

A46 Newark Bypass

Scheme Number: TR010065

7.33 Applicant's Responses to Examining Authority's First Written Questions

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**The Infrastructure Planning
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The A46 Newark Bypass
Development Consent Order 202[X]

**Applicant's Responses to
Examining Authority's First Written Questions**

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Introduction

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

This document has been prepared by the Applicant to set out its responses to the Examining Authority's (ExA) First Written Questions issued on 15 October 2024 [PD 011]. This document is submitted at Deadline 2 of the Examination.

A46 Newark Bypass

Applicants Responses to ExAs First Written Questions



1. General overarching matters including Policy, Need and alternatives			
1.0 Policy			
Q1.0.1	All IPs	<p>Policy National</p> <p>Do you consider NPSNN 2024 to be Important and Relevant to the Secretary of State's decision? If yes, how much weight should the decision-maker attach to the Proposed Development's compliance with NPSNN 2024?</p>	<p>The Applicant confirms the Scheme's application for development consent was accepted for examination by the Examining Authority on 23 May 2024. The 2024 National Policy Statement for National Networks (NPS NN) was designated on 24 May 2024. As set out in the transitional provisions of the 2024 NPS NN (paragraphs 1.16 and 1.17), the 2015 National Policy Statement for National Networks has effect for any application for development consent accepted for examination prior to 24 May 2024 and will inform decisions made by the Secretary of State in relation to those applications.</p> <p>Therefore, as the application for the Scheme was accepted the day before the 2024 NPS NN was designated, the National Policy Statement which has effect in relation to the Scheme for the purposes of s.104 of the Planning Act 2008 (PA2008) is the NPSNN 2015. This is confirmed in paragraph 1.16 of the NPSNN 2024 which states: "<i>The Secretary of State has decided that for any application accepted for examination before designation of this revised NPS, the 2015 NPS should have effect in accordance with the terms of that NPS. The revised NPS will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of the revised NPS.</i>" As such, for the purposes of s.104(2)(a) and (3) the Secretary of State must have regard to, and decide the application in accordance with, the NPSNN 2015 and not the NPSNN 2024.</p> <p>However, the provisions of the NPSNN 2024 amount to an important and relevant consideration in the Secretary of State's decision making pursuant to s.104(2)(d). This is confirmed in the NPSNN 2024 at paragraph 1.17, which states "<i>However, any emerging draft NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each Development Consent Order application.</i>"</p> <p>The weight to be attached to any important and relevant consideration under s.104(2)(d) of the Planning Act 2008 is a matter for the decision maker, i.e. the Secretary of State for Transport in this case.</p> <p>The assessment of the Scheme in relation to the 2015 NPS NN is set out in the National Policy Statement for National Networks Accordance Tables [APP-191]. The Applicant also submitted an assessment against the then draft NPS NN in the Draft National Policy Statement for National Networks Accordance Tables [APP-192] As requested by the ExA, the Applicant has undertaken an assessment against the 2024 NPS NN and produced the 2024 National Policy Statement for National Networks Accordance Tables [TR010065/APP/7.39] to reflect the position in the designated 2024 NPS NN and is submitted at Deadline 2 of the Examination.</p>
Q1.0.2	The Applicant	<p>Policy</p> <p>Please update [APP-192] to reflect NPSNN 2024 and explain in response to this question whether there are any significant differences between the draft NPSNN and NPSNN 2024 which affect the conclusions set out in the application submission. Please also attend to omissions such as the reference to "Appendix [x]" on page 126 of [APP-192].</p>	<p>The Applicant in response to the designation of the 2024 National Policy Statement for National Networks (NPS NN), has undertaken an assessment against the designated 2024 NPS NN in the 2024 NPS NN Accordance Tables [TR010065/APP/7.39] and submitted at Deadline 2 of the Examination. The assessment of the Scheme against the 2024 NPS NN concludes that the majority of the changes made are minor. There are a number of changes within the 2024 NPS NN paragraphs that have amended text, and there are some changes to the 2024 NPS NN paragraphs which include the provision of new text. The updated assessment in line with the 2024 NPSNN [APP-192] demonstrates the Scheme's compliance with the 2024 NPS NN, and that there are no adverse effects which would be significant enough to outweigh the benefits of the Scheme or overall affect the conclusions in the application submission.</p>

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Q1.0.3	The Applicant, NSDC, NCC	<p>Policy The following were published on 30 July 2024: 1. Consultation on “Proposed reforms to the NPPF and other changes to the planning system” and the “National Planning Policy Framework: draft text for consultation”. 2. The Secretary of State’s written ministerial statement entitled “Building the homes we need”. Do these have any relevance to the Proposed Development or alter any of the conclusions in the application?</p>	<p>The Applicant acknowledges the consultation on the ‘Proposed reforms to the National Planning Policy Framework (NPPF) and other changes in the planning system’, and the ‘NPPF draft for consultation’. Consideration has also been given to the Secretary of State’s written ministerial statement entitled ‘Building the homes we need’.</p> <p>From a review of the proposed NPPF amendments and the proposed planning reforms, it is considered that whilst important these do not have any particular relevance to the Scheme or change the overall conclusions set out in the application. The changes are in relation to delivery of mandatory and higher housing targets, delivering more affordable homes, building infrastructure to grow the economy, strategic planning and a review of the green belt with emphasis on ‘grey belt’ land.</p> <p>Whilst the NPPF is not used to determine Development Consent Order applications, there are elements which relate to various aspects of the Scheme, such as Transport, Natural Environment, Historic Environment, and Climate Change. 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. The above policies and sections still remain relevant in the draft NPPF for consultation, with only minor amendments proposed, which will not affect our assessment which is set out in the Case for the Scheme [APP-190].</p>
1.1 Need			
Q1.1.1	The Applicant	<p>The National Highways’ Delivery Plan 2015-2020 Paragraph 3.5.7 of the Transport Assessment Report (TAR) [APP-193] refers to A46 junction improvements in the National Highways’ Delivery Plan 2015-2020. Have these schemes been superseded by RIS2?</p>	<p>The National Highways Delivery plan is updated annually, each Road Investment Strategy (RIS) has a delivery plan associated with it. The RIS 2 is an iteration of RIS 1, which states “A46 Newark Bypass – improve the capacity of the single carriageway and junctions of the A46 at Newark and provide better links to the A1.” The description of the A46 junction improvements in the NH Delivery Plan have been superseded by the RIS2 description.</p>

