following review of the Allocations and DM DPD (2013) - in the AADMDPD.
Policy NUA/E/2	Land west of the A1 on Stephenson Way has been allocated on the Policies Map for employment development. The site is 12.24 hectares in size.
Policy NUA/E/3	Land off Telford Drive has been allocated on the Policies Map for employment development. The allocation is in three parcels, a total of 1.54 hectares in size.
NUA/E/4	Land at the former Nottinghamshire County Council Highways Depot on Great North Road has been allocated on the Policies Map for employment development. The site is 2.07 ha in size and B1/B2/B8 is appropriate in this location. **NB.** This site is to be used by National Highways as a compound when construction works commence on the A46 Newark Bypass.
NUA/Ho/2	Land south of Quibells Lane has been allocated on the Policies Map for residential development providing around 86 dwellings. **NB.** The site has been reallocated for 25 dwellings in the AADMDPD due to the lack of available land.
NUA/Ho/3	Land on Lincoln Road has been allocated on the Policies Map for residential development providing around 24 dwellings. **NB.** This site is proposed for deallocation in the AADMDPD plan review.

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	NUA/Ho/4	Yorke Drive Estate and Lincoln Road Playing Fields have been identified in the Bridge Ward Neighbourhood Study as locations for regeneration and redevelopment. The area has been identified on the Policies Map as the NUA/Ho/4 - Yorke Drive Policy Area. It is anticipated that approximately 230 net additional dwellings will be developed.	
	DM5 Design	<u>Amenity</u> The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate any detrimental impact. Proposals resulting in the loss of amenity space will require justification. The presence of existing development which has the potential for a detrimental impact on new development should also be taken into account and mitigated for in proposals. New development that cannot be afforded an adequate standard of amenity or creates an unacceptable standard of amenity will be resisted. <u>Local Distinctiveness and Character</u> The rich local distinctiveness of the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document. <u>Ecology</u> Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment, including a habitat survey and a survey for species listed in the Nottinghamshire Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided. Unstable Land Development proposals within the current and historic coal mining areas of the district should take account of ground conditions, land stability and mine gas, and where necessary include mitigation measures to ensure they can be safely implemented.	

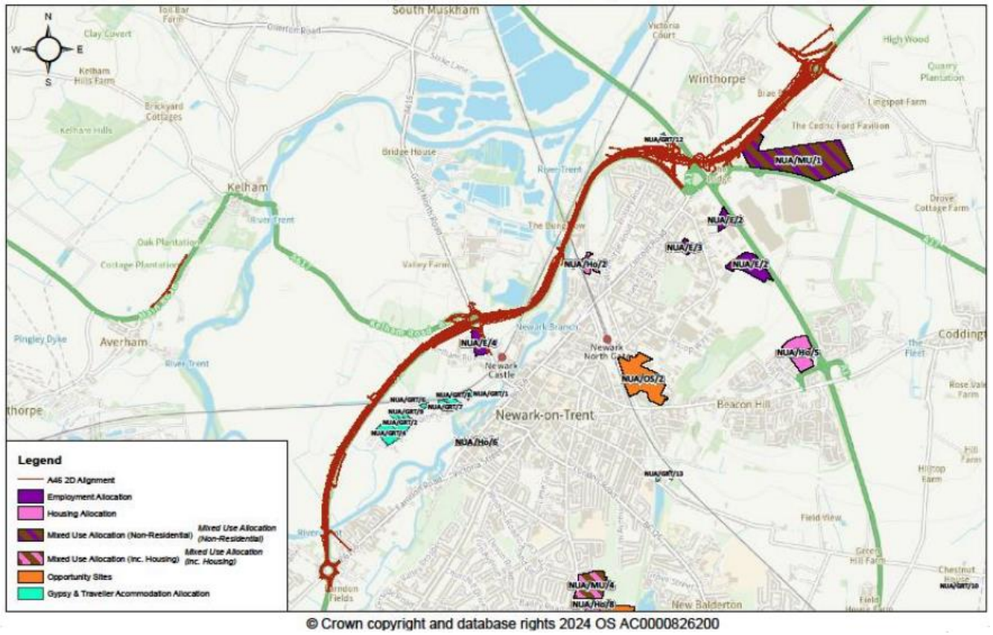
Written Representations			
Reference	**Text from Local Impact Report**		**Applicant's Response**
		Flood Risk and Water Management Development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. In accordance with the aims of Core Policy 9, development proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.	
	DM7 Biodiversity and Green Infrastructure	The policy requires development to protect, promote and enhance biodiversity and the ecological network of habitats, species and sites of international, national and local importance. Development proposals in all areas of the District should seek to enhance biodiversity. Proposals should take into account the latest information on biodiversity including Nottinghamshire Biodiversity Opportunity Mapping, and the forthcoming Local Nature Recovery Strategy.	
	Policy DM9 Protecting and Enhancing the Historic Environment	In accordance with the requirements of Core Policy 14, all development proposals concerning heritage assets will be expected to secure their continued protection or enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place. All development proposals affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets should utilise appropriate siting, design, detailing, materials and methods of construction. Particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible. Where development proposals requiring planning permission involve demolition, the resulting impact on heritage assets will be assessed under this policy.	
	Policy DM12 Presumption in Favour of Sustainable Development	A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Where appropriate, the Council will work pro-actively with applicants jointly to seek solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions within the district.	

<table>
<tr><th colspan="3">Written Representations</th></tr>
<tr><th>Reference</th><th>Text from Local Impact Report</th><th>Applicant's Response</th></tr>
<tr><td>7.11.</td><td>Following a review of the ADMDPD (2013), the Amended Allocations & Development Management DPD (AADMDPD), along with its supporting documents has now been submitted for examination to the Secretary of State. The Submission Version of the Plan was approved at NSDC Full Council on 12th December 2023 with the recommendation to submit the Plan to the Secretary of State which was done so on 18th January 2024. The examination has now been confirmed to commence on the 5th November 2024 and is expected to last until the 14th November 2024.
<table>
<tr><th>Policy</th><th>Summary</th></tr>
<tr><td>NA/MOA Newark Area – Main Open Areas</td><td>Main Open Areas represent those areas of predominantly open land that play an important part in defining a settlements form and structure. This policy covers areas around Newark.</td></tr>
<tr><td>NUA/OB/1 Newark Urban Area
- Open Breaks</td><td>In order to ensure that existing settlements retain their separate identities and characteristics, the District Council has identified certain areas that are under pressure for development which provide an open break between settlements. Areas designated include:
Newark and Farndon;
Newark and Winthorpe; and Newark and Coddington.
Within land allocated on the Policies Map as Open Breaks in Newark Urban Area, planning permission will not normally be granted for development. Exceptions include development which does not unacceptably harm the openness of the Open Break.</td></tr>
<tr><td>Policy NUA/SPA/1 Newark Urban Area - Newark Showground Policy Area</td><td>Newark Showground adjoins the A46 Newark Bypass to the north and south. Within the area defined on the Policies Map as Newark Showground Policy Area new development which supports and complements the East Midlands Events Centre (Newark & Nottinghamshire Agricultural Society Showground) and other leisure uses on site will be supported provided that it meets the wider requirements of the Core Strategy and the Development Management Policies in Chapter 7. The District Council will work with the County Council, the Highways Agency, Parish Councils and the various landowners to prepare a Master Plan for the whole policy area to secure appropriate enhancement and development of the site.</td></tr>
</table></td><td>No response required</td></tr>
</table>

Written Representations			
Reference	**Text from Local Impact Report**		**Applicant's Response**
	Policy NUA/MU/1 Newark Urban Area - Mixed Use Site 1	Land North of the A17 has been allocated on the Policies Map for mixed use development. The site will accommodate a Hotel/Conference Facility, restaurant facilities to support the wider showground uses, and employment uses.	
	Policy NUA/E/2	Land west of the A1 on Stephenson Way has been allocated on the Policies Map for employment development. The site is 12.24 hectares in size.	
	Policy NUA/E/3	Land off Telford Drive has been allocated on the Policies Map for employment development. The allocation is in three parcels, a total of 1.54 hectares in size.	
	NUA/E/4	Land at the former Nottinghamshire County Council Highways Depot on Great North Road has been allocated on the Policies Map for employment development. The site is 2.07 ha in size and B1/B2/B8 is appropriate in this location. **NB**. This site is to be used as a compound by National Highways during construction of the A46 Newark Bypass.	
	NUA/Ho/2	Land south of Quibells Lane has been allocated on the Policies Map for residential development providing around 25 dwellings.	
	NUA/Ho/3	Lincoln Road (24 dwellings) Deallocated	
	NUA/Ho/4	Yorke Drive Estate and Lincoln Road Playing Fields have been identified in the Bridge Ward Neighbourhood Study as locations for regeneration and redevelopment. The area has been identified on the Policies Map as the NUA/Ho/4 - Yorke Drive Policy Area. In allocating this site for housing development it is anticipated that approximately 230 net additional dwellings will be developed.	
	DM5(b) Design	This policy sets out criteria to be used to assess planning applications against design principles set out in the National Design Guide and any local Design Codes. Of particular relevance are the aspects relating to landscape, accessibility	

Written Representations			
Reference	**Text from Local Impact Report**		**Applicant's Response**
	DM7 Biodiversity and Green Infrastructure	The policy requires development to protect, promote and enhance biodiversity and the ecological network of habitats, species and sites of international, national and local importance. Development proposals in all areas of the District should seek to enhance biodiversity. Proposals should take into account the latest information on biodiversity including Nottinghamshire Biodiversity Opportunity Mapping, and the forthcoming Local Nature Recovery Strategy. Except for exempt development proposals, the enhancement should be a net gain of at least 10% (or if different, the relevant percentage set out in the Environment Act) as measured by the applicable DEFRA metric or any successor document. These gains must be guaranteed for a period of at least 30 years.	
	DM9 Protecting and Enhancing the Historic Environment	All development proposals concerning heritage assets will be expected to conserve them in a manner appropriate to their significance, contribute to the wider vitality, viability and regeneration of the areas in which they are located (including its contribution to economic vitality), reinforce a strong sense of place and be enjoyed for their contribution to the quality of life of existing and future generations.	
	DM13 Regeneration Programmes and Schemes	<u>Newark Urban Area</u> The Council will work proactively to deliver the aims and objectives of the Newark Town Centre Masterplan and accompanying Design Code, Newark-on-Trent Town Investment Plan (TIP), Newark Conservation Area Character Appraisal and Newark High Street Heritage Action Zone (HSHAZ), their successor documents and related strategies. Development proposals which will assist in achieving this outcome will therefore be supported. This will include the bringing forward of appropriate regeneration schemes on sites in and around the Newark Urban Area. Any development proposals that, in the opinion of the Local Planning Authority, undermine the delivery of identified outcomes will be resisted.	

Written Representations			
Reference	**Text from Local Impact Report**		**Applicant's Response**
	Policy GRT2 - Additional Provision on Existing Sites (Gypsy, Roma, Traveller sites): NUA/GRT/1 - Park View, Tolney Lane 13 pitches NUA/GRT/2 – Sandhill Sconce, Tolney Lane 11 pitches NUA/GRT/3 – The Paddocks, Tolney Lane 3 pitches NUA/GRT/4 – Hirram's Paddock, Tolney Lane 7 pitches NUA/GRT/5- Taylor's Paddock, Tolney Lane 1 pitch NUA/GRT/6 – Price's Paddock, Tolney Lane 1 pitch NUA/GRT/7 – Land at Shannon Falls, Tolney Lane 21 pitches	These existing GRT sites, as defined on the Policies Map, have been allocated for additional Gypsy Roma Traveller pitches and adjoin the A46 Newark Bypass (to the north of Tolney Lane). Proposals for new permanent pitches, consistent with the definition provided in Policy GRT 1, will be supported, subject to the detail of schemes being acceptable. The schedule below details the number of pitches allocated for each site.	
	Policy GRT3 - Sites to be Brought Back into Gypsy Roma Traveller Use NUA/GRT/8 - Church View, Tolney Lane, Newark 10 pitches NUA/GRT/9 - Riverside Park, Tolney Lane, Newark 9 pitches	Proposals on these sites, as defined on the Policies Map, which would bring the sites back into use for Gypsy Roma Traveller households will be supported subject to the detail of schemes being acceptable. Schemes should provide for new permanent pitches, consistent with the definition provided in Policy GRT 1.	
	GRT5 Tolney Lane Policy Area	Tolney Lane has a historic connection to the Gypsy Roma Traveller settlement in Newark, with the occupation of some sites pre-dating establishment of the contemporary planning system in 1947. The area represents the largest focus of existing sites within the District, with 317 pitches being recorded across 14 sites as part of the GTAA in 2019. Therefore, to support the future management of the area a 'Tolney Lane Policy Area has been defined on the Policies Map. This Policy Area sits inside the Urban Boundary for the Newark Urban Area. The area is acknowledged to be at flood risk, being split between Flood Zones 2 and 3. This results in a number of sites and the current single point of vehicular	

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	[9] Proposed to be deleted as a deliverable site by the main modifications submitted as part of the Newark and Sherwood District Council Amended Allocations and Development Management DPD examination in November 2024 **Submission Version Amended Allocations and Development Management DPD - Proposed Site Allocations**  © Crown copyright and database rights 2024 OS AC0000826200	
8. Landscape and Visual Impacts – Neutral to Negative (depends on the landscape character area)		
	Local Policy	
8.1.	Core Policy 13 (Landscape Character) Amended Core Strategy Development Plan Document 2019: *New development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes**,** including valued landscapes, have been protected and enhanced*	No response required.
8.2.	Policy DM5 (Design) Allocations and Development Management Development Plan Document 2013 *Supporting text states - The diversity of landscape and built form within the District displays much local distinctiveness which the Council is keen to see reflected in new development. Development proposals should take reference from the Landscape Character Assessment SPD, locally distinctive layouts, design, detailing and methods of construction as a means of integrating itself into the surrounding area.*	No response required.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
8.3.	Policy DM5(b) Design Amended Allocations and Development Management Development Plan Document (for examination in November 2024)	No response required.
8.4.	Landscape Character Assessment Supplementary Planning Document 2013	No response required.
	Landscape and Visual Impact Assessment (LVIA) Methodology	
8.5.	The LVIA methodology adopted for this application is in line with the methodology as set out within the Design Manual for Road and Bridges (DMRB) LA 107 Landscape and Visual Effects assessing construction and operational impacts for Year 1 and Year 15. It also follows industry best practice which is currently: Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and the Institute for Environmental Management and Assessment Third Edition 2013), Landscape Character Assessment (Natural England 2014) and for the visualisations: TGN 06/19 Visual Representation of Development Proposals (Landscape Institute 2019) Summary - The correct methodology and guidance document have been followed and the applicant has applied these to the assessment.	No response required.
	Study Area	
8.6.	The study area (shown on Figure 7.1 to Figure 7.3 of the Environmental Statement) is identified as two km from the Scheme alignment. This has been determined by the extent of the Scheme using the guidance within DMRB LA 107. Chapter 7 Landscape and Visual Effects, paragraph 7.7.1. (Application document reference: TR010065/APP/6.1) sets out the factors that were considered to determine the study area	No response required.
8.7.	Beyond the study area the applicant did not consider that there would be significant effects upon landscape character due to intervening built form and existing vegetation (Chapter 7 Landscape and Visual Effects, paragraph 7.7.3). We agree with this conclusion. However, we noted that the last sentence of this paragraph is repeated. Clarification on whether this is referring to visual receptors is required from the applicant as built form and existing vegetation would also limit the extent of visibility of the Scheme from visual receptors at this distance.	The Applicant can confirm that the repeated sentence is an error and agrees that the sentence applies to both landscape and visual receptors. This has been captured in the Table of Errata [TR010065/APP/7.38]
	Zone of Theoretical Visibility	
8.8.	The applicant's Zone of Theoretical Visibility (ZTV) is based on the operational Scheme and shown on Figure 7.3. This is based on a viewer height of 1.6m and a maximum height of 4.2m for heavy goods vehicles (HGVs) (Chapter 7, paragraph 7.5.5). The applicant's ZTV was based on a Digital Surface Model (DSM) with woodland/buildings beyond the highway corridor included as screening elements but to give a worst-case scenario the existing vegetation alongside the road corridor had not been included.	No response required.
8.9.	To check the validity of the ZTV, we mapped the ZTV using the same parameters (in terms of viewer height and HGV height) using both a digital terrain model (DTM) that uses contour heights only and DSM that uses both contour and heights of surface features buildings/vegetation. Our results were broadly similar with the applicant's ZTV but gave a slightly reduced coverage of area of ZTV likely to be due to the inclusion of existing roadside vegetation acting as a screen/filter along the road corridor.	No response required.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
8.10.	Whilst the applicants ZTV shows the ZTV being clipped at the 2km study area boundary the ZTV goes beyond this. However, we agree that due to the distance, low lying land in proximity to the scheme and extent of intervening overlapping vegetation that impacts to visual receptors would be negligible and beyond this there would not be significant visual impacts. The areas of greatest magnitude of visual change are where there will be new elevated sections of carriageway introduced into the landscape where currently the road alignment is at grade. The applicant's typical cross sections (Application document reference: TR010065/APP/2.6) show these are located at the Cattle Market Junction (Sections E, F) and around the Brownhills junction (Sections M, N, O). The applicant doesn't specifically reference the height of the proposed structures around the Brownhills Junction but for the Cattle Market Junction the proposed grade separated junction is estimated to be around 7- 8 metres above the existing ground level (p. 2.5.11 ES Volume 1 Chapter 2 The Scheme). Further information on the height of proposed earthworks above the existing ground level around the Brownhills junction should be provided within Chapter 7.	The Applicant can confirm the height of Brownhills Junction is 7.9 metres at its highest as set out in paragraph 7.4.3 of the Scheme Design Report [APP-194]. This height has been taken into consideration as part of the assessment contained in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051].
8.11.	Summary - The ZTV captures the extent of theoretical visibility within the Study area and has been used as suitable aid to identify key visual receptors. We agree with the ZTV as shown on Figure 7.3.	No response required.
	<u>Local Designations</u>	
8.12.	Local designations within the study area are shown on Figure 2.2 Environmental Constraints Plan and listed in Table 7.6 of the ES Chapter 7. The table has listed five conservation areas of which two are in close proximity to the Scheme (within Order Limits). These are Winthorpe Conservation Area and Newark Conservation Area. Other designations are listed buildings, scheduled monuments, Newark Castle Gardens Registered Park and Garden and designated trees (those identified as notable, veteran and with TPOs). Nature conservation designations have not been within Table 7.6. and whilst Chapter 7 Landscape and Visual Effects does not cover the ecological value and significance (contained in Chapter 8 Biodiversity) these designations do contribute to the landscape character and visual qualities of the Scheme's location. This is particularly relevant for those visual receptors on Public Rights of Way (PRoW) along the River Trent where Local Wildlife Sites (LWS) contribute to the local character of the area. Examples of these receptors are: VP11 - PRoW Farndon Bridleway within River Trent Staythorpe LWS to the southwest of the Scheme. VP13 - PRoW Newark Bridleway 5 within Newark Trent Grasslands LWS	The Applicant can confirm that whilst ecological designations have not been listed within Table 7-6 of Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051], the Applicant agrees that they do contribute to the baseline landscape character and therefore have contributed to the value and sensitivity to change and subsequent assessment of visual impacts and effects for relevant viewpoints.
8.13.	Representative views covered by VP 31 and 32 - PRoW Newark Bridleway 5, Trent Banks/Wharves, Newark Local Wildlife Site (LWS) which extends over the section of the River Trent between Farndon Marina to the southwest to the southern side of Nether Lock Viaduct to the north.	Please refer to 8.12 above.
8.14.	Summary - The applicant has not identified all key designations that contribute to Landscape Character or visual matters which include nature conservation sites. These designations haven't been listed in Table 7.6. though they have been identified on the Constraints Plan Figure 2.2 Environmental Constraints Plan. These should be included within Chapter 7 Landscape and Visual Effects assessment.	Please refer to 8.12 above.

<table>
<tr><th colspan="3">Written Representations</th></tr>
<tr><th>Reference</th><th>Text from Local Impact Report</th><th>Applicant's Response</th></tr>
<tr><td></td><td><u>Landscape Character</u></td><td></td></tr>
<tr><td>8.15.</td><td>The study area lies within National Character Area 48 Trent and Belvoir Vale (Natural England 2014) and at a county level the Newark and Sherwood (NSDC) Character Areas and Policy Zones as set out in the Landscape Character Assessment Supplementary Planning Guidance (Newark and Sherwood District Council 2013). Refer to Figure 7.1 Published Regional Character Areas and Policy Zones.</td><td>No response required.</td></tr>
<tr><td>8.16.</td><td>The applicant has identified landscape character areas, LCAs (shown on Figure 7.2 Landscape Character Areas) which broadly reflects the Character Areas within NSDC SPD providing further level of definition particularly to the urban areas around Newark, Farndon and the area around Winthorpe. The sensitivity to change of each of these LCAs was determined as follows:
LCA 1 Trent Washlands – Medium sensitivity LCA 2 Winthorpe Village and Farmlands – High sensitivity
LCA 3 East Nottinghamshire Sandlands – Low sensitivity
LCA 4 Newark - High sensitivity
LCA 5 South Nottinghamshire Farmlands - Medium sensitivity
LCA 6 Farndon Village - High sensitivity
LCA 7 Mid- Nottinghamshire Farmlands – Medium sensitivity</td><td>No response required.</td></tr>
<tr><td>8.17.</td><td>The applicant determined the levels of magnitude of change for the construction and operational stages for each of the LCAs as set out below.
<u>Magnitude of Change</u>
<table>
<tr><th>Landscape Character Area</th><th>Magnitude of Change Construction</th><th>Magnitude of Change Operation Yr1</th><th>Magnitude of Change Operation Yr15</th></tr>
<tr><td>LCA 1 Trent Washlands</td><td>Moderate adverse</td><td>Moderate adverse</td><td>Minor adverse</td></tr>
<tr><td>LCA 2 Winthorpe Village and Farmlands</td><td>Major adverse</td><td>Major adverse</td><td>Moderate adverse</td></tr>
<tr><td>LCA 3 East Nottinghamshire Sandlands</td><td>Moderate adverse</td><td>Minor adverse</td><td>Minor adverse</td></tr>
<tr><td>LCA 4 Newark</td><td>Negligible</td><td>No change</td><td>No change</td></tr>
<tr><td>LCA 5 South Nottinghamshire Farmlands</td><td>Negligible</td><td>No change</td><td>No change</td></tr>
<tr><td>LCA 6 Farndon Village</td><td>Negligible</td><td>No change</td><td>No change</td></tr>
<tr><td>LCA 7 Mid- Nottinghamshire Farmlands</td><td>Negligible</td><td>No change</td><td>No change</td></tr>
</table>
As the Scheme directly impacts on the Trent Washlands, Winthorpe Village and Farmlands and East Nottinghamshire Sandlands LCAs these will be the areas that will experience change to landscape character. We agree with these findings.
<u>Landscape Effects</u>
<table>
<tr><th>LCA</th><th>Landscape Effect Construction</th><th>Landscape Effect Operation Yr1</th><th>Landscape Effect Operation Yr15</th></tr>
<tr><td>LCA 1 Trent Washlands</td><td>Moderate adverse</td><td>Moderate adverse</td><td>Slight adverse</td></tr>
<tr><td>LCA 2 Winthorpe Village and Farmlands</td><td>Large adverse</td><td>Large adverse</td><td>Moderate adverse (residual significant effect)</td></tr>
<tr><td>LCA 3 East Nottinghamshire Sandlands</td><td>Slight adverse</td><td>Slight adverse</td><td>Slight adverse</td></tr>
<tr><td>LCA 4 Newark</td><td>Slight adverse</td><td>No change</td><td>No change</td></tr>
<tr><td>LCA 5 South Nottinghamshire Farmlands</td><td>Neutral</td><td>Neutral</td><td>Neutral</td></tr>
<tr><td>LCA 6 Farndon Village</td><td>Slight adverse</td><td>Neutral</td><td>Neutral</td></tr>
<tr><td>LCA 7 Mid- Nottinghamshire Farmlands</td><td>Slight adverse</td><td>Neutral</td><td>Neutral</td></tr>
</table></td><td>No response required.</td></tr>
</table>

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
8.18.	The resulting level of significance of effect are a combination of level of sensitivity and magnitude of change summarised above and shown in Table 7-7 Chapter 7 Landscape and Visual Effects. Significant effects are those that are classed as Moderate adverse or above. Winthorpe Village and Farmlands is the only LCA that still has a residual Significant Impact in Year 15. We agree with these findings but consider further mitigation could provide improved landscape integration into the surrounding area as outlined in the Table 1 below setting out additional mitigation.	Please refer to 8.25 below in respect to specific requests made in Table 1.
8.19.	Summary - The defined landscape character areas within the study area and their baseline levels of sensitivity to change are appropriate. We agree with the levels of effect for the character area for the construction and operational period as set out in paragraphs 7.11.3 to 7.11.20, 7. 7.11.27 to 7.11.37 and summarised in Table 7-7. However, there may be scope for additional planting particularly within Trent Washlands LCA (focussed on Cattle Market Junction) and within Winthorpe Village and Farmlands the latter being where the residual impact is still significant at year 15. Refer to Table 1 for recommendations.	Please refer to 8.25 below in respect to specific requests made in Table 1.
	<u>Viewpoint Selection and Assessment of Visual Receptors</u>	
8.20.	The applicant assessed 63 visual receptors of which seven are associated with the proposed works to accommodate Kelham and Averham Flood Compensation Area. Residential visual receptors were grouped with a representative viewpoint of the most severe impact for the group.	No response required.
8.21.	Visual Baseline and Impact Schedules (Appendix 7.2 Visual Baseline and Impact Schedules) described the sensitivity, baseline changes in view and effect on visual receptors for construction Year 1, winter and Year 15 summer for the Scheme. A number of these were classed as key visual receptors of which baseline winter and summer photographs were provided for Viewpoints 9, 10 11, 18, 31, 32, 36, 47 and 49 with photo montages and visualisations (LI Type 4) provided for 3, 24, 41, and 43.	No response required.
8.22.	We carried out a site visit to check key viewpoints on site that were identified following a review of the development proposals. These particularly focused on those areas where new structures would be introduced into the landscape and from visual receptors in closer proximity to the proposed development.	No response required.
8.23.	The majority of residential receptors are to the southeast of the scheme along the northwestern edge of Newark as it fringes the River Trent and existing infrastructure corridor. The A46 is primarily being widened to the north which allows for existing vegetation to be retained along the southeast facing road embankment. Should existing vegetation subsequently need to be removed in localised areas or ash die back be found to thin the canopy allowing views out to the road then replacement planting should be provided.	The Applicant notes that the proposed planting set out within Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] is in relation to the preliminary design developed to date. During detailed design, any amendments to the design that may impact existing planting to be retained will be assessed and mitigated for as part of the design development process to ensure no new or materially different effects are experienced in relation to landscape and visual effects.
8.24.	The proposed Scheme will be most visible where the road is a new element in the landscape, particularly where it is elevated. This is notably around the Cattle Market Junction and Brownhills Junction. These areas are also in closer proximity to more sensitive areas of landscape, form the approach to the castle and historic core of Newark (lying within Newark Town conservation area) and Winthorpe Conservation Area respectively	No response required.

Written Representations

<table>
<tr><th>Reference</th><th>Text from Local Impact Report</th><th>Applicant's Response</th></tr>
<tr><td>8.25.</td><td>Viewpoints where we consider there could be additional mitigation are listed below.
<table>
<tr><th>Viewpoint number</th><th>Comments</th><th>Recommendation</th></tr>
<tr><td>Viewpoint 11</td><td>In the winter there will be medium distance views east from the bridleway (Farndon BW1 bridleway) located further north from viewpoint 11 across to Farndon West Borrow Pits Area and to the new road embankment. Aerial photography shows some gaps in existing riverside vegetation along the River Trent in this location</td><td>Sensitively placed additional planting would help filter views across the river from this bridleway.</td></tr>
<tr><td>Viewpoint from Great North Road, Newark in a north-northwest direction towards Castle Market Roundabout</td><td>Viewpoint 18 view is representative of elevated views to the north from the top of the castle Gate House. North of the Nottingham-Lincoln railway line crossing there are also views experienced by pedestrians/ road users along Great North Road heading towards Cattle Market Junction away from Newark. Although this is within a narrow field of view, framed by existing street trees, the elevated carriageway will be more apparent particularly as a lit structure with moving traffic.</td><td>The views from receptors leaving Newark travelling towards Cattle Market junction should be considered from Great North Road. Additional street tree planting would filter views on the approach to this junction from Newark.</td></tr>
</table></td><td>Viewpoint 11
The Applicant can confirm that the environmental design, as set out within Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026], has included provision for additional planting immediately adjacent to the River Trent to fill gaps between existing riverside vegetation, and also beyond, with strategically placed tree planting within the Farndon West Floodplain Compensation Area to further help filter gaps in vegetation where they cannot be filled on the river edge itself. Shrub and tree planting on the embankments of the A46 would also provide a further layer of screening at height over time.

Viewpoint from Great North Road
The Applicant has given full consideration to opportunity to provide street trees along Great North Road when leaving Newark. Whilst space restrictions prevent street trees on the footway itself, the Applicant has proposed a hedgerow with tree planting along the boundary of the proposed compound adjacent to Great North Road, as well as to the north of the temporary construction compound adjacent to Cattle Market Junction. Trees on the south bound carriageway would remain as shown on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026].

Viewpoint 24
The Applicant can confirm that planting opportunities in respect to screening Sandhills Park have been maximised within the design and site constraints present in this location, including those associated with adherence to design standard LD117 which precludes planting of shrubs and trees in close proximity to the carriageway. The Applicant can confirm that lighting of Cattle Market junction will be at grade only and not raised on top of the elevated carriageway.

Viewpoint 25
The Applicant has considered planting opportunities wherever feasible in order to reduce landscape and visual impacts associated with Cattle Market Junction. However, due to space constraints further planting is not achievable in this area beyond that already presented in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026].