<p>Q1.1.2</p>	<p>The Applicant</p>	<p>Need A number of IPs have suggested that there is no need for the Proposed Development or that it won't meet the stated aims. Please respond to the following comments:</p> <p>a) The rush hours would still have queues of traffic. Would people be happy if they had to queue for half the time they queue now? Would it be worth all the years of road works and the additional delays they will cause, for dualling to make no difference at all to people who travel outside rush hours (when there is rarely congestion) and only an insignificant difference to those who choose to travel during them? There will still be queues of traffic on the bypass at the busiest times [RR-015].</p> <p>b) Since the pandemic and the rise of the use of new technology, many more people are working from home so demands upon our roads are less [RR-015].</p> <p>c) We request that the NHA waits until the new Southern Link Road roundabout on the A46 South of Newark has been operational for two years before deciding whether to go ahead with the dualling work past Newark [RR-015].</p> <p>d) The southern link road would enable traffic to go from the A46 to the A1 and lessen the need to use the bypass [RR-017].</p> <p>e) The A46 is not used to its full capacity for 80% to 90% of the time but the three roundabouts are dangerous and cause sporadic delays. Dualling the carriage way would not improve matters. It would be far cheaper and more effective to fit traffic lights and re-engineer all the roundabouts [RR-054].</p>	<p>a) 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.</p> <p>The Applicant disagrees with the assertion that the traffic issues in Newark-on-Trent and the surrounding areas would become permanently worse as a result of the Scheme. On the contrary, 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 Scheme.</p> <p>Further information is provided in response to RR-015 of the Applicant's Responses to Relevant Representations [REP1-009].</p> <p>b) At the time of developing the traffic model to support the Scheme, there was still uncertainty regarding the medium to long term impact of COVID-19 on traffic flows. The Scheme design has therefore been developed based on observed traffic data gathered before and after the pandemic and with forecasts based on the latest Government guidance.</p> <p>The Applicant recognises that in the intervening period the impacts of COVID-19 on traffic patterns have become clearer, and since the submission of the application, the Applicant has continued to monitor and evaluate the traffic changes that continue to evolve in the wake of the pandemic. In this regard, sensitivity testing has been undertaken to capture the known impacts of COVID-19 on traffic levels since 2019 in relation to the core forecasting assumptions that are documented in the Transport Assessment Report [APP-193].</p> <p>The traffic forecasts prepared in support of the Scheme, while adhering to Department for Transport's Transport Analysis Guidance (TAG) at the time the modelling work was undertaken, implicitly overestimate the level of traffic growth by relying on national forecasts of trip end growth that predate the impacts of the pandemic. To account for this discrepancy, a locally calibrated adjustment to the forecasts has been made. The broad approach to the derivation of the COVID-19 adjustment factor was based on a comparison of changes in observed traffic flows in the local area between March 2019 and March 2023, and the equivalent forecast change in trip ends from National Trip End Model (NTEM) over the same period.</p> <p>In addition to the direct impacts of COVID-19 on observed traffic volumes between 2019 and 2023, changes in fuel costs over this period have also been significant. Analysis has therefore been undertaken to also consider the extent to which the changes in observed traffic volumes are attributable to rising fuel costs, and a further adjustment factor to isolate the direct impacts of COVID-19 has been derived. It is necessary to make this distinction in the derivation of a COVID-19 adjustment factor as the impact of changes in fuel costs will be accounted for in the variable demand model.</p> <p>The outturn adjustment factors derived in this testing reflected an average car trip reduction of approximately 5%, with larger reductions occurring in the AM and PM peaks. The freight impact was found to be less severe with an increase of 3.7% and a decrease of 2.6% for Light Goods Vehicles (LGVs) and Heavy Goods Vehicles (HGVs) respectively. The adjustments were applied to the core scenario forecast trip matrices (post- Variable Demand Model (VDM)) and the models reassigned.</p> <p>When the resulting traffic flows were compared to the core forecasts, a drop in traffic volume of approximately 3% was noted in the future year forecasts for the with and without Scheme scenarios. The differences in flow between the Do Minimum (without the Scheme) and Do Something (with the Scheme) remained very similar to the core forecasts and consequently the core traffic forecasts of the Scheme were considered to remain valid for the purposes of Scheme assessment.</p>
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<p>1.2 Alternatives</p>			
<p>Q1.2.1</p>	<p>The Applicant</p>	<p>Alternatives RIS 2 specifically refers to filling in key sections of the existing A46 without the need for major new road- building across open countryside. Expand upon your submission and provide more detail on what considerations were given over to a less invasive approach to achieving the aims of RIS 2 to alleviate congestion and the improve the flow of traffic along the A46.</p>	<p>The narrative in RIS2 refers to filling in the gap in the dual carriageway of the A46 route at Newark rather than creating a new coast-to-coast highway with major new roadbuilding across open countryside. This is further reflected the decision to progress Corridor C which has the least adverse impacts on land-take.</p> <p>For agricultural land use the corridor options are assessed based on likely loss of best and most versatile land and the relative amount of land-take and severance. Corridor B has the greatest adverse impact as it is the longest, with land-take and severance of farmland over 15 km². Also, it passes through best and most versatile land south of Newark-on-Trent and land which has a high probability of being best and most versatile east of Newark-on-Trent. Corridor A is the second longest, passing through 9.5 km of farmland which includes best and most versatile land around the Muskams and possibly other best and most versatile land near Langford. Corridors D and E are similar in their impacts, each passing through 6 km of farmland, a large part of which is best and most versatile. Corridor C has the least adverse impacts as it passes through only 2.6 km of farmland, and so land-take and severance would be much less than in the other corridors.</p> <p>A 'Lowest Cost Option' was considered prior to the preferred route announcement, which excluded the dualling of the A46 and would have been less invasive. 'Lowest cost' option: At-grade Farndon, Hamburger at Cattle Market, new A1/A46 west-facing slips, earlier Winthorpe at grade tie-in, no widening of A46. However, traffic modelling demonstrated delays at all junctions and on the A46 mainline for this option. Therefore, this option which would have been less invasive would not have achieved the aims of RIS2.</p>

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Q1.2.2	The Applicant	<p>Tunnelling Was any consideration given to tunnelling any section of the route, especially the grade separated main line at Cattle Market junction, to reduce the visual impacts. If not, why was this not considered further?</p>	<p>The Applicant can confirm that tunnelling has not been considered as a viable solution along any section of the route. The reasons for this are the presence of the flood zone, the impact from the construction operations, and the alignment constraints at junctions. Tunnelling requires large amounts of temporary land for facilitating the installation of the tunnelling equipment, segment storage yards and managing the arisings. Land that is not readily available along the A46 corridor.</p> <p>A tunnelling solution at Cattle Market would require the construction of a new dual carriageway alignment to the north of the existing A46 such that the new dual carriageway could enter a western tunnel portal without impacting the existing highway alignment. The alignment and physical constraints to the east of Cattle Market roundabout would mean the tunnel would continue under the Nottingham to Lincoln Railway Line, River Trent and East Coast Main Line, along the narrow corridor between the existing A46 and the Nottingham to Lincoln Railway Line before raising into an eastern portal in an area to the west of Brownhills Junction. The level difference from the western tunnel portal to the A1 would result in a complex junction arrangement at Brownhills junction which would likely result in the severance of Winthorpe Road.</p> <p>The vertical alignment between Cattle Market junction and the eastern crossing of the Nottingham to Lincoln railway line does not provide the necessary room to be able to provide appropriate approach ramps and slip roads for a localised dive under structure or underpass to be viable. The introduction of a tunnel under Cattle Market would also remove access to the Strategic Road Network from the Great North Road, with local traffic needing to use what would be the redundant A46 to access the new dual carriageway at new junction arrangements at Farndon and Winthorpe. The engineering, alignment and constructability constraints mean that tunnelling is not a viable solution.</p> <p>The high ground water and flood risk would introduce both construction and operational risks.</p>
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2. Air Quality and Emissions			
Q2.0.1	The Applicant	<p>Clarification – Environmental Statement – Terminology</p> <p>a) Reference is made to HDVs and HGVs in ES Chapter 5: Air Quality [AS-021] and in other documents. Bearing in mind footnote 31 of ES Chapter 5, if there is no distinction between HDVs and HGVs please use a single term throughout the ES.</p> <p>b) ES Chapter 5 includes multiple references to the Air Quality Directive (2008/50/EU). Confirm the domestic legislation that the Proposed Development should be assessed against and update ES Chapter 5 accordingly.</p> <p>c) Please explain the difference between ‘PR’ and ‘R’ receptors on [AS-028].</p>	<p>Q2.0.1 (a) – The Applicant confirms Chapter 5 (Air Quality) of the Environmental Statement [AS-021] uses the traffic scoping criteria set out in the Design Manual for Roads and Bridges (DMRB) LA 105 to determine the affected road network for the air quality study area i.e. a change of over 200 and 1,000 movements per day respectively for heavy-duty vehicle (HDV) and total daily traffic, as well as changes in speed band and carriageway alignment of at least 5m. Therefore, Chapter 5 (Air Quality) of the Environmental Statement [AS-021] refers to HDV, as per DMRB LA 105. The Transport Assessment Report [APP-193] uses the term ‘heavy goods vehicle’ (HGV) and as such when the Transport Assessment Report [APP-193] is being referred to in Chapter 5 (Air Quality) of the Environmental Statement [AS-021], the term ‘HGV’ is used.</p> <p>As stated in footnote 31 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021], “the air quality assessment uses values expressed as HDVs which is a combination of HGVs and buses. For this Scheme HDVs and HGVs are identical as buses are not explicitly modelled and are captured in the HGV values”. There is therefore no distinction between HDV and HGVs numbers. However, for consistency with DMRB LA 105 guidance and the Transport Assessment Report [APP-193] the separate terms remain in Chapter 5 Air Quality of the Environmental Statement [AS-021].</p> <p>Q2.0.1(b) – Chapter 5 (Air Quality) of the Environmental Statement [AS-021] refers to the Air Quality Directive (2008/50/EU), as required by DMRB LA 105 guidance. DMRB LA 105 states that to assess compliance risk, “the assessment shall conclude there is no risk to the UK’s reported ability to comply with the 2008/50/EC in the shortest timescale possible”.</p> <p>Paragraph 5.3.2 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021] notes that Directive 2008/50/EC is transposed into UK law through the Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019 and Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020, along with the Air Quality Standards Regulations 2010 and Air Quality Standards (amendment) Regulations 2016. In most cases, the air quality objectives are set at the same pollutant concentrations as the limit values in Directive 2008/50/EC that were transposed into UK law, although compliance dates differ. The changes in air quality at sensitive receptors have been assessed against the air quality objectives applicable to UK domestic legislation and not the Air Quality Directive limit values.</p> <p>Q2.0.1(c) – ‘PR’ refers to sensitive proposed receptors located at future developments that had not been built at the time of the assessment but have been included as part of the assessment of committed development and considered in the traffic flows used for the air quality assessment. ‘R’ refers to sensitive existing receptors.</p>