Viewpoint 41
The Applicant can confirm that the proposed landscape bunds are shown to be fully vegetated either with woodland or with tree and shrub planting to create a continuous belt of mature planting, with the exception of two small gaps to accommodate access tracks. Beyond the access track a hedgerow with trees is proposed to provide a further layer of screening and aid landscape integration with the landscape beyond. Planting has also been proposed adjacent to the proposed acoustic barrier on the slip road into the Shell Service station where space permits, as shown on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026].</td></tr>
</table>

Written Representations				
Reference	**Text from Local Impact Report**			**Applicant's Response**
	Viewpoint 24	We agree with the levels of visual effect for the elevated carriageway and retaining wall viewed from Sandhills park. These are: Construction year - Very large adverse Year 1 and Year 15 - Large adverse. However unclear as to why these visual effects cannot be reduced by additional planting to filter views of the retaining wall and lit elevated junction. The environmental function of proposed planting immediately northeast of Sandhills is water quality and nature conservation (coded EFH/D on Figure 2.3 Environmental Masterplan Sheet 3 of 7) presumably as this area is part of a Local Wildlife Site. Additional planting here should also have a visual screening function (EFA) and enhancing the built environment function (EFC).	Include additional planting between the proposed roundabout junction and the residential area along Sandhills Park to help screen the proposed retaining wall from residents and improve the road frontage.	
	Viewpoint 25	We agree with the levels of visual effect from this viewpoint. However closer to this junction, for pedestrians and road users approaching Newark from the Great North Road, the elevated road with lit traffic will be more visible and potentially in the same view as the top part of St Mary Magdalene Church Spire for a short section of footway. This view is also the approach into Newark for road users, and users of the proposed footway/cycleway around the junction.	Given the gateway location of this junction and proximity to the town centre, the ability to contribute to the streetscape with sensitive design and street tree planting should be fully explored. As shown (Figure 2.3 Environmental Masterplan Sheet 3 of 7) the location of the proposed noise barrier along the southwestern corner of the roundabout leaves limited scope for planting. The reconfiguration of the noise barrier (tested by modelling if necessary) to allow for some additional visual mitigation should be carried out.	
	Viewpoint 41 (Photomontage 41) (Within Winthorpe	The photomontage representing the visual change for viewpoint 41 shows the proposed the elevated A46 on 1:2 gradient embankments	Consider additional planting on the proposed embankment of the A46 and hedgerow trees within the	

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	Village and Farmlands LCA 2) | with the A46 Brownhills roundabout junction in the midground with new light columns. The height of the new overbridge is not specified in Chapter 2 The Scheme or Chapter 7 Landscape and Visual Effects but is assumed to be around 8m in height. This structure could be better integrated by additional planting. Further planting to filter views south from properties to the southern end of the end of The Spinney in Winthorpe from impacts of lighting around the slip road to the service station. | proposed hedge along the connecting road between Winthorpe Lane and the new roundabout would help to filter views from visual receptors represented by viewpoint 41. Provision of additional tree planting (potentially with an evergreen component to reflect other similar species in LCA 2) north of the alongside the acoustic barrier along slip road to service station. Table 1: Viewpoint analysis	
	<u>Lighting proposals</u>	
8.26.	Chapter 2 describes the extent of proposed lighting (p. 2.5.88) but does not explicitly show on a drawing where there is an introduction of lighting into the landscape which was previously unlit as opposed to an upgrade to existing lighting already present. We assume that lighting proposals will be modified/upgraded at junctions already lit (Farndon, Cattle Market Junction, Brownhills/Friendly Farmer Junctions Winthorpe Roundabout) with new lighting along the new Friendly Farmer link road and the new Brownhills roundabout junction to the west of the A1.	The Applicant confirms this assumption is correct, further details on the lighting at Brownhills Junction is described within paragraph 2.5.31 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046].
8.27.	Summary - We broadly agree with the applicants' findings for the levels of effect on visual receptors. Chapter 2 describes the extent of proposed lighting (p. 2.5.88) but does not explicitly show on a drawing where there is an introduction of lighting into the landscape which was previously unlit as opposed to an upgrade to existing lighting already present. This should be included in the descriptions within the LVA with an estimate as to the height of the columns. Further information is required for those viewpoints identified in Table 1.	The Applicant can confirm new lighting in previously unlit areas is only proposed for Friendly Farmer link, located immediately adjacent to the A46 which is already lit in this location, and also at Brownhills Junction. In other locations lighting levels will remain as per the existing condition, with unlit sections remaining unlit and lit sections remaining lit albeit modification of existing lighting columns may be required. Lighting column heights have been minimized as far as possible in order to lessen potential adverse impacts upon Nocturnal species (for example bats); the existing landscape and visibility from nearby properties and dwellings after dark; and the setting of features associated with the historic environment (for example listed buildings). The landscape and visual impact assessment has accounted for changes in views associated with the lighting from the perspective of relevant viewpoints and where pertinent has included within the description of future views as set out in Appendix 7.2 (Visual Baseline and Impact Schedules) of the Environmental Statement Appendices [APP-137].
	<u>Mitigation</u>	
8.28.	Mitigation proposals are shown on Figure 2.3 Environmental Masterplan where proposed indicative plant mixes for plant species mixes (e.g. LE2.1 Woodland Indicative mix etc.) have been set out on Sheet 1 of 7. The retention of existing roadside vegetation to the southern side of the road corridor along with its enhancement (so that it can continue to screen a large amount of the road corridor) is essential to minimise impacts to both landscape character and visual receptors within Newark and along the River Trent. The condition of existing trees has been discussed (paragraph 7.4.2 Chapter 7) in relation to the impact of proposed construction works. Gapping up of existing tree belts that are in decline should be incorporated into the detail design proposals.	The Applicant can confirm that the request to further gap up existing tree belts in decline will be reviewed during detailed design phase of the Scheme.
8.29.	Although the extent of mitigation provided is generally appropriate there is limited scope for any visual screening between the link road and between Friendly Farmer Roundabout and	The Applicant can confirm that the environmental design as shown in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026], in the area along the link road north of Newark Showground has

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	Winthorpe Roundabout to the north of Newark Showground. This is due to a proposed development (Nua/MU/1) A native hedge is proposed along this boundary. This would benefit from the inclusion of hedgerow trees to aid visual screening.	included trees within the proposed hedgerow wherever space has allowed. However, in order to conform with highways design standard LD117, the length of hedgerow closest to Friendly Farmer roundabout cannot accommodate tree planting within the hedgerow due to limited distance from the edge of carriageway.
	Mitigation	
8.30.	To reflect the landscape character of this part of Nottinghamshire the plant mixes along the route corridor should contain those species found within the character area of NSDC Landscape Character Assessment within which the Scheme crosses. The majority of the Scheme is within the Trent Washlands character area which covers the Scheme as set out on Figure 2.3 Sheet 1 to 4 and Sheet 7 (covering the Kelham and Averham flood compensation area). The northeastern end of the Scheme (Sheets 5 and 6) lies within a different character area East Nottinghamshire Sandlands and therefore should be based on the native plant species typical to this area. At a finer grain Winthorpe has its own local landscape character with established shelter belts and parkland trees. These characteristics should be incorporated into the detail design of the mitigation planting.	The Applicant confirms the indicative planting mixes developed during the preliminary design included within the First Iteration Environmental Management Plan [APP-184] and shown on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] have been chosen to reflect the local landscape character, including those species listed in the Newark & Sherwood Landscape Character Assessment SPD. These are indicative mixes only, with the intention that these mixes would be developed during detailed design with sub-mixes created for various locations along the site in line with variations in landscape character and associated existing species. This mitigation is detailed in commitment L3 of Table 3-2 Register of Actions and Commitments in the First Iteration Environmental Management Plan [APP-184]. The First Iteration Environmental Management Plan [APP-184] will be developed into the Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP1-001].
	Landscape Character	
8.31.	Provision of additional planting to reduce visual effects for specific viewpoints is recommended in Table 1. The proposed planting to the north of the potential construction compound area south of Cattle Market junction should include a woodland mix to provide the density of overlapping branches to screen the retaining wall as much as possible in the winter months.	Please refer to 8.25 in respect to specific requests made in Table 1.
8.32.	Whilst the proposed acoustic barrier reduces the impact of noise to surrounding receptors this can be a visually intrusive element in the landscape particularly where this runs immediately adjacent to the carriageway. Providing some planting to break runs of acoustic barrier would be appropriate around Cattle Market Junction where it links to the Great North Road on the approach to Newark as well as on the northwest side of the A46 east of the Esso Service station.	The Applicant can confirm that the planting proposals around Cattle Market have been maximised as far as practicable in respect to breaking up the massing of the acoustic barrier, particularly from high sensitivity receptors such as nearby residential receptors. The acoustic barrier has been positioned to ensure effective acoustic mitigation in this area. In addition, site constraints associated with topographic levels, earthworks and drainage assets, prevent the relocation of the acoustic barrier. Consequently, space restrictions between the barrier and the highway prevent further planting in this area.
8.33.	Summary - The landscape proposals shown on the Environmental Masterplan generally mitigate the majority of adverse impacts to surrounding receptors. Key points to note are: Existing mature vegetation (embedded mitigation) that filters the route corridor should be retained and enhanced so that it is still able to provide a visual screen beyond Year 15. Where there is scope to provide additional planting that reinforces landscape character, and reduces visual impacts, particularly those viewpoints where there are still residual effects that are significant this should be re considered. Refer to Table 1.	The Applicant has sought to minimise landscape and visual effects wherever feasible, maximising the retention of existing vegetation wherever practicable, as well as maximising potential opportunities for mitigation planting as set out within Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. During detailed design, any amendments to the broader scheme design that may subsequently enable further mitigation planting opportunities will be explored. Requirement 6 of the draft Development Consent Order [REP1-001] secures the provision of the planting proposals and mitigation measures presented within the Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. The Applicant refers the reader to reference 8.25 in respect to specific requests made in Table 1.
	Cumulative effects	
8.34.	Cumulative effects are considered in Chapter 15 (6.1 Environmental Statement Chapter 15 Combined and Cumulative Effects) for visual receptors experiencing a slight adverse effect or worse during construction and Year 1. A 1km Zone of Influence (ZOI) was established for landscape and visual impacts informed by the ZTV.	No response required.
8.35.	There were six developments that were considered to have temporary moderate to large adverse cumulative landscape and visual effect on visual receptors during construction and Year 1 of operation. The applicant concluded "that significant effects are due to the possible but unlikely overlap of unavoidable construction activities as well as temporary operational	No response required.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	effects which will reduce to Not Significant by Year 15 between the above developments and the Scheme" Paragraph 15.5.6.	
8.36.	Summary - As these significant effects are temporary no additional mitigation is deemed to be required other than that included in the first iteration Environmental Management Plan. We are satisfied that the cumulative effects have been assessed for landscape and visual receptors and agree with conclusions set out in Chapter 15.	No response required.
	Landscape Conclusion	
8.37.	The above analysis concludes that the main effect to the landscape would be upon the Winthorpe Village and Farmlands Character Area which from construction to year 15 there would be a large adverse to moderate adverse (residual significant effect) with other areas being neutral to Slight adverse. Winthorpe Village and Farmlands Character Area has a high sensitivity to change due to the designations, parkland setting, field patterns etc. and as a result this is the most impacted by the Scheme.	No response required.
8.38.	Further mitigation could provide improved landscape integration into the surrounding area which is stated in Table 1 with specific reference to viewpoint 41 and land around The Spinney.	Please refer to 8.25 in respect to specific requests made in Table 1.
8.39.	The lighting scheme could result in harm in highlighting the infrastructure especially to areas which aren't already lit and it is unclear of the effects to the Cattle Market flyover and if this is lit this would have a greater impact on the character without mitigation.	The Applicant can confirm new lighting in previously unlit areas is only proposed for Friendly Farmer link, located immediately adjacent to the A46 which is already lit in this location, and then at Brownhills Junction. In other areas lighting levels will remain as per the existing condition, with unlit sections remaining unlit and lit sections remaining lit albeit modification of existing lighting columns may be required. The lighting at Cattle Market Junction will remain at grade, as per the existing situation and will be 12 metres high. There will be no increase in the height of lighting or lighting on the raised A46 in this location. Lighting column heights have been minimised as far as possible in order to lessen potential adverse impacts upon Nocturnal species (for example bats); the existing landscape and visibility from nearby properties and dwellings after dark; and the setting of features associated with the historic environment (for example listed buildings). The landscape and visual impact assessment has accounted for changes in views associated with the lighting from the perspective of relevant viewpoints and where pertinent have included within the description of future views as set out in Appendix 7.2 (Visual Baseline and Impact Schedules) of the Environmental Statement Appendices [APP-137].
8.40.	Further mitigation is required, especially to Sandhills Park (Trent Washlands) to benefit the residents and screening to mitigate the impact of the acoustic fence to Cattle Market roundabout. Gapping up of existing tree belts is required and some improvements around the allocation of Nua/MU/1 (Newark Showground) with the link from Friendly Farmer to Winthorpe roundabout. The native hedgerow along this boundary would benefit from hedgerow trees to aid visual screening.	The Applicant refers the reader to the response to Reference 8.25 in respect to specific requests made in relation to additional mitigation at Sandhills Park (Viewpoint 24 in Table 1), and the response to Reference 8.29 in relation to planting alongside Newark Showground.
8.41.	Overall it is considered that the proposal could, with mitigation, comply with local policies listed above, however the impact upon Winthorpe is so severe that this would need to be improved for the Council to be confident of the long term effect and the development making a positive enhancement to the landscape.	The Applicant notes the comment made and can confirm that the environmental design as set out in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] has sought to maximise the retention of existing vegetation where possible alongside environmental mitigation to minimise impacts upon Winthorpe as far as practicable. Mitigation measures have included the introduction of landscape bunds to improve visual screening to the A46, with the addition of planting on the bunds to aid landscape integration and provide further screening at height. In addition, areas of woodland planting have also been proposed to also provide visual screening from the south westerly extents of the village where appropriate. The Applicant has also been mindful to avoid direct impacts upon the Conservation Area and been cognisant of the parkland landscape character between the A46 and Newark, and has therefore limited land take and has avoided proposing large areas of dense planting closer to the southern extents of the village.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
8.42.	Summary of additional mitigation requirements as identified in this section which the Council would welcome the opportunity to be consulted on: • The applicant has not identified all key designations that contribute to Landscape Character or visual matters which include nature conservation sites. These designations haven't been listed in Table 7.6. though they have been identified on the Constraints Plan Figure 2.2 Environmental Constraints Plan. These should be included within Chapter 7 Landscape and Visual Effects assessment; • There may be scope for additional planting particularly within Trent Washlands LCA (focussed on Cattle Market Junction) and within Winthorpe Village and Farmlands the latter being where the residual impact is still significant at year 15. Refer to Table 1 for recommendations; • Mitigation at viewpoints as shown in Table 1; • Chapter 2 describes the extent of proposed lighting (p. 2.5.88) but does not explicitly show on a drawing where there is an introduction of lighting into the landscape which was previously unlit as opposed to an upgrade to existing lighting already present. This should be included in the descriptions within the LVA with an estimate as to the height of the columns; • The landscape proposals shown on the Environmental Masterplan generally mitigate the majority of adverse impacts to surrounding receptors. Key points to note are: o Existing mature vegetation (embedded mitigation) that filters the route corridor should be retained and enhanced so that it is still able to provide a visual screen beyond Year 15. Where there is scope to provide additional planting that reinforces landscape character, and reduces visual impacts, particularly those viewpoints where there are still residual effects that are significant this should be re considered. Refer to Table 1;	Reference refers to summary of preceding comments. Please refer to 8.12, 8.14 and 8.26. In reference to the request to enhance retained vegetation the applicant has sought to gap up existing vegetation where possible.
9. Biodiversity (including Net Gain) and Arboriculture – Neutral		
9.1.	**Newark and Sherwood's Vision as stated within the Council's Amended Core Strategy DPD 2019** By 2033, Newark and Sherwood will become, amongst other things which relates to providing improved, key transport improvements, safeguarding and enhancing the natural environment, strengthening green infrastructure, new green and woodland spaces will increase ecology, biodiversity and nature conservation, providing a resource for local people and encouraging personal well-being and health.	No response required
9.2.	The Council is signposting the ExA to the Local Impact Report on the subject of Biodiversity submitted by Nottinghamshire County Council who have carried out a more in-depth assessment of this. However, the Council would like to bring to the attention of the Inspectors of the following matters**.**	No response required
	Biodiversity <u>Baseline Conditions</u>	
9.3.	The existing ecological features identified during the desk study, consultations and field surveys are summarised with full details including survey methods and field survey results being provided in appendices (with the Badger, Otter and Barn Owl appendices being confidential). The age and validity of environmental surveys should be considered in accordance with guidance on the Lifespan of Ecological Reports and Surveys from the Chartered Institute of Ecology and Environmental Management (CIEEM) and, where appropriate, surveys repeated	The Applicant confirms Section 8.6 (Assessment assumptions and limitations) within Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] details the consideration of age and validity of survey data with reference to CIEEM's guidance on this matter. It states that survey results will need to be reviewed prior to construction to identify areas where protected species have previously been recorded 'likely absent' from suitable habitat that may be directly impacted and therefore may require re-surveying to ensure the species is still absent. Further survey results and any associated mitigation required will be provided to the relevant environmental stakeholders for

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	prior to construction.	consultation, as detailed in the First Iteration Environmental Management Plan [APP-184], which will be developed into the Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP1-001].
9.4.	Apart from air quality, off-site impacts and in-combination effects have not been fully addressed, in some cases not all. The Scheme will be a significant feature in the landscape impacting ecological features such as habitat connectivity and it is not considered to comply with local policy.	The Applicant confirms Section 8.7 (Study area) within Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] details the study area for each biodiversity resource with the potential to be affected by the Scheme, known as the zone of influence (ZoI), which includes off-site impacts. For example, assessment of surface water quality takes into account hydrological connectivity with receptors outside of the Order Limits. This aligns with the approach set out in DMRB LA 113 (Road drainage and the water environment). In-combination effects on biodiversity are included within Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. As detailed in Section 8.5 (Assessment methodology) of Chapter 8 (Biodiversity) of the Environmental Statement [APP-052], the assessment characterises each ecological impact by considering whether it is direct, indirect or cumulative as part of the complexity of an impact. For example, assessment of the residual effect from combined impacts (such as habitat loss, residual light spill, noise and vibration disturbance) on bats concludes a Slight Adverse effect during construction following the implementation of mitigation measures, which is not significant. This in-combination assessment is then scoped out of the combined assessment in Chapter 15: Combined and Cumulative Effects of the Environmental Statement [APP-059] so as not to duplicate the assessment already undertaken. Further to this, an assessment of in-combination effects of the Scheme with other projects has been completed as part of the Habitat Regulations Assessment [APP-185], which found there to be no in-combination effects on the SAC/ Ramsar. Further clarity on the HRA in-combination assessment and how the conclusions have been reached will be provided within an updated Habitat Regulations Assessment [APP-185] and will be issued to the Examining Authority at Deadline 3 of the Examination. Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] details the relevant local policy taken into account in the assessment of the Scheme in terms of biodiversity. For example, Nottinghamshire Biodiversity Action Plan (BAP) key targets were considered during development of the Scheme design, with implementation of the mitigation hierarchy. This includes avoidance of semi-natural woodland loss where possible, for example retention around Brownhills roundabout and Friendly Farmer roundabout south of the A46 flyover, which would continue to provide habitat as stepping stones for passerine bird species to navigate the urban area south of and parallel to the flyover. Implementing the next stage of the mitigation hierarchy, unavoidable loss to woodland was then minimised with consideration of how the Scheme's landscape planting would tie into the retained habitat to provide larger, better quality and more joined up green networks. The Scheme also sought opportunities to enhance existing habitat and create new areas of habitat, considering connectivity. For example, creation of a network of ditches in Farndon West FCA exceeds the compensation required for the unavoidable culverting of a total of approximately 40 metres of Old Trent Dyke LWS.
	<u>Mitigation</u>	
9.5.	The mitigation hierarchy, as dealt with in the DMRB, includes avoidance as part of the Design stage. However, evidence of avoidance is noticeable in its absence in Chapter 8: Biodiversity. This is particularly important given the loss of habitat (including Priority Habitats) to the Scheme. In order to comply with planning policy, such evidence is needed to demonstrate that avoidance was given due consideration and where successes were achieved.	The Applicant confirms the Scheme has been designed by implementing the mitigation hierarchy to minimise habitat loss, with a focus on avoiding high value and/or irreplaceable habitat present (where possible) as detailed in Chapter 2 (The Scheme) of the Environmental Statement [APP-046]. Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047] details the environmental benefits resulting from design development. As detailed in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052], design iterations led to a greater gradient steepness of the widened carriageway embankment to reduce the neighbouring access track corridor from 5.0 metres to 3.0 metres in order to avoid removal of the trees. Whilst Scheme design iterations have resulted in the retention of all veteran trees, there will be an unavoidable permanent adverse impact to three veteran trees due to the direct partial impact to their root protection areas (RPAs) and the proximity of one of these veteran trees to the Order Limits, which will require a minor crown lift (<0.5 metres).

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		In relation to tree T038, the Scheme elements that infringe on the edge of the Root Protection Area (RPA) of this tree in the current design proposals will be reviewed at the detailed design stage. It is anticipated that the initial gradient of the proposed earth bund to the west of the tree as presented in the Complete Tree Protection Plans - Part 2 [AS-020] can potentially be revised during detailed design, locally steepening the slope profile to 1:2 to reduce the footprint of the bund. The alignment of the access road and swale to the west/southwest of the tree will be further reviewed with the objective of removing the minor incursion into the RPA if possible. Similarly, it is anticipated that the footprint of the headwall to the north of the tree can be adapted during detailed design to remove the minor incursion into the section of the RPA currently identified. In regard to trees T136 and T139, the design has been developed to limit incursions as far as practicable, steepening proposed earthworks to limit the footprint of the Scheme with the provision of 70-degree slopes to the widened embankment to reduce the neighbouring access track corridor from 5.0 metres to 3.0 metres in order to avoid removal of the trees. Unfortunately, there is currently no scope to reduce this further. Whilst the objective is to retain all veteran trees on site the Arboricultural Impact Assessment [APP-140] transparently notes the RPA infringements and Section 8.11.12 Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] notes, "there will be an unavoidable permanent adverse impact to three veteran trees due to the direct partial impact to their RPAs. It is very unlikely that this would result in a slow decline in tree health or accelerate the death of the tree and therefore the integrity of this resource will not be affected. It is anticipated that, with arboricultural supervision to ensure works are undertaken in line with best practice, the level of disturbance stated above can be tolerated by these trees. It is difficult to predict this with certainty and therefore ongoing monitoring is proposed to inform any remedial action. Following the implementation of this mitigation, a minor adverse impact on an irreplaceable resource of national importance is anticipated, resulting in a Slight Adverse effect during construction that is not significant.". Any impacts to veteran trees will be carefully managed, and it is anticipated that, with arboricultural supervision to ensure works are undertaken in line with best practice (as detailed in the First Iteration Environmental Management Plan [APP-184]), the level of disturbance to the veteran tree can be tolerated by these trees. It is very unlikely that this would result in a slow decline in tree health or accelerate the death of the tree and therefore the integrity of this resource will not be affected. Another example is the design evolution to attempt to avoid loss of lowland meadow Habitat of Principal Importance (HPI), however widening of the eastern side of Great Road North was not feasible. Whilst loss of this HPI could not be fully avoided as the design had to accommodate the tie in of the A617 and A616 arms into the enlarged Cattle Market roundabout, the total permanent loss was minimised to 110 square metres (~0.4% of the total contiguous area of the HPI). Following the mitigation hierarchy, approximately 920 square metres of lowland meadow HPI will be temporarily lost (during construction) in order to facilitate proposed strengthening works at Smeaton Arches north of Cattle Market roundabout. This accounts for 3% of the total contiguous area of lowland meadow HPI. Where habitat loss has been unavoidable, replacement habitats are proposed to be created as detailed in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026)]. Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] details the impact assessment, the effects on designation sites, habitats, protected and notable species during construction and operation of the Scheme and proportionate mitigation and compensation for unavoidable losses of biodiversity. Following the mitigation hierarchy, the quantity (area) of each habitat type required to compensate for the unavoidable permanent loss of habitats of ecological value have been informed by the Natural England Biodiversity Metric 3.1, as reported in Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159]. As detailed in the Statement of Common Ground with Natural England [REP1-026], this approach and a compensation planting design was agreed with Natural England, and would achieve a greater than 1:1 compensation of habitat of the equivalent condition for Habitats of Principal Importance (HPI) or of greater ecological value for Non-Habitats of Principal Importance where possible.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
9.6.	Mitigation and compensation have been carefully considered and are dealt with in detail. Table 8-9 in Chapter 8: Biodiversity provides a valuable summary although it is not clear what is meant by "Not applicable" for some of the operational impacts, e.g. invertebrates, reptiles and Water Vole. Whilst the impact may be neutral, it is only applicable as a result of barriers being successfully implemented. Further clarification on this is required.	The Applicant confirms Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] considers that there are no impact pathways on receptors where "Not applicable" has been assigned in Table 8-9 within Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. This differs from "Neutral", which acknowledges an impact pathway/s on receptors, with the lowest Level of Impact shown in Table 8-2 within Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] as "No Change", where there is no observable impact, either positive or negative, though an impact pathway exists.
	<u>Design, mitigation, compensation and enhancement measures</u>	
9.7.	Summary tables would provide a valuable focus on mitigation and compensation measures including actions needed and where details were yet to be provided, e.g. the number, location and design of fish escape passages to be finalised with the Environment Agency.	The Applicant confirms Table 8-9 within Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] summarises mitigation and compensation measures that are set out in the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-184], to reduce construction and post-construction impacts. The First Iteration Environmental Management Plan [APP-184] will be developed into the Second Iteration Environmental Management Plan for implementation during construction and secured through Requirement 3 of the draft Development Consent Order [REP1-001]. The Applicant has brought forward the refinement of the fish escape passage design and produced a Technical Note, outlining fish escape passage options considered, and justification for the selected option. This will be appended to an updated Habitat Regulations Assessment [APP-185] and issued to the Examining Authority at Deadline 3 of the Examination.
	<u>National Planning Policy</u>	
9.8.	National Policy Statement for National Network (2024)	No response required
9.9.	Chapter 8: Biodiversity includes a comprehensive review of the legislation and policies pertinent to the Scheme.	No response required
9.10.	The National Policy Statement for National Network (NPSNN) (2024) states at paragraphs 5.46 and 5.47 that applicants should consider the direct and indirect impacts on habitats and protected species, showing how a scheme has taken advantage of opportunities to conserve and enhance biodiversity, including scheme specific mitigation. The NPSNN states a scheme should identify where and how mitigation measures will be secured in the long term. A First Iteration Environmental Management Plan (EMP) has been produced detailing construction mitigation measures. Chapter 8: Biodiversity states the First Iteration EMP will be developed into a Second Iteration EMP for the construction of the Scheme. As part of the Second Iteration EMP, a Landscape and Ecology Management Plan (LEMP), Invasive Non-Native Species Management Plan and Biodiversity Net Gain Management Plan will be produced. The outlined plans are considered applicable and proportionate to the Scheme.	No response required
9.11.	At paragraph 5.47, the NPSNN recommends applicants look for opportunities "to enhance, expand or connect existing habitats and create new habitats in accordance with biodiversity net gain requirements". Appendix 8.14: Biodiversity Net Gain (BNG) Technical report assessed the following predicted percentage change: • 4.99% net gain in habitat units; • 8.17% net gain in hedgerow units; and • 36.93% net gain in river units.	No response required
9.12.	The NPSNN, at paragraph 5.50, requires compensation measures if avoidance or bespoke mitigation measures are insufficient or not possible. The Scheme involves the loss of lowland meadow beyond what is acceptable under Biodiversity Metric 4.1 because it is a habitat of very high distinctiveness. A bespoke compensation agreement with Natural England is required. Following the completion of a bespoke compensation agreement, the Scheme's mitigation would be in accordance with the NPSNN.	The Applicant confirms Natural England's position detailed in the Statement of Common Ground with Natural England [REP1-026] acknowledged that Biodiversity Metric 3.1 has been used and raised no concern, welcoming that the version of the metric used throughout the Scheme is consistent. Proposals set out in the outline compensation agreement include lowland meadow compensation totaling 0.7505ha, as detailed in Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environment Statement [APP-159] and in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. Natural England considers in principle that the bespoke

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		compensation proposed is appropriate, subject to appropriate ongoing management.
9.13.	No concerns have been identified in relation to the requirements of the NPSNN and the provided assessment set out within Chapter 8: Biodiversity and its associated appendices.	No response required
	Local Planning Policy	
9.14.	Newark and Sherwood District Council produced a Green Infrastructure Strategy 2010, responding to the need to plan for predicted growth, enhance quality of life and ensure environmental sustainability in the District for generations to come.	No response required
9.15.	Core Policy 12 (Biodiversity and Green Infrastructure) Amended Core Strategy Development Plan in 2019. Seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District. Policy DM7 (Biodiversity and Green Infrastructure) Allocations and Development Management DPD 2013 (Amended plan currently proposed for examination in November 2024) New development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both as part of on-site development proposals and through off-site provision.	No response required
	Conflicts	
9.16.	Whilst the majority of the survey and assessment is considered to be proportionate and adequately derived, some matters require further clarification: • The provisions of the Animal Welfare Act 2006 should be taken into account within the assessment by ensuring the welfare of any animals potentially affected by the Scheme are considered. • Provision should be made within the ES to ensure that the Scheme is integrated as far as is reasonable within the Nottinghamshire and Nottingham LNRS. • A summary should be provided, detailing deviations from the planned survey programme and identifying when follow-up surveys were undertaken. • The area and percentage area of habitat types should be provided to enable an understanding of their extent and proportion within the Scheme area. • It is recommended that it is differentiated whether identified breeding birds were breeding or only present. • Clarification should be provided on how non-native plant and animal species were surveyed, as no clear account of this could be found. • The INNS Management Plan and Biosecurity Risk Assessment should include measures to ensure construction vehicles do not spread non-native species within the Scheme footprint. • Clarification should be provided on what "Not Applicable" means for some operational impacts as set out in Table 8-9, of Chapter 8: Biodiversity.	The Applicant confirms the Animal Welfare Act 2006 applies to 'protected' animals (i.e. domesticated), animals not living in a wild state and wild animals that are held captive and does not include protected species. Therefore, domestic animals (such as cats, dogs, livestock) are not 'protected species' by law, and as such are not assessed in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. The assessment in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] was undertaken in line with DMRB LD 118 Biodiversity Design, best practice guidance (Natural England and DEFRA (2014) *Protected species and development: advice for local planning authorities*) and professional judgement. The assessment has considered the requirements of the Wild Mammals (Protection) Act 1996 and includes mitigation measures to ensure any risk of unnecessary suffering of wild mammals is avoided, where reasonably practicable. Commitment B9 set out in the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-184], states use of best practice measures will be set out in the Landscape and Ecology Management Plan (LEMP) (to be produced as part of the Second Iteration Environmental Management Plan). This includes best practice such as covering excavation or where not possible, provision of a safe means of escape, ensuring the welfare of any mammals potentially affected by the Scheme are considered, for example fox, hedgehog and badger. Embedded mitigation measures for impact pathways such as noise, vibration, lighting and dust, have been incorporated into the Scheme design as set out in Chapter 2 (The Scheme) of the Environmental Statement [APP-046]. Embedded mitigation, such as limited working hours and reducing the impact at source, are likely to reduce the impacts to receptors to a non-significant effect with regard to animals protected under the Animal Welfare Act 2006. The impacts upon wildlife that are not a protected species by law, such as rabbits and deer, have not been assessed as part of Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. However, as outlined in Chapter 2 (The Scheme) of the Environmental Statement [APP-046], directional planting has been designed to mitigate mammal vehicle collisions. Whilst the mammals assessed in the Environmental Statement are those which constitute protected species, all wild mammals will benefit from directional planting. The indicative location of directional planting is detailed in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] and has been informed by available roadkill data. With regards to Nottinghamshire and Nottingham Local Nature Recovery Strategy (LNRS), the Nottinghamshire County Council (NCC) website states *"A draft strategy is due to be ready for public engagement in early Spring 2025.*

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		The Local Nature Recovery Strategy for Nottinghamshire will be published in Summer 2025.". In October 2024, the Applicant reviewed the "most valuable existing areas for nature" shown on the NCC Local Habitat Map on the NCC website. These comprised of local nature reserves (LNRs) and local wildlife sites (LWSs), which were also assessed within Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. The development of the Scheme design is aligned with the principles of the Environment Act 2021, in the absence of publication of the Nottinghamshire and Nottingham LNRS. The mitigation hierarchy was applied throughout design iterations to first avoid and then reduce the area of habitat loss and the Applicant has worked to maximise biodiversity improvements across the Scheme, including consideration of habitat connectivity to the wider landscape (beyond the Order Limits) so that green corridors have potential to contribute to the national Nature Recovery Network. The Applicant has worked in collaboration with stakeholders to develop the habitat provision detailed in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. While there is no mandatory requirement for Biodiversity Net Gain (BNG) for Nationally Significant Infrastructure Projects (NSIPs) such as this Scheme, the Scheme design will increase the biodiversity units for hedgerow units, river units and habitat units within the parameters of the Scheme. The Ecological Surveys Justification Report issued to Natural England in December 2022 detailed deviations away from standard practice and justification for these. All the relevant detail from the Ecological Surveys Justification Report has been included in the relevant biodiversity technical appendices Appendix 8.1 to 8.15 of the Environmental Statement [APP-145 to APP-160]. The First Iteration Environmental Management Plan [APP-184] states follow-up surveys that are required pre-construction. Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159] details the area of habitat types as associated distinctiveness and condition for each (where applicable). The table below summarises the total baseline area and percentage of habitat types within the Order Limits. The table details the baseline habitat types, area (two decimal places) and percentage (rounded to the nearest whole percentage) within the Order Limits. Appendix 8.1 (Extended Phase 1 Habitat Technical Report Part 2) of the Environmental Statement Figures [APP-146] details the extent of these habitats across the Scheme.

Habitat type within the Order Limits	Total area within the Order Limits (ha)	Percentage of habitat type in the Order Limits (%)
A1.1.1 - Broadleaved woodland - semi-natural	12.73	6
A1.1.2 - Broadleaved woodland - plantation	27.41	13
A1.2.2 - Coniferous woodland - plantation	0.07	0
A1.3.2 - Mixed woodland - plantation	0.57	0
A2.1 - Scrub - dense/continuous	2.81	1
A2.2 - Scrub - scattered	2.59	1
A3.1 - Broadleaved parkland/scattered trees	0.31	0
A3.3 - Mixed parkland/scattered trees	0.00	0
B2.1 - Neutral grassland - unimproved	0.15	0
B2.2 - Neutral grassland - semi-improved	7.67	4
B4 - Improved grassland	17.08	8
B5 - Marsh/marshy grassland	0.32	0
B6 - Poor semi-improved grassland	27.47	13

Written Representations

Reference	Text from Local Impact Report	Applicant's Response

C3.1 - Other tall herb and fern - ruderal	3.48	2
F2.2 - Marginal and inundation - inundation vegetation	0.01	0
G1 - Standing water	0.46	0
G2 - Running water	1.52	1
J1.1 - Cultivated/disturbed land - arable	68.22	32
J1.2 - Cultivated/disturbed land - amenity grassland	5.94	3
J1.3 - Cultivated/disturbed land - ephemeral/short perennial	0.02	0
J1.4 - Introduced shrub	0.02	0
J3.4 - Caravan site	0.03	0
J3.6 - Buildings	0.26	0
J4 - Bare ground	2.66	1
J5 - Hardstanding	24.11	11
J5 - Other habitat	4.17	2
Total	210.08	99*

*This does not equal 100% due to rounding of the percentages provided in the table above to whole percentages.

Appendix 8.5 (Breeding Bird Technical Report) of the Environmental Statement Appendices [APP-150] details where breeding was confirmed for breeding bird species and identifies bird species utilising habitat suitable for nesting. For example, it details observations of adult mallards with young, active nest sites of mute swan, kestrel, lapwing, a house martin colony and an active rookery (10+ nests).

Non-native plant and animal species were identified as anecdotal evidence during site-based surveys for multiple disciplines, including botanical focused surveys (Appendix 8.1 (Extended Phase 1 Habitat Technical Report Part 1) of the Environmental Statement Figures [APP-145] and Appendix 8.2 (National Vegetation Classification Technical Report) of the Environmental Statement Appendices [APP-147]). Appendices 8.1 to 8.15 of the Environmental Statement Appendices [APP-145 to APP-160] detail survey methodologies relevant to each biodiversity receptor and observations of non-native plant and animal species. The Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-184] includes measures to ensure construction vehicles do not spread non-native species within the Scheme footprint (see commitment B10).

The Applicant confirms Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] considers that there are no impact pathways on receptors where "Not applicable" has been assigned in Table 8-9 within Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. This differs from "Neutral" as this acknowledges an impact pathway/s on receptors, with the lowest Level of Impact shown in Table 8-2 within Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] as "No Change", where there is no observable impact, either positive or negative, though an impact pathway exists.

	<u>Biodiversity Net Gain – Positive</u>	
9.17.	It is noted that Natural England's Biodiversity Metric 3.1 was used to calculate net gains for the Scheme. Biodiversity Metric 4.0 was published on 19 April 2023 whereas Appendix 8.14 was published and submitted to the Planning Inspectorate on the 26 April 2024. Whilst Nottinghamshire County Council (and agreed by NSDC) accepts Natural England's advice on the use of older metrics (i.e., users of previous versions of the Biodiversity Metric should continue to use that metric (unless requested to do otherwise by their client or consenting body) for the duration of the project it is being used for), just over one year had	The Applicant confirms switching to Biodiversity Metric 4.0 during the assessment period would have led to significant extra work, disrupted the design process and was not required by Natural England. Changes to the Biodiversity Metric between 3.1 and 4.0 included the addition of new habitats and changes to how habitat condition was assessed. If the Scheme were to have changed to Biodiversity Metric 4.0 during the assessment this may have led to habitat surveys needing to be repeated. The Biodiversity Metric was updated regularly during the Scheme design and the outputs were used to inform aspects of the design such as the landscape proposals. Changing to Biodiversity Metric 4.0 during or following completion of the design work may have led to different habitat

Written Representations		
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	passed between the publishing of Biodiversity Metric 4.0 and the submission of the DCO application. It is the opinion of NSDC that there was available time to update the calculations using a more recent version of the Biodiversity Metric (specifically 4.0), to provide Biodiversity Net Gain calculations that are more in-line with the most recent methodologies. It is accepted that updating the Statutory Biodiversity Metric, published 29 November 2023, could have required more effort, potentially including additional survey work, which could have unnecessarily delayed the applications submission. Can the Applicant provide justification for retaining the use of Metric 3.1, given the time that has elapsed between publication of Metric 4.0 and Appendix 8.14.	requirements resulting in reworking of the design. Both published guidance and Scheme specific consultation with Natural England confirmed that there was no requirement to change to an updated metric during the assessment. See paragraph 1.1.5 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159] for further details. There is no requirement in law or policy to deliver Biodiversity Net Gain at this date for Nationally Significant Infrastructure Projects.
9.18.	Appendix 8.14 states that compensatory measures are proposed off-site at Doddington Hall. These proposals and information provided to demonstrate that the proposed habitat is a Plantation Woodland and that it is feasible to transition this to Lowland Mixed Deciduous Woodland appear to be appropriate. Off-site compensation is subject to legal agreement with the relevant landowner, and the created habitat must be maintained for 30 years.	No response required
9.19.	Legislation – Core Policy 12 (Biodiversity and Green Infrastructure) of the Amened Core Strategy DPD 2019 refers to securing opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District. Policy DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD 2013 should protect, promote and enhanced green infrastructure and contribute to the ecological network both as part of on-site development proposals and through off site provision. Policy DM7 (Biodiversity and Green Infrastructure) of the Amended Allocations and Development Management DPD to be examined November 2024 states development proposals in all areas of the District should seek to enhance biodiversity. Gains should be guaranteed for 30years. The Council is keen to secure measurable net gains within the local area which ensures a positive and direct enhancement to the District. The main concern is the off-site works of Lowland Mixed Deciduous Woodland being met at Doddington Hall. It is not clear within the ES (Volume 6.3 Appendix 8.14 Biodiversity Net Gain Technical Report), whether suitable alternative provision can be met closer to the Scheme location. However, despite this concern the Scheme would still bring positives and overall accord with local policy.	The Applicant confirms the offsite location was selected because it involves working with a landowner who is willing to undertake habitat enhancements to their land with long term habitat management to be secured through an agreement under s.253 of the Highways Act 1980. The baseline habitat type and condition of the proposed location is also highly suitable for providing lowland mixed deciduous woodland and locations with a different baseline habitat would have required more intensive habitat management and greater land take to meet the requirements of the Biodiversity Metric. We note the proposed approach is considered by NSDC to accord with local policy.
	Arboriculture – Positive National Policy	
9.20.	National Policy Statement for National Networks (NPSNN) and National Planning Policy Framework (NPPF) See paragraph 2.1 of the ES Volume 6.3 Appendix 7.4 Arboricultural Impact Assessment.	No response required.
	Local Policy Amended Core Strategy DPD 2019	
9.21.	Core Policy 9 (Sustainable Design) The District Council will expect new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.	No response required.
9.22.	Core Policy 12 (Biodiversity and Green Infrastructure) The District Council will expect proposals to: take into account the need for continued protection of the District's ecological, biological and geological assets. With particular regard to sites of international, national and local	No response required.

Written Representations		
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	significance, Ancient Woodlands and species and habitats of principal importance; Seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District; Positively view proposals that seek to enhance the District's Green Infrastructure resource in support of tourism development. In Newark, new Green Infrastructure schemes that maximise the potential of the Trent Riverside area will be supported; Allocations and Development Management DPD 2013	
9.23.	Policy DM5 (Design) Trees, Woodlands, Biodiversity & Green Infrastructure - In accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits. Supporting text states: Features of natural importance such as trees and hedges significantly contribute to the landscape character of the District and can also be used to help integrate new development into it. Where a site contains or is adjacent to such features, proposals should take account of their presence and wherever possible incorporate or enhance them as part of the scheme of development in order to improve the connectivity of the Green Infrastructure. Where it is proposed to remove features, justification will be required and re-planting should form part of development proposals.	No response required.
9.24.	Policy DM7 (Biodiversity and Green Infrastructure) New development, in line with the requirements of Core Policy 12, should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both as part of on-site development proposals and through off-site provision. For development proposals on, or affecting, Sites of Special Scientific Interest (SSSIs), planning permission will not be granted unless the justification for the development clearly outweighs the nature conservation value of the site. On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to-date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP. On SSSI's and sites of regional or local importance, significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where they cannot be avoided.	No response required.
9.25.	The Amended Allocations and Development Management DPD (submission) is subject to examination in November 2024 by the Planning Inspectorate	No response required.
9.26.	Policy DM5(b) (Design) Trees, Woodland, Biodiversity and Green and Blue Infrastructure - In accordance with Core Policy 12 of the Amended Core Strategy, all natural features within or adjacent to development sites should not be unnecessarily adversely impacted and development should first seek to respect existing features before the Council will consider removal of such features. The starting point should be through integration and connectivity of Green	No response required.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	Infrastructure to deliver multi-functional benefits and should be incorporated into a landscaping scheme that mitigates any loss and / or the effects of the development on the local landscape. A holistic approach shall be adopted with respect to the design and integration of green and blue infrastructure into new development, creating opportunities for habitat creation, water management and attractive and memorable places	
9.27.	Policy DM7 (Biodiversity and Green Infrastructure) New development proposals should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both as part of onsite development proposals and through off site provision. This should be informed by the Council's Green Infrastructure Strategy, Open Space Assessment & Strategy and Natural England's (emerging) Green Infrastructure Framework.	No response required.
	Appraisal	
9.28.	The area within the Scheme boundary and immediately beyond, is heavily landscaped through self-sown and planned landscaping. The roots can become easily damaged through insensitive construction methods and can affect the long-term development of the tree through prevention of sufficient water and nutrients, instability due to insufficient anchorage or damage to the trunk and branches leaving the tree exposed to disease and decay. Activities (but not the only) which can lead to root damage include: Trenches Compaction of soil Changes to land levels Root exposure Activities (but not the only) which can lead to trunk/stem damage include: Storage of materials against the trunk Incorrect pruning Storage of plant and equipment	No response required.
9.29.	Within the study area there is no ancient woodland or within 1km of the Order Limits. Eight veteran trees have been identified, four of which are within the Order Limits. Veteran trees can be any age, but it is a tree which shows ancient characteristics.	No response required.
9.30.	There are three Priority Habitats which have been confirmed as habitats of principal importance (HPI) which relate to trees as lowland mixed deciduous woodlands. In accordance with the NPPF, these should be preserved and enhanced.	No response required.

<table>
<tr><th colspan="3">Written Representations</th></tr>
<tr><th>Reference</th><th>Text from Local Impact Report</th><th>Applicant's Response</th></tr>
<tr><td>9.31.</td><td>The applicant has identified a total of 541 individual trees, nine woodlands, 386 tree groups and 90 hedges were recorded within the Order limits. The table below provides a summary of their quality and value as assessed by the applicant, in accordance with BS 5837:2012.
<table>
<tr><th>Tree Category</th><th>Description</th><th>Total number surveyed</th></tr>
<tr><td>Category A</td><td>Trees or groups of high quality</td><td>54 individual trees, 3 woodlands, and 7 groups.</td></tr>
<tr><td>Category B</td><td>Trees or groups of moderate quality</td><td>300 individual trees, 6 woodlands, 183 groups and 9 hedges.</td></tr>
<tr><td>Category C</td><td>Trees or groups of low quality</td><td>172 individual trees, 194 groups and 81 hedges.</td></tr>
<tr><td>Category U</td><td>Trees or groups recommended for removal irrespective of any proposed development</td><td>15 individual trees, 2 groups.</td></tr>
</table></td><td>No response required.</td></tr>
<tr><td>9.32.</td><td>The Council would generally agree with the methodology for the assessment of the trees and the groupings and it is an overall good assessment. The concern however is within the 6.3 ES Appendix 7.4 Arboricultural Impact Assessment Part 1 (DCO APP-140) is somewhat vague on the differing sections of construction and the impact on the specific trees. Given the scale of the Scheme it is understandably difficult to assess every impact, however given the green and environmental enhancement agenda of Central and Local Government with the introduction of BNG, it is considered necessary that a thorough assessment of tree retention (where possible) is achieved.</td><td>The Applicant confirms the actions described in Table 4.2Appendix 7.4 Arboricultural Impact Assessment Part 1 of the Environmental Statement Appendices [APP-140] are for individual trees, tree groups and hedges – the specific impact is noted for each. Where possible, total exclusion of construction activity from the RPA and canopy areas of retained trees is the first option for tree protection. The design has been developed to retain as much vegetation as possible, including trees. The design will be refined further at detailed design which will include site clearance details which in turn will inform a more detailed Arboricultural Method Statement to be prepared as part of the Second Iteration Environmental Management Plan developed from the First Iteration Environmental Management Plan [APP-184] for implementation during construction in order to minimise impacts on specific trees. This is secured through Requirement 3 of the draft Development Consent Order [REP1-001].</td></tr>
<tr><td>9.33.</td><td>To facilitate the development of the Scheme, the following arboricultural features will require removal.
<table>
<tr><th>Tree Category</th><th>Removals</th></tr>
<tr><td>Category A</td><td>Two individual trees and a section of 1 woodland.</td></tr>
<tr><td>Category B</td><td>Forty-seven individual trees, 45 groups, 1 hedge, a section of 1 woodland, a section of 35 groups, and a section of 4 hedges.</td></tr>
<tr><td>Category C</td><td>Sixteen individual trees, 52 groups, 12 hedges, a section of 21 groups, and a section of 17 hedges.</td></tr>
<tr><td>Category U</td><td>Three individual trees and 1 group.</td></tr>
</table></td><td>No response required</td></tr>
<tr><td>9.34.</td><td>This is further broken down by species as seen in Table 4-2 (Actions for the Scheme) ES Volume 6.3 Appendix 7.4 Arboricultural Impact Assessment11. However, it is noted that no Veteran trees are to be felled as part of the construction of the Scheme which is welcomed. However, it is noted at point 4.1.3 of the above report, that the RPAs of some veteran trees (T038, T136, T139) will be compromised through proposed earthworks, drainage and the footprint of the haul road. Whilst it is stated that arboricultural supervision would be carried out in accordance with the Arboricultural Method Statement, further specific information and a monitoring log is required on this matter to ensure adequate mitigation to these trees and any others where the RPA is impacted to prevent root damage.
[12] TR010065-000230-TR010065_A46 Newark Bypass_6.3 Appendix 7.4 Arboricultural Impact Assessment Part 1.pdf (planninginspectorate.gov.uk)</td><td>The Applicant confirms, that whilst the Scheme design does still currently result in three veteran trees with RPA infringements, the extensive work to the design was made to be able to avoid any direct conflict and retain all veteran trees.

In relation to tree T038, the Scheme elements that infringe on the edge of the RPA of this tree in the current design proposals will be reviewed at the detailed design stage. It is anticipated that the initial gradient of the proposed earth bund to the west of the tree as presented in the Complete Tree Protection Plans - Part 2 [AS-020] can potentially be revised during detailed design, locally steepening the slope profile to 1:2 to reduce the footprint of the bund. The alignment of the access road and swale to the west/southwest of the tree will be further reviewed with the objective of removing the minor incursion into the RPA if possible. Similarly, it is anticipated that the footprint of the headwall to the north of the tree can be adapted during detailed design to remove the minor incursion into the</td></tr>
</table>

Written Representations		
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		section of the RPA currently identified. The Applicant confirms the design has been amended to retain veteran trees. In regard to trees T136 and T139, the design has been developed to limit incursions as far as practicable, steepening proposed earthworks to limit the footprint of the Scheme with the provision of 70-degree slopes to the widened embankment to reduce the neighboring access track corridor from 5.0 metres to 3.0 metres in order to avoid removal of the trees. Unfortunately, there is no scope to reduce this further. The mitigation measures suggested in the Arboricultural Impact Assessment [APP-140] are to further decrease the impact on these trees, primarily through the application of "no-dig" construction methods and cellular confinement systems such as CellWeb. Monitoring logs from the construction supervision will also be required. The exact specifications will be included in the more detailed Arboricultural Method Statement to be prepared as part of the Second Iteration Environmental Management Plan developed from the First Iteration Environmental Management Plan [APP-184] for implementation during construction and secured through Requirement 3 of the draft Development Consent Order [REP1-001].
9.35.	For those trees retained as part of the Scheme, standard protection measures have been proposed using Heras fencing as a means of root protection. However, we have concerns that other specific site areas may need more detailed site protection whereby it affects ground levels and traffic or neighbouring uses. Therefore, protection may not always be effective and the sweeping standard levels of protection may be best secured or demonstrated using site specific protection to existing groups of trees.	The Applicant confirms where possible, total exclusion of construction activity from the RPA and canopy areas of retained trees is the preferred first option for tree protection. Tree protection barriers have been specified for this purpose using the relevant British Standard. Where installation of barriers to the required specifications of the standard is not possible then site specific considerations will be taken into account, but the British Standard will be defaulted to wherever possible. If a variation is required, the exact specification will be included in the production of a more detailed Arboricultural Method Statement produced as part of the Second Iteration Environmental Management Plan developed from the First Iteration Environmental Management Plan [APP-184] for implementation during construction and secured through Requirement 3 of the draft Development Consent Order [REP1-001].
9.36.	The main areas of tree removal are understandably to the north of the existing A46 alignment which comprise of Category B and C (moderate to low quality) with the main loss being around the Cattle Market Roundabout which sees the total loss of trees in and around the roundabout as well as to the north of the Lorry Park and both sides on all approaches to this junction. This would have a significant effect on the appearance of the area, which is currently a verdant character despite the existing infrastructure and built development, as the existing trees and hedges contribute to the local rural character. It would also be a significant loss to existing biodiversity however the Council has reviewed the proposed Environmental Masterplan (EM) (6.2 ES Figure 2.3 DCO AS-026) and has specifically considered the landscaping of the Scheme following construction.	No response required
9.37.	The EM is broadly acceptable, but we would question the use of Horse Chestnut which is a species susceptible to miner moth infestation and bleeding canker infection which, long term, are likely to result in non-viable retention. If trees are proposed to create focal points in the landscape, then these should be larger in stock size than stated. This may be required for the Cattle Market roundabout given the proposed acoustic fence to the roundabout which could help to distract the eye. Another recommendation would be to improve the landscaping to the north of Sandhills Park and to the east of Newark Cricket Ground (see the extract below). From the photomontages submitted with the DCO, it is not considered that this adequately correlates to the EM as the EM alludes to a more intensive landscaping scheme than is depicted. We would welcome this containing more trees than the 3 shown on the photomontage to help to screen the impact of the A46 for existing residents.	The Applicant notes the comment with regards to the use of Horse Chestnut and the need for proposed species to be resilient to pest and diseases. Whilst it is understood that horse chestnut can be susceptible to leaf miner and bleeding canker the Applicant does not consider this likely to lead to non-viable retention on a notable scale, and therefore sees value in its inclusion as a large naturalised species. That said, the current plants lists submitted as part of the preliminary design are indicative mixes only, with the intention that these mixes would be developed during detailed design with sub-mixes created for various locations along the site in line with variations in landscape character and associated existing species. Under Requirement 6 of the draft Development Consent Order [REP1-001] the local authority will be consulted prior to the environmental design being submitted for approval by the Secretary of State, including in regard to plant species. With regards to the use of larger stock size, some mature tree planting would be considered as part of the planting specification. However, smaller stock has greater resilience to transplanting, often establishing more successfully than mature planting. It also tends to grow quicker and can outgrow larger stock if growing conditions are favorable. The recommendation for additional planting to the north and east of Sandhills Park has been considered, however in

Written Representations		
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	 Extract of 6.2 ES Figure 2.3 Environmental Masterplan Sheet 3 of 7	light of the need to offset the loss of lowland meadow priority habitat in this location, the provision of a greater level of screening planting beyond that proposed is not achievable in this location. The applicant has sought to retain existing vegetation in this location wherever possible to aid landscape integration and screening. Photomontage 24 is correct in its depiction of the Scheme in this location. The trees shown are those located on the far side of the ponds north of Sandhills Park. Planting on the junction itself is screened from view by the semi-detached properties in the easterly extent of the view.
9.38.	The applicant has stated that a Landscape and Ecology Management Plan will be prepared as part of the Second Iteration Environmental Management Plan to ensure the scheme landscape planting establishes, matures and fulfils its intended functions as set out in the ES. This is welcomed, but we would request sight of this for completeness.	No response required.
	<u>Tree Conclusion</u>	
9.39.	The Council is generally satisfied with the methodology and compliance with local policy subject to suitable mitigation and enhancement whereby the lost trees and hedgerows are replaced in similar locations and are native. The ES Volume 6.3 Appendix 8.14 Biodiversity Net Gain Technical Report (para 5.1.8) states the net gain in habitat units is 4.99% and 8.17% net gain in hedgerow units. BNG is not yet mandatory for NSIP schemes until November 2025, however it illustrates to the Council that additional habitat and hedgerow units would go into the Scheme than is being lost. During construction there would be harm due to the intensive loss of green infrastructure, however the replacement units would, in the long term, contribute to mitigation which is seen as being positive but could be improved further.	Please see the Applicant's response below to 9.40.
9.40.	Some improvements could be made especially to the area around Sandhills Park to improve amenity from the impact of the A46 and other matters can be resolved through the submission of a Landscape and Ecology Management Plan as stated within the dDCO, which we have stated we wish to be a consultee on to ensure its appropriateness, and we would also request further information on construction within RPAs such as the installation of drainage and onsite supervision when working in close proximity to retained trees. As part of the dDCO, however, it states that the landscaping scheme for each part must reflect the applicable mitigation measures set out in the first iteration EMP and the landscaping principles set out in the environmental masterplan (Schedule 2 Part 1 Requirements, para 6 Landscaping). The Council wish to see this masterplan amended to include greater landscaping in areas especially around	The Applicant can confirm that NSDC will be consulted on the Second Iteration Environmental Management Plan, including the Landscape and Ecology Management Plan (LEMP) as secured through Requirement 3 of the draft Development Consent Order [REP1-001] Further information on construction within RPAs will be provided to NSDC through the consultation on the LEMP. A more detailed Arboricultural Method Statement will also be produced as part of the Second Iteration Environmental Management Plan developed from the First Iteration Environmental Management Plan [APP-184] for implementation during construction and secured through Requirement 3 of the draft Development Consent Order [REP1-001].

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	Winthorpe and have raised issue with the siting of the acoustic fence (within this report). As this is within the masterplan, this will need to be amended prior to consent of the dDCO to ensure completeness if the ExA agree.	The Applicant can confirm that planting opportunities in respect to screening have been maximised within the design and site constraints present around the Cattle Market junction and south of Winthorpe, including those associated with adherence to design standard LD117 which precludes planting of shrubs and trees in close proximity to the carriageway. Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [AS-026] illustrates that the acoustic fencing will be hidden by trees as planting matures and are screened from key heritage assets and the gateway to the town, by intervening planting and existing development. The position of the acoustic fence in this location is fixed due to engineering design constraints on site such as the ponds, access tracks, walking and cycling routes and the approach taken to minimise land take.
10. Water – Negative		
	Baseline information	
10.1.	The Applicant has undertaken an assessment of the likely significant effects of road drainage and water environment as part of the Environmental Statement (ES), which has been reviewed by Nottinghamshire County Council (NCC). NSDC are not an authority with water responsibility and therefore the local impact has been added by us**.**	No response required
10.2.	Chapter 13: Road Drainage and Water Environment is supported by the following documents which have also been reviewed: Figure 13.1 Surface Water Constraints; Figure 13.2 River Waterbody Catchments; Figure 13.3 Flooding Constraints; Figure 13.4 Groundwater Constraints; Appendix 13.1 Water Framework Directive Compliance Assessment; Appendix 13.2 Flood Risk Assessment; Appendix 13.3 HEWRAT Assessment; Appendix 13.4 Drainage Strategy Report; and Appendix 13.5 Surface Water Quality Monitoring**.**	No response required
10.3.	The review of baseline information included watercourses, waterbodies, water quality monitoring, surface water environmental permits or discharge consents, flood risk areas, groundwater levels, groundwater abstraction, groundwater consented discharges, aquifer designations and vulnerability, Water Framework Directive (WFD) groundwater status, and designated sites within the study area. This information is considered relevant to the assessment to provide baseline conditions of the water environment within or in the vicinity of the Scheme.	No response required
10.4.	The study area used for sensitive surface water receptors, drainage systems, fluvial flood risk, groundwater receptors and designated sites is 1 km from the Order Limits. The study area is considered suitable as pollutants are expected to disperse and to have been diluted beyond a 1 km radius	No response required
10.5.	Risk assessment of the likely significant effects of the construction and operation stage has been conducted in accordance with the Design Manual for Roads and Bridges (DMRB) LA 113 – Road drainage and the water environment. In section 13.5 of Chapter 13: Road Drainage and Water Environment, a framework has been provided for assessing and managing effects associated with the water environment. Environmental Assessment and Monitoring guidance (DMRB LA 104) has been used to assess the significance of the effect on the receptor value and the magnitude of the impact. As part of the assessment, a worst-case scenario approach has been adopted in order to adequately account for all potential impacts. The assessment is considered appropriate.	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
10.6.	Chapter 13: Road Drainage and Water Environment concluded that there are no likely significant construction or operational adverse effects. The assessment is considered to meet the policy requirements set out in the relevant national and local planning policy documents.	The Applicant welcomes this response from NSDC.
10.7.	Local Impact - Comments from the Environment Agency during their Relevant Representations (DCO ref. RR-020) however does highlight some missing information. They state the detailed assessment described in Tables 5-1 to 5-4 of the 6.3 Environmental Statement - Appendix 13.1 Water Framework Directive Compliance Assessment (ref. TR010065/APP/6.3, Revision 1, April 2024) (APP-176), does not confirm whether a comparison of the proposed drainage impacts shows an improvement or deterioration of the existing baseline. Without this assessment the Environment Agency states it cannot be deemed that the Scheme achieves compliance with the WFD for Physio-Chemical, Specific Pollutant or Chemical elements. This is a conflict and one which NSDC would wish to see rectified to everyone's satisfaction as the impact on the Newark area would be acutely felt.	Please refer to the Applicant's Response to Environment Agency Relevant Representations [REP1-010] which clarifies that the drainage strategy for the Scheme, as detailed in Appendix 13.4 (Drainage Strategy Report) of the Environmental Statement Appendices [APP-179] is considered to provide an improvement in pollution treatment, compared to the existing system. A Highways England Water Assessment Tool (HEWRAT) assessment has been carried out for all outfalls proposed within the Scheme, to assess the potential effects from sediment and soluble pollutants within the surface water run-off on water quality in the local watercourses. The results are detailed within Appendix 13.3 (HEWRAT Assessment) of the Environmental Statement Appendices [APP-178]. The existing drainage mitigation measures in place for the existing A46 are kerbs, gullies, and concrete ditches alongside the majority of the existing highway. Site visits during the design development show that the existing system does not appear to be working as designed. The proposed drainage strategy for the Scheme will retrofit or replace the majority of the existing drainage. As a sensitivity check, five HEWRAT assessments were run for the baseline, with and without the existing mitigation measures. All assessments showed that there were no differences in the results since the existing mitigation measures did not have any treatment capacity and the existing mitigations are not working as designed. The HEWRAT assessments therefore assumed that the baseline reflects a "no existing mitigation measures" scenario. Therefore, the 'Step 2' results which show the impact of pollution at the outfall without mitigation represent the 'Baseline' conditions for the Scheme and 'Step 3' which refers to in river impact with mitigation represents the proposed mitigation measures with the Scheme, which is an improvement on the baseline scenario. The HEWRAT assessment tool assesses the impact of soluble pollutants (associated with acute pollution impacts – zinc and copper) and sediment related pollutants (associated with chronic pollution impacts on surface water). The HEWRAT assessment concluded the Scheme would not lead to an exceedance of the Environmental Quality Standards (EQS) (for zinc and copper) or sediment accumulation, and the spillage assessment concluded the mitigation within the drainage design would be sufficient to not cause a significant adverse effect on the receiving watercourses. The HEWRAT assessment was carried out for all outfalls proposed within the Scheme with the Metals Bio-availability Tool (M-BAT). This showed two outfalls 'Failing' the HEWRAT assessment at 'Step 2' and 'Passing' the HEWRAT assessment at 'Step 3', indicating the Scheme offers an improvement from the existing baseline. The HEWRAT assessment 'passes' for all outfalls for the Scheme, indicating that the proposed drainage strategy treats surface water run-off sufficiently to not impact the wider water environment. More information on the current iteration of HEWRAT assessments can be seen in Appendix 13.3 (HEWRAT Assessment) of the Environmental Statement Appendices [APP-178]. The Scheme, therefore, will not result in a deterioration in WFD Physico-Chemical, Specific Pollutant or Chemical elements. The Applicant has discussed this item with the Environment Agency and has subsequently reached agreement on this point, as documented in the Statement of Common Ground with the Environment Agency [REP1-020] which will be updated at Deadline 4 of the Examination. The Environment Agency has agreed the issue can be closed out as the baseline conditions are described in Section 3.2 of Appendix 13.3 (HEWRAT Assessment) of the Environmental Statement [APP-178], which shows the Tier 2 M-BAT 'Step 2' and 'Step 3' results for the proposed outfalls in the Scheme, taken as the 'Baseline' vs 'Proposed mitigation' environments. The Environment Agency is satisfied that Table 3-11 within Appendix 13.3 (HEWRAT Assessment) of the Environmental Statement [APP-178] indicates an improvement from existing conditions.
	Flood Risk Assessment	

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
10.8.	Given that the Scheme is partly located within Flood Zone 3 and is over 1 hectare in size, a Flood Risk Assessment (FRA) has been undertaken and included as Appendix 13.2. The assessment provides the flood risk impact of the Scheme during the construction and operation phase. In order to inform the flood mitigation measures required, which would include the compensation of floodplains, hydraulic modelling has been conducted as part of the FRA.	No response required
10.9.	The Sequential Test is applied as part of site selection and Exception Test has also been applied as part of the FRA. The Scheme seeks to improve an existing highway route that passes through Flood Zone 3. Therefore, it is not viable to relocate the works to a zone with a lower probability of flooding or to avoid crossing the A1, the River Trent and other watercourses. The Scheme alignment was developed following a comprehensive assessment of different alignment options which considered all environmental impacts (inclusive of flood risk).	No response required
10.10.	The FRA states that other options performed better with regard to flood risk but performed less well with regard to other potential impacts. Taking into account wider sustainability objectives, no reasonably available alternatives to locate the Scheme in areas of lower flood risk were identified. This review couldn't confirm that the potential impacts on other areas mean the alternative options are not "reasonably available" but it is assumed this will have been tested through the DCO process.	The Applicant confirms that Section 3.2. in Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047] outlines the methodology for the assessment of alternative Scheme options. In total, five potential corridor options were assessed. A qualitative assessment of the impact of the five Scheme options was undertaken. Although there were route options that performed better on flood risk criteria, the selected route option was the best scoring with the application of the Scheme objectives and the National Policy Statement for National Networks and Early Assessment and Sifting Tool assessment methodology. Taking into account wider sustainability objectives, there are no reasonably available alternatives to locate the Scheme in areas of lower flood risk. Therefore, the Applicant considers that the Sequential Test has been passed and the Exception Test must be applied.
10.11.	According to the FRA the Scheme is classified as Essential Transport Infrastructure, considering it forms part of the strategic road network and the need for the upgrade is set out in the Case for the Scheme. A part of the Scheme passes through Flood Zone 3b. This may be acceptable for Essential Transport Infrastructure subject to the application of the Exception Test.	The Applicant confirms taking into account wider sustainability objectives, there are no reasonably available alternatives to locate the Scheme in areas of lower flood risk. Therefore, the Applicant considers that the Sequential Test has been passed and the Exception Test must be applied. The Exception Test has been applied in the Flood Risk Assessment (Appendix 13.2 of the Environmental Statement Appendices) [APP-177].
10.12.	The FRA was supported by hydraulic modelling to assess flood risk to and from the Scheme where it passes through Flood Zone 3. Changes in flood depth as a result of the combined permanent and temporary works elements have been compared to baseline depths. The inclusion of the Scheme with temporary works provided a conservative assessment of the flood risk impact of the temporary works. The FRA reports some increases in flooding resulting from the Scheme, both during construction and operation however the results are stated to demonstrate there is no significant impact on flooding based on the DMRB significance criteria and available information on affected receptors. According to the FRA, since the Scheme is a Nationally Significant Infrastructure Project (NSIP), the Exception Test was satisfied in terms of the benefits to the community and safety and flood mitigation measures have been incorporated into the design but finer details of these and their satisfaction are yet to be agreed. The new road would be at a low risk of flooding and would also be safe for the lifetime of the development without increasing flood risk to receptors elsewhere.	Requirement 14 of the draft Development Consent Order [REP1-001] secures the flood mitigation measures included within the Scheme. Specific elements of the flood mitigation measures are being agreed through engagement with the Environment Agency.
10.13.	The flood risk impacts to the Scheme have been comprehensively assessed and the structure and content of the FRA are in accordance with the National Policy Statement for National Networks (NPSNN) Sections 4 and 5, and National Planning Policy Framework (NPPF).	The Applicant welcomes this response from NSDC.
10.14.	Local Impact - NSDC however despite the above information would like to bring to the attention of the ExA the Environment Agency Relevant Representations (RR-020) whereby they conclude several items which locally we are concerned has not yet been addressed by National Highways when it concerns fluvial flooding. In 2023 the District of Newark and especially the	The Applicant would like to reassure NSDC that engagement with the Environment Agency with relation to flood risk is ongoing. Responses to the Environment Agency's Relevant Representation [RR-020] are included in the Applicant's Response to Environment Agency Relevant Representations [REP1-010], see items in REP1-010 with label EAFR.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	tributaries of the River Trent and Devon, caused areas of mass flooding in and around areas of Newark and the A46. The Environment Agency have stated 9 requirements of flood risk impact when considering the Flood Risk Assessment (FRA), which the key ones have been summarised below. The FRA: • Failed to satisfy the second part of the flood risk exception test, insofar as it relates to fluvial flood risk; • Shows the Scheme would increase flood risk elsewhere over the lifetime of the development; • Fails to demonstrate that opportunities to reduce flood risk overall have been considered; • Fails to provide details on the amount and location of the flood storage being displaced; • Has no consideration of phasing works and when the floodplain compensation will become available so there is no loss in floodplain – this is a particular concern given the floods already experienced when the floodplain is already available. Fails to consider the maintenance of the flood compensation; Does not include drawings for the Slough Dyke realignment and the realignment has not been represented within the hydraulic modelling. All of the above matters, NSDC consider to be important to the Scheme especially given the extent and volatility of the flooding experienced in 2023/2024.	
	<u>Surface Water Quality Monitoring</u>	
10.15.	Surface water quality monitoring was undertaken in January, April, and July 2023 to establish the baseline surface water quality within and in the vicinity of the Scheme during winter high flow and spring/summer lower flow conditions. The monitoring report is provided as Appendix 13.5 of the ES. The applicant states that surface water monitoring and groundwater monitoring would be undertaken during construction to ensure there is no deterioration in water quality as a result of the Scheme. Further monitoring will be undertaken as stated and is proposed to be undertaken quarterly. NSDC raise an issue with this and reaffirm the concerns of the Environment Agency (RR-020) whereby they state quarterly monitoring may be insufficient for identifying significant but short-term impacts. A reasonable level of assessment has been undertaken by the Applicant and the report is in accordance with the following legislation: • The Environment Act 2021; • Flood and Water Management Act 2010; • Environmental Permitting (England and Wales) Regulations 2016 (as amended); • Nitrate Pollution Prevention Regulations 2015; • Water Act 2014; • The Water Resources Act 1991 (Amendment) (England and Wales); and • Environmental Damage (Prevention and Remediation) Regulations 2009.	The Applicant is in agreement to increase the frequency of monitoring of surface water quality to monthly during the construction phase. The Applicant will update commitment RDWE7 in the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184] to ensure the Surface Water Monitoring Report is updated during the development of the Second Iteration Environmental Management Plan, prior to construction. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [TRP1-001]]. The proposed updates to the wording of commitment RDWE7 have been agreed with the Environment Agency. The agreed updates will be made and an updated version of the First Iteration Environmental Management Plan [APP-184] has been submitted at Deadline 2 of the Examination.
	<u>National and Local Policy</u> Relevant National Policy	
10.16.	Chapter 13: Road Drainage and Water Environment assessed impacts according to the National Policy Statement for National Networks (NPSNN) and National Planning Policy Framework (NPPF) that was in effect at the time of writing and was published for consultation in March 2023. Chapter 13: Road Drainage and Water Environment has been reviewed in accordance with the latest NPSNN published in March 2024.	No response required
10.17.	The submission documents include the document 'National Policy Statement for National Networks Accordance Tables', outlining how the Scheme complies with each section of the	No response required