2. Air Quality and Emissions		
Q2.0.2	The Applicant	<p>Clarification – Traffic Data</p> <p>a) Paragraph 5.5.29 of ES Chapter 5: Air Quality [AS-021] refers to Appendix D of the Transport Assessment [APP-193] – please indicate where Appendix D of the Transport Assessment information can be found.</p> <p>b) ES Appendix 5.2 SATURN Traffic Data Report [APP-129] does not state where the location of each data point / 'Figure ID' is illustrated. Please clarify – is this on Figure 5.5 [AS-032]?</p> <p>c) On ES Figure 5.5 [AS-032] please clarify why some numbers eg 100 (Sheet 10 of 19) and 234 (Sheet 9 of 19) appear twice and why some numbers, eg 236, do not appear at all.</p> <p>d) In response to [RR-048] does the data / modelling in [APP-129] take account of any redistribution of traffic as a result of the opening of the Southern Link Road (SLR) which is expected to be completed by Spring 2026? If no, please update ES Chapter 5: Air Quality [AS-021] to take account of the changes to vehicular flows once the SLR is open.</p> <p>e) Does the data / modelling in [APP-129] take account of any changes in traffic arising from the implementation of allocations in the adopted development plan or the schemes / growth alluded to at paragraph 1.3.10 of the Outline Traffic Management Plan [APP-196], page 7 of the Transport Assessment Report [APP-193] and section 3.12 of the Case for the Scheme [APP-190]? If no, please update ES Chapter 5: Air Quality [AS-021] to take account of any anticipated increase in traffic or changes to traffic flows.</p> <p>f) Why does the AADT in [APP-129] more than double between the 2022 and 2028 'Do-minimum' at Figure IDs 385-386 while there is a smaller increase at other nearby Figure IDs such as ID 388 or 391?</p> <p>g) Why does the AADT in [APP-129] decrease between 2022 and 2028 'Do-minimum' in some locations, eg at Figure IDs 98-102 and 133-137?</p> <p>h) Please explain how ES Appendix 5.2 SATURN Traffic Data Report [APP-129] relates to the data used in the Transport Assessment Report [APP-193], and whether or why there are any differences between the data sets.</p>
		<p>Q2.0.2(a) – The Applicant notes that paragraph 5.5.29 of ES Chapter 5: Air Quality [AS-021] currently states "Committed developments with potential to generate traffic have been incorporated into the traffic model developed for this Scheme. Discussion of committed developments included within the traffic model is presented within Appendix D of the Transport Assessment [APP-193]. The cross reference stated in the Chapter should refer to Appendix A of the Transport Assessment Report [APP-193] rather than Appendix D (i.e. the Combined Modelling and Appraisal Report (ComMA)). The Applicant details this amendment in Reference Number 7.1.7 of the A46 DCO Table of Errata which will be submitted at Deadline 2 of the Examination.</p> <p>Q2.0.2(b) – The Applicant confirms that the Figure IDs that are presented in Appendix 5.2 (SATURN Traffic Data Report) of the Environmental Statement Appendices [APP-129] are displayed in Figure 5.5 (Air Quality Summary of Traffic Data) of the Environmental Statement Figures [AS-032].</p> <p>Q2.0.2(c) – Some numbers appear more than once in the Figures due to some links being split up into smaller segments to account for changes in vehicle speed and road width. For instance, where vehicles are expected to reduce their speed, such as at junctions and roundabouts, the speed of vehicles have been reduced up to 100m away. Any instances of missing numbers occurring are due to the scale that is used for the Figures.</p> <p>Q2.0.2(d) – The Southern Link Road is included within the Do Minimum (without the Scheme) scenario traffic forecasts and does relieve some traffic from the A46. However, the traffic modelling also demonstrates that without the Scheme, even with the development of the Southern Link Road, there would still be significant delays on the A46, especially at the Cattle Market Junction. The Southern Link Road is also included within the Do Something (with the Scheme) scenario traffic forecasts. This traffic modelling work is detailed in the Transport Assessment Report [APP-193]. Therefore, the traffic data presented in Appendix 5.2 (SATURN Traffic Data Report) of the Environmental Statement Appendices (APP-129) takes account of the Southern Link Road and its associated redistribution of traffic. See, for example, paragraph 3.3.47 Transport Assessment Report [APP-193] and paragraph 16.8.2 of the ComMA (Appendix A of the Transport Assessment Report [APP-193]).</p> <p>Q2.0.2(e) – The traffic forecasts prepared in support of the Scheme (and presented in 6.3 Environmental Statement - Appendix 5.2 SATURN Traffic Data [APP-129]) have taken into consideration changes resulting from the implementation of allocations and schemes as set out in paragraph 1.3.10 of the Outline Traffic Management Plan [APP-196], Table 1.1 of the Transport Assessment Report, and section 3.12 of the Case for the Scheme [APP-190].</p> <p>As noted in paragraph 3.3.17 of the Transport Assessment Report [APP-193], the future year transport network changes and development assumptions have been determined in-line with the Department for Transport's Transport Analysis Guidance (TAG) and make use of uncertainty logs. An uncertainty log is required for transport model forecasting and its purpose is to record the central forecasting assumptions that underpin the core scenario, as well as uncertainty around those central assumptions. The uncertainty log summarised the known uncertainties in the modelling and forecasting.</p> <p>The uncertainty log was developed in collaboration with local authorities in the vicinity of the Scheme (as set out in Section 12 of the Combined Modelling and Appraisal Report, which is included as Appendix A to the Transport Assessment Report [APP-193]) and considered residential and employment developments as well as proposed changes to infrastructure, as outlined in the various local plans associated with each district. Developments were subsequently considered on an individual basis through cross referencing against local planning information to identify elements that would meet the TAG criteria for inclusion within the Core scenario as defined in Table A2 of TAG Unit M4.</p> <p>Q2.0.2(f) – The traffic flows for Figure IDs 385 and 386 for the Base year are incorrectly presented in Appendix 5.2 (SATURN Traffic Data Report) of the Environmental Statement Appendices [APP-129]. The total AADT and HDV AADT should be 37,077 and 4,753 instead of 19,533 and 2,318. The Applicant details this amendment in Reference Number 6.1.6 of the A46 DCO Table of Errata which will be submitted at Deadline 2 of the Examination. This amendment does not affect the traffic flows input into the dispersion model for the operational phase assessment. Therefore, the dispersion modelling results and conclusions remain the same.</p> <p>Q2.0.2(g) – Traffic flows on the A17 adjacent to the A1/A46 junction at Newark-on-Trent are forecast to reduce in the future without Scheme scenario to levels below those in the 2019 base year. The reduction in flow on the A17 is largely driven by the performance of the existing Friendly Farmer Roundabout in the Strategic Traffic Model, where indications are that the congestion problems experienced at this location in the base year are forecast to deteriorate in the future without the Scheme. As a result of the worsening situation at Friendly Farmer, A17 traffic is forecast to increasingly take alternative local routes in the future to avoid the Friendly Farmer junction.</p>

2. Air Quality and Emissions			
			<p>Alternative routes forecast to be affected by diverting traffic include via Beckingham Road through Coddington and also the route along Newark Road/Long Lane (via Barnby in the Willows). The introduction of the Southern Link Road in the future year forecasts also attracts some traffic away from the A17/A46 route by improving an alternative route to the south of Newark-on-Trent.</p> <p>Q2.0.2(h) – Appendix 5.2 SATURN Traffic Data Report of the Environmental Statement Appendices [APP-129] presents the total daily traffic flow (AADT), the total daily HDV flow (HDV AADT) and speed band category for each modelled link for the base year (2022), opening year Do-Minimum (without the Scheme) (2028) and opening year Do-Something (with the Scheme) (2028). This data has been derived from the SATURN traffic model developed for the Scheme. The Transport Assessment Report [APP-193] provides information about the SATURN model and sets out in Section 12.8 of Appendix A (Combined Modelling and Appraisal Report) how the outputs from the SATURN model were converted from peak hour to time period and AADT format, which are the formats required for the air quality dispersion modelling in line with the Design Manual for Roads and Bridges LA 105. Peak hour flows are mainly used in the Transport Assessment Report [APP-193] to assess the impact of the Scheme on the strategic and local highway network.</p> <p>The Figure ID and Link ID for each link (section of road) included in the SATURN model are also presented in Appendix 5.2 SATURN Traffic Data Report of the Environmental Statement Appendices [APP-129]. The Figure IDs were created specifically to enable cross referencing to Figure 5.2 Air Quality Affected Road Network of the Environmental Statement Figures [AS-031].</p>
Q2.0.3	NSDC	<p>Policy – Local Paragraph 5.3.43 of ES Chapter 5: Air Quality [AS-021] states that NSDC’s air quality supplementary planning document (SPD) is currently under review and yet to be adopted as either policy or guidance and, as such, has not been considered in this assessment. a) Should the SPD that is under review be taken into account in determining this Application? If yes, please provide a copy. b) Is the revised SPD likely to become available, whether in draft or adopted, before this Application is determined?</p>	<p>Although this question is directed at NSDC the Applicant confirms at the time of preparing Chapter 5 (Air Quality) of the Environmental Statement [AS-021], NSDC’s SPD was not available for review. The SPD, ‘Air Quality and Emissions Mitigation, Guidance for Developers’ is now available on the NSDC website and has subsequently been reviewed. Having reviewed that document, the Applicant has concluded that the SPD does not change the assessment methodology, proposed mitigation measures or conclusions.</p> <p>The SPD ‘provides an indicative step by step approach to dealing with planning applications’ made to NSDC. Examples of mitigation measures provided in the SPD, such as electric vehicle charging, car clubs and alternative heating sources, are relevant for local scale development and not a strategic road network intervention. The assessment undertaken for Chapter 5 (Air Quality) of the Environmental Statement [AS-021] meets the indicative assessment approach outlined within the SPD and based on DMRB LA105 guidance, operational phase mitigation measures are not required for the Scheme.</p>
Q2.0.4	The Applicant	<p>Air Quality Targets Paragraph 5.3.11 of ES Chapter 5: Air Quality [AS-021] (dated May 2024) states that the UK Government’s final revised Air Quality Strategy (AQS) was “due to be published later in 2023”. Has the final AQS been published and, if yes, does it include any targets which are different from those upon which the assessment in ES Chapter 5 has been based?</p>	<p>The Applicant confirms an updated version of the Air Quality Strategy was published in August 2023 which does not include any air quality objectives or future targets different to those upon which the air quality assessment in Chapter 5 (Air Quality) of the Environmental Statement [AS-021] had been based.</p>
Q2.0.5	The Applicant, NSDC	<p>Air Quality Targets Paragraph 5.3.12 of ES Chapter 5: Air Quality [AS-021] refers to interim targets in the Environmental Improvement Plan 2023 for England, noting that the targets are not legal thresholds but have been included for reference. Does the decision-maker need to take account of these targets or should other targets be referred to in their determination?</p>	<p>The Applicant confirms the air quality standard for PM2.5 that is applicable to this assessment is the threshold of 20 µg/m3 which is set out in the Air Quality Standard Regulations 2010. The future thresholds are not applicable, given that the new annual mean PM2.5 target of 10µg/m3 by 2040 does not need to be met until 2040, which is after the Scheme opening year of 2028, and the interim annual mean PM2.5 target of 12µg/m3 by 2028 is not a legal threshold. The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 state that the targets are required to be met at air quality monitoring stations however there are no air quality monitoring stations in the vicinity of the Scheme in respect of which measurements could be made. Therefore, neither of the future targets were assessed within Chapter 5 (Air Quality) of the Environmental Statement [AS-021].</p>
Q2.0.6	The Applicant	<p>Air Quality Targets Footnote (d) to Table 5.1 of ES Chapter 5: Air Quality [AS-021] states that: “the more stringent standard of 20 µg/m3 has been adopted for this assessment”. Where has this standard been derived from and are there any policy or legislative requirements to meet this standard?</p>	<p>The Applicant confirms the air quality standard of 20µg/m3 for PM2.5 was derived from the EU Directive 2008/50/EC and was transposed into UK law through the Air Quality Standards Regulations 2010. It is now also set out in the Air Quality Strategy 2023. As such there is a legal requirement to meet the standard of 20µg/m3 for PM2.5.</p>
Q2.0.7	The Applicant	<p>ES Methodology Paragraph 5.1.5 of ES Chapter 5: Air Quality [AS-021] states that plant emissions have been scoped out of the assessment but paragraphs 5.5.7 and 5.7.3 discuss plant. Please clarify whether plant emissions have been assessed.</p>	<p>The Applicant confirms construction plant emissions have been scoped out as the impacts would be minimal and not significant, in line with Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from demolition and construction (2024). Construction plant emissions are mentioned in paragraphs 5.5.7 and 5.7.3 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021] for completeness, as they are still a potential source of air pollution in the construction phase.</p>

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Q2.0.8	The Applicant, NSDC	ES Methodology Does ES Chapter 5: Air Quality [AS-021] make a distinction between nearby receptors which could be impacted and those more sensitive to poor air quality per paragraph 5.13 of NPSNN 2024? If not, should it?	<p>The Applicant confirms ss detailed in paragraph 5.3.18, of Chapter 5 (Air Quality) of the Environmental Statement [AS-021], the 2015 NPSNN was considered in the assessment as the NPS against which the application is to be determined. The NPSNN 2024 was published in draft for consultation in March 2023 and designated in May 2024. Whilst it is a material consideration in the determination of this Application, it is not the NPS with which the application is required to comply. However, an assessment of the Scheme against the 2024 National Policy Statement for National Networks Accordance Tables [TR010065/APP/7.39] to reflect the position in the designated 2024 NPS NN is submitted at Deadline 2 of the Examination.</p> <p>NPSNN 2024 states that “the proximity and nature of nearby receptors which could be impacted, including those more sensitive to air quality” should be described in the assessment. This has been undertaken in Chapter 5 (Air Quality) of the Environmental Statement [AS-021] as detailed in paragraph 5.7.19 which states that “The assessment has considered the effects at worst-case sensitive human health receptors (residential properties, a school and a hospital) and designated sites for ecology within 200 metres of affected roads”. The air quality standards do not differentiate between types of receptors. The only differentiator is the locations at which the time weighted averaging periods are applicable as discussed in Table 5-3 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021].</p> <p>The coordinates of the sensitive receptors considered in the operational phase assessment have also been provided in Appendix 5.1 Air Quality Receptor Results of the Environmental Statement Appendices [APP-128] and their locations presented in Figure 5.1 Air Quality Receptors of the Environmental Statement Figures [AS-028]. The modelled sensitive human health receptors predicted to experience the greatest change in air quality or greatest concentration have been referred to in detail in Sections 5.11.26 to 5.11.30 of Chapter 5 Air Quality of the Environmental Statement [AS-021], with their proximity to the emission source provided.</p>
Q2.0.9	The Applicant, NSDC	ES Methodology ES Chapter 5: Air Quality [AS-021] is based on 2022 air quality data. Is this a robust basis for assessment, or should more recent data be used?	<p>The Applicant confirms the 2022 air quality data used in Chapter 5 (Air Quality) of the Environmental Statement [AS-021] is considered to be robust. The year 2022 was the most recent full year of local authority monitoring data at the time of completing the assessment. Local authority data for the year 2022 is also considered to be representative of ‘normal’ conditions, as it is not considered to have been affected by the coronavirus (Covid-19) pandemic. Therefore 2022 local authority data provides a robust basis to determine baseline conditions.</p> <p>The local authority and Scheme-specific monitoring data for 2022 were used in the dispersion model verification process. The verification process involved comparing modelled pollutant concentrations, based on 2022 traffic flows and 2022 meteorological data with monitored pollutant concentrations for 2022, as detailed in Appendix 5.4 (Air Quality Model Verification Report) of the Environmental Statement Appendices [APP-131]. The statistical analysis demonstrated that the model performed adequately versus monitoring data, following adjustment.</p> <p>Therefore, based on the above, the 2022 air quality data that was used for the air quality assessment is considered to be a robust basis for assessment.</p>

2. Air Quality and Emissions		
Q2.0.10	The Applicant	<p>"ES Methodology [RR-050], [RR-070] and [RR-073] make comments in relation to particulates, noting that the ES does not include an assessment of particulate matter which is less than 2.5 micrometres in diameter (PM2.5). Paragraph 2.21.4 of DMRB LA105 Revision 0 (November 2019) 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 Proposed Development does not impact on the PM2.5 air quality threshold. However, NPSNN 2024 makes specific reference to PM2.5 at: paragraph 2.35, paragraph 2.36, paragraph 5.9, paragraph 5.14, paragraph 5.20 and paragraph 5.22.</p> <p>a) If the ES does not include an assessment of PM2.5 please explain where the PM2.5 information in Table 5-7 of Case for the Scheme [APP-190] is derived from.</p> <p>b) Please update ES Chapter 5 in relation to PM2.5 to fully address the RRs, legislation and NPSNN 2024, including the points / paragraphs noted above."</p>
<p>Q2.0.10(a) – The Applicant confirms The Case for the Scheme [APP-190] sets out the economic appraisal for the Scheme and follows the Department for Transport’s 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. This 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] and assesses the Scheme’s air quality impacts and effects at sensitive receptors, based on predicted concentrations for comparison with the air quality standards.</p> <p>As presented in paragraph 5.5.34 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021], the emission factors used for the air quality assessment were derived from speed band emissions factors v4.3 which are based on Defra’s Emission Factors EFT (v11.0) and provide emission factors for NOx and PM10 but does not provide emission factors for PM2.5.</p> <p>The TAG appraisal undertaken and set out in the Case for the Scheme [APP-190] calculates total mass emissions of NOx and PM10. The PM10 fraction is then converted to PM2.5 to enable the monetised impact of air quality. TAG acknowledges that PM2.5 emission factors may not be available and makes the following provision, “Following Defra guidance, in the absence of directly estimated PM2.5 emissions, promoters will need to convert estimated PM10 emissions into PM2.5 equivalent via the conversion factors provided in TAG Data Book table A3.2.3. These have been supplied using NAEI data on estimated ratios of sources of PM emissions between up to 2.5µm and 10µm in diameter.”</p> <p>Q2.0.10(b) – NPSNN 2024 makes reference to the future thresholds for PM2.5 as set out in The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 and Environmental Improvement Plan. An assessment of the Scheme against of the 2024 NPSNN is presented in [TR010065/APP/7.39], which includes reference to paragraphs 5.14, 5.20 and 5.22.</p> <p>Future thresholds for PM2.5 have been considered as part of the air quality assessment, as detailed in Section 5.5 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021]. The new annual mean PM2.5 target of 10µg/m3 by 2040 does not need to be met until 2040, which is after the Scheme opening year of 2028, and the interim annual mean PM2.5 target of 12µg/m3 by 2028 is not a legal threshold. The targets are also required to be met at air quality monitoring stations, however, there are no air quality monitoring stations in the vicinity of the Scheme in respect of which measurements could be made.</p> <p>Nonetheless, the Scheme would not have a significant effect on the ability to meet the future PM2.5 target of 10µg/m3. This is due to the maximum PM2.5 background concentration across the modelled human health receptors for 2022 being 9.7µg/m3 which is below the new PM2.5 target, and PM2.5 background concentrations being expected to continue falling in the future. Changes in PM2.5 contributions from changes in road traffic from the Scheme would also be very small, and PM2.5 concentrations are mainly influenced by existing background concentrations, which are currently below the future target.</p> <p>The predicted effects from the operation of the Scheme on local air quality at human health receptors are also concluded to be not significant, so no mitigation measures are proposed. Therefore, no update to Chapter 5 (Air Quality) of the Environmental Statement [AS-021] in relation to PM2.5 is proposed.</p>		