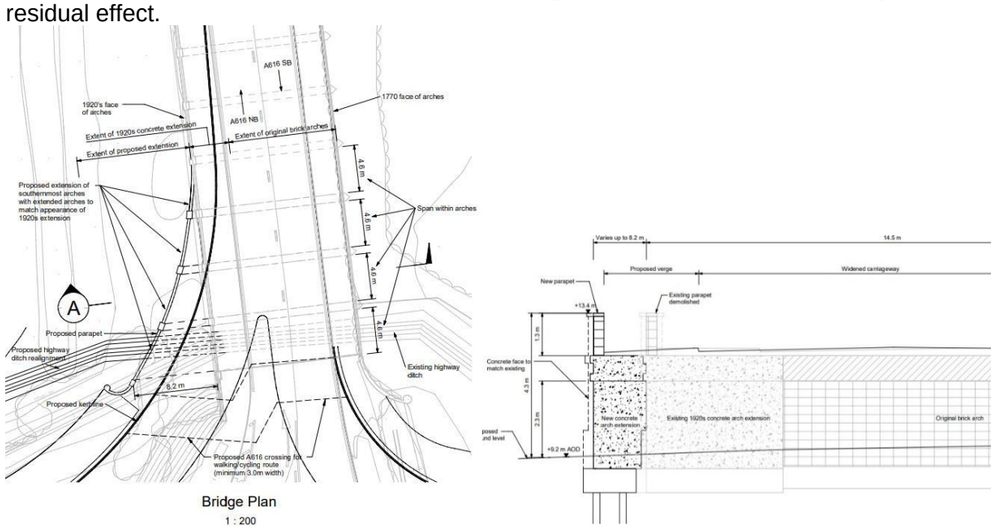
Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	NPSNN relevant to Chapter 13: Road Drainage and Water Environment	
10.18.	When determining an application for development consent in relation to flood risk, the policies relating to climate change adaption in paragraphs 4.36 to 4.47 of the NPSNN should be taken into account. Paragraph 5.91 refers to advice in the NPPF (paragraphs 165 to 175) regarding directing development away from areas at the highest risk of flooding but where development is necessary, advising that it should be made safe without increasing flood risk elsewhere.	The Applicant can confirm that the Flood Risk Assessment [APP-177] for the Scheme is compliant with the NPSNN.
10.19.	Advice on assessments is given to applicants in paragraphs 5.92 - 5.97 of the NPSNN which advises schemes located in Flood Zones 2 and 3 (medium and high probability of river and sea flooding), within Flood Zone 1 (low probability of river and sea flooding), or schemes of 1 hectare or greater or subject to other sources of flooding or critical drainage problems be accompanied by a FRA. This should identify and assess the risks of all forms of flooding to and from the Scheme and demonstrate how these flood risks will be managed, taking climate change into account. Applicants for schemes which may be affected by, or may add to, flood risk are advised to seek sufficiently early pre-application discussions with the Environment Agency and, where relevant, other flood risk management bodies such as lead local flood authorities, Internal Drainage Boards (IDB), and reservoir owners and operators.	The Applicant can confirm that the Flood Risk Assessment [APP-177] for the Scheme is compliant with the NPSNN. The Flood Risk Assessment [APP-177] discusses early engagement with the flood risk management bodies (the LLFA, EA, Canal & Rivers Trust and the Trent Valley IDB) that took place at flood risk steering group meetings for the Scheme.
10.20.	The flood risks during construction and operation are outlined in the ES and further assessed in FRA (Appendix 13.2), as described previously. The site-specific FRA also takes into account the impacts of climate change listed above. The FRA concluded a low risk of flooding from all sources both to the Scheme and as a result of the Scheme. This considered the proposed mitigation which includes floodplain storage compensation areas and implementation of the proposed drainage strategy (Appendix 13.4 Drainage Strategy Report). The Scheme has followed the NPSNN in undertaking a site-specific FRA and included appropriate drainage mitigation.	No response required
	<u>Relevant Local Policy</u>	
10.21.	Newark & Sherwood Local Development Framework Core Strategy & Allocations (Amended Core Strategy)	No response required
10.22.	Core Policy 9 (Sustainable Design) states that new development proposals should demonstrate sustainable design that proactively manages surface water including, where feasible, the use of Sustainable Drainage Systems to protect and enhance the natural environment. Core Policy 9 states that the district council will prepare a Supplementary Planning Document (SPD) setting out guidance to developers on the sustainable design of development. This has not yet been published.	No response required
10.23.	Core Policy 9 (Sustainable Design) also states that in areas at risk of flooding, and to direct development away from areas at highest risk, national planning policy requires a sequential approach to flood risk. A Strategic Flood Risk Assessment (SFRA) has been produced to inform decisions over site allocations in the determination of planning applications. The SFRA was reviewed and updated in 2016 to provide the necessary evidence base to inform 'Plan Review'. The District Council will expect developers, as part of proposals, to take the study into account.	The Applicant can confirm that the Flood Risk Assessment [APP-177] for the Scheme takes the SFRA into account.
10.24.	The Newark and Sherwood District SFRA entirely covers the Scheme area and looks at flooding from a variety of different sources. The Level 2 SFRA identifies the Scheme as being partially within the functional floodplain (Flood Zone 3b).	No response required
10.25.	With regards to meeting the requirement for Core Policy 9, the mitigation measures from the	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	potential surface water impact during construction and operation of the newly proposed SuDS are not specifically defined within Chapter 13: Road Drainage and the Water Environment but a preliminary drainage design has been set out in the Drainage Strategy Report (Appendix 13.4).	
10.26.	Core Policy 10 (Climate Change) states the District Council is committed to tackling climate change's causes and impacts and delivering a reduction in the District's carbon footprint. Developments should take into account potential adverse environmental impacts that during construction and operation should be mitigated to minimise the impacts of climate change. New development proposals should be steered away from those areas at the highest risk of flooding, by applying the sequential approach to its location. Where appropriate the Authority will seek to secure strategic flood mitigation measures as part of the new development. Following the Sequential Test, the Exception Test should be applied in line with national guidance.	The Applicant confirms taking into account wider sustainability objectives, there are no reasonably available alternatives to locate the Scheme in areas of lower flood risk. Therefore, the Applicant considers that the Sequential Test has been passed and the Exception Test must be applied. In the Flood Risk Assessment [APP-177], the Exception test has been applied.
10.27.	New development must also ensure that surface water runoff is positively managed through the design and layout of the development to make sure that there are no unacceptable impacts in runoff into surrounding areas or the existing drainage regime.	The Applicant confirms the drainage design for the Scheme is in accordance with DMRB LA113 and surface water runoff will not worsen any flooding that currently occurs for 1:100 plus climate change rainfall events, as outlined within Appendix 13.4 (Drainage Strategy Report) of the Environmental Statement [APP-187].
10.28.	The appropriate climate change uplifts have been considered for the FRA and flood mitigation measures have been examined during the construction and operational phase. As part of the policy requirements, a Sequential Test as well as an Exception Test were completed. Nature based solutions (NbS) and Sustainable Drainage Systems (SuDS) were the primary principles implemented in draining, treating and attenuating the extended catchment of the Scheme. Above-ground SuDS have been integrated with environmental and landscaping features to produce additional benefits where practical. A blue-green corridor has been utilised to tie attenuation features and landscaping into a holistic design.	No response required
	<u>Conclusion</u>	
10.29.	In summary, NSDC is indifferent on this matter given the Relevant Representations submitted by the Environment Agency and have to conclude that until a revised FRA is submitted to accord with the matters raised, we cannot conclude that the proposal would have a neutral or positive impact. This is largely due to the sensitive nature of the floodplain around Newark and the reassurance that adequate compensation and a timetable to achieve this compensation is made so as there is no loss of floodplain.	To supplement the Flood Risk Assessment [APP-177], technical notes have been prepared on Hydraulic Modelling and Floodplain Compensation Areas which are currently being reviewed by the Environment Agency and shall be submitted to the examination by Deadline 3 at the latest. It is the Applicant's position that the floodplain compensation provided by the Scheme is adequate.
10.30.	We would also like to bring to the attention of the ExA the status of the Council's Amended Allocations and Development Management DPD (DPD) and specifically the flood compensation around Tolney Lane. The DPD is, as stated previously in this report, due to be examined in November 2024 and as part of the proposal a flood alleviation scheme13 is proposed for Tolney Lane. Tolney Lane has a number of Gypsy and Traveller Sites and is at substantial risk from fluvial flooding from the River Trent due to being located within Flood Zone 3a. As of February 2019 there were 317 pitches and in periods of flooding the access and egress (which is one road) is flooded.	No response required
10.31.	The Flood Alleviation study proposes a 'do something' option to reduce the flood risk which is set out at para 3.2.1 which includes the creation of a flood storage area, which is adjacent to the proposed flood storage for the A46 Scheme. The Council would seek reassurances that the delivery of the Tolney Lane scheme would not be detrimentally impacted by the delivery of the A46 Scheme in terms of flood risk and that flood risk is not impacted upon which would seek to harm the work as proposed.	The Applicant has engaged with NSDC on the Tolney Lane Flood Alleviation Scheme, and would like to reassure NSDC that the Scheme should not impact on the delivery of the Tolney Lane Flood Alleviation scheme. Further discussion is provided in the SOCG with NSDC [TR010065/REP1-029].

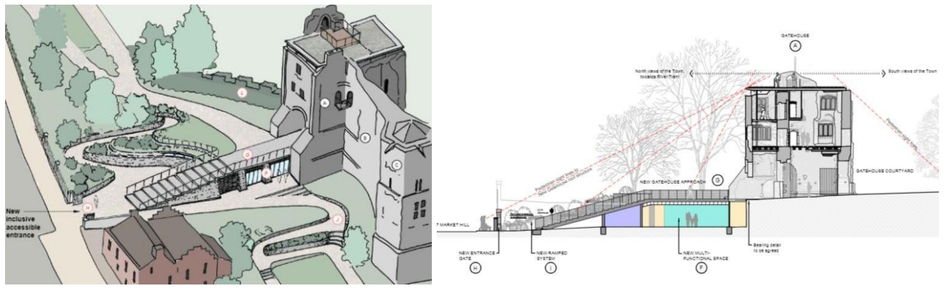
Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
11. Cultural Heritage – Negative		
11.1.	The Environmental Statement (ES) dated April 2024 (TR010065/APP/6.1) has been produced by National Highways (NH). Chapter 6 of the ES (DCO documents APP-050) refers to Cultural Heritage.	No response required
11.2.	The methodology used for the assessment of the heritage assets in set out in section 6.5 of the above document. The Council agrees with the methodology used, however the methodology hasn't been followed correctly within the 'residual effect' assessment as set out in Table 6-7 Summary of Likely significant effects and mitigation requirements during construction of scheme. The residual effect for many of the heritage assets include 'not significant', which is not considered to be a sound assessment of the effect of the development.	The Applicant's methodology considers environmental impact assessments in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017). The EIA assessment methodology aligns with DMRB LA104 Environmental Assessment and Monitoring and refers to "Significance of Effect". As detailed in paragraph 4.1.21 of Chapter 4 (Environmental Assessment Methodology) of the Environmental Statement [APP-048], effects that are Moderate (either Beneficial or Adverse) or above are considered significant in EIA terms. Therefore, where effects are Slight or Neutral, these are 'not significant' and are reported in Table 6.7 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. The methodology and approach to assessment of effects was also agreed in a consultation meeting with NSDC heritage stakeholders held on 3 May 2023 as referenced in paragraph 6.4.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].
11.3.	The National Networks Planning Policy Statement (NNPPS) (2014)12 which is applicable to this development over the latest publication from 24 May 2024 as the DCO was not accepted until 23 May 2024, states that the "construction and operation of national networks infrastructure has the potential to result in adverse impacts on the historic environment." (para 5.120)	No response required
11.4.	Built Heritage – Negative	No response required
11.5.	The study areas for cultural heritage have been defined in accordance with Design Manual for Roads and Bridges LA 106 Cultural heritage assessment15 which states that the assessment shall define a study area according to the sensitivity of the environment and the potential impacts of the Scheme. Where a new road or road improvement is proposed, the study area shall include the footprint of the Scheme plus any land outside that footprint which includes any heritage assets which could be physically affected. The study area should also include the settings of any designated or other heritage assets in the footprint of the Scheme or within the zone of visual influence. The study area has been consulted on by NH with Nottinghamshire County Council Senior Practitioner Archaeology and this Council's Conservation Officer. This study area is shown within DCO reference AS-035 Figure 6.2 Heritage Survey Areas.[16]	No response required

<table>
<tr><th colspan="3">Written Representations</th></tr>
<tr><th>Reference</th><th>Text from Local Impact Report</th><th>Applicant's Response</th></tr>
<tr><td>11.6.</td><td>There are 4 designated heritage assets located within the Order Limits
<table>
<tr><th>Grade</th><th>List Entry Number</th><th>Applicant's Reference number</th><th>Name</th><th>Designation Date</th></tr>
<tr><td>Grade II*</td><td>1297721</td><td>MM038</td><td>Concrete Footbridge across River Trent</td><td>23rd October 1989</td></tr>
<tr><td>Grade II</td><td>1196289</td><td>MM141</td><td>Causeway Arches 650 metres Northwest of Level Crossing</td><td>designated 19th May 1971</td></tr>
<tr><td>Grade II</td><td>1228733</td><td>MM228</td><td>Causeway Arches 500 metres Northwest of Level Crossing</td><td>designated 19th May 1971</td></tr>
<tr><td>Grade II</td><td>1297727</td><td>MM389</td><td>Causeway Culvert 420 Metres Northwest of Level Crossing</td><td>designated 19th May 1971</td></tr>
</table></td><td>No response required</td></tr>
<tr><td>11.7.</td><td>However, an additional study area of 1km buffer from the Order Limits of the Scheme has been defined to capture and assess potential changes to the setting of designated heritage assets including scheduled monuments, listed building, registered parks and gardens and conservation area. This is important to the settlement of Newark as this then includes the setting of key landmark buildings in the Newark Conservation Area.</td><td>No response required</td></tr>
<tr><td>11.8.</td><td>Within the 1km buffer study area there are:
<table>
<tr><th>Designation type</th><th>Number</th></tr>
<tr><td>Schedule Monument</td><td>15</td></tr>
<tr><td>Grade I</td><td>7</td></tr>
<tr><td>Grade II*</td><td>15</td></tr>
<tr><td>Grade II</td><td>379</td></tr>
<tr><td>Conservation Area</td><td>5</td></tr>
<tr><td>Registered Park and Garden</td><td>1</td></tr>
<tr><td>Non-designated historic building</td><td>123</td></tr>
<tr><td>Non-designated historic landscape</td><td>5</td></tr>
</table></td><td>No response required</td></tr>
<tr><td>11.9.</td><td>Section 6.1 Environmental statement chapter 6 Cultural heritage identifies 37 of these designated heritage assets as having the potential to be impacted by the scheme. These heritage assets have been further assessed and it was concluded that 8 listed buildings and 1 conservation area would potentially experience significant effects.</td><td>No response required</td></tr>
<tr><td>11.10.</td><td>The National Planning Policy Framework (NPPF) (2023) Chapter 16 (Conserving and enhancing the historic environment), sets the national framework for assessing developments which impact upon heritage assets and the historic environment. This is in addition to Legislation of Planning (Listed Buildings and Conservation Areas Act) 1990 and National Policy Statement for National Networks (2014) and the Council's local policies within the Amended</td><td>No response required</td></tr>
</table>

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	Core Strategy Development Plan Document (2019) (Core Policy 14 Historic Environment) and Allocation and Development Management Development Plan Document (Policy DM9 Protecting and Enhancing the Historic Environment) which is currently under review with examination taking place in November 2024.	
11.11.	It is accepted and is a running theme through the policy documents above, that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss. The Secretary of State should refuse consent unless it can be demonstrated that the substantial harm/less than substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm. Opportunities to better reveal the significance of heritage assets and preserve those elements of the setting that make a positive contribution to, should be treated favourably.	No response required
11.12.	The Council have identified additional heritage assets that have the potential of being impacted by the scheme. These include. The Causeway Culvert 420m Northwest of level crossing (LEN 1297727) has not been included within this further assessment even though this designated heritage asset is within the Order limits. Grade I Church of St. Mary Magdalane and attached railings (LEN 1279450), which is located within the 1km designated heritage asset study area has not been included. The spire of the church is a significant focal point along the Great North Road when travelling south towards Newark.	The Applicant confirms the Causeway Culvert 420m northwest of level crossing (NHLE 1279450) was assessed and is recorded in Appendix 6.3 (Assessment of Cultural Heritage Effects During Construction of the Scheme) of the Environmental Statement Appendices [APP-134] and Appendix 6.4 (Assessment of Cultural Heritage Effects During Operation of the Scheme) of the Environmental Statement Appendices [APP-135]. The assessment in both cases was that the asset would experience no change as a result of the Scheme and therefore the impact would be Neutral. It would therefore not have been included for further discussion in Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. The Church of St Mary Magdalene (NHLE: 1279450) was scoped out of further assessment, as explained in Table 0-1: Scoping exercise for designated assets within 1km of the Scheme of Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. The reason given was that a Neutral effect is predicted. The distance of the asset from the Scheme means that development within the Order Limits will not have an adverse impact on its heritage value. The Applicant notes that a meeting was held with NSDC heritage stakeholders on 3 May 2023 to identify assets with the potential to experience a significant effect. NSDC stakeholders agreed with the assets proposed by the Applicant and the likely significance of effect on each asset, and the church was not raised as a possible receptor. Further details of this meeting are provided in paragraph 6.4.11 in Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].
	<u>Cattle Market Roundabout</u>	
11.13.	Smeaton's Arches Some of the heritage assets in the area of the Order have value in their group association, in particular the grade II listed Smeaton's causeway arches and viaduct. There is a total of 11 different designations, all of which are grade II listed however only 5 of these designations are located within or adjacent to the Order Limit. Part of the significance of these heritage assets is their alignment along a historic route into and out of Newark.	No response required
11.14.	The Council would like it known that paragraph 6.11.9 outlines that the heritage asset 'Causeway Arches 650 metres Northwest of Level Crossing (MM141)' (also known as Smeaton's Arches) is located outside the Order Limits. Whereas it is stated that the heritage asset is located within the Order Limits in Table 6-7 (Summary of likely significant effects and mitigation requirements during construction of the Scheme) in Section 6.1 Environmental statement chapter 6 Cultural heritage document. The Council agree that the heritage asset is located within the Order Limits.	The Applicant agrees and has documented this change in Reference Number 6.1.13 of the Table of Errata [TR010065/APP-7.38] submitted at Deadline 2 of the Examination.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
11.15.	The proposal includes permanent alterations to Causeway Arches 500 Metres Northwest of Level Crossing (LEN 1228733) (MM228). The arches have previously been altered during phases of road alterations; however, these proposed alterations will have an impact on the heritage asset. As part of the Statement of Common Ground, the Council and Nottinghamshire County Council have been in discussions with NH on the proposed impact to this structure which has helped to secure an acceptable development, and mitigation works for the structure. The alterations to Causeway Arches 500 metres Northwest of Level Crossing are permeant.	No response required
11.16.	The extent of the works include some demolition to the structure on the southern side which was extended in the 1920s, to include the widening of the road and will result in the loss of historic (although not original) fabric and an alteration in its dimensions. This will affect the ability to appreciate its historic interest. Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the alterations will be 'Permanent large adverse' to the heritage assets. The realignment will have an effect on the associated heritage assets located along Great North Road, due change in alignment. The Council consider that the development will have a less than substantial harm on the heritage asset with of permanent large adverse residual effect.  (Extract from drawing no. HE551478 Rev C03 Structures general arrangements Sheet 6 of 12)	No response required
11.17.	Church of St. Mary Magdalene The 5 mile stretch along the A46 experiences views of various heritage assets with the most prominent heritage asset being the Church of St. Mary Magdalene and the Council is disappointed that this has not been given more consideration by NH in the development and assessment of the scheme with the production of visual information. This church and its prominence is an important visual consideration in part due to the height and elevated position provided by the C13th spire of the Church which is a prominent feature within the landscape.	The Applicant notes this comment is primarily a Landscape and Visual consideration, and the Landscape and Visual Effects assessments are distinct from those for Cultural Heritage. Consultation with the NSDC heritage stakeholders summarised in paragraph 7.4.3 of Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051] states that 'on 21 July 2022 a meeting was held with the NSDC Senior Conservation Officer to discuss the proposed visual receptors. The inclusion of additional receptors was discussed, and agreement reached on the visual receptors to inform the assessment'. Appendix 7.3 (Key Visual Receptor Photographs and Photomontages - Part 1) of the Environmental Statement Appendices [APP-138] states that key visual receptor locations have been chosen to show a representative sample

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		of existing conditions and provide a visual representation of the scale of the Scheme within its setting, rather than an indication of the heritage value of a specific receptor or how it may be affected by the Scheme. The Church of St Mary Magdalene (NHLE: 1279450) was scoped out of further assessment, as detailed in Table 0-1: Scoping exercise for designated assets within 1km of the Scheme contained in Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. The reason for scoping this asset out of further assessment was due to the distance of the asset from the Scheme, and it was not considered that the Scheme would have an adverse impact on the heritage value, thus a Neutral effect has been predicted for this asset. The Applicant notes that a meeting was held with NSDC heritage stakeholders on 3 May 2023 to identify assets with the potential to experience a significant effect. NSDC stakeholders agreed with the assets proposed by the Applicant and the likely significance of effect on each asset, and the church was not raised as a possible receptor. Further details of this meeting are provided in paragraph 6.4.11 in Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].
11.18.	As the parish church, the prominence of the spire is an intentional design feature meant to promote the siting and presence of the church within the vicinity. The church spire is also a significant landmark while travelling south along the Great North Road (A616) and can be seen on the approach to the Cattle Market roundabout. The Council considers that the submitted Key Visual Receptors shown on DCO ref. APP-138 and 139 do not adequately reflect the impact of the Cattle Market roundabout and the changes to the visual impact. Specifically, there is no representation of photographic montages or existing baseline data on the existing or proposed impact or relationship on the gateway into Newark from this elevation.	The Applicant notes this comment is primarily a Landscape and Visual consideration. Consultation with the NSDC heritage stakeholders, as detailed in paragraph 7.4.3 of Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051] states that 'on 21 July 2022 a meeting was held with the NSDC Senior Conservation Officer to discuss the proposed visual receptors. The inclusion of additional receptors was discussed, and agreement reached on the visual receptors to inform the assessment'. Appendix 7.3 (Key Visual Receptor Photographs and Photomontages - Part 1) of the Environmental Statement Appendices [APP-138] states that key visual receptor locations have been chosen to show a representative sample of existing conditions and provide a visual representation of the scale of the Scheme within its setting, rather than an indication of the heritage value of a specific receptor or how it may be affected by the Scheme. Views from the Great North Road looking south towards the Scheme have been assessed as part of the landscape and visual impact assessment contained in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051]. All visual receptors assessed as part of this were agreed with NSDC Conservation Officer prior to the assessment being made. The Applicant notes that an additional photomontage to capture views travelling south along the Great North Road has been prepared, following the request from the Examining Authority in the Rule 6 letter [PD-005]; to be submitted as Supporting Historic Environment and Visual Impact Assessment [TR010065/APP-7.36] at Deadline 2 of the Examination. The Church of St Mary Magdalene (NHLE: 1279450) was scoped out of further assessment, as detailed in Table 0-1: Scoping exercise for designated assets within 1km of the Scheme contained in Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. The reason for scoping this asset out of further assessment was due to the distance of the asset from the Scheme, and it was not considered that the Scheme would have an adverse impact on the heritage value, thus a Neutral effect has been predicted for this asset. In addition, during NSDC heritage stakeholders meeting held on 3 May 2023 as summarised in paragraph 6.4.11 in Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] consultation was undertaken with stakeholders to identify assets with the potential to experience a significant effect. Stakeholders agreed with the assets proposed by the Applicant, and the church was not raised as a possible receptor.
11.19.	The new flyover at the Cattle Market roundabout elevates the road infrastructure and from reviewing the only photomontage which has been provided at viewpoint 24	The Applicant has responded to this in Reference 11.18 below.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	(Sandhills Park), the design of the elevated sections would be harsh infrastructure which is expected to continue on both sides of the roundabout (see below). This infrastructure has the potential of disrupting and dominating views of the Church of St. Mary Magdalene when travelling along the Great North Road (A616) into Newark.  VP24 Year 1 VP24 Year 15	
11.20.	Newark Castle Other significant heritage assets within Newark includes Newark Castle (MM001). Developed from an original timber episcopal fortress built 1135-39. The Castle is large in scale, however there are only limited glimpses of the structure as you enter Newark along the Great North Road. However, there are long-ranging views northwards from the Castle. Recent planning permission approved (21/02690/FUL15 and 24/01268/S73) at the castle to provide a larger viewing platform on the gatehouse will retain and likely enhance these views as visitors will be able to stand at the top of the currently inaccessible castle.  Extract of plans from submission of 21/02690/FUL, Newark Castle	No response required.
11.21.	The existing A46 is currently largely screened with mature trees, however with the approach along Great North Road and the Newark Lorry Park being opened up with the felling of trees (see DCO ref.AS-088 Sheet 7 and 8), this aspect will open up, making the presence of the A46 more apparent and dominating in the locale, especially given the committed development allowing an elevated public vantage from the Castle.	The Applicant confirms Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] shows replacement planting along the Great North Road on approach to Cattle Market junction in the form of a hedgerow with trees adjacent to the north bound carriageway. Along the A46 itself, the embankments adjacent to Newark Lorry Park and adjacent to the slip road on the western side of Cattle Market junction will be planted with linear belts of shrubs and trees, seeking to reinstate screening vegetation lost as a result of the Scheme. The replacement planting is intended to mitigate against any harm caused by the necessary removal of mature vegetation.
11.22.	DCO ref. AS-041 categorises the harm around the Cattle Market as neutral to slight adverse and the impact on both Newark Castle and Church of St. Mary Magdalene have not been considered in Table 6-7 Summary of likely significant effects, which the Council considers they	The Applicant notes this comment is primarily a Landscape and Visual consideration, and the Landscape and Visual Effects assessments are distinct from those for Cultural Heritage.

Written Representations		
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	should. Without photographic evidence on this proposal to show this relationship and how the spire of the church and the presence of the Newark Castle is impacted upon, the Council reserves the right to disagree with this conclusion. It is acknowledged that the Examining Authority have requested additional viewpoints from NH which are unfortunately not due until Deadline 2 (12 November 2024) which is after the deadline for the Council's LIR submission. Therefore the Council will comment on the submission of these by Deadline 3.	The Applicant notes that Figure 7.5 (Visual Effects Plan) of the Environmental Statement Figures [AS-041] presents the impacts displayed on visual receptors as assessed in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051] and not Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. The Applicant also notes that Figure 7.5 (Visual Effects Plan) of the Environmental Statement Figures [AS-041] does not categorise harm, rather it categorises the significance of effect for the landscape and visual effects topic, as assessed in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051]. The Applicant confirms descriptions of the existing and proposed views and associated magnitude of change and significance of effect is described in Appendix 7.2 (Visual Baseline and Impact Schedules) of the Environmental Statement Appendices (APP-137). The effects have not been considered in Table 6-7 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] as this only refers to significant effects of moderate or higher. Newark Castle is reported in Table 1-1 of Appendix 6.3 (Assessment of Cultural Heritage Effects During Construction of the Scheme) of the Environmental Statement Appendices [APP-134], as experiencing Slight Adverse effects as a result of the permanent construction of the Scheme. It was noted that the new road infrastructure will slightly detract from appreciating views from the asset, which will have an adverse impact on the heritage value of the asset. However, road infrastructure already exists within the wider townscape and it will not alter the ability to understand the asset's relationship within the surrounding town. Consultation with NSDC heritage stakeholders, as detailed in paragraph 6.4.9 in Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] states that in February 2023 telephone conversations were had with the NSDC Senior Conservation Officer to understand the potential impacts of the Scheme on Newark Castle. It was the opinion of the NSDC Senior Conservation Officer that better connectivity to Newark-on-Trent could improve the economic resilience of the area, and lead to regeneration for historic sites. This asset was not assessed as having significant effects as a result of the current Scheme. The Church of St Mary Magdalene (NHLE: 1279450) was scoped out of further assessment, as detailed in Table 0-1: Scoping exercise for designated assets within 1km of the Scheme contained in Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement [AS-099]. In addition, during NSDC heritage stakeholders meeting held on 3 May 2023 as summarised in paragraph 6.4.11 in Chapter 6 (Cultural Heritage) of the ES [APP-050] consultation was undertaken with stakeholders to identify assets with the potential to experience a significant effect. Stakeholders agreed with the assets proposed by the Applicant, and the church was not raised as a possible receptor. NSDC heritage stakeholder consultation, as detailed in paragraph 7.4.3 of Chapter 7 (Landscape and Visual Effects) of the ES [APP-051] states that 'on 21 July 2022 a meeting was held with the NSDC Senior Conservation Officer to discuss the proposed visual receptors. The inclusion of additional receptors was discussed, and agreement reached on the visual receptors to inform the assessment'. Key visual receptor locations have been chosen to show a representative sample of existing conditions and provide a visual representation of the scale of the Scheme within its setting, rather than an indication of the heritage value of a specific receptor or how it may be affected by the Scheme. Views from the Great North Road looking south towards the Scheme have been assessed as part of the landscape and visual impact assessment contained in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051]. The Applicant notes that an additional photomontage to capture views travelling south along the Great North Road has been prepared, following the request from the Examining Authority in the Rule 6 letter

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		[PD-005]; submitted as Supporting Historic Environment and Visual Impact Assessment [TR010065/APP-7.36] at Deadline 2 of the Examination.
	Concrete footbridge	
11.23.	During the construction phase of the A46, the Grade II* Concrete Footbridge across the River Trent (MM038) (Elbow Bridge) will be closed to the public and have a temporary works area.	No response required
11.24.	The bridge is of concrete construction from around 1915 and restored in the C20. The single span bridge is an early example of the structural use of reinforced concrete which makes it of high significance. The bridge is located along an existing network of footpaths (Newark FP66 and Newark BW5 & 6) that takes walkers along the west side of the river Trent. This will affect the accessibility and appreciation of the heritage asset during this phase although accepted it is temporary. The other pedestrian crossing point over the Trent is approximately 600m south (off Cow Lane). In addition, with the asset being located within the Order Limits, during the construction phase, the presence of construction machinery, traffic, lighting, noise and vibration will have a negative impact on the setting of the heritage asset. Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the construction will have 'Temporary Moderate adverse' effect on the heritage assets. The potential structural impacts during the construction phase has the potential of causing some permanent adverse effects that may require significant repairs to the structure.  	The Applicant confirms Commitment CH2 of Table 3-2 (Register of Environmental Actions and Commitments) contained in the First Iteration Environmental Management Plan [APP-182] states the monitoring requirements of the Concrete Footbridge. The First Iteration Environmental Management Plan [APP-184] will be developed into a Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP1-001]. The monitoring requirements are further detailed within Chapter 6 (Archaeological Mitigation Strategy) of the updated Archaeological Management Plan [APP-187] to be submitted at Deadline 2 of the Examination. Requirement 9 of the draft Development Consent Order [REP1-001] secures the commitments made in the Archaeological Management Plan [APP-187].
11.25.	The setting of the Concrete Footbridge is already dominated by the existing A46 and with the new carriageway for the A46 located to the west of the existing carriage way, the Council considers therefore it will have a neutral effect.	No response required
	Brownhills Roundabout and Friendly Farmers Roundabout	
11.26.	Winthorpe Conservation Area (CA) (MM432) was first designated in 1974 with a subsequent review and extension in 200716 and extends up to the A1 to the southwest.	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	 Extract of the Winthorpe CA 2007	
11.27.	Historically the Grade II listed high-status dwellings, such as Lowwood (MM053) and the Grove (MM062), orientated with a view to the south. This view today and the southern boundary of the CA along the A1 is now largely screened behind a mature tree line. Many of the individual listed buildings located in Winthorpe are screened from wider views, however, the spire of the Church of All Saints (MM063) is a key landscape feature from both the A46 when travelling north and A1 when travelling south. The prominence of the spire is due to the height of the building. The broach spire is unusual in the landscape with its tiled roof. There is potential that the Brownhills Junction flyover and A1 flyover, due to its more elevated positions could affect these wider views and the dominate the existing views of the spire of The Church of All Saints.	The Applicant confirms that discussions were held with NSDC heritage stakeholder regarding visual receptors, during consultation. This is detailed in paragraph 7.4.3 in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051] states that 'on 21 July 2022 a meeting was held with the NSDC Senior Conservation Officer to discuss the proposed visual receptors. The inclusion of additional receptors was discussed, and agreement reached on the visual receptors to inform the assessment'. Paragraph 6.8.94 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] states that the Church of All Saints is 'surrounded by a low wall and trees. The village setting is key to understanding the historic interest and together these (the screened churchyard and village) provide the setting to the church'. This setting assessment highlights that the key elements of the church's setting which most contributed to its heritage value, were its immediate churchyard setting and location at the edge of the village. The Applicant acknowledges that glimpses of the church spire do contribute to the personal value that a person driving on the A46 may have for the church - which is captured within the assessment of Viewpoint 25 in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051]. The Applicant acknowledges these views also form part of the setting as the intention of church spires generally is to be seen within a landscape. Therefore, these views also contribute to the heritage value of the church (for cultural heritage, the church is the receptor not the person), but only to a slight degree. The minor alteration of these views will not change the setting of the church to the extent that it cannot still be appreciated as a place of worship within the community of Winthorpe, or to the extent that its special historic or architectural interest is harmed. The assessment of effects therefore of 'Slight Adverse' as stated in Table 6.7 of Chapter 6 Cultural Heritage of the Environmental Statement [APP-050] remains unchanged and the impact will result in less than substantial harm. This is not a Significant Effect in accordance with the agreed methodology for assessment.
11.28.	The viewpoint from Bridge Farm (VP41) shows the only photomontage of the intended structure with a sloped green embankment as opposed to the harsh flyover at the Cattle Market. Whilst this is appreciated it is not representative of the experience from within the CA.	A new photomontage has been produced from the southerly tip of the conservation area looking west towards the A1. The location and angle of view captured within the photomontage have been agreed with NSDC. This additional photomontage has been submittedin line with Rule 6 Requests – Landscape and Visual Effects [TR010065/APP-7.36] at Deadline 2 of the Examination, and illustrates the proposed landscape bunds and associated planting which aid screening of views to the A46 and A1 in this location.
11.29.	The eastern boundary of Winthorpe Conservation Area is more open, due to the historic parkland associated with Winthorpe House (LEN 1302281), with views that extends towards the A46. The setting and wider views from the eastern boundary of the CA is impacted by the	The Applicant acknowledges that the A46 will be closer to the Conservation Area by 8.6m, However as shown in Photomontage 43, withinAppendix 7.3 Visual Receptor Photographs and Photomontages of the Environmental Statement Appendices [APP-139], the implementation of landscape bunds and associated planting aids screening of