2. Air Quality and Emissions			
Q2.0.11	The Applicant, NSDC	<p>Air Pollution and Dust – Winthorpe Primary School [RR-070] and [RR-077] raise concerns about the effect of dust and air pollution on Winthorpe Primary School during the construction and operational phases. For both the construction and operational phases, and with specific reference to Winthorpe Primary School, please describe:</p> <p>a) whether any changes to air quality as described in the ES would likely affect the operation of the school including the use of outdoor areas;</p> <p>b) with reference to DMRB LA105 whether the approach to be taken to assessing air quality impacts differs where schools are receptors (eg are these 'more sensitive' receptors); and</p> <p>c) whether, based on the conclusions of the ES, any specific mitigation is needed and, if so, how this would be secured.</p>	<p>Response to questions a, b and c:</p> <p>The Applicant confirms Chapter 5 (Air Quality) of the Environmental Statement [AS-021] presents the construction dust assessment which has followed National Highways' DMRB LA 105 guidance. Sensitive receptors are defined in DMRB LA 105 as residential properties, back gardens, schools, hospitals, care homes, public open spaces and public access. DMRB LA 105 considers the sensitivity of schools to air quality impacts to be the same as the other sensitive receptors listed. Therefore, all of the sensitive receptors listed are assessed using the same methodology as each other, as outlined in DMRB LA 105.</p> <p>The construction dust assessment identifies sensitive receptor locations within 200 metres of any construction activities and construction compounds to determine the risk potential. Winthorpe Primary School falls within the 100-200 metres distance band from construction activities presented in Table 5-11 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021] and is shown in Sheet 1 Figure 5.3 Air Quality Construction Dust Buffer of the Environmental Statement Figures [AS-030]. Construction dust will be controlled using best practicable means, such as wetting down and minimising the height of stockpiles. Effects at Winthorpe Primary School, including the use of outdoor areas, are not predicted to be significant. The mitigation (dust control) measures are secured in the Register of Environmental Actions and Commitments within 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 for implementation during construction and is secured through Requirement 3 of the draft Development Consent Order [REP1-001].</p> <p>In accordance with DMRB LA 105, the affected road network is made up of roads which meet the traffic scoping criteria i.e. a change of over 200 and 1,000 movements per day respectively for heavy-duty vehicle and total daily traffic, as well as changes in speed band and carriageway alignment of at least 5m. For the operational phase of the assessment, human health receptors within 200 metres of the affected road network representing a worst case were selected and the change in air quality at those locations where assessed. Contributions from vehicle emissions are generally imperceptible above background concentrations beyond 200m from the road source. Therefore, only sensitive receptors which are located within 200m of the affected road network were considered.</p> <p>Winthorpe Primary School is located approximately 230 metres from the affected road network and is therefore not included as a modelled receptor. However, human health receptors along the A46 on the outskirts of Winthorpe, which are within 200 metres of the affected road network, have been included in the assessment. The modelled human health receptor closest to Winthorpe Primary School is R29 located on Hargon Lane approximately 100 metres from the A46 (see Sheet 7 Figure 5.1 Air Quality Receptors of the Environmental Statement Figures [AS-028]). At R29 the predicted annual mean NO₂ concentration is 17.2µg/m³ in the opening year (2028) which is below the relevant air quality objective (40µg/m³) and the change in predicted concentration is imperceptible (less than 0.4µg/m³). The predicted change and total concentration at Winthorpe Primary are expected to be lower than R29, given that the school is approximately 500 metres from the A46 and 100 metres from a section of the A1133 that does not form part of the ARN.</p> <p>During operation of the Scheme there are not predicted to be any exceedances of the NO₂ or particulate (PM₁₀ and PM_{2.5}) air quality objectives (40ug/m³ for NO₂ and PM₁₀, and 20ug/m³ for PM_{2.5}) at any human health receptors within the study area and therefore, the Scheme complies with the Air Quality (England) Regulations 2000 and Air Quality Strategy 2023, which set out the air quality objectives. 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.</p>

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Q2.0.12	The Applicant	<p>Air Pollution and Dust – Effects at Specific Locations Please explain the air quality and dust effects during the construction and operational phases of development at the following locations. If any mitigation would be needed, please explain the nature of this and how it would be secured:</p> <ul style="list-style-type: none"> a) Nether Lock House [RR-010]; b) Millgate near the junction with the B6166 [RR-007]; and c) Bridge House Farm / Bridge House Boarding Kennels [RR-059]. <p>In respect of Bridge House Farm / Bridge House Boarding Kennels, please explain:</p> <ul style="list-style-type: none"> d) Why, according to the IP, no measurements were taken outside of Bridge House Farm, bearing in mind paragraph 2.20 of DMRB LA 105 Revision 0; e) whether it would be necessary for the occupants not to open any windows in the property during warmer months due to pollution levels; f) whether the effect on animals of any changes in air quality should be assessed; and g) whether adverse air quality would mean that animals and staff cannot use outdoor areas.
		<p>Response to questions a, b and c:</p> <p>The Applicant confirms Chapter 5 (Air Quality) of the Environmental Statement [AS-021] presents the construction dust assessment and has followed National Highways' DMRB LA 105 guidance. The construction dust assessment identifies sensitive receptor locations within 200 metres of any construction activities and construction compounds to determine the risk potential.</p> <p>The identified receptors include Nether Lock House and Bridge House Farm / Bridge House Boarding Kennels, which fall within the 100-200 metres and 0-50 metres distance bands presented in Table 5-11 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021] and are shown in Sheet 1 Figure 5.3 Air Quality Construction Dust Buffer of the Environmental Statement Figures [AS-030]. Properties on Mill Gate near the junction with the B6166 are located beyond the DMRB LA 105-screening distance of 200 metres and were therefore not included in the construction dust assessment. Construction dust will be controlled using best practicable means, such as wetting down and minimising the height of stockpiles, and effects at the identified receptors, which include Nether Lock House and Bridge House Farm / Bridge House Boarding Kennels, are not predicted to be significant. The mitigation (dust control) measures are secured in the Register of Environmental Actions and Commitments within 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 for implementation during construction and secured through Requirement 3 of the draft Development Consent Order [REP1-001]</p> <p>Chapter 5 (Air Quality) of the Environmental Statement [AS-021] confirms that the impact of emissions from construction traffic across the study area is not considered to have the potential to result in significant air quality effects as the predicted change in construction traffic is temporary, not programmed to last more than two years and there are no locations within the study area at risk of exceeding air quality objectives. Modelled base year (2022) concentrations presented in Table 1-1 of Appendix 5.1 (Air Quality Receptor Results) of the Environmental Statement Appendices [APP-128] also show that modelled pollutant concentrations are well below the air quality objectives. Therefore, existing and modelled concentrations in the study area comply with the Air Quality (England) Regulations 2000 and Air Quality Strategy 2023 air quality objectives. The assessment also confirms that temporary traffic management measures used during the construction period will not have a significant effect on air quality. This is due to the temporary nature of overnight road closures and temporary reductions in speed limits not significantly affecting emissions.</p> <p>Appendix 5.1 (Air Quality Receptor Results) of the Environmental Statement Appendices [APP-128] presents the predicted pollutant concentrations at modelled receptor locations and Figure 5.1 (Air Quality Receptors) of the Environmental Statement Figures [AS-028] shows the locations of the modelled receptors. Properties at Nether Lock House, Mill Gate near the junction with the B6166 and Bridge House Farm / Bridge House Boarding Kennels have all been included as sensitive receptors in the dispersion model and therefore pollutant concentrations with and without the Scheme in place have been predicted by the dispersion at these locations.</p> <p>The property at Nether Lock House has been included in the dispersion model as sensitive receptor 44. Annual mean NO₂ concentrations in the opening year are predicted to increase by 0.2µg/m³ from 16.3µg/m³ without the Scheme to 16.5µg/m³ with the Scheme, due to the predicted increase in traffic flow along the A46 which is located approximately 110m to the east of the property. The 'with Scheme' predicted concentration at the property is well below the NO₂ air quality objective of 40µg/m³ and the change in air quality is considered to be 'imperceptible' in accordance with the Design Manual for Roads and Bridges LA 105 Air Quality.</p> <p>Receptor 58 is located on Mill Gate near the junction with the B6166. Annual mean NO₂ concentrations in the opening year are predicted to decrease by 3.6µg/m³ from 25.4µg/m³ to 21.8µg/m³ with the Scheme, due to traffic flows across Newark-on-Trent decreasing, as a result of vehicles travelling along the A46 instead to bypass Newark-on-Trent. The 'with Scheme' predicted concentration is well below the NO₂ air quality objective of 40µg/m³.</p> <p>The property at Bridge House Farm / Bridge House Boarding Kennels has been included as sensitive receptor 30 in the dispersion model. Annual mean NO₂ concentrations at this property in the opening year are predicted to increase by 0.5µg/m³ from 18.7µg/m³ without the Scheme to 19.2µg/m³ with the Scheme, due to the A46 carriageway alignment being closer to the receptor with the Scheme than without the Scheme. The 'with Scheme' predicted concentration is well below the NO₂ air quality objective of 40µg/m³ with a near imperceptible change in concentration (imperceptible is 0.4µg/m³ or less), in accordance with DMRB LA 105 Air Quality.</p> <p>As concentrations across human health receptors are expected to be well below the NO₂, PM₁₀ and PM_{2.5} air quality objectives, and the predicted effects from the operation of the Scheme on air quality at human health receptors are therefore concluded to be not significant, no mitigation measures are proposed.</p> <p>Response to question d:</p>