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	existing A46 network at the Friendly Farmer roundabout and the industrial buildings beyond. However, the proposed A46 works brings the road network closer to the CA.	the A46 from this location. The additional photomontage representing views from the southern most tip of the Conservation Area, submitted at Deadline 2 of the Examination in line with Rule 6 Requests – Supporting Historic Environment and Visual Impact Assessment [TR010065/APP-7.36] further illustrates the proposed landscape bunds and associated planting which aid screening of views to the A46 and A1 in this location.
11.30.	The photomontage from VP43 along the footpath (Winthorpe FP2), in the Council's opinion does not include a sufficient representation of the experience around this area and the photo should be angled towards the flyover which is likely to result in the greatest harm to the setting of the CA.	The Applicant confirms a new photomontage has been produced from the southerly tip of the conservation area looking west towards the A1. The location and angle of view captured within the photomontage have been agreed with NSDC. This additional photomontage has been submitted at Deadline 2 of the Examination in line with Rule 6 Requests – Supporting Historic Environment and Visual Impact Assessment [TR010065/APP-7.36] and illustrates the proposed landscape bunds and associated planting which aid screening of views towards the A1 and newly aligned A46 and associated flyover in this location.
11.31.	Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the alterations to the infrastructure will have 'Permanent slight adverse (not significant)' to the heritage assets. The use of the term 'not significant' isn't clear and doesn't follow the criteria. The council consider the works will have a less than substantial harm to Winthorpe Conservation Area, Lowwood and Church of All Saints. The full extent of the effect is unknown due to the limited visuals of the A1 flyover and the Council therefore, requests that additional information by way of photomontages is submitted by National Highways to cover this matter.	The Applicant agrees that Winthorpe Conservation Area, Lowwood and Church of All Saints will experience less than substantial harm. The Applicant's methodology considers environmental impact assessments in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017). The EIA assessment methodology aligns with DMRB LA104 Environmental Assessment and Monitoring and refers to "Significance of Effect". As detailed in paragraph 4.1.21 of Chapter 4 (Environmental Assessment Methodology) of the Environmental Statement [APP-048], effects that are Moderate (either Beneficial or Adverse) or above are considered significant in EIA terms. Therefore, where effects are Slight or Neutral, these are 'not significant' and are reported in Table 6.7 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. The methodology and approach to assessment of effects was also agreed in a consultation meeting with NSDC heritage stakeholders held on 3 May 2023 as referenced in paragraph 6.4.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Paragraph 6.5.22 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] states that the assessment criteria consider the significance of effect caused by an impact to a heritage asset. A significant effect to a designated heritage asset may not always result in substantial harm and there is not a direct correlation between the two assessments. Where Significant Effects have been assessed, these have been clarified in terms of 'less than substantial harm' throughout section 6.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Where assessments have been assessed as Slight or Neutral, these have been recorded in Table 6.7 and clarified as 'not significant' in EIA terms. This assessment would also accord with an assessment of 'less than substantial harm' in the language of the NSPNN and the NPPF. A new photomontage has been produced from the southerly tip of the conservation area looking west towards the A1. The location and angle of view captured within the photomontage have been agreed with NSDC. This additional photomontage has been submitted at Deadline 2 of the Examination and illustrates the proposed landscape bunds and associated planting which aid screening of views to the A46 and A1 and associated flyover in this location.
	<u>Winthorpe Roundabout</u>	
11.32.	Langford Hall (MM026) is a Grade II* listed country house C1780/90 by John Carr of York. Within the grounds there are also Grade II stables and Grade II Coach House. The house enjoys a rural setting located within its own parkland that extends eastwards toward the A46. The alterations to the Winthorpe roundabout, including embankments and traffic lights will increase the prominence of the road infrastructure, moving it slightly closer to the listed building	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	and its parkland setting.	
11.33.	The historic driveway for Langford Hall is currently accessed from the A46, north of the current Winthorpe roundabout, continuing west through the parkland. It is proposed to alter this creating a new access to the south from the A1133, through land which isn't associated with the Hall and detaches Langford Hall from its original lodge and entrance. The harm to which is considered Less than substantial permanent slight adverse.	No response required
11.34.	During the construction phase it is proposed to have a temporary works area which will also alter the setting of the heritage assets during this period. But it is accepted that this is only temporary and thus as a result the harm would be transient.	No response required
11.35.	Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the alterations to the driveway will have 'Permanent slight adverse (not significant)' to the heritage assets. The use of the term 'not significant' isn't clear and doesn't follow the criteria. The council considers that the development will have a Less than substantial harm on the heritage asset of permanent slight adverse residual effect.	The Applicant agrees with the NSDC assessment of permanent slight adverse residual effect, as stated in Table 6.7 and as less than substantial harm, as stated in paragraph 6.11.4 of Chapter 6 (Cultural Heritage) of the ES [APP-050]. The Applicant's methodology considers environmental impact assessments in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017). The EIA assessment methodology aligns with DMRB LA104 Environmental Assessment and Monitoring and refers to "Significance of Effect". As detailed in paragraph 4.1.21 of Chapter 4 (Environmental Assessment Methodology) of the Environmental Statement [APP-048], effects that are Moderate (either Beneficial or Adverse) or above are considered significant in EIA terms. Therefore, where effects are Slight or Neutral, these are 'not significant' and are reported in Table 6.7 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. The methodology and approach to assessment of effects was also agreed in a consultation meeting with NSDC heritage stakeholders held on 3 May 2023 as referenced in paragraph 6.4.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] Paragraph 6.5.22 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] states that the assessment criteria consider the significance of effect caused by an impact to a heritage asset. A significant effect to a designated heritage asset may not always result in substantial harm and there is not a direct correlation between the two assessments. Where Significant Effects have been assessed, these have been clarified in terms of 'less than substantial harm' throughout section 6.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Where assessments have been assessed as Slight or Neutral, these have been recorded in Table 6.7 and clarified as 'not significant' in EIA terms. This assessment would also accord with an assessment of 'less than substantial harm' in the language of the NSPNN and the NPPF.
	<u>Farndon Roundabout</u>	
11.36.	Over the last couple of years, the river Trent has experienced higher water levels than normal and especially during the storms in late 2023. Listed buildings, such as Farndon Windmill (Grade II Listed) have suffered from damage from the flooding from the River Trent. This needs to be taken into account when carrying out structural assessments of relevant heritage assets and potential impact of vibrations during the construction.	No response required
11.37.	During the construction phase, the presence of construction machinery, traffic, lighting, noise, and vibration will have a negative impact on the setting of the heritage asset. Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the alterations will have 'Permanent slight adverse (not significant)' to the heritage assets. The use of the term	The Applicant's methodology considers environmental impact assessments in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017). The EIA assessment methodology aligns with DMRB LA104 Environmental Assessment and Monitoring and refers to "Significance of Effect".

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	'not significant' again isn't clear and doesn't follow the criteria. Due to the potential structural impacts during the construction phase, has the potential of causing some permeant adverse effects that require significant repairs to the structure.	As detailed in paragraph 4.1.21 of Chapter 4 (Environmental Assessment Methodology) of the Environmental Statement [APP-048], effects that are Moderate (either Beneficial or Adverse) or above are considered significant in EIA terms. Therefore, where effects are Slight or Neutral, these are 'not significant' and are reported in Table 6.7 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. The methodology and approach to assessment of effects was also agreed in a consultation meeting with NSDC heritage stakeholders held on 3 May 2023 as referenced in paragraph 6.4.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Paragraph 6.5.22 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] states that the assessment criteria consider the significance of effect caused by an impact to a heritage asset. A significant effect to a designated heritage asset may not always result in substantial harm and there is not a direct correlation between the two assessments. Where Significant Effects have been assessed, these have been clarified in terms of 'less than substantial harm' throughout section 6.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Where assessments have been assessed as Slight or Neutral, these have been recorded in Table 6.7 and clarified as 'not significant' in EIA terms. This assessment would also accord with an assessment of 'less than substantial harm' in the language of the NSPNN and the NPPF. Commitment CH2 of Table 3-2 (Register of Environmental Actions and Commitments) contained in the First Iteration Environmental Management Plan [APP-182] states and secures the monitoring requirements of Farndon Windmill. The First Iteration Environmental Management Plan [APP-184] will be developed into a Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP1-001]. The monitoring requirements are further detailed within Chapter 6 (Archaeological Mitigation Strategy) of the updated Archaeological Management Plan [APP-187] submitted at Deadline 2 of the Examination. Requirement 9 of the draft Development Consent Order [REP1-001] has been updated and secures the commitments made in the Archaeological Management Plan [APP-187]. The updated draft Development Consent Order [REP1-001] was also submitted at Deadline 2 of the Examination.
11.38.	The new A46 carriageway will be at the same height as the existing and the Council considers the development will have Less than substantial harm on the heritage asset of permanent slight adverse residual effect.	No response required
	<u>Mitigation measures</u>	
11.39.	In terms of mitigation, measures that ensure the appropriate recording of the structure at Smeaton's Arches should be included in the Construction Environmental Management Plan (CEMP) and that appropriate mitigation is sought for surveying the buildings which could be impacted by vibration. The council's conservation team would encourage their involvement agreeing recording methodology for Smeaton's Arches and the surveying and repair methods for those buildings affected.	The Applicant confirms Commitment CH2 of Table 3-2 (Register of Environmental Actions and Commitments) contained in the First Iteration Environmental Management Plan [APP-184] states the monitoring requirements of the Concrete Footbridge, Farndon Windmill and Causeway Arches 500m northwest of level crossing. It also ensures a condition survey and Historic England Level 3 building recording of the Causeway Arches 500m northwest of level crossing prior to the commencement of works. The First Iteration Environmental Management Plan [APP-184] will be developed into a Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP1-001]. The monitoring requirements are further detailed within Chapter 6 (Archaeological Mitigation Strategy) of the updated Archaeological Management Plan [APP-187] submitted at Deadline 2 of the Examination. The work detailed within this Strategy will be undertaken in consultation with NSDC and NCC stakeholders. Requirement 9 of the draft

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		Development Consent Order [REP1-001] has been updated and secures the commitments made in the Archaeological Management Plan [APP-187]. The updated draft Development Consent Order [REP1-001] has also been submitted at Deadline 2 of the Examination.
11.40.	As part of the noise assessment within the ES Volume 6.1 Chapter 11 this identifies various areas within the study area which would be impacted by either operation or construction noise as a result of the development. As part of that, additional mitigation measures have been embedded in the Scheme which is stated at paragraph 11.10.3 and 11.10.4 and reiterated below, which include: ➢ three landscape bunds at a height of 2.0-2.5 metres would be included north of the A46 section between the A1 and Winthorpe Roundabout which will also provide noise screening; ➢ Six noise barriers at a height of 2 metres from the road surface (or from local ground, if not positioned along the A46) would be included along the Scheme, including: ➢ Two located along the southbound entry slip from Cattle Market Roundabout extending part way down the west side of the Great North Road south of Cattle Market Roundabout; ➢ One located at the southbound entry slip road at Brownhills Junction; ➢ One along the northbound carriageway from the Brownhills Junction to the Esso Service Station; ➢ Two located from the Esso Service Station to the Winthorpe Roundabout at the northern extreme of the Scheme, transitioning at the midpoint from barrier at the roadside to barrier on the crest of the adjacent bund.	No response required
11.41.	The Council is mainly concerned with regards to the impact of the acoustic barriers at the Cattle Market roundabout. No design details are shown of how this will interact with the roundabout and the Council raise concerns that a potential 2.5m high close boarded fence around the roundabout, which is an existing verdant and rural character, would result in harm to this key gateway into Newark. Figure 2.3 Environmental Masterplan of Chapter 6.2 ES illustrates the siting of the acoustic fence and the Council request that although trees are proposed to the south of the fence this does not mitigate for the visual harm caused to the setting of the heritage assets. A balanced judgement on this matter would be required however a solution could be sought which softens this aspect but still able to achieve the same outcome, however the Council currently considers this to be harmful.	The Applicant confirms Figure 2.3 (Environmental Masterplan) of the Environmental Statement Appendices [AS-026] illustrates that the acoustic fencing will be hidden by trees as planting matures and are screened from key heritage assets and the gateway to the town, by intervening planting and existing development. The position of the acoustic fence in this location is fixed due to engineering design constraints on site. The nearest heritage asset is Causeway Culvert 420m northwest of level crossing (NHLE 1279450). This asset was assessed and is recorded in Appendix 6.3 (Assessment of Cultural Heritage Effects During Construction of the Scheme) of the Environmental Statement Appendices [APP-134] and Appendix 6.4 (Assessment of Cultural Heritage Effects During Operation of the Scheme) of the Environmental Statement Appendices [APP-135]. The assessment in both cases concluded that the asset would experience no change as a result of the Scheme and therefore the impact would be Neutral.
11.42.	The construction of the bunds around Winthorpe to the east of the CA will alter the rural/parkland setting of the CA and will erode into this relationship whilst still maintaining a verdant character.	The Applicant confirms in paragraph 6.11.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] that the assessment for Winthorpe Conservation Area accounts for the bunds which are "intended to mitigate against noise", but which will be "visually incongruous". "However, planting in keeping with the character of this part of the Conservation Area will soften this impact as it matures and therefore result in a permanent Slight Adverse, non significant, effect to the Conservation Area. Due to the temporary and minor permanent change to setting this is considered to result in less than substantial harm".
	<u>Built Heritage Conclusion</u>	
11.43.	The A46 development will have an impact on a wide range of different heritage assets of various significance. The magnitude of harm on some of the heritage assets cannot be concluded due to the limited information and therefore at present the Council must conclude that the proposal fails to accord with local policy and objectives of National Policy. Should further information such as mitigation and a demonstration of visual impact in the form of additional montages be submitted then the Council's position on this matter may change. However, the Council considers the works will cause less than substantial harm, with some areas being of permeant large adverse effect.	The Applicant's methodology considers environmental impact assessments in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017). The EIA assessment methodology aligns with DMRB LA104 Environmental Assessment and Monitoring and refers to "Significance of Effect". As detailed in paragraph 4.1.21 of Chapter 4 (Environmental Assessment Methodology) of the Environmental Statement [APP-048], effects that are Moderate (either Beneficial or Adverse) or above are considered significant in EIA terms. Therefore, where effects are Slight or Neutral, these are 'not significant' and are reported in Table 6.7 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].

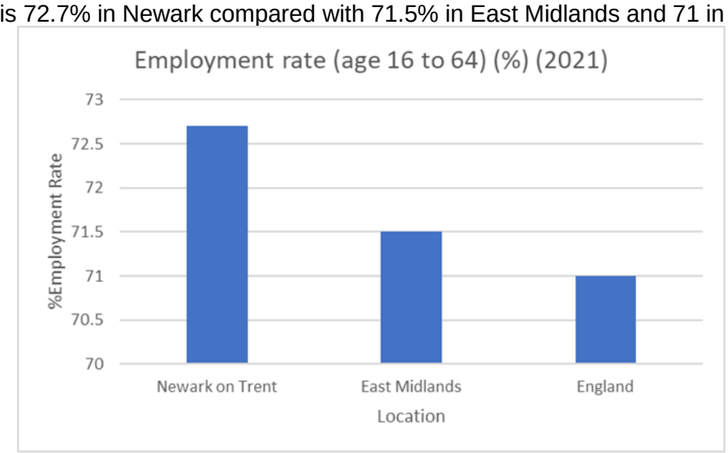
Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		The methodology and approach to assessment of effects was also agreed in a consultation meeting with NSDC heritage stakeholders held on 3 May 2023 as referenced in paragraph 6.4.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Paragraph 6.5.22 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] states that the assessment criteria consider the significance of effect caused by an impact to a heritage asset. A significant effect to a designated heritage asset may not always result in substantial harm and there is not a direct correlation between the two assessments. Where Significant Effects have been assessed, these have been clarified in terms of 'less than substantial harm' throughout section 6.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Where assessments have been assessed as Slight or Neutral, these have been recorded in Table 6.7 and clarified as 'not significant' in EIA terms. This assessment would also accord with an assessment of 'less than substantial harm' in the language of the NSPNN and the NPPF. Therefore, the Applicant proposes that the Council has sufficient information to conclude their assessment and that the Scheme has been assessed in accordance with local policy and objectives of National policy. Heritage stakeholder consultation detailed in paragraph 7.4.3 in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051] states that 'on 21 July 2022 a meeting was held with the Senior Conservation Officer Newark & Sherwood District Council Senior Conservation Officer to discuss the proposed visual receptors. The inclusion of additional receptors was discussed, and agreement reached on the visual receptors to inform the assessment'. Additional wireframes and photomontages at the request contained in the Rule 6 letter [PD-005] have been prepared and have been submitted at Deadline 2 of the Examination. The Applicant agrees with the NSDC's conclusion that over all the works will cause less than substantial harm, with some areas being of permeant large adverse effect.
11.44.	Archaeology – Negative	
11.45.	Local Policy – Newark and Sherwood DC Core Policy 14: Historic Environment (Local Development Framework, Amended Core Strategy 2019); Policy DM9: Protecting and Enhancing the Historic Environment (Allocations and Development Management DPD 2013); Policy DM9: Protecting and Enhancing the Historic Environment (Amended Allocations and Development Management DPD for examination in November 2024)	No response required
11.46.	National Policy	
11.47.	National Networks National Policy Statement, 2024: • Section 5.204 acknowledges that the construction, of national networks infrastructure has the potential to result in adverse impacts on the historic environment. • Sections 5.210 to 5.211 lay out requirements to provide an assessment of the significance of heritage impacts from the development and also to describe the significance of the affected heritage assets; • Sections 5.212 to 5.215 present requirements for mitigation of development impacts on archaeology identified within the order limits, stating 'Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State should require the applicant to record and advance understanding of the significance of the heritage asset	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	before it is lost'	
11.48.	National Planning Policy Framework, 2023: • Chapter 16 (paragraphs 195-214) of the NPPF set out a framework for the management of the historic environment and provides guidance for proposals affecting heritage assets; • Paragraph 200 sets out a requirement for assessment of impact on heritage assets during the application process 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.' • Paragraphs 205, 206 and 208 provide guidance on impact to designated heritage assets; Paragraph 211 makes provision for mitigation of development impacts 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.	No response required
11.49.	It is the Council's position that the applicant must provide sufficient desk-based research, non-intrusive survey and intrusive field evaluation to adequately assess the archaeological potential of this scheme and provide an agreeable Outline Mitigation Strategy (OMS) for Examination. The Environmental Statement (ES) must present the full range of findings from this archaeological work to provide the evidential basis for the OMS.	The Applicant has to date undertaken multiple stages of heritage investigations to inform the cultural heritage assessment. These investigations include: • Preliminary surveys comprising fieldwalking, metal detecting, geophysical survey and geoarchaeological coring and monitoring; and • Archaeological evaluation comprising archaeological trial trenching and geoarchaeological test pitting and palaeoenvironmental analysis. The results of the preliminary surveys informed Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and the detailed reports for these surveys are appended to Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. The results of the archaeological evaluation comprising archaeological trial trenching and geoarchaeological test pitting and palaeoenvironmental analysis were not available prior to submission of the application for Development Consent. As such the assessment of the potential for unknown archaeology within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] was based on available information and the assessment of effects on unknown archaeological remains present the most likely worst-case scenario in the event that buried archaeology is unearthed. In agreement with NSDC, NCC and Historic England heritage stakeholders the results of the archaeological evaluation have formed part of the preparation of an Archaeological Mitigation Strategy contained in Chapter 6 of the updated Archaeological Management Plan [APP-187], an update of which was submitted at Deadline 2 of the Examination The Applicant can confirm that the results of the Archaeological Evaluation have not negatively altered the effects predicted within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].
11.50.	The scheme runs through areas of known archaeological potential dating from the late Palaeolithic to post-medieval period and all archaeological periods in between are represented on the HER. Of particular note is the internationally significant late Upper Palaeolithic site at the north end of Farndon and southern end of the scheme. Known and notable Roman and Anglo-Saxon sites are also present within the order limits and there is a high potential for	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	additional, currently unknow sites dating to these periods and further Civil War activity associated with the sieges of Newark in the 17th century	
11.51.	The applicant has submitted an Environmental Statement in support of the application and considers Cultural Heritage at Chapter 6 (APP-050). Supporting appendices have also been submitted and comprise: 6.1 (Desk-based Assessment (DBA) APP-132), 6.2 (Assessment of Heritage Value APP-133), 6.3 (Assessment of Cultural Heritage Effects During Construction of the Scheme APP134), and 6.4 (Assessment of Cultural Heritage Effects During Operation of the Scheme APP-135).	No response required
11.52.	Chapter 6 and the DBA make reference to several surveys and field evaluations including geoarchaeological evaluation, metal detector surveys, field walking, monitoring of GI and trial trench evaluation. It is essential that the full reports for these should be included as appendices so that a proper assessment of the data can be scrutinised and allow for a formal position on the extent to which the scheme has been sufficiently evaluated.	The Applicant confirms the full reports for the preliminary surveys are now contained within Appendices D to K of Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. The full report for the archaeological evaluation is contained within Appendix H of the updated Archaeological Management Plan [APP-187], submitted at Deadline 2 of the Examination.
11.53.	The applicant's archaeological consultants have engaged well with the Council and Nottinghamshire County Council and other stakeholders with regard to archaeology, as detailed in Section 6.4.	No response required
11.54.	Chapter 6 incorporates the data derived from the DBA, metal detector and fieldwalking surveys, geoarchaeological investigation and geophysical survey. Crucially, it has not included the data from the trial trench evaluation work which was undertaken in 2023/24, which the report acknowledges at Section 6.8.116. The inclusion of this data in the assessment in Chapter 6 is essential to understanding the development impacts and the assessment will not have been completed to a satisfactory standard until it has been.	The Applicant has to date completed a thorough programme of archaeological fieldwork including preliminary surveys and archaeological evaluation as detailed in 11.49 below. The scope of these works were developed in consultation with heritage stakeholders and the approved Written Schemes of Investigation (WSI) for these works are appended to the updated Archaeological Management Plan [APP-187] submitted at Deadline 2 of the Examination. The results of the preliminary surveys have informed Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and the detailed reports for these surveys are appended to Appendix 6.1 Cultural Heritage Desk Based Assessment of the Environmental Statement Appendices [AS-099]. The results of the archaeological evaluation were not available prior to submission of the Environmental Statement and as such the assessment of the potential for unknown archaeology based on available information has been undertaken as part of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and the conclusions present the most likely worst-case scenario in the event that buried archaeology is unearthed. In agreement with NSDC, NCC and Historic England the results of the archaeological evaluation have formed part of the preparation of Chapter 6 (Archaeological Mitigation Strategy) of the updated Archaeological Management Plan [APP-187], submitted at Deadline 2 of the Examination. A copy of the updated Archaeological Management Plan [APP-187] and Archaeological Evaluation report was shared with Historic England, NCC and NSDC for comment on 03/09/2024. Comments were received from the heritage stakeholders on 25/09/2024, which have been taken on board as part of the finalisation of the updated Archaeological Management Plan [APP-187]. It should be noted that the results of the Archaeological Evaluation have not negatively altered the assessment of effects predicted within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].
11.55.	Section 6.9 details potential impacts which includes the removal or truncation of heritage assets as a result of excavation, ground disturbance, de-watering and compaction associated with the construction of the Scheme and associated works (Section 6.9.3). Where archaeology is	The Applicant agrees that the removal or truncation of heritage assets as a result of excavation, ground disturbance, de-watering and compaction associated with the construction of the Scheme and associated works would result in an impact.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	present this would be a significant, adverse, negative impact.	The Applicant does not consider impacts to be significant or negative. The Applicants methodology aligns with DMRB LA104 Environmental Assessment and Monitoring for the purposes of EIA and considers "Significance of Effect". The impact due to removal or truncation of heritage assets would be considered a major, moderate or occasionally minor adverse impact. This methodology is outlined in Paragraph, 6.5.16 and Table 6-3 of Chapter 6 (Cultural Heritage of the Environmental Statement [APP-050].
11.56.	It also identifies operational impacts, particularly the depreciation in value of below ground heritage assets as a result of damage caused by compaction, vibration, dewatering and changes in hydrology for the Scheme and associated floodplain compensation works. It should also include potential impacts from maintenance and other works. Where archaeology is present this would be a significant, adverse, negative impact.	The Applicant agrees that the damage caused by compaction, vibration, dewatering and changes in hydrology for the Scheme and associated floodplain compensation works would result in an impact to below ground heritage assets. The Applicant agrees that some maintenance work may result in impacts to below ground heritage assets, but most conducted in the roadway would not result in any impacts to below ground heritage assets. The Applicant does not consider impacts to be significant or negative. The Applicants methodology aligns with DMRB LA104 Environmental Assessment and Monitoring for the purposes of EIA and considers "Significance of Effect". The impact due to removal or truncation of heritage assets would be considered a major, moderate or occasionally minor adverse impact. This methodology is outlined in Paragraph, 6.5.16 and Table 6-3 of Chapter 6 (Cultural Heritage of the Environmental Statement [APP-050].
11.57.	Section 6.10 provides a very broad mitigation proposal based on the evidence presented, although there is some detail of design alterations, which is welcomed. However, this is necessarily lacking crucial information from the evaluation trenching and other reports that have not been included with the DCO submission.	The Applicant confirms as recorded within Section 6.4 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050], thorough consultation with heritage stakeholders including NSDC has been undertaken to discuss the assessed impacts and effects of the Scheme upon archaeological remains and the measures required to reduce and avoid these impacts where possible. The Applicant confirms to date the Scheme has been subject to two phases of archaeological investigation, the scope of which has been agreed by NSDC. These phases include a programme of preliminary survey (field walking, metal detector, geophysical survey and geoarchaeological desk-based assessment) and a programme of archaeological evaluation (trial trenching and test pitting, geoarchaeological coring and archaeological monitoring of ground investigation works). The agreed scope for these works is detailed within Chapters 4 and 5 of the Archaeological Management Plan [APP- 187] and the results of these surveys are detailed within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. Where areas of significant archaeology have been identified through preliminary survey and archaeological evaluation, discussions with NSDC, NCC and Historic England heritage stakeholders have enabled the reduction of the construction areas to preserve as much of these sensitive areas in situ. Examples include the avoidance of impacts to internationally important Late Upper Palaeolithic remains at Farndon and the reduction of impacts to late Prehistoric, Roman and Anglo-Saxon settlement remains identified south-west of Winthorpe, detailed further in Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047] and Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Where avoidance is not possible a robust Archaeological Mitigation Strategy for the pre-commencement and construction stages of the Scheme has been developed in accordance with Requirement 9 of the draft Development Consent Order DCO [APP-021]. This strategy has been developed in consultation with NSDC, NCC and Historic England heritage stakeholders and is detailed within Chapter 6 of the updated Archaeological Management Plan [APP-187], submitted at Deadline 2 of the Examination.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
11.58.	The mitigation proposals in Section 6.10 that relate to archaeology comprise avoidance and excavation/surveys to understand and record the heritage encountered along the route creating a greater knowledge of the area's heritage. While this high-level approach would be broadly agreeable (as with any scheme), it is essential that a detailed Mitigation Strategy be presented for eexamination, and this be based on the full range of reports rather than the limited submission to date.	The Applicant confirms the results of preliminary surveys and archaeological evaluation alongside consultation with heritage stakeholders from NSDC, NCC and Historic England has informed the preparation of a detailed Archaeological Mitigation Strategy, which forms Chapter 6 of the updated Archaeological Management Plan [APP-187], submitted at Deadline 2 of the Examination. A draft copy of the updated Archaeological Management Plan [APP-187] has been shared with heritage stakeholders for comment on 03/09/2024 and comments were received from the heritage stakeholders on 25/09/2024, which have been taken on board as part of the finalisation of the updated Archaeological Management Plan [APP-187].
11.59.	The Mitigation Strategy must identify each archaeologically sensitive area, the impacts from the proposed development and a detailed programme of archaeological works for each that will offset the impacts. This will include excavation, monitoring, preservation in-situ (archaeological exclusion zones) and design solutions. The current proposals are insufficient and limited and the impact from development remains adverse and negative until such time as additional detail is provided.	Chapter 6 (Archaeological Mitigation Strategy) of the updated Archaeological Management Plan [APP-187] submitted at Deadline 2 of the Examination details the scope of archaeological investigations and protection measures required during the pre-commencement and construction stages of the Scheme. These investigations include historic building recording, vibration monitoring, further archaeological evaluation, archaeological excavation, archaeological monitoring and recording and geoarchaeological investigation. In accordance with Requirement 9 of the draft Development Consent Order [REP1-001], this Strategy has been developed in consultation with the NSDC, NCC and Historic England heritage stakeholders, following completion of the Phase 1 Preliminary Surveys and Phase 2 Archaeological Evaluation, described in Chapters 4 and 5 of the Archaeological Management Plan [APP-187]. A copy of the updated Archaeological Management Plan [APP-187] was shared with heritage stakeholders for comment on 03/09/2024 and preliminary comments were received from the heritage stakeholders on 25/09/2024, which have been taken on board as part of the finalisation of the updated Archaeological Management Plan [APP-187] .
11.60.	This office is aware of the level of archaeological work that has been undertaken by the applicant and has monitored much of it. We can advise that the archaeological work to date is of a sufficient level to appropriately inform the ES Chapter, however it has not been presented in full and consequently the ES Chapter is lacking sufficient detail for Examination.	The Applicant confirms the full reports for the preliminary surveys are contained within D to K of Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. The full report for the archaeological evaluation is contained within Appendix H of the updated Archaeological Management Plan [APP-187], submitted at Deadline 2 of the Examination.
11.61.	The evidence presented to date indicates the presence of significant archaeology but does not provide sufficient site-specific detail on the extent, character, depth, state of preservation of the archaeology and therefore cannot provide specific detail on the development impacts or an agreeable programme of mitigation work to offset those impacts. Therefore, the Council's position must be that the development will have a significant, adverse and negative impact on the archaeological resource encountered in the Order Limits and thus fail to accord with local policy.	The Applicant confirms the results of the preliminary surveys comprising fieldwalking, metal detecting, geophysical survey and geoarchaeological coring and monitoring have informed Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and the detailed reports for these surveys are appended to Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. The results of the archaeological evaluation comprising archaeological trial trenching and geoarchaeological test pitting and palaeoenvironmental analysis were not available prior to submission of the Environmental Statement and as such the assessment of the potential for unknown archaeology, based on available information has been undertaken as part of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and the conclusions present the most likely worst-case scenario in the event that buried archaeology is unearthed. This approach was agreed with heritage stakeholders during consultation meetings and is detailed in the paragraph 3.7.6 (Assumptions and Limitations) of Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement [AS-099]. The full Archaeological Evaluation report is appended (Appendix H) to the updated Archaeological Management Plan [APP-187] submitted at Deadline 2 of the Examination. In agreement with NSDC, NCC and Historic England heritage stakeholders, the results of the Archaeological Evaluation have informed part of the preparation of the detailed Archaeological Mitigation Strategy which forms Chapter 6 of the updated Archaeological Management Plan [APP-187], submitted at Deadline 2 of the Examination. This strategy was designed in consultation with heritage stakeholders and sets out the scope of archaeological investigations and protection measures required during the pre-commencement and construction stages of the

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		Scheme. A copy was shared with heritage stakeholders for comment on 03/09/2024 and comments were received from the heritage stakeholders on 25/09/2024, which have been taken on board as part of the finalisation of the updated Archaeological Management Plan [APP-187] It should be noted that the results of the Archaeological Evaluation have not negatively altered the assessment of effects predicted within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].
11.62.	This position would alter if the applicant submits a detailed Outline Mitigation Strategy for Examination based on all the archaeological work to date including the outstanding reports. The ES Chapter will need to be updated accordingly to reflect the current level of work undertaken.	The Applicant confirms in consultation with heritage stakeholders a detailed Archaeological Mitigation Strategy has been developed and is contained within Chapter 6 of the updated Archaeological Management Plan [APP-187], submitted at Deadline 2 of the Examination. This strategy is based on the results of both the preliminary surveys and archaeological evaluation undertaken to inform the Scheme. The full reports for the preliminary surveys are contained within D to K of Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement [AS-099]. The full report for the archaeological evaluation is contained within Appendix H of the updated Archaeological Management Plan [APP-187], . Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and the updated Archaeological Management Plan [APP-187] reflect the current level of work undertaken to date and as the results of the Archaeological Evaluation have not altered the assessment of effects within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] no updates should be required to the chapter.
12. Socio Economic – Positive		
12.1.	The English Index of Multiple Deprivation (2019)17 finds that over 30% of Lower Layer Super Output Areas (LSOAs) in Newark-on-Trent are in the top 20% most deprived in England in terms of Education, Skills and Training. Despite this, the town fares quite well in terms of employment. With more than 8,000 businesses, Newark is home to many industries, including logistics, data management and tourism. The town supports a wide range of jobs and compares well at a regional and national level in terms of employment rates18 (age group 16 to 64 is 72.7% in Newark compared with 71.5% in East Midlands and 71 in England).  	No response required
12.2.	As a strategic point intersecting the A1, M1 and connecting larger cities such as Birmingham, Coventry, Leicester, Nottingham, Lincoln and the Humber Ports, businesses are	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	technically well positioned on the A46. However recent research, undertaken in April and May 202419, indicates that the A46 in its current form is a hindrance to economic growth. Midlands Connect commissioned a qualitative study, 'Unlocking the Potential of the A46 Newark Bypass' (May 2024), which sought views from local businesses in and around Newark (including Newark Showground, Vodaphone, and British Sugar) on how they and the region are being held back by the lack of investment in the A46 Newark bypass. The following messages were consistently drawn from interviews with local businesses and stakeholders: The A46 in its current form is **negatively affecting business** operations, as well as the wider community; Traffic is **costing businesses** and the local economy money; An improved A46 would **improve the prospects** of Newark and the businesses based there; and Despite concerns about the interruption caused by the improvement works, there is **widespread support** for the proposals and a desire for them to be commenced without delay.	
12.3.	It was reported that delays caused by traffic congestion are a concern for the Newark Showground as it holds several events per annum and can have up to 15,000 people accessing the showground on a given day. The interviewee from Newark Showground indicated that queues can be miles long at busy times. If you are trying to attend an event at the show ground, it can mean that visitors are up to two hours delayed. This impacts everyone in the area, delayed through traffic congestion. There is a perception that when people regularly struggle to access events, it affects reputation and future commercial confidence.	The Applicant has provided a new westbound entrance off the new Friendly Farmer link road to remove traffic from Winthorpe roundabout and Drove Lane which currently contribute to the delays. The Drove Lane entrance to the bowling club area has also been made left out only, this will reduce the risk of traffic queuing back onto Winthorpe roundabout and creating congestion. The Applicant has also stated that is will work with the Showground operator during the detailed design stage to agree the signage required and also the potential to change signal timings on Winthorpe roundabout to improve flows into the Showground at weekends.
12.4.	British Sugar (British Sugar processes all the sugar beet grown in the United Kingdom and supplies 60% of the UK's sugar market) reported that they factor in more time for their drivers to complete journeys as they know taking the A46, technically most direct route, will lead to delays. As a result, drivers are taking less direct routes, spending more time on their journey and money on fuel.	The Applicant confirms, as set out in the Transport Assessment [APP-193], the Scheme will provide more capacity on the existing A46 route, resulting in shorter and more reliable journey times. When the Scheme is introduced, the main extent of the A46, between Lodge Lane (south of Farndon roundabout) and Brough Lane (north of Winthorpe roundabout), is forecast to bring journey time savings of between two to seven minutes in each direction during peak periods by 2043 (15 years after the Scheme's opening). This will make using the existing A46 a more attractive route for road users rather than Newark Town Centre and will encourage a higher proportion of road users to remain on the strategic road network, as opposed to using local roads to travel through Newark-on-Trent. Current traffic model forecasts as shown in the Transport Assessment [APP-193] predict that the Scheme will also reduce traffic flow on most local roads through Newark-on-Trent including B6326 London Road, Barnaby Road, Beacon Hill Road, Beckingham Road, Drove Lane, Farndon Road and Fosse Road.
12.5.	Local businesses also argued that excessive traffic around the A46 makes it harder for employees to access work with reliability and makes Newark Town Centre effectively unreachable on a Friday in particular, impacting on local investment into the town centre. Vodaphone is a large local employer with a significant base in Newark. In its current layout, the Vodaphone representative indicated that the A46 hinders peoples' ability to reliably travel to the office and this risks Vodaphone pulling their investment from Newark and look elsewhere if the situation doesn't improve.	The Applicant confirms, as set out in the Transport Assessment [APP-193], the Scheme will provide more capacity on the existing A46 route, resulting in shorter and more reliable journey times. When the Scheme is introduced, the main extent of the A46, between Lodge Lane (south of Farndon roundabout) and Brough Lane (north of Winthorpe roundabout), is forecast to bring journey time savings of between two to seven minutes in each direction during peak periods by 2043 (15 years after the Scheme's opening). This will make using the existing A46 a more attractive route for road users rather than Newark Town Centre and will encourage a higher proportion of road users to remain on the strategic road network, as opposed to using local roads to travel through Newark-on-Trent. Current traffic model forecasts as shown in the Transport Assessment [APP-193] predict that the Scheme will also

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		reduce traffic flow on most local roads through Newark-on-Trent including B6326 London Road, Barnaby Road, Beacon Hill Road, Beckingham Road, Drove Lane, Farndon Road and Fosse Road.
12.6.	The ES rightly acknowledges the negative impact that the A46 Newark Bypass scheme will have on the local agricultural industry and on public rights of way. Paragraph 12.2 of the (Library ref AAP-183) 64. ES Non-Technical Summary summarises the impact on population and human health during the construction phase of the scheme. It concludes: *"During construction of the Scheme, there would be loss, severance and fragmentation of agricultural holdings which would result in significant effects for 10 agricultural holdings. Two Public Rights of Way (Newark BW2 and Newark FP48#1) would be temporarily stopped up and diverted during construction by the Scheme. The Scheme has been designed to reduce land take and severance as far as practicable. Mitigation measures during construction would include temporary diversions to limit the impacts on pedestrians, cyclists and equestrians, and maintain agricultural access."*	No response required
12.7.	Paragraph 12.3 summaries impact on the population and human health following completion of the scheme, during operation. It finds: "The operation of the Scheme is expected to have a beneficial impact on access to private property and housing; development land and businesses; community land and assets; green space, recreation and physical activity; and for walkers, cyclists and horse riders due to the reduced congestion and improved journey times that the Scheme will deliver. Although users of the National Cycle Network 64 and Trent Valley Way along Winthorpe Road would experience significant effects as a result of a permanent diversion created by the new Brownhills junction layout, the Scheme design would include the permanent creation of new diversions of cycleways, footways and Public Rights of Way to maintain connectivity of the local network."	No response required
12.8.	NSDC agrees with the findings in paragraph 12.2 which relates to the construction phase, there is concern that agricultural holdings will be subject to inconvenience and potential loss of earnings if adequate compensation is not provided.	The Applicant is in conversation with landowners and tenants regarding access requirements during construction and access will be maintained as far as is practicable. If during these conversations any loss is identified, compensation will be paid in line with the statutory compensation code.
12.9.	Paragraph 12.3 does not mention impact on agricultural holdings and presumes compensation will address any negative effects. NSDC understands that discussions on compensation have not yet been agreed and local landowners and businesses are concerned about how this will impact on their finances/business. The Council shares these concerns and would like to see National Highways resolve this matter as soon as possible, prior to the completion of the examination process. This should be addressed in paragraph 12.3 and within the Population and Human Health section of the ES.	The Applicant is continuing to engage with landowners and is in the process of agreeing levels of compensation in line with the Statutory Compensation Code. It is the Applicant's intention to complete these agreements at the earliest opportunity.
12.10.	The report concludes that the A46, in its current format, acts as a hindrance to making the most of this strategic location. Improvements to the strategic network would inevitably improve the free flow of traffic abound this currently bottlenecked junction in the A46 network, improve business confidence in the area as well as productivity thus providing a boost to the local economy. For this reason the Council sees this as a positive outcome.	No response required
13. Noise and Vibration – Neutral		
	<u>Baseline</u>	

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
13.1.	Existing road and rail noise sources are identified in the ES as the dominant noise sources in the vicinity of the scheme, in particular the existing A46 and A1. With some additional contributions from aircraft and natural sounds such as birdsong.	No response required
13.2.	Baseline noise monitoring was undertaken in 2022 at seven long term sites and two short term sites along the scheme. As stated in Appendix 11.2 of the Environmental Statement (ES) states the Environmental Health Officer (EHO) at Nottinghamshire County Council (NCC) was consulted on the proposed locations and methodology in February 2022.	No response required
13.3.	Further detail on meteorological conditions during the survey, in particular information on the wind direction and any periods excluded due to adverse weather, which are not provided, would be beneficial. However, overall, the baseline monitoring is considered to be suitable and sufficient for the purposes of the noise impact assessment.	No response required
13.4.	The identification of noise sensitive receptors along the scheme, in particular residential dwellings and noise important areas (NIAs), is set out in the ES and captures the main areas of receptors with the potential to be impacted. No information is provided on other noise sensitive receptors in the study area such as educational, medical and community facilities. Based on section 11.11 'Assessment of likely significant effects' a large number of other sensitive receptors have been included in the assessment. It is assumed educational, medical, and community facilities are included in these other sensitive receptors. Section 11.11 identifies potentially significant effects at a number of commercial properties, although such properties would not normally be considered as potentially noise sensitive.	The Applicant confirms all relevant address base points have been included in the assessment to establish potential impacts from the Scheme, including noise sensitive receptors such as educational, medical and community facilities. Assessment locations that were not flagged by the assessment as potentially subject to a significant effect did not require consideration of particular sensitivities and therefore are not explicitly referred to in the assessment results.
13.5.	Overall, the baseline set out in the ES is considered to be proportionate and adequately derived	No response required
	<u>National Policy</u>	
13.6.	The National Policy Statement for National Networks (NPSNN) is the key policy the scheme must comply with. The ES is based on the 2014 version which was current at the time of the assessment and the draft revision which was published in March 2023. A revised version was issued in May 2024. With regard to noise, there are no material differences between the various versions of the NPSNN.	No response required
13.7.	The DCO application includes the document 'National Policy Statement for National Networks Accordance Tables', which sets out how the scheme complies with each section of the NPSNN, mainly through reference to the relevant sections of Chapter 11: Noise and Vibration of the ES.	No response required
13.8.	The noise/vibration prediction/assessment methodologies are stated as being in accordance with the relevant UK guidance for assessing road schemes: the Design Manual for Roads and Bridges (DMRB) LA 111: Noise and Vibration. <u>Construction – Nottinghamshire County Council (NCC) and Newark and Sherwood District Council (NSDC)</u>	No response required
13.9.	No significant adverse noise effects due to construction traffic on local roads during the day are identified, as the magnitude of the predicted change in traffic noise levels along affected roads is only negligible or minor. No construction traffic is anticipated at night.	No response required
13.10.	No significant adverse effects due to the various temporary night-time road diversions are identified as it is assumed that the duration of each diversion can be managed to not exceed the duration significance criteria set out in DMRB of 10 days in 15 consecutive days or 40 days in 6 consecutive months. However, this assumption is not secured by a commitment in the First Iteration Environmental Management Plan (FIEMP). NCC and NSDC request that a	The Applicant confirms the extent of usage of any particular diversion route would be managed to fewer than 10 days in any 15 consecutive days and a total number of days fewer than 40 in any 6 consecutive months to avoid the introduction of a significant adverse effect. This measure will be secured by adding it to the First Iteration Environmental Management Plan [APP-184].

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	commitment is made in the FIEMP to night-time diversions not exceeding the duration significance criteria set out in DMRB LA 111, i.e. 10 days in 15 consecutive days or 40 days in 6 consecutive months.	
13.11.	As would be expected, exceedances of the levels at which a potentially significant adverse construction noise/vibration effect occurs are predicted at the closest receptors to some of the construction activities.	No response required
13.12.	Each construction activity has been assessed individually. While it is potentially reasonable to assume the worst-case impacts of multiple activities will not coincide at individual receptors, without specific information on the timing and duration of activities it is not possible to determine if multiple activities could coincide resulting in additional significant adverse effects. For example, the use of the haul routes within the site and the site compounds at the same time as other construction activities would not be unexpected.	The Applicant confirms Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] presents the outcomes of the construction noise and vibration assessment on the basis of preliminary (as the details of construction activities are dependent on the final design, programme, and chosen methodology) construction information available at the time of the assessment. Appendix 11.1 (Construction Activities and Plant for Noise Assessment) of the Environmental Statement Appendices [APP-172] presents the construction information assumptions used in the assessment to represent a reasonable worst case for activities occurring in sequence. However details of construction activities and relevant timings are to be reviewed, once known, in advance of any construction activity taking place. As per Appendix A of the Consents and Agreements Position Statement [APP-023], construction activities may be subject to an application under Section 61 of the Control of Pollution Act 1974 by the Principal Contractor to ensure potential impacts from construction related noise and vibration are suitably controlled.
13.13.	The ES concludes that all the identified potentially significant adverse construction noise and vibration effects can be mitigated to either reduce the levels at the receptors to below the relevant noise/vibration level or to reduce the duration of the exceedance to below the duration criteria set out in DMRB. Therefore, no residual significant adverse noise or vibration effects during construction are identified. The FIEMP includes the majority of the specific commitments set out in the ES. **However, implementing such measures, in particular, limiting the operating times of specific plant and the duration of works in specific locations may not be practical. There is therefore a risk of significant adverse construction noise/vibration effects at the closest receptors to the works.**	The Principal Contractor will implement a Noise and Vibration Management Plan (NVMP) based upon the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-184]. This will detail the management and monitoring processes to be introduced across all construction sites and compounds. Details of construction activities and relevant timings are to be reviewed, once known, in advance of any construction activity taking place. As per Appendix A of the Consents and Agreements Position Statement [APP-023], construction activities may be subject to an application under Section 61 of the Control of Pollution Act 1974 by the Principal Contractor to ensure potential impacts from construction related noise and vibration are suitably controlled.
13.14.	However, some residual significant adverse effects would not necessarily indicate non-compliance with the NPSNN, as the avoidance of significant adverse effects and the requirement to mitigate and minimise adverse effects is within the context of government policy on sustainable development.	No response required
13.15.	To identify sustainable noise mitigation measures, various factors must be considered, including the nature/source of the adverse effect to be mitigated, the circumstances of the receptor, the cost versus the benefit, engineering practicality, safety considerations, generation of knock-on impacts (such as access issues, ecological impacts, landscape and visual impacts), and consultation and stakeholder engagement responses.	No response required
13.16.	The ES and FIEMP contain industry standard mitigation measures, such as the requirement to implement Best Practicable Means (BPM), and specific mitigation measures such as temporary barriers in specific locations. Therefore, all sustainable mitigation measures have been identified.	No response required
13.17.	To conclude, whilst the conclusion of the ES that all significant adverse construction effects can be avoided is not completely certain, the assessment is considered to comply with the policy requirements of the NPSNN. In addition, powers are available to the Local Authority NSDC to control construction noise/vibration during the works.	No response required
	Construction – NSDC	

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
13.18.	NSDC have specific powers to control noise/vibration during construction under section 60 and 61 of the Control of Pollution Act (CoPA) 1974, and the statutory nuisance provisions in Part 79 of the Environmental Protection Act (EPA) 1990 Part 3,. Section 60 of the CoPA grants NSDC the power to serve a notice on the contractor specifying the plant to be used (or not used), the hours of working and the levels emitted from the site. Section 61 allows for the contractor to apply for 'prior consent' in advance detailing the works to be completed, the methods to be adopted, and the mitigation measures to be applied. If prior consent is granted, and the works are carried out in accordance with the application and any conditions included in the consent, a notice under section 60 cannot be served. Construction noise/vibration also falls under the more general statutory nuisance provisions of the EPA. If the construction noise/vibration is deemed to result in a statutory nuisance the Local Authority must serve an abatement notice setting out the works required to abate the nuisance. Demonstrating 'best practicable means' have been applied to control the noise/vibration is a defense under the EPA.	No response required
13.19.	NSDC would not require a Section 61 prior consent application for all the construction works, however, they would expect the contractor to consider an application for works outside of normal daytime hours, particularly noisy works and works in very close proximity to sensitive receptors. NSDC request that a commitment is made in NV1 of the FIEMP to the Noise and Vibration Management Plan (NVMP) setting out that the use of Section 61 applications will be agreed with NSDC.	The Applicant confirms that a commitment to agree the use of Section 61 applications with NSDC will be added in the NV1 entry of the First Iteration Environmental Management Plan [APP-184].
13.20.	NSDCs standard construction hours are 07:30-18:00 Monday to Friday and 08:00-13:00 on Saturdays'. NSDC request that commitment G2 in the FIEMP regarding core hours is amended to match these.	The Applicant confirms it is not the intention of the Scheme to change the site operating hours (07:00-18:00 Monday to Friday and 07:00-13:00 Saturday) presented as part of Requirement 5 of the draft Development Consent Order [REP1-001]. However, operating times include a 30-minute preparation time period at the beginning of the shifts. Requirement 5 includes an obligation to consult with the Local Planning Authority prior to carrying out certain operations outside these hours.
	<u>Operation – NCC & NSDC</u>	
13.21.	Traffic noise impacts on the NIAs in the vicinity are identified in the ES as negligible or minor beneficial. The impact at the two NIAs for which NCC are responsible on the A617 is minor beneficial.	No response required
13.22.	Potentially significant operational traffic noise effects, based on the DMRB noise change criteria, are identified in the ES at the following number of sensitive receptors in the opening year: • Moderate increase (3.0 to 4.9 dB) - 23 (15 residential) daytime and 66 (54 residential) night-time; • Major increase (≥ 5 dB) – 67 (59 residential) daytime and 22 (18 residential) nighttime; • Minor increase (1.0 to 2.9 dB) combined with existing 'high' noise levels (at or above the Significant Observed Adverse Effect Level (SOAEL)) – 13 (3 residential) daytime and 12 (3 residential in the night-time); • Moderate decrease (3.0 to 4.9 dB) – 244 (226 residential) and 170 (154 residential) night-time; and Major decrease (≥ 5 dB) – 4 (4 residential)) and 2 (2 residential) night-time.	No response required
13.23.	In the long term (comparing the opening year without the scheme to 15 years after opening with the scheme) the number of moderate (5.0 to 9.9 dB) and major (≥ 10 dB) increases and decreases is reduced. This is primarily because the DMRB criteria are larger to allow for changes in traffic that would have occurred even without the scheme over the 15 years.	No response required

Written Representations		
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13.24.	DMRB requires that the effects that are initially identified as significant, based on the impact in the opening year, are considered in light of a range of other factors including: how close the change is to the noise change category boundary, the long-term change, the absolute level, the location of sensitive parts of a receptors, the acoustic character of the area and the likely perception of the change by occupiers.	No response required
13.25.	Applying these additional factors the ES concludes that all the initially identified potentially significant adverse effects are not significant. No discussion details are provided on the location of the potentially significant decreases in traffic noise is provided in the ES.	The Applicant acknowledges Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] does not include extensive discussion on areas where noise decreases are predicted. To aid in identifying areas that are subject to noise decreases, Figure 11.9 (Short-term Noise Change) [AS-063] and Figure 11.10 (Long-term Noise Change) of the Environmental Statement Figures [AS-064] present noise level changes throughout the study area in the short-term and long-term respectively to aid understanding of the Scheme's impact.
13.26.	Whilst some of the locations identified in the ES as potentially experiencing a significant adverse effect are concluded to be not significant as they are commercial non-sensitive receptors, some are residential. In particular, the 74 residential properties on Pelham Street and Victoria Street/Portland Street/Clinton Street/Albert Street in Newark, are predicted to experience a moderate or major increase in traffic noise in the opening year. At these locations, an argument can be made that a significant adverse effect would occur.	The Applicant confirms DMRB LA111 sets out the requirements for assessing and reporting the effects of highways noise and vibration from construction, operation and maintenance schemes. For operational noise an initial assessment of likely significant effect on noise sensitive buildings is determined by reference to classification of short-term change which is that moderate and major changes are significant whereas negligible and minor changes are not significant. However, where the change in the short-term is minor, moderate or major, Table 3.60 of LA 111 is then used to determine 'final' significance. For Pelham Street and Victoria Street/Portland Street/Clinton Street/Albert Street, the interpretation of the contextual factors showed, among other things, that: • The long-term impact is generally less than the short-term in that major impacts become moderate and moderate impacts become minor. This local circumstance indicates the effect is likely not significant, although some moderate impacts remain in the long-term from the short-term. • Noise level changes are within 1dB of the bottom of the moderate range in the long-term for receptors that have a moderate impact in the short-term which remains moderate in the long-term, indicating that this local circumstance indicates the effect is likely not significant. • Noise levels are below SOAEL so no modification to the assessment is needed for this local circumstance. • No change in acoustics character is expected so no modification to the assessment is needed for this local circumstance. A summary of the influence of these factors is provided in Table 11-36 of Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055].
13.27.	However, some residual significant adverse effects do not indicate non-compliance with the NPSNN as the avoidance of significant adverse effects and the requirement to mitigate and minimise adverse effects is within the context of government policy on sustainable development.	No response required
13.28.	As stated above with regard to construction effects, to identify sustainable noise mitigation measures, various factors must be considered, including the nature/source of the adverse effect to be mitigated, the circumstances of the receptor, the cost versus the benefit, engineering practicality, safety considerations, generation of knock-on impacts (such as access issues, ecological impacts, landscape and visual impacts), and consultation and stakeholder engagement responses.	No response required
13.29.	There are unlikely to be any additional locations where sustainable mitigation would be effective and feasible. The minor roads in Newark which experience a moderate or major increase in traffic noise are not adjacent to the scheme, and the impact is due to traffic re-routing on surrounding roads. It is possible the predicted moderate and major impacts are due to a simplification of the traffic model if not all the local roads are incorporated. In any case, mitigation, such as noise barriers on an existing road with many properties fronting onto the road, would not be practicable and would not constitute sustainable mitigation.	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
13.30.	Therefore, the operational noise mitigation measures set out in the ES are in accordance with the NPSNN requirement to demonstrate good design.	No response required
13.31.	To conclude, whilst the conclusion of the ES that none of the operational adverse effects are significant could be open to debate, the operational noise assessment is considered to comply with the policy requirements of the NPSNN.	No response required
	Local Policy	
13.32.	The Nottinghamshire Local Transport Plan 2011-2026 identifies addressing noise issues as a means to improve health, wellbeing and quality of life. It therefore states, 'priority will be given to highway measures that reduce noise in areas where there are high levels of road traffic and significant noise sensitive properties affecting a high number of people'.	No response required
13.33.	As illustrated in Figure 11.9 of the ES, which displays the change in traffic noise levels in the opening year due to the scheme, there are areas where the scheme provides a reduction in traffic noise levels. Areas of predicted increases in traffic noises levels are generally negligible or minor in magnitude.	No response required
13.34.	Whilst the noise section of the Local Transport Plan does not explicitly state that noise impacts should be considered in the context of sustainable development the over-arching principle of sustainability is inherent within the plan.	No response required
13.35.	With the inclusion of the embedded mitigation, the scheme is considered to comply with local policy.	No response required
	Potential Conflicts Nottinghamshire County Council and Newark and Sherwood District Council	
13.36.	Whilst the conclusions of the ES that none of the construction or operational adverse effects are significant could be open to debate, it is our opinion that it complies with the policy requirements of the NPSNN.	No response required
13.37.	No significant adverse effects due to the various temporary night-time road diversions are identified as it is assumed that the duration of each diversion can be managed to not exceed the duration significance criteria set out in DMRB of 10 days in 15 consecutive days or 40 days in 6 consecutive months. NCC and NSDC request that a commitment be made in the FIEMP to night-time diversions not exceeding the duration significance criteria set out in DMRB LA 111, i.e. 10 days in 15 consecutive days or 40 days in 6 consecutive months.	The Applicant confirms the extent of usage of any particular diversion route would be managed to fewer than 10 days in any 15 consecutive days and a total number of days fewer than 40 in any 6 consecutive months to avoid the introduction of a significant adverse effect. This measure will be secured by adding it to the First Iteration Environmental Management Plan [APP-184].
13.38.	The initial assessment as part of the ES indicates no residential properties are likely to qualify under the Noise Insulation Regulations 1975 (as amended 1988). However, if the scheme goes ahead National Highways have a statutory obligation to complete a final assessment within six months of the scheme opening, using the final scheme design and traffic data.	The Applicant confirms that Regulation 6(3) of the Noise Insulation Regulations states that a map or list setting out whether a duty arises under Regulation 3 (duty to carry out insulation work or to make grants) or a power under Regulation 4 (power to carry out insulation work or to make grants) needs to be produced and made available for public inspection not later than six months after the "relevant date" (when the altered highway was opened) and that the noise levels that are needed for such a map or list must be calculated in accordance with the Calculation of Road Traffic Noise.
	Newark and Sherwood District Council	
13.39.	NSDC would not require a Section 61 prior consent application for all the construction works, however, they would expect the contractor to consider an application for works outside of normal daytime hours, particularly noisy works and works in very close proximity to sensitive receptors. NSDC request that a commitment is made in NV1 of the FIEMP to the Noise and Vibration Management Plan (NVMP) setting out that the use of Section 61 applications will be	The Applicant confirms a commitment to agree the use of Section 61 applications with NSDC will be added in the NV1 entry of the First Iteration Environmental Management Plan [APP-184].

Written Representations		
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	agreed with NSDC.	
13.40.	NSDCs standard construction hours are 07:30-18:00 Monday to Friday and 08:00-13:00 on Saturdays'. NSDC request that commitment G2 in the FIEMP regarding core hours is amended to match these.	The Applicant confirms it is not the intention of the Scheme to change the site operating hours (07:00-18:00 Monday to Friday and 07:00-13:00 Saturday) presented as part of Requirement 5 of the draft Development Consent Order [REP1-001]. However, operating times include a 30-minute preparation time period at the beginning of the shifts. Requirement 5 includes an obligation to consult with the Local Planning Authority prior to carrying out certain operations outside these hours.
14. Air Quality – Neutral		
	Baseline	
14.1.	The Applicant describes the air quality baseline conditions in Section 5.8 of the Environmental Statement (ES) Chapter 5: Air Quality (Ref: TR010065/APP/6.1). The information presented in the ES regarding baseline air quality has been derived from information held by Newark and Sherwood District Council (NSDC), National Highways and The Department for Environment, Food and Rural Affairs (Defra).	No response required
14.2.	The air quality assessment has been undertaken in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 Air Quality. The assessment uses the most recent (at the time of undertaking the assessment) air quality tools and spreadsheets provided by National Highways and Defra.	No response required
14.3.	Within Section 5.8 of the ES, annual mean nitrogen dioxide (NO2) monitoring data from NSDC has been provided for 2018 to 2022 for the 12 monitoring locations within 0.6 km of the Scheme or affected road network ((ARN) i.e. air quality study area). Paragraph 5.8.10 states that there were no exceedances of the annual mean NO2 objective in 2022, with the highest annual mean NO2 concentration of 26.6 µg/m3 monitored at 16N, located less than 10 m from the Scheme. The ES notes that there are no air quality management areas (AQMAs) declared by NSDC.	No response required
14.4.	Paragraph 5.8.9 discusses the effect of the national lockdowns during the COVID-19 pandemic on air quality concentrations in 2020 and 2021; however, by 2022 concentrations are considered to be representative of 'normal' conditions post-COVID-19 lockdowns.	No response required
14.5.	Paragraph 5.8.7 confirms that NSDC undertakes no automatic monitoring and therefore no monitoring of particulate matter (PM10 or PM2.5) is undertaken within the study area.	No response required
14.6.	Paragraphs 5.8.11 to 5.8.14 provide details of Scheme specific monitoring undertaken in 2022 to support the assessment and to update the Applicant's monitoring survey previously undertaken in 2016. Monitoring was undertaken at 27 locations between May 2022 and November 2022. The monitored concentrations were bias adjusted and annualised as described in Appendix 5.3 Air Quality Monitoring Report (Ref: TR010065/APP/6.3). The results indicated that there were no exceedances of the NO2annual mean objective. The highest NO2 annual mean concentration of 33.0 µg/m3 was recorded at a site on the A113 adjacent to Winthorpe Roundabout.	No response required
14.7.	Consultation with the NSDC Environmental Health Officer (EHO) was held on 14th September 2022, with agreement on the location of the monitoring sites for the Scheme specific survey.	No response required
14.8.	Paragraphs 5.5.55 to 5.5.59 describe the comparison exercise which has been undertaken between the Defra modelled background NOx and NO2 concentrations and two NSDC and nine Scheme specific background sites which are considered representative of air quality conditions across the study area. The comparison indicated that the Defra modelled background concentrations were lower than the monitored concentrations in 2022. Therefore,	No response required

Written Representations		
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	the Defra modelled NOx, NO2 and PM10 background concentrations applied to the assessment have been uplifted by an average factor of 1.46.	
14.9.	The Applicant has referred to the Defra Pollution Climate Mapping (PCM) model to confirm that there are no PCM links which intersect the ARN.	No response required
14.10.	Baseline information for habitat type, critical loads and background nitrogen deposition rates for designated sites sensitive to nitrogen have been derived using data on the Air Pollution Information System (APIS) website.	No response required
14.11.	Overall, the baseline set out in the ES is considered to be proportionate and adequately derived.	No response required
	<u>Wider ES Review</u>	
14.12.	Construction phase dust mitigation measures are discussed in Chapter 5: Air Quality paragraphs 5.10.1 and listed in paragraph 5.10.2. Paragraph 5.10.1 states that an air quality and dust management plan will also be prepared in full prior to construction commencing. These dust mitigation measures are included in the First Iteration of the Environment Management Plan (FIEMP) (Ref: TR010065/APP/6.5) which will be developed into a Second Iteration Environment Management Plan (SIEMP). As stated in the FIEMP the air quality and dust management plan will include measures to monitor the effectiveness of mitigation and will form part of the SIEMP. Measures include daily on-site and off-site inspections and a record of complaints/exceptions of dust events to be included in the EMP. **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.**	The Applicant confirms an Outline Air Quality and Dust Management Plan as an Appendix to the First Iteration Environmental Management Plan [APP-184] will be submitted at Deadline 3 of the Examination, which will enable all parties to comment on its provisions.
14.13.	Paragraph 5.4.2 states that consultation was undertaken on 21st June 2023 with EHO from NSDC to discuss and agree on the assessment findings and proposed mitigation for air quality.	No response required
14.14.	It is noted that there is no consideration of the potential combined air quality effects associated with construction vehicle flows and traffic management measures during the construction phase. **Further information is required to understand the combined effects associated with the Scheme during the construction phase for air quality.**	The Applicant confirms as per paragraph 5.5.16 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021]), changes in air quality as a result of construction traffic are not expected to be significant given that there are no areas at risk of exceeding air quality objectives and changes in construction traffic are temporary and not programmed to last more than two years. On this basis, assessment of construction traffic was scoped out of the assessment as potential effects are not considered to be significant. Temporary road closures, diversions and speed limit reductions are discussed in paragraph 5.11.14 to 5.11.17 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021]). The temporary road closures and diversions would have a very limited effect on annual NO_2 and PM_{10} concentrations given their limited overnight durations across the three year construction phase. Speed limit reductions from 70 and 60 miles per hour to 50 miles per hour would likely result in lower vehicle emissions than during normal operation based on emission factors from Defra's Emission Factor Toolkit. On this basis, traffic management is considered to be not significant. Based on the above, the combined effects from the construction phase were not specifically addressed within the ES. Given that the existing and modelled pollutant concentrations in the study area are well below the air quality thresholds, there is no risk of the combined traffic management measures and construction traffic causing an exceedance of the air quality objectives and potential combined effects are not considered to be significant.
14.15.	The operational phase air quality assessment set out in the ES is considered to be proportionate and adequately derived. Further information is requested regarding the combined effects of construction vehicle flows and traffic management measures during the construction phase. In addition, the FIEMP (Ref: TR010065/APP/6.5) states that an Air Quality and Dust Management Plan will be created and submitted with the Second Iteration Environmental Management Plan (SIEMP). It is requested that NCC and NSDC be consulted on the contents of this management plan.	Please refer to responses 14.12 and 14.14 above. The Applicant can confirm that NSDC and NCC will be consulted on the Second Iteration Environmental Management Plan, including the detailed Air Quality and Dust Management Plan as secured through Requirement 3 of the draft Development Consent Order [REP1-001].

<table>
<tr><th colspan="3">Written Representations</th></tr>
<tr><th>Reference</th><th>Text from Local Impact Report</th><th>Applicant's Response</th></tr>
<tr><td></td><td><u>Summary of Legislative and Policy Framework Review</u>
National Policy</td><td></td></tr>
<tr><td>14.16.</td><td>The National Policy Statement for National Networks (NPSNN) sets out the policy which the Scheme should comply with and forms the basis for informing the judgement on the impacts of the Scheme. The ES is based on the 2014 version which was current at the time of the assessment and the draft revision was published in March 2023. A revised version was issued in May 2024.</td><td>No response required</td></tr>
<tr><td>14.17.</td><td>The DCO application includes the document 'National Policy Statement for National Networks Accordance Tables', which sets out how the Scheme complies with each section of the NPSNN published in 2014, mainly through reference to the relevant sections of Chapter 5: Air Quality of the ES. It also includes the document 'draft National Policy Statement for National Networks Accordance Tables' which sets out how the Scheme complies with each section of the draft NPSNN published in March 2023.</td><td>No response required</td></tr>
<tr><td>14.18.</td><td>Table 2 below outlines the requirements of the NPSNN (version 2014) for air quality and following the review of the DCO application, whether the requirement is adequately met. Based on the number of requirements for the Air Quality discipline included in the NPSNN, these are presented in a tabulated format.