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			<p>Paragraph 2.20 of DMRB LA 105 Revision 0 (and also paragraph 2.20 of the updated DMRB LA 105 revision 0.1.0) discusses the selection of sensitive human health receptors for air quality modelling, which is not related to baseline air quality monitoring. Baseline air quality monitoring was not undertaken at Bridge House Farm / Bridge House Boarding Kennels, as this is not a location where highest pollutant concentrations were likely to be recorded based on existing road layouts, proximity to the road and direction of the wind. This is explained in further detail within the Applicant's Response to Relevant Representations [REP1-009] to RR-59. As discussed above, the effect of the Scheme at this property was predicted using dispersion modelling and therefore the potential impact of the Scheme on this property was assessed, as set out above.</p> <p>Response to question e, f and g:</p> <p>It is not considered necessary for occupants of any property to close windows during warmer months due to pollution levels, or for occupants not to use outdoor areas. This is because no exceedances of the annual mean objectives for NO₂, PM₁₀ and PM_{2.5} are predicted at any of the human health receptors across the study area, including at this receptor, and there are no significant changes in air quality. Also, as detailed in paragraph 5.11.21 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021], in accordance with Defra's TG22 guidance, as all predicted annual mean concentrations for NO₂ are well below 60 µg/m³, no exceedances of the 1-hour NO₂ objective are predicted.</p> <p>The effect of changes in air quality on animals in general is not required to be assessed in accordance with DMRB LA 105. As per DMRB LA 105, the sensitive receptors that should be considered are human health and designated habitats which include Ramsar sites, special protection areas, special areas of conservation, sites of special scientific interest, local nature reserves, local wildlife sites, nature improvements areas, ancient woodland and veteran trees.</p>
Q2.0.13	The Applicant, NSDC	<p>Dust [RR-020] states that health impacts from the construction phase "dust corridor" have not been modelled.</p> <p>a) Why has an assessment of the potential health impacts from dust not been undertaken?</p> <p>b) Please describe the measures that would be put in place to manage / mitigate the effects of dust and how those measures would be secured.</p>	<p>Q2.0.13(a) – The Applicant confirms Chapter 5 (Air Quality) of the Environmental Statement [AS-021] assesses the impact of construction dust on health in accordance with DMRB LA 105, which requires a qualitative assessment of construction dust. This approach is in line with guidance from the Institute of Air Quality Management (IAQM), which also outlines a qualitative risk-based approach to assessing construction dust. The usefulness of numerical criteria to determine effects from construction dust is limited, as the perception of loss of amenity or nuisance is affected by a wide range of factors such as character of the locality and sensitivity of receptors. As a result, assessment methodologies that are based on a qualitative approach are advocated, but this does not mean that the potential health impacts from construction dust have not been assessed.</p> <p>Q2.0.13(b) – Chapter 5 (Air Quality) of the Environmental Statement [AS-021] confirms that impacts from construction dust will be mitigated (controlled) using best practicable means, such as wetting down and minimising the height of stockpiles, and effects are not predicted to be significant. The mitigation measures are set out in the Register of Environmental Actions and Commitments within 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. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP1-001].</p>

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Q2.0.14	The Applicant, NSDC	Effect of Air Quality on NMUs [RR-070] states that every effort should take place to protect NMUs from air pollutants. Are there any locations where air pollution from use of the Proposed Development would give rise to any significant effects on NMUs? If yes, how could such significant effects be mitigated?	<p>The Applicant confirms Appendix 5.1 (Air Quality Receptor Results) of the Environmental Statement Appendices [APP-128] presents the operational phase dispersion modelling results. For the operational phase, human health receptors have been chosen at sensitive locations within 200 metres of the air quality affected road network and include residential properties, a school and a hospital, in line with DMRB LA 105 Air Quality.</p> <p>The air quality objectives are not assessed at footpath or cycle path locations as exposure is transient and members of the public are not reasonably expected to spend a length of time commensurate with the air quality objective averaging periods (one hour for NO₂ more than 18 times per year, 24-hour for PM₁₀ more than 35 days per year and annual mean average for NO₂, PM₁₀ and PM_{2.5}) at any single location along a footpath or cycle path. Nonetheless, as detailed in paragraph 5.11.21 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021], in accordance with Defra's TG22 guidance, as all predicted annual mean concentrations for NO₂ are well below 60 µg/m³, no exceedances of the 1-hour NO₂ objective are predicted.</p> <p>During operation of the Scheme there are not predicted to be any exceedances of the NO₂ or particulate matter (PM₁₀ or PM_{2.5}) air quality objectives (40ug/m³ for NO₂ and PM₁₀, and 20ug/m³ for PM_{2.5}) at any human health receptors within the study area and therefore, the Scheme complies with the Air Quality (England) Regulations 2000 and Air Quality Strategy 2023, which set out the air quality objectives. Therefore, in accordance with paragraph 2.90 of LA 105, Chapter 5 (Air Quality) of the Environmental Statement [AS-021] has concluded no likely significant effect for human health and no mitigation is required.</p>
Q2.0.15	The Applicant, Nottingham City Council, City of Lincoln Council, South Kesteven District Council	Effect on AQMAs Paragraph 5.8.6 of ES Chapter 5: Air Quality [AS-021] notes the Lincoln AQMA, the Nottingham City Council AQMA and the South Kesteven District Council No 6 AQMA. Whilst the affected road network for the Proposed Development does not extend into these AQMAs (see Figure 5.2 [AS-029]), should consideration be given to the effects of the Proposed Development on the AQMAs? If yes, would there be any implications in terms of any Local Air Quality Action Plans for those areas?	<p>The Applicant confirms the results from Chapter 5 (Air Quality) of the Environmental Statement [AS-021] indicate that the Scheme will not have any significant effects on any AQMA.</p> <p>The AQMAs are located outside of the Traffic Reliability Area (TRA), which is the area covered by the traffic model that the competent expert for traffic has identified as reliable for inclusion in the assessment. The change in vehicle flows included in the traffic screening criteria i.e. 1,000 vehicles and 200 HDVs, also represent the lowest threshold above which the traffic model can represent change in traffic conditions to a reasonable level of confidence. The AQMAs are also located outside of the affected road network. As the AQMAs are located outside of the TRA and the ARN does not overlap with the AQMAs, the assessment of effects of the Scheme on the AQMAs is not required in accordance with DMRB LA 105.</p> <p>However, the changes in air quality at the closest receptors to the AQMAs within the ARN are 'imperceptible' (Receptors 1, 99 and 114). Traffic flows will dissipate further beyond the ARN and as such the changes in air quality as a result of the Scheme are expected to be lower beyond the ARN than at these receptors.</p> <p>Therefore, the Scheme would have no implications on the Local Air Quality Action Plans specific to Lincoln AQMA, the Nottingham City Council AQMA and the South Kesteven District Council No 6 AQMA.</p>
Q2.0.16	The Applicant, NSDC, NCC	Mitigation Measures Paragraph 5.10.3 of ES Chapter 5: Air Quality [AS-021] states that car sharing would be encouraged, and the main compound would also include bicycle storage, and bicycle and pedestrian access routes, to promote sustainable and active travel options. a) How would these measures be secured? b) Has the Applicant maximised opportunities to allow for journeys to be undertaken via sustainable modes per paragraph 5.287 of NPSNN 2024?	<p>a) The Applicant confirms the measures would be secured through the production of a Construction Worker Travel and Accommodation Plan within the Second Iteration Environmental Management Plan which is secured by Requirement 3 of the draft Development Consent Order [REP1-001].</p> <p>b) All existing walking and cycling routes have been retained or diverted locally. Where routes have been impacted by the Scheme and needed to be replaced or re-routed then these have been upgraded to 3.0m wide facilities complying with LTN 1/20.</p> <p>Additional facilities have also been provided, please refer to the Applicant's response to Q13.0.24. The Applicant has maximised opportunities to allow for journeys associated with the development to be undertaken via sustainable modes by upgrading existing routes used to commute to workplaces and to gain access to facilities such as the Showground and areas south of the A46, which are currently only accessible by walkers along unsafe crossing points from Winthorpe and which will be accessible for walkers and cyclists along safe routes as a result of the Scheme proposals.</p>
Q2.0.17	NSDC	Mitigation Measures – Dust Paragraph 5.13.1 of ES Chapter 5: Air Quality [AS-021] and paragraph 3.2.4 of Statement Relating to Statutory Nuisances [APP-186] state that potential dust impacts would be suitably controlled using the best practice mitigation measures set out in the First Iteration EMP ([APP-184], page 30). Are the proposed mitigation measures satisfactory? If not, please provide suggested changes.	Question not addressed to the Applicant.