Table 2: Compliance with NPSNN for air quality
<table>
<tr><th>Paragraph of NPSNN</th><th>Requirement of the NPSNN</th><th>Does the ES comply with the requirement</th></tr>
<tr><td>5.3</td><td>Increases in emissions of pollutants during the construction or operation phases of projects on the national networks can result in the worsening of local air quality (though they can also have beneficial effects on air quality, for example through reduced congestion). Increased emissions can contribute to adverse impacts on human health and protected species and habitats.</td><td>Yes. ES Chapter 5: Air Quality, Section 5.9, describes the results of the assessment of the impacts of the Scheme during the construction and operational phases. Further information is needed on the construction phase, as set out above.</td></tr>
<tr><td>5.4</td><td>Current UK legislation sets out health-based ambient air quality objectives. In addition, the European Union has established common, health-based and eco-system based ambient concentration limit values (LVs) for the main pollutants in the Ambient Air Quality Directive (2008/50/EU) ('the Air Quality Directive'), which Member States are required to meet by various dates.</td><td>Yes. Relevant air quality standards and objectives are outlined in the ES Chapter 5: Air Quality, Section 5.3.</td></tr>
</table></td><td>No comments from the Applicant apart from:

Paragraph 5.7 & Paragraphs 5.14/5.15- The Applicant confirms and Outline Air Quality and Dust Management Plan which will form an appendix to the First Iteration Environmental Management Plan will be submitted at Deadline 3 of the Examination</td></tr>
</table>

Written Representations				
Reference	**Text from Local Impact Report**			**Applicant's Response**
	5.6	Where the impacts of the Scheme (both on- and off-Scheme) are likely to have significant air quality effects in relation to meeting EIA requirements and/or affect the UK's ability to comply with the Air Quality Directive, the applicant should assess the impacts of the Scheme as part of the ES.	This requirement has been addressed in Chapter 5: Air Quality in Sections 5.9 and 5.11, where the assessment of the impacts of the Scheme has been presented. This is in line with DMRB LA105, which meets the requirements of the NPSNN.	
	5.7	The environmental statement should describe: existing air quality levels; forecasts of air quality at the time of opening, assuming that the Scheme is not built (the future baseline) and taking account of the impact of the Scheme; and any significant air quality effects, their mitigation and any residual effects distinguishing between the construction and operation stages and taking account of the impact of road traffic generated by the project.	Yes Baseline air quality concentrations are adequately described in Section 5.8 of the ES Chapter 5: Air Quality. Modelled air quality concentrations have been predicted for the DM and DS scenarios in the Scheme's opening year. Concentrations are presented and discussed in Section 5.9 of the ES Chapter 5: Air Quality. The significance of the air quality effects is described in the ES Chapter 5: Air Quality, Section 5.11. Appropriate mitigation is discussed in Section 5.10 of the ES Chapter 5: Air Quality and secured in the FIEMP. **Noting, further information on the management of dust is requested, as described above.**	
	5.8	Defra publishes future national projections of air quality based on evidence of future emissions, traffic and vehicle fleet. Projections are updated as the evidence base changes. Applicant's assessment should be consistent with this but may include more detailed modelling to demonstrate local impacts	Yes. The operational phase assessment methodology is described in the ES Chapter 5: Air Quality, Section 5.5. The most recent (at the time of undertaking the assessment) Defra's Emissions Factors Toolkit EFT (v11.0) has been used, as well as Defra background concentrations and the long-term trend gap analysis factors.	

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**

5.9	In addition to information on the likely significant effects of a project in relation to EIA, the Secretary of State must be provided with a judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive.	This requirement is addressed in paragraph 5.11.38 of the ES Chapter 5: Air Quality in accordance with DMRB LA 105, therefore meeting the requirements of the NPSNN.
5.14/5.15	The Secretary of State should consider whether mitigation measures put forward by the applicant are acceptable. A management plan may help codify mitigation at this stage. The proposed mitigation measures should ensure that the net impact of a project does not delay the point at which a zone will meet compliance timescales. Mitigation measures may affect the project design, layout, construction and operation, and/or may comprise measures to improve air quality in pollution hotspots beyond the immediate locality of the Scheme.	Yes. Detail regarding appropriate mitigation measures is provided in Section 5.10 of the ES Chapter 5: Air Quality. These measures are also included in the FIEMP which will be developed into a SIEMP. As stated in the FIEMP an air quality and dust management plan will be prepared and include measures to monitor the effectiveness of mitigation. Measures include daily on site and off site inspections and a record of complaints/exceptions dust
	Measures could include but are not limited to, changes to the route of the new Scheme, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse emissions, and speed control. The implementation of mitigation measures may require working with partners to support their delivery.	events to be included in the EMP. **It is requested that NCC and NSDC be consulted on the contents of this management plan**.

14.19.

In May 2024, the NPSNN was updated and includes additional requirements for air quality, as described in Table 2.

Table 3: Compliance with NP SNN (May 2024) for air quality

Paragraph of NPSNN	Requirement of the NPSNN	Does the ES comply with the requirement
5.9	The government has legally binding targets to reduce emissions of five key air pollutants ($PM_{2.5}$, nitrogen oxides, sulphur dioxide, ammonia and non-methane volatile organic compounds) by 2030. In addition, 2 new air quality targets for 2040 – one for annual mean concentrations of $PM_{2.5}$ and a population exposure reduction target for $PM_{2.5}$ – have been set under the Environment Act 2021. These targets are in addition to the maximum permissible levels for pollutants in ambient air as set out in the Air Quality Standards Regulations (2010) and reiterated in the Air Quality Strategy. Local authorities and relevant public authorities must also meet local air quality objectives under the Environment Act 1995.	Paragraphs 5.3.2 to 5.3.14 of the ES Chapter 5: Air Quality describes the relevant air quality objectives. More specifically paragraphs 5.3.10 to 5.3.13 describe the $PM_{2.5}$ targets and include the two new $PM_{2.5}$ targets: an annual mean concentration target for $PM_{2.5}$ of 10 $\mu g/m^3$ at any monitoring station by 2040. A population exposure reduction target of 35% by 2040 compared to a 2018 baseline.

No response required from the Applicant

5.13	The assessment should describe: the predicted emissions, concentration change and absolute concentrations of the proposed project after mitigation methods have been applied. any potential impacts on nearby designated habitats from air pollutants the proximity and nature of nearby receptors which could be impacted, including those more sensitive to poor air quality	Yes. The operational phase concluded that the air quality effects associated with the Scheme were not significant and therefore no mitigation is required. As such, an assessment of a 'with mitigation' scenario is not required. Potential impacts on designated habitats are included in the air quality assessment. The results are described in the ES Chapter 5, paragraphs 5.11.33 to 5.11.35. Figure 5.1 Air Quality Receptors clearly illustrates the location of each receptor and the proximity of the receptors to the affected road network. Paragraph 5.5.40 describes how worse case receptors were selected and includes residential properties, schools and hospitals; however, the receptor list in Appendix 5.1: Air Quality Receptor Results does not distinguish between the type of receptor selected e.g. whether it was a school or residential property.
5.14	In addition, applicants should consider The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 by following available Defra guidance, including interim guidance.	The $PM_{2.5}$ targets are discussed in paragraphs 5.3.10 to 5.3.13 of the ES Chapter 5: Air Quality.

		5.20	With respect to The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, the applicant should take all reasonable steps to reduce emissions of PM2.5 and its precursor pollutants in the construction and operational stage of the development by following available Defra guidance.	The assessment does provide an assessment of potential PM2.5 impacts and states that the reason for not including this pollutant is in accordance with DMRB LA 105. The DMRB LA 105 states that "*there should be no need to model PM2.5 as the UK currently meets its legal requirements for the achievement of the PM2.5 air quality thresholds and the modelling of PM10 can be used to demonstrate that the Scheme does not impact on the PM2.5 air quality threshold*", In paragraph 5.5.21 of the ES Chapter 5: Air Quality, the results of the PM10 modelling have been used to indicate that the current and future PM2.5 concentrations are lower than the target value of 20 µg/m3 and the Scheme will not impact the PM2.5 air quality threshold at any of the human health receptors considered.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	Local Policy	
14.20.	Newark and Sherwood Amended Core Strategy Development Plan sets out policy up until 2023 and presents the objectives for development in the area. The policy of relevance to this assessment is Core Policy 12, Biodiversity and Green Infrastructure.	No response required
14.21.	This policy states that the council will: "work with partners to develop a strategic approach to managing air quality in the Sherwood Area, including through the development of a Supplementary Planning Document".	No response required
14.22.	The Scheme does not adversely affect the above local air quality policy.	No response required
14.23.	The ES Chapter 5: Air Quality states that the air quality supplementary planning document (SPD) is currently under review and is yet to be adopted as either policy or guidance. This document, 'Air Quality and Emissions Mitigation, Guidance for Developers' is now available on the NSDC website	No response required
14.24.	The guidance describes the air quality assessment methodology and appropriate mitigation measures for new developments. For 'large' developments, Type 1, 2 and 3 mitigation are required and the calculation of damage costs.	No response required
14.25.	As described in ES Chapter 5: Air Quality an air quality assessment has been undertaken following an appropriate methodology (DMRB LA 105). Construction phase dust mitigation measures are discussed in Chapter 5: Air Quality paragraphs 5.10.1 and listed in paragraph 5.10.2 as well as within the FIEMP. Operational air quality costs have been calculated and are included in the Transport Assessment (Ref TR010065/APP/7.4). According to the Transport Assessment, the local air quality valuation, based on the Department for Transport (DfT) guidance is £1,747,000. This approach, based on national guidance, is more appropriate for Development Consent Order schemes, than following the SPD.	No response required
14.26.	Typically for nationally significant infrastructure schemes Applicants do not present mitigation against damage costs as they are considered as part of the overall business case. However, NSDC would require further information on how these air quality damage costs are being addressed locally and also request that the ExA consider any response by the Applicant against local planning policy in their recommendations.	The Applicant considers that the air quality damage costs presented in the Case for the Scheme [APP-190] do not require addressing at a local level as they form a part of the appraisal for the Scheme. Air quality impacts and effects caused by the Scheme, along with mitigation where required, are assessed within Chapter 5 (Air Quality) of the Environmental Statement [AS-021]. This is set out in more detail below. The Case for the Scheme [APP-190] sets out the economic appraisal for the Scheme and follows the Department for Transport's (DfT) Transport Appraisal Guidance (TAG). The TAG appraisal calculates the monetised impact of air quality from the Scheme by considering the total change in mass emissions from vehicles based on distance travelled. As noted by the Interested Party, nationally significant infrastructure projects (NSIPs) do not provide mitigation against damage costs as they are considered as part of the overall business case. The air quality valuation presented in the Case for the Scheme [APP-190] accounts for marginal proportion of the adjusted Present Value of Benefits (i.e. -£1,747,000 out of a total of £318,714,000 presented in Table 5-12 Case for the Scheme [APP-190]) and should be considered alongside other benefits delivered by the Scheme, for example economic efficiency, accident reduction and noise benefits. The air quality valuation derived following TAG is a different approach and purpose to the air quality assessment undertaken as part of the environmental assessment for the Scheme which is presented in Chapter 5 (Air Quality) of the Environmental Statement [AS-021]. The air quality assessment determines the impacts and effects at sensitive receptors and provides mitigation where required, based on predicted concentrations for comparison with the air quality standards. During operation of the Scheme there are not predicted to be any exceedances of the NO_2 or particulate (PM_{10} and $PM_{2.5}$) air quality objectives (40ug/m^3 for NO_2 and PM_{10}, and 20ug/m^3 for $PM_{2.5}$) at any human health receptors within the study area and therefore, the Scheme complies with the Air Quality (England)

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
		Regulations 2000 and Air Quality Strategy 2023, which set out the air quality objectives. The assessment also confirms that the Scheme does not affect the UK's reported ability to comply with the limit values set out in the Air Quality Standards Regulations (2010) (as amended). Therefore, in accordance with paragraph 2.90 of the Design Manual for Roads and Bridges LA 105, Chapter 5 (Air Quality) of the Environmental Statement [AS-021] has concluded no likely significant effect for human health. On this basis, air quality mitigation measures are not required for the operational phase of the Scheme.
	Potential Conflicts	
14.27.	The air quality assessment is considered to overall comply with the policy requirements of the 2014 version of the NPSNN. The updated version published in 2023 includes additional requirements such as the inclusion of potential air quality impacts at designated habitats and potential PM2.5 impacts associated with the Scheme. The ES Chapter 5: Air Quality meets the overall requirements of the 2023 version of the NPSNN.	No response required
	Newark and Sherwood District Council	
14.28.	In summary, the baseline and operational phase air quality assessment set out in the ES Chapter 5: Air Quality, is considered to be proportionate and adequately derived. Further information is requested regarding the combined effects during the construction phase of construction vehicle flows and traffic management measures. In addition, NSDC requests to be consulted with regard to a draft version of the air quality and dust management plan.	See refer to responses 14.12 and 14.14 above.
14.29.	The local air quality valuation has been determined following national guidance publish by the DfT which is considered appropriate for a Development Consent Order scheme, rather than following the damage cost methodology in the SPD. However, NSDC should still ask the Applicant to provide further information on how these air quality damage costs are being addressed locally and also request that the ExA consider any response by the Applicant against local planning policy in their recommendation.	See refer to response 14.26 above.
15. Land Use and Agriculture including Geology and Soils – Neutral		
	Geology and Soils	
15.1.	The Applicant has assessed the likely significant effects on Geology and Soils for the A46 Newark Bypass Scheme as part of the Environmental Statement (ES).	No response required
	Baseline	
15.2.	Preliminary Sources Study Report	No response required
15.3.	The Preliminary Sources Study Report (PSSR) includes baseline information summarised from a Landmark Envirocheck report (dated July 2018) which includes historical mapping, a geo-insight report and an enviro-insight report. The historical mapping of the site is dated up until 2018 with the most recent walkover undertaken in January 2021. The Applicant has reviewed additional reports on the existing available information on the Scheme from the Highways Agency (now known as National Highways) which include Geotechnical Data Management System Documents which are dated between 1978 and 2023.	No response required
15.4.	A number of online sources have been used to establish the baseline conditions at the Scheme and are referenced within Section 9 of the PSSR. These sources have been used to identify the geology, coal mining history, hydrogeology, designated sites, history, agricultural land classification and unexploded ordnance. Using this data, the Applicant has identified	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	potential sources, pathways and receptors of contamination from this data which is considered to be an appropriate and proportionate assessment of the Scheme.	
15.5.	An assessment of more recent mapping and a walkover to assess any changes at the Scheme within the past three years would identify any changes to the site and ensure that the most up to date information to inform the CSM contamination sources, pathways and receptors that have been assessed in the risk assessment.	Following completion of the Scheme-wide ground investigation works in 2023, the Applicant and their appointed ground investigation contractor have been visiting the site to conduct groundwater monitoring of the exploratory hole installations. No substantial changes at the Scheme within the past three years have been identified and the Applicant considers that the conceptual site model contamination sources, pathways and receptors that have been assessed in the risk assessment, included within Appendix 9.2 (Contaminated Land Risk Assessment) of the Environmental Statement Appendices [APP-164 – APP-169] are based on the most up to date information.
15.6.	It is that further ground investigation at the Scheme is undertaken to delineate point sources of contamination and produce an updated risk assessment for identified receptors and to determine possible geo-environmental constraints of the proposed route options and inform any required remediation.	No response required
	Contamination Assessment	
15.7.	The PSSR included as Appendix 9.1 identifies the potential sources of contamination that may affect the Scheme and Section 7 includes a Preliminary Land Contamination Assessment conceptual site model. This assesses the risks to human health, controlled waters and property receptors from potential contamination associated with the previous development on-site including Made Ground highway infrastructure and a Chemical Manure manufacturing & malthouse. As well as off-site including Made Ground associated with previous developments and historical and present-day contaminative land uses.	No response required
15.8.	Appendix 9.2 includes a Contaminated Land Risk Assessment which includes the same preliminary CSM as Appendix 9.1. Following a review of ground investigation data, a revised CSM is included as part of the assessment. The sources, pathways and receptors which have been identified within the CSM are reasonable given the nature of the site and given the baseline information identified by the Applicant. The CSM could account for unknown contamination and hotspots in unexplored areas of the site and the potential for construction workers to come into contact with these. The assessment could include consideration for other sources of ground gases, although given the nature of the site, the risk is likely to be negligible, the probability and risk should still be assessed. On-site for construction workers to come into contact with these. The assessment could include consideration for other sources of ground gases, although given the nature of the site, the risk is likely to be negligible, the probability and risk should still be assessed. On-site sources of ground gases could include the Made Ground and other sources could include consideration for alluvial deposits comprising organic layers such as peat that may be present beneath the site or in backfilled areas such as borrow pits. The impacts and risk ratings are proportionate to the severity and risk of the sources.	The Applicant confirms as noted in paragraph 9.9.5 of Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053], the Scheme does not include structures with confined spaces therefore the potential risks from ground gases are associated with construction and maintenance workers only. The Principal Contractor is required under the Construction Design and Management (CDM) Regulations to undertake their own risk assessments with respect to their employees. Therefore, the potential risk from ground gases to construction and maintenance workers working in excavations and other confined spaces will be dealt with by the Principal Contractor, in-accordance with current Confined Spaces Regulations 1997. This is stipulated in paragraph 9.10.8 of Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053] and in commitment [GS7] In Table 3-2 Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184]. The First Iteration Environmental Management Plan [APP-184] will be developed into a Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP1-001]. In the event that unknown contamination is found at any time when carrying out the authorised development, which was not previously identified in Appendix 9.2 (Contaminated Land Risk Assessment) of the Environmental Statement, Requirement 8 of the draft Development Consent Order [REP1-001] should be referred to.
	Agricultural Land Classification Report	
15.9.	Desk-based studies and fieldwork at the Scheme have been undertaken to establish the agricultural land classification (ALC) and anticipated geology at the Scheme. The spread of survey boreholes across the Scheme where reasonably practicable has been undertaken to provide an accurate classification of the land areas. Where data gaps are missing from the assessment and could not be surveyed, the Applicant has used Soil Survey England and Wales (SSEW) soils data to ensure a comprehensive assessment of the entire Scheme area has been undertaken. NCC and NSDC has assessed the application and is of the opinion that the level	No response required

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	of survey effort, methodology and desk-based research to categorise the ALC at the Scheme is proportionate and adequate for the current stage of the application.	
	Soil Nutrient Survey	
15.10.	A Soil Nutrient Survey has been undertaken to establish the baseline soil conditions at the Scheme as included in Appendix 9.4 to the ES. The analysis undertaken of soils at the Scheme identifies the pH, concentrations of available phosphorous, potassium, magnesium and soil organic matter (SOM). This data was used to identify areas of low fertility Topsoil, multipurpose Topsoil, and atypical nutrient profiles which informs the Soils Management Plan (SMP) to allow for appropriate soil management during the construction stage of the Scheme. A reasonable assessment has been undertaken by the Applicant and the report is in accordance with the Specification for Topsoil (British Standard BS3992) and Soils and Agri-environment Schemes: Interpretation of soils analysis (Natural England TIN036 guidance).	No response required
15.11.	Overall, it is considered that the baseline is proportionate and adequate for the current stage of the application.	No response required
	Environmental Statement	
15.12.	Chapter 9: Geology and Soils encompasses the three subtopics of soils, geology and contamination within the Scheme area. The review of baseline information has included site reconnaissance, topography, geological mapping, an Envirocheck insight report with historical mapping, designated sites review, geology, ground stability, hydrogeology, hydrology and assessment of previous ground investigations. This information is considered relevant to the assessment to provide an accurate ground model and to inform the risk assessment.	No response required
15.13.	The Study Area used for Contaminated Land sources and sensitive receptors (including groundwater and surface waters) is 500m from the Order Limits. The Study Area for Geology and Soils is the Order Limits as these receptors are only likely to be impacted where the Scheme directly crosses them. The Study Area is considered suitable.	No response required
15.14.	It is considered that the baseline assessment undertaken within Chapter: 9 Geology and Soils provides a proportionate and reasonably adequate estimate of the geology and soils that may be affected by the Scheme. However, some of the information is considered outdated and more up to date information would be required for the historical mapping and site reconnaissance to ensure an accurate conceptual site model for the Scheme in its current state.	Refer to the Applicant's response to reference 15.5 below
15.15.	A Risk Assessment of the likely significant effects of the construction stage of the scheme has been undertaken whereby the sensitivity (value) of receptors has been determined in accordance with the Design Manual for Roads and Bridges (DMRB) (LA 109 guidance) by National Highways. Section 9.5 of Chapter 9: Geology and Soils follows the framework for assessing and managing the effects associated with geology and soils that the Scheme may have by identifying the magnitude of impact on receptors. The significance of effect from the receptor value and magnitude of impact has been assessed in line with DMRB LA 104 Environmental Assessment and Monitoring. The assessment has adopted a worst-case scenario approach to adequately account for all possible impacts. This assessment is considered appropriate for the nature of the Scheme and the DCO submission.	No response required
	National and Local Policy National Policy	
15.16.	Within Chapter 9: Geology and Soils, an assessment of compliance with the National Policy Statement for National Networks (NPSNN) that was current at the time of writing,	No comment required from the Applicant except for:

Written Representations		
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	published for consultation in March 2023, has been undertaken. NCC and NSDC has assessed the compliance of the Scheme and its assessments in accordance with the latest NPSNN published in March 2024, as there have not been any substantive changes to policy relating Geology and Soils. Table 4 below sets out relevant paragraphs of the NPSNN (2024) and a statement setting out NCC's and NSDC's opinion as to whether the policy has been met or not. Based on the number of requirements relating to Geology and Soils within in the NPSNN, these are presented in a tabulated format.	• Paragraph 5.43, 5.45, 5.47 – There are no designated or non-designated geological sites or features of interest within 500 metres of the Scheme. Section 8.3 (Legislative and policy framework) of Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] inherently incorporates the principles of the Natural Environment Planning Practice Guidance (NEPPG).
15.17.	The requirements of NPSNN 2014 are generally the same as those set out in NPSNN 2024 and therefore, a review against NPSNN 2014 has not be undertaken. **A review of the information is shown in Appendix 1 of this report labelled as Table 4.**	No response required
	<u>Local Policy</u>	
15.18.	The local policies assessed which are pertinent to Chapter 9: Geology and Soils are as follows: The Newark & Sherwood Local Development Framework Core Strategy (adopted 2019) Spatial Policy 3 – Rural Areas deals with agriculture, stressing the need to protect agriculture in developments within a rural setting; and Newark & Sherwood District Council's contaminated land strategy is in the process of being updated at the time of writing. The Newark & Sherwood District Council's website states that a link to the new contaminated land strategy will be provided once it is complete. For the purpose of this Local Impact Report Chapter, the 2007 (outdated) version has been reviewed.	No response required
15.19.	Appendix 1 (Table 5) provides a review of these local policies in respect of the Geology and Soils assessment and information provided as part of the Applicant's DCO application.	The Applicant confirms in relation to Newark & Sherwood District Council's Contaminated Land Strategy – Development on land Affected by Contamination (October 2007) that discussions with the Environment Agency regarding the contamination hotspot are ongoing. A Detailed Quantitative Risk Assessment (DQRA) is currently being undertaken for this area of the Scheme to assess risks to controlled waters. Please refer to the response to the Environment Agency's Relevant Representation [RR-020] contained within the Applicant's Response to Environment Agency Relevant Representations [REP1-010]. The DQRA will be submitted at Deadline 4 of the Examination. If remedial works are proposed in this area (the results of which will be reported within the DQRA), a verification report will be produced.
15.20.	Summary of loss of agricultural land issue relative to Newark and Sherwood The applicant has identified that the Scheme survey area comprises of Agricultural Land Classification (ALC) Grade 3 (good to moderate quality agricultural land) with a small area of ALC Grade 2 (very good quality agricultural land) in the north. Kelham and Averham contain mainly Grade 2 with a small area of Grade 3 in the north-west and on the east side of the A617.	No response required
15.21.	The Applicant has identified that the construction works would result in the loss of ALC grade of 2 (very high sensitivity) land of 5.9 hectares Land graded between 1 – 3a is assessed as Best and Most Versatile (BMV). The Applicant highlights that this would be only a temporary loss and mitigation for this is highlighted in the Outline Soil Management Plan.	No response required

<table>
<tr><th colspan="3">Written Representations</th></tr>
<tr><th>Reference</th><th>Text from Local Impact Report</th><th>Applicant's Response</th></tr>
<tr><td></td><td>However, surveys carried out on the land states that the Scheme alignment predominantly comprises of non-BMV land including Grade 3b (70.8 ha, 77% of the area) and Grade 4 (6ha, 7%).</td><td></td></tr>
<tr><td></td><td><u>Potential Conflicts</u></td><td></td></tr>
<tr><td>15.22.</td><td>Based on the review of Chapter 9: Geology and Soils and associated appendices, NCC and NSDC note that baseline data has been relied upon from the Envirocheck Report that was obtained in 2018 and a site reconnaissance was undertaken in 2021. The data used in the baseline is generally old and it may be worthwhile updating this data. However, it is not anticipated to have changed significantly based on the rural nature of the site area.</td><td>The Applicant has undertaken Scheme-wide ground investigation on site since the site reconnaissance was undertaken in 2021. Furthermore, the Applicant has been undertaking post ground investigation monitoring since 2023, and has identified that no significant changes to the site have taken place since 2021. The Applicant has also liaised with the Environment Agency during the Relevant Representation process, regarding permitted waste landfill sites within influencing distance of the Order Limits. Please refer to the Applicant's Response to Environment Agency Relevant Representations [REP1-010] and the response to Relevant Representation [RR-020].

The Applicant therefore considers that the conceptual site model contamination sources, pathways and receptors that have been assessed in the risk assessment, included within Appendix 9.2 (Contaminated Land Risk Assessment) of the Environmental Statement Appendices [APP-164 to APP-169] are based on the most up to date information.</td></tr>
<tr><td colspan="3">16. Transport, Access and Public Rights of Way – Neutral</td></tr>
<tr><td>16.1.</td><td>The Local Planning Authority of Newark and Sherwood District Council is not the Local Highway Authority, which is Nottinghamshire County Council. Newark and Sherwood will rely on the Examining Authority to consider the Local Impact Report of Nottinghamshire County Council on this matter.</td><td>No response required</td></tr>
<tr><td>16.2.</td><td>The main points the District Council would wish to bring to the Inspectors attention, are our concerns on the increased pressure on the Cattle Market Roundabout due to the increased average annual daily traffic figures within the Transport Assessment which been produced by modelled data. Due to the increased capacity and reduced delay on the A46 (making the A46 more attractive to road users), the forecast is for there to be an overall reduction in the volume of traffic using the A1 corridor (which is a positive) as traffic switches to the A46.</td><td>The Applicant believes that the NSDC concerns around Cattle Market Junction relate to the forecast increase in traffic on the B6326 Great North Road, rather than the operation of the proposed A46 junction.
Further details of the forecast traffic flows on B6326 Great North Road are provided in the response to paragraph 16.2 below..The forecast reductions in traffic on the A1 near to Newark-on-Trent (south of the A46) primarily relate to the reassignment of local trips that currently route from the A17 to the A1 via Coddington,or Barnby in the Willows to avoid congestion at the Brownhills and Friendly Farmer junctions. The introduction of the proposed Scheme is forecast to significantly improve the performance of the Brownhills and Friendly Farmer junctions by allowing mainline A46 through traffic to avoid the two junctions, freeing up capacity for other movements.
The Applicant notes that there is an error in the values in Table 6-2 of the Transport Assessment Report [APP-193] for ”A1 Beacon Hill Rd and A46” where the ”With Scheme” traffic flow has been incorrectly transcribed into this table for reporting purposes. The corrected values are as follows:
<table>
<tr><th>Road</th><th>Section</th><th>Without Scheme</th><th>With Scheme</th><th>Change</th><th>%Change</th></tr>
<tr><td>A1</td><td>Beacon Hill Rd and A46</td><td>53,000
(7,100)</td><td>50,500~~29,300~~
(7000)</td><td>-2,500~~23,700~~
(-100)</td><td>-5~~45~~%
(-1%)</td></tr>
</table>
This has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.</td></tr>
<tr><td>16.3.</td><td>Conversely by 2028 the forecast is that there is a reduction in traffic using the Farndon Roundabout entrance to Newark by 4,700 vehicles which reduces pressure to the south of Newark, taking into account also that the Southern Link Road would also be open by this time. However, there is an increase of 4,400 vehicles using the Cattle Market Roundabout as shown in Figure 6-1 of the A46 Transport Assessment20. This is considered a negative for the scheme in the Council's opinion and puts more pressure on this entrance into Newark which can already become congested when the railway line barriers at Castle Station are down. In addition, under the Statement of Common Ground, the Council and Nottinghamshire County Council are yet to agree an acceptable approach with the Great North Road connection as National Highways</td><td>The Applicant confirms the introduction of a flyover for mainline A46 traffic at Cattle Market leads to a considerable improvement in conditions at the junction. A significant amount of capacity is freed up by removing the A46 through traffic from the roundabout and, as a consequence, the other movements at the junction are able to benefit.
The reductions in delay at Cattle Market junction are forecast to make routes through the junction more attractive. This benefits users who currently experience the delays whilst travelling through the junction, but also impacts on journeys that are diverting onto other routes to avoid Cattle Market junction altogether.
The B6326 Great North Road is the most direct route into the centre of Newark-on-Trent from the A46 and, as a result of the improvements to Cattle Market junction, this access into the town becomes more attractive, in preference to either the B6166 Lincoln Road (via Brownhills) or the B6166 Farndon Road, which are both forecast to experience</td></tr>
</table>

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	scheme is stated by Nottinghamshire Council that it would fail a safety audit. The connection into Newark to this main gateway approach, which is heritage rich, is the key link for the Council and if the highway is not suitable then this puts increased pressure on the rest of the town's infrastructure and accessible reputation.	reductions in traffic as a result of the Scheme. In addition, with the Scheme trips to/from the A46 north of Winthorpe, which were previously making use of the B6166 Lincoln Road to access the town, are now forecast to bypass the Friendly Farmer and Brownhills roundabouts on the proposed new link over the A1 and access the town via Great North Road. Similarly, some reassignment of trips from the A1 north of North Muskham onto the B6325/A616 Great North Road is also noted as a result of the improvements at Cattle Market. The Applicant acknowledges the congestion issues that arise from closures of the Newark Castle level crossing and can confirm that these have been accounted for in the traffic modelling undertaken for the Scheme. Through discussions with Nottinghamshire County Council (the local highway authority) and based on the results from traffic modelling, the existing Great North Road would be widened to two lanes for southbound traffic from Cattle Market Roundabout towards the Kelham Road junction as part of the Scheme. The traffic modelling indicates an improvement in conditions on Great North Road as a result of the upgrade to the Cattle Market Junction and the provision of additional southbound queuing capacity, which alleviates the effects of level crossing closures on Cattle Market Junction. Further information on traffic forecasts and modelling is detailed in the Transport Assessment Report [APP-193].
16.4.	Conversely however, without the Scheme the traffic flows and continued congestion in and around Newark would only get worse and National Highways predict that traffic is expected to grow in the area by 8% between 2019 and 2028 and by 18% between 2019 and 2043. This is already a congested network and pressure is felt in all areas which is affecting the economy of attractiveness of Newark as a means of investment. This Scheme coming on board, whilst there could be some disadvantages could bring long term benefits for the area as a result.	The Applicant confirms congestion on the A46 is naturally periodic with day-to-day variations in the level of delays experienced by users. However, significant congestion is regularly observed due to the level of traffic flow, particularly around peak hours, but also outside of these times too. In addition to the chronic problems that users experience on a daily basis, the impact of incidents on the network regularly exacerbates the problems. In the future, the trend of underlying traffic growth is forecast to continue, leading to significant further deterioration in the conditions experienced by users on both this section of the A46 and the local roads adjacent to it onto which traffic problems are already being displaced. The Applicant notes that in the absence of the Scheme, the future deterioration in conditions for both users of the A46 and those affected by the environmental impacts of traffic congestion would be significant. The existing problems would worsen due to ongoing growth in the demand for travel, with increases to both the extent and duration of day-to-day traffic congestion. Additionally, the acute problems that are triggered by breakdowns/collisions on the wider network would get significantly worse than they are at present due to the lack of resilience that would otherwise be provided by the dual carriageway Scheme.
16.5.	The Council is keen to ensure connectivity is maintained for pedestrians, equestrian and cyclists who use the many footpaths and bridleways in the area which would be affected, however, we will defer to the County Council's expertise on this matter. The River Trent towpaths are very popular as a leisure route into Newark and we would like to make sure that disruption to this is kept to a minimum.	Other than FP14 which is extinguished all other walking, cycling and equestrian routes are retained with some localised realignment.
16.6.	The Council is also keen to ensure connectivity is retained. FP14 currently crosses the A46 but would be diverted to the east side of the Cattle Market roundabout and provide improved cycle track facilities. The footway at Brownhills and specifically the existing underpasses at the A46 and A1 are shown as retained (i.e. not extinguished), however it is shown within the submission within Chapter 2 (table 2-7) of the ES, that their accessibility would be disrupted for over 24 months. The Council has been made aware by the Local District Councillor that this an important link for users especially children from Newark going to school in Winthorpe and would welcome the applicant ensuring the disruption is kept to a minimum. Winthorpe FP2 and FP3 currently links to the A46, although there is no crossing point over the A46 or gap within the central barrier to allow pedestrian access. Whilst the diversion allows a safe means of crossing the A46, the diverted route is vast and not very direct. This is a concern for residents of Winthorpe especially as the land around the A17 (east of Coddington) is being developed to provide greater employment, this long diversion may discourage pedestrian usage as it is not direct.	FP14 – no response required A1 and A46 underpasses – the underpasses will remain open throughout the construction period. The link between these will be retained along Winthorpe Road whilst the new Brownhills Underpass is constructed and diverted through this when complete to allow the approach earthworks over Winthorpe Road to be constructed. The PROW route between FP2 and FP3 is currently severed by the existing A46 dual carriageway. These is no formal route from the end of FP2 and hence Winthorpe is severed from routes in the south. There is a route from the south side of the existing A46 bridge crossing the A1 which requires two unsafe crossings of the A46 dual carriageway (one between Brownhills roundabout and the Friendly Farmer roundabout and one opposite the Shell garage) which is only accessible for walkers and connects Newark to FP3. The Applicant has provided a 3.0m wide walking and cycling route from Hargon Lane in Winthorpe which connects the village to the Showground main entrance and the land around the A17 east of Coddington. The route to the Showground entrance is new and does not exist at present, the route from Newark to FP3 is 340m longer, however, both are now available to cyclists

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	[22] TR010065-000135-TR010065_A46 Newark Bypass_7.4 Transport Assessment.pdf (planninginspectorate.gov.uk)	which are most likely to commute to these areas using cycles rather than walking which was not previously possible without using sub-standard routes.
17. Residential Amenity – Negative		
	Local Policy	
17.1.	Policy DM5 of the Allocations and Development Management DPD 2013 Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.	The Applicant confirms that consideration of the impact on the amenity and operation of surrounding land uses has been taken into consideration throughout the Environmental Statement. Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] assesses the effects of the Scheme on Population and Human Health. In order to do so, it considers the potential for both adverse and beneficial effects with regard to a range of personal, social, economic and environmental factors, including: • Neighbourhood quality • Access to services, health and social care • Social capital • Employment and income; and • Access to green space, recreation, and physical activity. Changes in amenity occur from a combination of significant residual (post-mitigation) effects reported in other topics, specifically noise, vibration, air quality and visual effects. For an amenity effect to be identified, at least two residual effects must combine at the same location. As no significant residual noise or air quality impacts were reported, there is not considered to be a significant effect on amenity during construction or operation of the Scheme.
	Analysis	
17.2.	Each of the sections of the LIR would have an element of impact on residents within the Newark area. However, the main consideration on residents amenity would be acutely felt by those of Sandhills Park and within the Winthorpe area.	No response required
17.3.	The ES concludes that all the identified potentially significant adverse construction noise and vibration effects can be mitigated to either reduce the levels at the receptors to below the relevant noise/vibration level or to reduce the duration of the exceedance to below the duration criteria. Therefore, no residual significant adverse noise or vibration effects during construction are identified. As would be expected, exceedances of the levels at which a potentially significant adverse construction noise/vibration effect occurs are predicted at the closest receptors to some of the construction activities. However, implementing measures, in particular limiting the operating times of specific plant and the duration of works in specific locations may not be practical. There is therefore a risk of significant adverse construction noise/vibration effects at the closest receptors to the works.	Noted. Please see response to comment reference 13.13 above.
17.4.	Visual impact from Sandhills Park is currently considered harmful due to the increased scale of the Scheme and the lack of sufficient mitigation. This impact is considered the most harmful with regards to neighbour amenity and should be addressed to ensure it is more acceptable for those residents.	The Applicant refers the reader to the response to Reference 8.25 in respect to Viewpoint 24 Sandhills Park.
17.5.	Consideration should be given to the visual impact of the Scheme upon the residents of Winthorpe and Newark due to the use of lighting which would significantly alter the landscape	The Applicant refers the reader to the response to Reference 8.27 above.

Written Representations		
Reference	**Text from Local Impact Report**	**Applicant's Response**
	character and thus the experience of the existing residents in that vicinity.	
17.6.	At present the proposal is considered to result in harm and thus fail to accord with local policy due to the impact to local residents and the insufficient mitigation shown at present.	The Applicant has sought to minimise effects on local residents wherever feasible, maximising the retention of existing vegetation wherever practicable and maximising potential opportunities for mitigation planting, as well as monitoring and managing construction site activities. The Applicant can confirm that planting opportunities in respect to screening have been maximised within the design and site constraints present, including those associated with adherence to Design Manual for Roads and Bridges LD117 which precludes planting of shrubs and trees in close proximity to the carriageway. Mitigation measures have included the introduction of landscape bunds to improve visual screening to the A46, with the addition of planting on the bunds to aid landscape integration and provide further screening at height. In addition, areas of woodland planting have also been proposed to also provide visual screening where appropriate. The Applicant can confirm new lighting in previously unlit areas is only proposed for Friendly Farmer link, located immediately adjacent to the A46 which is already lit in this location, and also at the new Brownhills Junction. In other locations lighting levels will remain as per the existing condition, with unlit sections remaining unlit and lit sections remaining lit albeit modification of existing lighting columns may be required. Lighting column heights have been minimized as far as possible in order to lessen potential adverse impacts upon Nocturnal species (for example bats); the existing landscape and visibility from nearby properties and dwellings after dark; and the setting of features associated with the historic environment (for example listed buildings). A Noise and Vibration Management Plan (NVMP) will be implemented throughout construction. This will be based upon the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-184]. This will detail the management and monitoring processes to be introduced across all construction sites and compounds. Details of construction activities and relevant timings are to be reviewed, once known, in advance of any construction activity taking place. As per Appendix A of the Consents and Agreements Position Statement [APP-023], construction activities may be subject to an application under Section 61 of the Control of Pollution Act 1974 by the Principal Contractor to ensure potential impacts from construction related noise and vibration are suitably controlled.
18. Summary and Conclusions		
18.1.	The purpose of this Local Impact Report has been to outline the likely effects of the A46 Newark Bypass Scheme at a local level and to briefly evaluate these effects in the context of local planning policy and not to come to an overall balanced conclusion which is the responsibility of the Examining Authority.	No response required.
18.2.	Newark and Sherwood District Council (NSDC) in general supports the Scheme as its objective is for it to alleviate the congestion and ease traffic flow around the Newark area and to dual the last section of single carriageway on this route. Therefore, NSDC is considered to benefit from this Scheme as congestion is currently causing issues to local businesses who find it difficult to navigate the area on certain days and times due to poor traffic flow which increases travel times. There are some negative effects to the scheme which relate specifically to the impact on cultural heritage, landscape character, flood risk and residential amenity. These matters will require mitigation to be considered acceptable and thus compliant with local policy, but NSDC believes that overall the development of the scheme is likely to improve the reputation of Newark due to improved accessibility and remove the stigma of not attending due to poor traffic and increase the local economy and tourism. NSDC are, however, concerned that the design of the flyover could affect the impact of the value of Newark as a heritage destination due to the significant infrastructure and greater successful mitigation on this would be required.	No further responses from the Applicant in addition to those provided in the rest of the report above.

Written Representations		
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18.3.	NSDC has sought to signpost where further work is considered necessary so that the likely effects can be fully understood at local level. SDC will continue to engage with the Applicant to secure the required benefits and mitigation to the local area during the Examination period and beyond. The Council are currently engaged with the applicant in preparing a Statement of Common Ground, an iterative document which further explains elements of the proposed development which are being discussed with the applicant. Due to these ongoing discussions, NSDC's position as recorded in this LIR is subject to change and the Examining Authority should refer to the latest version of the Statement of Common Ground for the latest position.	Noted - No response required at present.
18.4.	A full list of the additional material and mitigation which NSDC believes should be provided by the applicant is presented below. Once the below information has been provided, the Council will review its position as recorded in the Statement of Common Ground. In addition, NSDC would like to be consulted on the applicant's proposed control documents, in order to ensure that all mitigations are adequate.	Noted - No response required at present.
18.5.	As previously stated, NSDC has not undertaken a full review of the draft Development Consent Order at this stage and will suggest any necessary amendments at the appropriate time during the Examination.	Noted - No response required at present.
	Additional Mitigation/ Information:	
18.6.	The following list is a summary of the additional information and mitigation which NSDC has requested in this LIR. NSDC would welcome the opportunity to review and be consulted on the following additional information as part of the Statement of Common Ground process. • Potential conflict between the (delayed) A46T Roundabout improvement works and the proposed development should be assessed in the application. • The applicant has not identified all key designations that contribute to Landscape Character or visual matters which include nature conservation sites. These designations haven't been listed in Table 7.6. though they have been identified on the Constraints Plan Figure 2.2 Environmental Constraints Plan. These should be included within Chapter 7 Landscape and Visual Effects assessment; • There may be scope for additional planting particularly within Trent Washlands LCA (focussed on Cattle Market Junction) and within Winthorpe Village and Farmlands the latter being where the residual impact is still significant at year 15. Refer to Table 1 for recommendations; • Mitigation at viewpoints as shown in Table 1 of this LIR; • Chapter 2 describes the extent of proposed lighting (p. 2.5.88) but does not explicitly show on a drawing where there is an introduction of lighting into the landscape which was previously unlit as opposed to an upgrade to existing lighting already present. This should be included in the descriptions within the LVA with an estimate as to the height of the columns; • The landscape proposals shown on the Environmental Masterplan generally mitigate the majority of adverse impacts to surrounding receptors. Key points to note are: o Existing mature vegetation (embedded mitigation) that filters the route corridor should be retained and enhanced so that it is still able to provide a visual screen beyond Year 15. o Where there is scope to provide additional planting that reinforces landscape	Noted – several of the points below are already covered in the Statement of Common Ground. However, where they are not, the Applicant will respond to these in the next the Statement of Common Ground meeting and update, where necessary. • Potential conflict not addressed in the SoCG

Written Representations		
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	character, and reduces visual impacts, particularly those viewpoints where there are still residual effects that are significant this should be re considered. Refer to Table 1; • We would welcome further discussion and consultation on the Scheme delivering more green corridors and other ecological benefits such as animal crossings; • All veteran trees within the Order Limits should be retained in perpetuity; • The environmental masterplan (Schedule 2 Part 1 Requirements, para 6 Landscaping) should be amended to include greater landscaping in areas, and re- siting of the acoustic fence; • In line with comments from the EA, the applicant should prepare an acceptable site-specific FRA with appropriate drainage mitigation; • The applicant should demonstrate that delivery of the proposed development will not impact delivery of the Tolney Lane flood storage scheme; • The applicant should assess the impact of the proposed development on both Newark Castle the Church of St. Mary Magdalene (mainly through the requested montages); • Additional photomontages should be provided to demonstrate the impact of the proposed development on the Winthorpe Conservation Area and other heritage assets; • Measures that ensure the appropriate recording of the structure at Smeaton's Arches should be included in the Construction Environmental Management Plan (CEMP) and that appropriate mitigation is sought for surveying the buildings which could be impacted by vibration; • Further details should be provided on the impact of the acoustic barriers at the Cattle Market roundabout and how this will interact with the character of the roundabout; • Full surveys and field evaluations including geoarchaeological evaluation, metal detector surveys, field walking, monitoring of GI and trial trench evaluation should be included as appendices to ES Chapter 6; • The applicant should submit a detailed Outline Mitigation Strategy for Examination, which the Council would wish to be consulted on, based on all the archaeological work to date; • Impact on agricultural holdings and compensation should be addressed in the Population and Human Health section of the ES; • The applicant should ensure information is provided on all noise sensitive receptors in the study area such as educational, medical and community facilities; • An outline air quality and dust management plan to be submitted as part of the DCO Examination to enable Nottinghamshire County Council (NCC), NSDC and relevant parties to undertake a review and provide comments if necessary.; • Potential combined air quality effects associated with construction vehicle flows and traffic management measures during the construction phase should be assessed; • The applicant should provide further information on how air quality damage costs are being addressed locally; • The CSM could account for unknown contamination and hotspots in unexplored areas of the site and the potential for construction workers to come into contact • with these. The assessment could also include consideration for other sources of ground gases; • The baseline data used in Chapter 9 of the ES is generally old and should be updated; • The applicant should provide more detail as to the diversion of the footway at Brownhills and the existing underpasses at the A46 and A1; and	• Addressed in Issue 42. Although outstanding action remains to provide a scheme fluvial hydraulic model (date tbc) • Visual impact addressed in Issue 34, 35 and 37 • Visual impacts addressed in Issue 34, however, does not directly address the request for more photomontages • Addressed in Issue34, however, does not indicate inclusion within the CEMP • Response for Issue 23 suggests this information is already in Chapter 6 • Mentioned in Issue 23, however, does not say if it will be sent to the Council for consultation • Addressed in Issue 30 but doesn't discuss a dust and air quality plan. This talks about surveys already completed. • General comment noted in Issue 27

Written Representations		
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	• The visual impact from Sandhills Park should be addressed, whilst consideration should be given to the visual impact of the Scheme upon the residents of Winthorpe and Newark due to the use of lighting.	• Noted by applicant in Issue 36 – no further detail

Appendix 1

Table 4: Review of NPSNN 2024 policy in respect of Geology and Soils

NPSNN (2024)	Nottinghamshire County Council and Newark and Sherwood District Council Review	Response
Paragraph 4.45 sets out that planning systems and pollution control must both be considered within applications to ensure that developments protect and improve the natural environment as well as controlling the development and use of land in the public interest. This allows pollution prevention measures which limit the release of substances into the environment to the lowest practicable level and that environmental quality standards are met.	The Applicant has provided the baseline conditions and initial assessment of the Scheme in accordance with guidance and legislation to ensure appropriate control measures are in place to protect and improve the local environment.	No response required
Paragraph 4.46 states the following: "Issues relating to discharges, emissions or abstractions from a proposed project which lead to other direct and indirect impacts on air quality, water quality and land quality, or which include noise, light and vibration, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes. Relevant permissions will need to be obtained for any activities within the development that are regulated under those regimes before the activities can be operated."	The Applicant has identified any possible relevant discharge consents and abstractions on and within the Order Limits of the Scheme which may be impacted by the development. The potential impacts to water and land quality are discussed within Chapter 9: Geology and Soils of the Environmental Statement [APP-053] in line with the appropriate guidance and legislation.	No response required
Paragraph 4.47 details that pollution from industrial installations will be controlled by the Environmental Permitting (England and Wales) Regulations 2016 (the Environmental Permitting Regulations). The Applicant is required to demonstrate that processes are in place to meet all relevant Environmental Permit requirements.	The Applicant has identified the existing Environmental Permit data relating to the Scheme within the Enviro Insights report. During the construction phase of the Scheme, the Applicant has identified that during excavations there is a risk from sediment run-off to controlled water receptors and dewatering activities which will require appropriate discharges. The Outline Materials Management Plan (MMP) identifies where environmental permits may be required for re-use of waste. The First Iteration Environmental Management Plan (FIEMP) [APP-184] details where discharges from the Scheme are required, appropriate environmental permits and consents would be obtained and followed. The Consents and Agreements Position Statement included in Appendix 3.3 [APP-023] details the consents are permits for the Scheme.	No response required
Paragraph 5.190 details that field surveys should be undertaken, if necessary, to establish the Agricultural Land Classification grades (ALC) to the current criteria at the time to identify soil types to inform soil management at the construction, operation and decommissioning phases in line with the Defra Construction Code. Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and to minimise adverse impacts on soil health and land contamination.	This should be in-line with the ambition set out in the FIEMP [APP-184] for sustainable management of agricultural soils. An Outline SMP (Appendix B.3 to the FIEMP) has been produced by the Applicant. ALC surveys were undertaken at the site on behalf of the Applicant in 2021 and further surveys were undertaken in 2023 to fill data gaps. The area south of Farndon was unable to be surveyed on both occasions due to access constraints and SSEW soils data was used to determine suitable soil management guidance for the Outline SMP. The ALC Report is included as Appendix 9.3. [APP-170]. The Applicant has assessed the ALC of the land and identified the potential impacts to the soils within the construction and operation phases and the decommissioning phase is not required given the Scheme is to be a road.	No response required
Paragraph 5.43 states that – "Biodiversity is the variety of life in all its forms and encompasses all species of plants and animals, the genetic diversity they contain and the complex ecosystems of which they are a part. Geological conservation relates to the sites that are designated for their geology and/or their geomorphological importance. The policy set out in the following sections recognises the need to protect and enhance biodiversity and geological conservation interests." Paragraph 5.45 states	Within the assessment, the Applicant has reviewed sites of geological interest under European or UK Legislation. There are no sites located within the Scheme or the Order Limits. The Applicant is recommended to reference the NEPPG document to ensure that good practice is followed in relation to planning for biodiversity and geological conservation.	No response required

that – "The wide range of international and national legislative provisions impacting planning decisions affecting biodiversity and nature conservation issues are set out in the National Planning Policy Framework. The Natural Environment Planning Practice Guidance (NEPPG) document sets out good practice in England in relation to planning for biodiversity and geological conservation". Paragraph 5.47 – the applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.		
Paragraph 5.55 sets out that as a general principle and subject to specific policies, the development should first avoid significant harm to biodiversity and geological conservation interests including through mitigation and reasonable alternatives. Where harm cannot be avoided or mitigated, it should be compensated on-site before consideration is given to off-site.	Within Chapter 9: Geology and Soils [APP-053], the Applicant describes the impacts required during the construction phase of the Scheme. Impacts include loss of BMV land, temporary removal of land from agriculture, deterioration of ALC from flooding due to soil reprofiling and deterioration of soil resources during construction and stockpiling, as well as impacts from contamination have been identified for groundwater and surface waters. There are not considered to be any effects of loss of agricultural land during the operational phase. The Outline SMP (Appendix B.3 to the FIEMP) details the mitigation measures to minimise land loss to ALC graded land. A decommissioning phase is unlikely to be required due to the nature of the Scheme as a road. There are no designated or non-designated geological sites or features of interest within 500 m of the scheme.	No response required
Paragraph 5.51 states that – "The applicant should not just look to mitigate direct harms but should show how the project has taken advantage of opportunities to conserve and enhance biodiversity, having due regard to any relevant local nature recovery strategies and species conservation strategies. Opportunities will be taken to enhance, expand or connect existing habitats and create new habitats in accordance with biodiversity net gain requirements. Habitat creation, enhancement and management proposals should include measures for climate resilience, including appropriate species selection. Maintaining and improving habitat connectivity is important for climate resilience and the biodiversity of ecological networks." Paragraph 5.56 sets out that the appropriate weight should be attached to designated sites of international, national, and local importance; irreplaceable habitats; protected species and habitats; other species of principal importance for the conservation of biodiversity; biodiversity and geological interests within the wider environment and to areas prioritised for natures recovery in the relevant local nature recovery strategies.	The Applicant identified the principal receptors of the Scheme within Table 9-8 of Chapter 9: Geology and Soils [APP-053] and statutory designations within Appendix 9.1. [APP-161]. The current NSPNN includes the provision for irreplaceable habitats and areas prioritised for natures recovery in the relevant local nature recovery strategies to minimise the impact on the local area. The Applicant has identified that the construction works would result in the loss of ALC grade of 2 (very high sensitivity) land of 5.9 hectares. The Applicant highlights that this would be only a temporary loss and mitigation for this is highlighted in the Outline Soil Management Plan, included as Appendix B.3 of the FIEMP (Ref. TR010065/APP/6.5). (DCO APP-184).	No response required
Paragraph 5.57 sets out that advice must be sought from Natural England and/or the Marine Management Organisation and/or the Environment Agency as regards to any mitigation measures and whether these organisations will grant or refuse any relevant licenses or permits including protected species mitigation licenses.	The Applicant is encouraged to engage with Natural England and use their Letter of No Impediment (LONI) approach. The Applicant has stated that for the protection of surface waters 'Necessary consents and permits for activities such as discharging into surface water will be sought and details regarding these consents are detailed in the Scheme Consents and Agreements Position Statement (TR010065/APP/3.3). There is to be no uncontrolled discharges to surface water and/or groundwater.' Natural England was consulted and gave their approval on the methodology for ALC surveys in March 2023. Consultation is currently being undertaken with the EA's Groundwater and Contaminated Land (GWCL) Officer as discussed within Section 9.4 of Chapter 9: Geology and Soils [APP-053], it is understood the GWCL Officer will provide further comment regarding the known contamination hotspot and the risk to controlled waters once they have received the contaminated land risk assessment report. It is understood that this will be provided at a later date.	No response required
Paragraph 5.65 summarises that sites of regional and local biodiversity and geological interest include Local Geological Sites, Local Nature Reserves and Local Wildlife Sites, and Nature Improvement Areas. These are important for conservation, ecological networks and nature recovery. Development should not be refused based on harm to biodiversity and geological features of regional or local importance given the need for new infrastructure and the mitigation hierarchy shall apply.	The Applicant has identified that these sites of importance are not located on the Scheme or within the Order Limits.	No response required

Paragraphs 5.152 to 5.159 summarise the importance of considering land contamination and instability effects on the development and in the context of the surrounding area. The section also states that where possible, remediation should be undertaken to prevent issues to human health and controlled water receptors. To prevent the land being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The Applicant is required to consider land contamination and instability as part of the development proposal and prevent unacceptable risks. Advice should be sought and consultation undertaken if necessary to carry out appropriate assessment. Applicants are also required to carry out investigations in accordance with LCRM guidance to identify the risk to the site and identify sensitive receptors.	The Applicant has identified the potential sources of contamination and ground instability at the site and within the Order Limits and conducted risk assessments in accordance with LCRM guidance to identify the risks to the site and receptors. The Applicant states within Section 9.6.2 that if any previously unidentified contamination or unforeseen ground conditions are encountered then any required remediation will take place.	No response required
Paragraph 5.155 sets out that applicants should ensure and demonstrate that they have considered the risks posed by land contamination in accordance with the Land Contamination Risk Management (LCRM) Guidance. The Applicant should carry out a preliminary assessment of land contamination and/or ground instability at the earliest possible stage before a detailed DCO application is produced.	Appendices 9.1 [APP-161 to APP-163] and 9.2 [APP-164 to APP-169] to the ES include a Preliminary Sources Study Report and a Contaminated Land Risk Assessment in accordance with the LCRM assessment framework and guidance.	No response required
Paragraph 5.189 states that – "Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil health and protect and improve soils, taking into account any mitigation measures proposed. Soil is an important natural capital resource, providing many essential services such as storing carbon (also known as a carbon sink), reducing the risk of flooding, providing wildlife habitats and delivering global food supplies. Guidance on sustainable soil management can be found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. As a first principle, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value (see paragraphs 5.152 to 5.159)." Paragraph 5.190 states that – "The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales. If necessary, field surveys should be used to establish the Agricultural Land Classification grades in accordance with the current grading criteria, or any successor to it and identify the soil types to inform soil management at the construction, operation and decommissioning phases in line with the Defra Construction Code. Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This is to be in line with the ambition set out in the Environmental Improvement Plan for sustainable management of agricultural soils."	The recent NSPNN update highlights the importance of soil as a natural capital resource and to improve soils as well as minimising impacts and utilising mitigation and using Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. As the first principle, the proposal should be on previously developed (brownfield) sites provided that it is not of high environmental value. The Applicant has highlighted that the total area of BMV land identified within the Order Limits (grades 2 and 3a) is 24.1 hectares, with 89.3 hectares of non-BMV land (grades 3b and 4 and other land). The Applicant has undertaken ALC surveys where reasonably practicable and has used reliable data sources to fill data gaps where required to grade the site in accordance with the ALC grading system. The Applicant has adopted the worst-case scenario for areas where the ALC is not available. The ALC Report is included as Appendix 9.3 [APP-170]. The Outline SMP (Appendix B.3 to the FIEMP) is written in accordance with Defra's Construction Code of Practice.	No response required
Paragraph 5.196 states that – "Where a proposed development has an impact on a Mineral Safeguarding Area, the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources."	The Applicant has undertaken appropriate research into available mining records within the PSSR and has identified that there are no known records of coal mining directly on the site. Non-coal mining activity was identified to the north-west of the Nottingham-Lincoln railway line and was determined to not be directly adjacent to the Scheme. Mineral Safeguarding areas are identified within Chapter 10: Material Assets and Waste [APP-054].	No response required

Paragraph 5.192 states that – "Applicants can avoid, or minimise, the direct effects of a project on the existing use of the proposed site or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction" Paragraph 5.202 details that economic and other benefits of the best and most versatile land should be accounted for and where significant development of agricultural land is necessary, areas of poorer quality should be preferred to those of higher quality.	The SMP, to be produced by the Applicant, will detail the protection of soils during construction and is considered appropriate mitigation to minimise impacts to soils or soil resources.	No response required

Table 5: Review of local planning policy in respect of Geology and Soils

Local Policy	Nottinghamshire County Council and Newark and Sherwood District Council Review	Response
Nottinghamshire County Council's Minerals Local Plan Development Management (DM) Policy 15 – Borrow Pits – The policy states that proposals for borrow pits will be supported where: "a) They are adjacent to or close to the project/s they are intended to serve; b) They are time limited to the life of the project and material is to be used only for the specified project; c) They can be worked and reclaimed without any unacceptable environmental impacts; d) There are overriding environmental or other benefits compared to obtaining materials from alternative sources; e) Proposals provide for appropriate restoration measures which include full use of surplus spoil from the project."	Within paragraph 9.11.2 of Chapter 9: Geology and Soils [APP-053] the Applicant details that borrow pits will be required during the construction phase of the Scheme. The Applicant has identified Borrow Pits within initial desktop studies of the main Scheme area from provisional ALC mapping. The mapping similarly indicated that the main portion of the Farndon East and West Borrow Pits FCA consists of grade 3 land, with an area of grade 2 ('very good') in the northern extent. ALC surveys were undertaken throughout the main Scheme alignment and in both the Farndon East and West Borrow Pits FCA. The 2021 ALC survey was conducted by Atkins along the main Scheme alignment, with only minor coverage of the Farndon East and West Borrow Pits. The ALC survey conducted in 2023 (undertaken by Skanska Mott MacDonald) found the Farndon East and West Borrow Pits FCA to consist of grade 3b (35.9 hectares, 84%), 4 (6.0 hectares, 14%) and non-agricultural (0.7 hectares, 2%).	No response required
DM3: Agricultural Land and Soil Quality – The policy states that proposals that where alternative options are limited to varying grades of best and most versatile land (BMV), the development should be located within the lowest grade. The policy also states that measures will be taken to ensure that soil quality will be adequately protected and maintained throughout the life of the development and in particular during stripping, storage, management and final placement of soils, subsoils and overburden arising's as a result of site operations.	The Applicant has identified the ALC of the Scheme and the effects on BMV land which would arise from the Scheme construction. Mitigation measures within the Outline SMP (included as Appendix 3.B to the FIEMP) include design to minimise the area of land lost and to minimise loss of soil function as a resource. The Applicant has identified how the soil quality will be maintained and is detailed within the Outline SMP (included as Appendix 3.B to the FIEMP). This report accounts for pre-construction planning, soil handling constraints, appropriate weather and ground conditions, soil stripping for topsoil and sub-soil, stockpiling including formation and maintenance, soil reinstatement and reuse, soil placement and aftercare and monitoring. The consideration to ensure that soil quality will be adequately protected and maintained is considered to be adequate.	No response required
DM4 - Protection and Enhancement of Biodiversity and Geodiversity – The policy states that where impacts on designated sites of priority habitats or species cannot be avoided, the following applies: "a) In the case of European sites, mitigation must be secured which will ensure that there would be no adverse effect on the integrity of the site(s). Where mitigation is not possible and the applicant relies upon imperative reasons of overriding public interest, the Council will need to be satisfied that any necessary compensatory measures can be secured. b) In all other cases, adequate mitigation relative to the scale of the impact and the importance of the resource must be put in place, with	The Applicant has identified designated and non-designated sites which are of geological and biological interest such as Special Areas of Conservation, Special Protection Areas and RAMSAR sites. The Applicant has assessed the impact to designated sites and receptors within the PSSR and CSMs where necessary and identified where mitigation measures are required if appropriate.	No response required

compensation measures secured as a last resort."		
Waste Core Strategy SO2 Care for our environment – protect our landscape, countryside, wildlife and valuable habitats from harmful development and make the most of opportunities to enhance existing open space and provide new habitats. Protect water, soil, and air quality across the county. Protect our heritage assets and their settings, including archaeological remains and protect the character of our townscapes.	The Applicant has assessed the proximity to sites of importance for nature conservation, landscape, open space and cultural heritage within the local area to assess the impacts that the Scheme may have on these within the ES. The Scheme involves widening the current A46 road and so utilises existing infrastructure.	No response required
The Newark & Sherwood Local Development Framework Core Strategy (adopted 2019) Paragraph 5.63 highlights the Natural England designated sites which the District Council is required to protect for nature and geological conservation on local, national and international scales.	The Applicant identifies the designated sites which are on or within the vicinity of the Scheme within Appendix 9.1.[APP-161] The Applicant did assess the impacts to Local Nature Reserves (LNRs), Sites of Interest in Nature Conservation and Conservation Areas within the Order Limits of the Scheme as shown on the Policies Map as part of the Newark and Sherwood Local Plan. The Farndon Ponds and Devon Park Pastures LNRs and Conservation Areas are present at Farndon and Newark within the 500 m buffer of the Order Limits. This ensures that the application protects nature and geological conservation on a local level.	No response required
Core Policy 12 for Biodiversity Infrastructure states that the District Council will expect proposals to take into account the need for the continued protection of ecological, biological and geological assets of the District with particular regard to sites of international, national and local significance. The District will also seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity. Provide Suitable Alternative Natural Green Space to reduce visitor pressure on the District's ecological, biological and geological assets, particularly in the Newark area.	Continued protection of geological assets by using the existing road and brownfield land and lower ALC grades where possible should be undertaken. No Regionally Important Geological Sites (RIGS) have been identified as part of the assessment within 500m of the Scheme.	No response required
Newark & Sherwood District Council's Contaminated Land Strategy – Development on land Affected by Contamination (October, 2007) Newark and Sherwood District Councils priorities in dealing with Land Contamination are detailed as follows: To protect human health To protect controlled waters To protect designated ecological receptors To prevent damage to property To prevent damage to designated historical sites To prevent further land contamination To encourage voluntary remediation To encourage re-use of brownfield sites The strategy reiterates the suitable for use approach, government legislation, local policy and defines Contaminated Land. Part 2 of the report summarises Newark and Sherwood's geographical size and location, population, geology, hydrogeology and hydrology, land ownership and current/historical land use and the approach to identifying contaminated land within the district. The report also identifies potential sources of contamination and receptors. Part 3 identifies potentially contaminated sites and their prioritisation according to risk making reference to significant pollutant linkages (source – pathway – receptor) and undertaking risk assessment using the CLEA model and CLR series reports, soil guideline values, desk top information and site inspection.	It is anticipated that the Contaminated Land Strategy will be updated to account for update LCRM guidance. The Applicant has undertaken a Preliminary Sources Study Report summarising the sites location, topography, geography, geology, hydrogeology, hydrology, regulatory information, historical development, a site walkover, preliminary engineering assessment and preliminary land contamination assessment. The preliminary conceptual site model (CSM) and risk assessment identified Low to Moderate/Low risks from potential contamination at the site. The Applicant has undertaken a Contaminated Land Risk Assessment [APP-164 to APP-169] based on historical GI data and a supplementary GI undertaken by Strata Geotechnics (2022 – 2023). The report identified a localised area of soil contamination near Nether Lock, found during Tetra Tech specific GI, identifying contaminant levels above soil generic screening criteria for arsenic, aromatic hydrocarbons and naphthalene (WS46). The 2022/2023 supplementary GI included delineation of the hotspot contamination (S3BH05). BH11 identified human health exceedances and is in the Order Limits, it is within the likely extent of the temporary works. The temporary works will include piling matt area and a heavy lift crane pad area which would provide a hard to dig layer, providing permanent hard standing to break the potential pollutant linkages to the site end users. Maintenance users will also not be accessing the location of BH11. Direct consultation with the Newark and Sherwood District Council was undertaken regarding an identified hotspot of contamination located near Nether Lock. The Environmental Health Technical Officer agreed to the proposals of leaving the identified contamination in-situ from a human health perspective. Even though the risk is low, the Council would expect a verification report to be submitted for the hotspot locations identified at Photo 9-1 (ES Volume 6.1 Chapter 9 Geology and Soils, [APP-053]) and paragraph 9.8.60 of the same report, to confirm the contamination remains at depth post construction.	Refer to 15.19 above

Part 4 summarises the statutory consultees (i.e., Environment Agency) and non-statutory consultees and determination of contaminated land. Part 5 refers to specifying remediation and remediation by the local authority. With regards to Section 6.8.1. Development and Planning (on contaminated land) it details that the applicant shall submit a Phase 1 Report, Phase 2 Report, detailed scheme for the remedial works and contingency plan. Prior to the occupation of the development the applicant shall submit a Validation Report.		
The Development of Land Affected by Contamination guidance by the Yorkshire and Lincolnshire Pollution Advisory Group `The Development of Land Affected by Contamination guidance by the Yorkshire and Lincolnshire Pollution Advisory Group specifies what information should be submitted to the Local Planning Authority in accordance with LCRM best practice. The guidance explains the requirement for a Preliminary Risk Assessment, Site Investigation and Risk Assessment, Remediation Strategy if required and subsequent Verification reporting.	The Applicant has provided the Preliminary Risk Assessment as the Preliminary Sources Study Report and the Contaminated Land Risk Assessment included as Appendix 9.1 [APP-161 to APP-163] and 9.2 [APP-164 to APP-169] in line with LCRM guidance. Chapter 9: Geology and Soils [APP-053] states in Section 9.12.4 that if contaminated land or groundwaters are encountered which have not been previously identified within the ES if required, a remediation strategy including a programme for the remedial measures will be provided and carried out once approved by the EA and relevant planning authority.	No response required