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Q3.0.1	The Applicant	<p>Barn Owl Mitigation ES Chapter 8: Biodiversity [APP-052] states that to prevent barn owl collisions on the A46 trees, hedgerows and shrubs will be grown to a height of 3m, paragraph 8.11.44. However, it will take time for this vegetation to establish. ES Chapter 7: Landscape and Visual Effects [APP-051] specifies in paragraph 7.12.2 that the Second Iteration EMP will include a Landscape and Ecology Management Plan (LEMP) detailing the monitoring requirements for the first five years of planting. Please confirm the timescale for the barn owl collision mitigation measures to fully mature and what measures will be put in place in the intervening period? Furthermore, please confirm details for its ongoing maintenance.</p>
		<p>CONFIDENTIAL –Appendix 8.4 Barn Owl Technical Note of the Environmental Statement Appendices [APP-149] contains confidential information and is only available on request to those who have a legitimate need to view it. The same confidentiality must be applied to the information provided in the response below to the Examining Authority’s comments.</p> <p>Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] concludes an overall Slight Adverse residual effect on barn owl during construction, which is not significant. Paragraph 8.11.22 states the potential for barn owl collision events during construction (in isolation of other impacts) is considered negligible. This is because better quality and connected habitat is available in the wider landscape in contrast to habitat suitability, for example north and south of the new A1 flyover which is unsuitable or sub-optimal barn owl foraging. No likely significant effects are predicted on barn owls as a result of traffic collision and so mitigation has not been proposed specifically to mitigate this risk.</p> <p>Notwithstanding that the potential for barn owl collision events during construction is considered negligible, establishment of trees, hedgerows and shrubs (compensation for Scheme-wide habitat loss) to three metres is prudent where the three potential traffic accident blackspots (TAB) may arise, at the locations shown in Appendix B of Appendix 8.4 (Barn Owl Technical Note) of the Environmental Statement Appendices [APP-149] . Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] details how the Scheme has maximised retention of existing vegetation, including mature trees along the highways, to maintain connectivity between barn owl foraging habitat type and potential barn owl feature / potential nest sites (PNS) (detailed in Appendix B of Appendix 8.4 (Barn Owl Technical Note) of the Environmental Statement Appendices [APP-149] through flight uplift during construction and operation. For example, the Scheme will maintain connectivity between foraging Type 1 habitat (optimal) and Type 2 habitat (sub-optimal) north of Cattle Market roundabout (TAB2), over the A616 Great North Road carriageway and the A617 carriageway. Habitat outside of the Order Limits (predominantly on the north side of the A46 carriageway) will continue to provide connectivity between Type 1 habitats, the majority of PNS and the wider landscape, as per pre-construction baseline connectivity.</p> <p>The Applicant confirms Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] states newly planted hedgerows could establish in 3-5 years. Further to this, it is considered that newly planted trees, hedgerows and shrubs will take 5-10 years to reach the target condition of three metres high (specifically to benefit barn owls), as detailed in the Natural England Biodiversity Metric 3.1.</p> <p>Once established, planted habitats will provide improved quality and connectivity of foraging habitat between the northern and southern extents of the Scheme. However, the loss of woodland and scrub along the A46 carriageway until planting establishment is not considered to sever habitat connectivity for barn owl dispersal. The urbanised area south of the A46 carriageway between Cattle Market roundabout to the northern extent of the Scheme comprises habitat of poor suitability for barn owl, therefore provision of connectivity from planting is not deemed necessary for barn owl mitigation, as its unlikely to be utilised. Furthermore, the proposed flyover at TAB1, with small isolated areas of Type 2 habitat (suboptimal for barn owl foraging) within the footprint of, and in the immediate vicinity of, the proposed flyover will be rendered unsuitable during construction and this habitat management would continue through operation, as detailed in Commitment B7 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-184]. Habitat manipulation would include intensive mowing to render habitat further unsuitable for foraging barn owls and none of the retained trees within the isolated areas of carriageway have features suitable for barn owl potential nesting sites. Due to the isolated nature of habitat located between onslip carriageways joining the A46 carriageway and A1 carriageway around Brownhills roundabout, consideration of biodiversity enhancements was made to ensure these did not encourage wildlife to its detriment (i.e. increase the risk of collision with road vehicles). The exception to this is between Farndon Roundabout and Cattle Market junction, where large areas of habitat suitable for multiple species have been designed both sides of the carriageway, utilising existing safe passages to connect these areas under the A46 carriageway. For example, Windmill Viaduct, Nether Lock Viaduct and farmer access roads (e.g. between Farndon West Floodplain Compensation Area (FCA) and Farndon East FCA) are examples of potential alternative dispersal flight routes for barn owl under the A46 carriageway, as they are low-flying birds (three metres when hunting). The Scheme will not change the potential flight access available to barn owl foraging in this area, from pre-construction baseline.</p> <p>In the intervening period until habitat has established along the carriageway embankments, retained habitat in the wider area will encourage barn owls to use the wider landscape (away from collision risk along the A46 carriageway) and loss of foraging and commuting habitat resulting from carriageway widening will deter barn owl flight in close proximity to road vehicles. Figure 2.3 (Environmental Masterplan) of the</p>

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		<p>Environmental Statement Figures [AS-026] details these areas of habitat retention and habitat planting. In addition to maximising retention of habitat to deter barn owl flight away from existing carriages and maintenance of alternative routes for safe flight, further mitigation measures (temporary and permanent) were considered as part of the Scheme design evolution. However, safety of road users is a priority and this restricts how close trees, hedgerows and physical barriers (for screening) can be located to a carriageway. Provision was also made for the safe installation and ongoing maintenance of planting on steep embankments. Alternative mitigation such as the installation of temporary (5-10 years to reach target condition) high screens on raised earth bunds were considered unsuitable for the following reasons:</p> <ul style="list-style-type: none"> • Direct loss of proposed planting and existing vegetation currently proposed to be retained, along the screening alignment • Steep carriageway embankments would need to be widened to reduce the elevation to facilitate the safe construction of foundations for screens. The evolution of the Scheme design increased embankment elevation to reduce loss of adjacent habitat • The proximity of the screen would likely affect growing conditions (e.g. shading), therefore delaying establishment of planting, or cause failure of plants • Screen foundations would have to be set back from the carriageway, further down the slope, and therefore the screens would be very tall to provide a three-metre uplift from the top of the slope; • Road closures to remove the screens during operation (after establishment of vegetation to three metres) would cause congestion and disturbance to road users • Location of screens would be restricted to maintain sight lines and therefore road user safety; <p>The Applicant can confirm that all areas of proposed planting as depicted on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] which deliver essential mitigation which will be maintained for the lifetime of the Scheme (including habitat to be maintained to a minimum of three metres in height once established). Within the lifetime of the Scheme, trees, hedgerows and shrubs are to be maintained for a 30-year period in line with the BNG Management and Monitoring Plan, as detailed in the Register of Environmental Action and Commitments within the First Iteration Environmental Management Plan [APP-184] (to be developed into the Third Iteration Environmental Management Plan) post construction of the Scheme.</p>
Q3.0.2	The Applicant	<p>Maintenance of Mitigation Features Can the Applicant provide a plan showing which areas are to be maintained for a period of 30 years, and which areas of planting and biodiversity mitigation are to be maintained for the lesser period of 5 years. Please also confirm whether all proposed mitigation and compensation measures within the Order limits will be maintained by the Applicant and if not by whom and how this is secured.</p> <p>The Applicant can confirm that all areas of proposed planting as depicted on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] contribute to essential mitigation which will be maintained for the lifetime of the Scheme. The reference to the five-year aftercare period made in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051], is in relation to the maintenance required during the establishment period for planting implemented as part of the Scheme. This five-year aftercare period is an industry and well-established standard. Recently made highways Development Consent Orders made by the Secretary of State contain the same five-year aftercare period. See for example, the A12 Chelmsford to A120 Widening Development Consent Order 2024 Requirement 5(6), the A47 Wansford to Sutton Development Consent Order 2023 Requirement 5(3)(f), the M25 Junction 28 Development Consent Order 2022 Requirement 5(3)(f) and M54 to M6 Link Road Development Consent Order 2022 Requirement 5(5). It is intended that following the initial five-year aftercare period, the plants will have established, with subsequent maintenance of planting to continue as part of National Highways' cyclical maintenance regime for the life of the Scheme, secured via the Third Iteration Environmental Management Plan in line with Requirement 4 of the draft Development Consent Order [REP1-001].</p> <p>The Applicant can confirm that all mitigation proposed within the Order limits will be maintained by the Applicant. Appendix A.2 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environment Statement [APP-159] shows the BNG post-construction habitats that will be included in the Biodiversity Net Gain Management and Monitoring Plan that will form part of the Second Iteration EMP during the five-year aftercare period and will be development into the Third Iteration EMP for maintenance beyond this period. Where habitats contribute to BNG, they will be maintained for a 30-year period (in accordance with BNG requirements), as detailed in the Register of Environmental Action and Commitments within the First Iteration Environmental Management Plan [APP-184] (to be developed into the Third Iteration Environmental Management Plan).</p>

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Q3.0.3	The Applicant	<p>Compensation Measures Figure 2.3 Environmental Masterplan [AS-026] shows compensation measures for barn owl boxes, kestrel boxes and bat boxes and areas of retained vegetation outside the Order limits. How will these be secured in the dDCO and who will be responsible for their maintenance.</p>	<p>The Applicant confirms the First Iteration Environmental Management Plan [APP-184] sets out commitments securing mitigation measures for barn owl (Commitment B7), kestrel (Commitment B8) and bats (Commitment B2). 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].</p> <p>The installation of barn owl nest boxes will mitigate for the temporary loss of nesting sites (occupied and potential) during construction. On completion of the works and the unblockage of these nesting sites, barn owl nest boxes will be left in situ to compensate for the loss of trees (none identified to comprised potential barn owl features at the time of survey), which considers the time taken for cavities suitable for barn owl nesting to naturally develop in trees in addition to the time taken for habitat planting to establish. The Applicant will be responsible for the monitoring of these boxes for the first five consecutive years for bats and for at least the first three consecutive years post-construction for birds, as detailed in the First Iteration Environmental Management Plan [APP-184]. Maintenance (cleaning / repair / replacement) will be undertaken as required during this time for all bat and bird boxes.</p>
Q3.0.4	The Applicant, NSDC	<p>Habitat Severance ES Chapter 8: Biodiversity [APP-052] sets out the impact on habitats through paragraphs 8.11.8 to 8.11.12. This concludes a Slight Adverse effect during construction. With specific reference to the Environmental Masterplan [AS-026] please provide further explanation and justification of this conclusion and when doing so consider how the habitats currently link together creating green corridors and the impact of the Proposed Development to intrude on these networks resulting in habitat severance. Please also provide further detail on what opportunities have been identified to resolve existing issues of severance and those caused by the Proposed Development. Does the Council agree with this conclusion and if not, why not?</p>	<p>The Applicant confirms the following examples evidence how a Slight Adverse residual effect during construction has still been concluded despite being subject to Major Adverse impacts to habitats as a result of the Scheme prior to mitigation.</p> <p>The unavoidable permanent partial loss of one lowland mixed deciduous woodland (92%) will result in a major adverse impact, as the impact will negatively affect the integrity of this resource, and only a small area will be retained along the tributary of The Fleet (detailed on Sheet 5 of 7 of Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]). This severance is considered to result in a Slight Adverse residual affect as this retained woodland will still provide a green corridor to the parkland to the north (southeast of Winthorpe village) during construction and, following establishment of the compensation planting, will become more resilient (better condition and habitat connectivity). These habitats are outside of the Order Limits and are therefore not shown on the Environmental Masterplan [AS-026] and are instead detailed on Sheet 6 of 16 of Appendix 8.1 (Extended Phase 1 Habitat Technical Report Part 2) of the Environmental Statement Appendices [APP-146]. The severance of mixed plantation woodland north of the proposed flyover is of an importance below local level, however it will act as a stepping stone using retained scattered trees to maintain a green corridor to hedgerows along the A1 carriageway during construction, and following establishment of the compensation planting, better connectivity to the north west and adjacent the flyover (detailed on Sheet 5 of 7 of Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]). Bat surveys indicate only low density foraging adjacent to the retained small broadleaved plantation woodland that will become isolated between Friendly Farmer roundabout and the flyover. However, this retained plantation woodland is comparable in height and suitability (for passerine birds only) to the adjacent isolated parcels of woodland, providing opportunities for safe flight heights for passerines over Brownhills roundabout, the A1 carriageway and Friendly Farmer roundabout.</p> <p>The unavoidable permanent loss of irreplaceable lowland meadow (0.4%), will also result in a Major Adverse impact, negatively affecting its integrity (detailed on Sheet 3 of 7 of Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]). However, this loss will not cause severance of green corridors. Two locations of archways along Great North Road will continue to provide connectivity during construction, with the northern archways outside of the Order Limits less likely to be subject to disturbance.</p> <p>The River Trent and associated bankside habitat are considered commuting and foraging routes for bats, which will be maintained during construction following implementation of construction sensitive lighting, as detailed in the First Iteration Environmental Management Plan [APP-184]. In contrast, the River Trent also acts as a barrier to movement for terrestrial wildlife to move south (beyond the Scheme) and north east of Nether Lock Viaduct. However, the areas south of the river and south of the A46 carriageway north of Nether Lock Viaduct are urbanised and comprise suboptimal habitat for protected species assessed in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. Windmill Viaduct and Nether Lock Viaduct will continue to provide connectivity to retained habitat either side of the A46 carriageway with further access between the Farndon FCAs via a farmers track, and an underpass (hardstanding) between A617 Kelham Road (west of the A46 carriageway) and Kelham Road (east of the A46 carriageway). Habitat adjacent the railway line will also provide some connectivity for wildlife movement between the</p>

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			<p>Scheme and the wider landscape (outside of the Order Limits). The existing pedestrian underpass under the A1 joining Winthorpe Road and Gainsborough Road and the path parallel to the River Trent will continue to provide connectivity north of the A46 carriageway during construction.</p> <p>Loss of habitat and therefore connectivity along the highways verge as a result of the Scheme predominantly comprises broadleaved plantation woodland, species-poor hedgerows (some defunct), amenity, improved and semi-improved grassland, arable fields and scrub which provide suboptimal green corridors for protected species. The wider landscape provides better optimal habitat than within the Order Limits. The widened carriageway would not sever any key commuting routes and there are no large populations of a single species or frequent routes used by multiple species.</p> <p>As detailed in the Statement of Common Grounds (Statement of Common Grounds with Nottinghamshire County Council [REP1-025], Statement of Common Grounds with Natural England [REP1-026], Statement of Common Ground with Newark and Sherwood District Council [REP1-029]), the Applicant presented the assessment to interested parties (Nottinghamshire County Council, Natural England and Newark and Sherwood District Council) and agreed a compensation planting design with Natural England as set out in the Statement of Common Ground [REP1-026]. The Scheme design will compensate for habitat losses by providing better quality and better-connected green corridors (for commuting and foraging) between the northern and southern extents of the Scheme than are currently present, especially along the northwest side of the carriageway.</p> <p>Though there will be no new severances of commuting routes for any protected species due to connectivity to the wider landscape which would not be restricted during the construction phase, the Applicant explored opportunities to reduce the impact of 'severance' / temporary fragmentation disturbance (redirection) of commuting routes resulting from habitat loss along the existing highways verges during construction. This included early establishment of planting in situ prior to construction to maintain connectivity along the highway verges. However, this is not feasible prior to completion of construction, due to the nature and scale of the Scheme (earthworks for construction of embankments to facilitate widening of the existing A46 carriageway). In areas that do not require earthworks prior to planting, early establishment of habitats would introduce further risk of injuring, killing or entrapping wildlife due to the proximity to construction activities. Though retention of existing habitat has been maximised, the unavoidable loss of habitats within construction areas would also indirectly result in mitigating this risk to protected species by rendering habitat unsuitable and will not leave wildlife isolated, due to retained connectivity to the wider landscape. Due to the duration of construction, any habitat manipulation to render habitat unsuitable to mitigate risk to protected species during construction would be considered temporary-long term and therefore require planting after construction has been completed, as detailed in the Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026].</p>
Q3.0.5	The Applicant	<p>Veteran Trees</p> <p>The Forestry Commission (FC) has raised concerns regarding the harm to veteran trees T038, T136, T139 in their submission [RR-023]. Veteran trees are recognised in NPSNN 2015 paragraph 5.32 and NPSNN 2024 paragraph 5.62 as an irreplaceable habitat. What efforts have been made to avoid or reduce the reported effects to veteran trees.</p>	<p>The Applicant confirms the Scheme will not result in the loss of any veteran trees, although there will be impact on three veteran trees. With regards to the veteran trees referenced as T038, T136 and T139 the Applicant can confirm the design process has carefully considered the construction requirements in proximity to these trees.</p> <p>With regards 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.</p> <p>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.</p> <p>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</p>

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			<p>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...”. Following the implementation of 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. It is difficult to predict this with certainty and therefore ongoing monitoring is proposed to inform any remedial action.</p> <p>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.</p>
Q3.0.6	NSDC	<p>Local Wildlife Sites</p> <p>ES Chapter 8 [APP-052] provides a commentary on the impacts on four Local Wildlife Sites – Dairy Farm Railway Strip, Great North Road Grassland, Newark (Beet Factory) Dismantled Railway and Old Trent Dyke. Does the Council agree with the Applicant’s assessment and conclusions.</p>	Question not addressed to the Applicant.
Q3.0.7	The Applicant	<p>Use of Borrow pits for Fry Refuge</p> <p>The EA [RR-020] comments that the borrow pits could benefit fisheries by turning them into permanent fry refuge areas after use in construction. In particular, the Brownhills borrow pit. The Applicant should provide comment with respect to their consideration to converting suitable borrow pits into fry refuges as part of the Proposed Development’s ecological enhancements with consideration of NPSNN 2015 paragraph 5.33.</p>	<p>The Applicant confirms that, as detailed in Chapter 2 (The Scheme) of the Environmental Statement [APP-046], after completion of the extraction of the material, the excavations at Brownhills borrow pit would be backfilled and re-soiled.</p> <p>Existing constraints at the Brownhills borrow pit prevent the Scheme from converting this site into fry refuge areas. Brownhills borrow pit has limited hydrological connectivity to the River Trent. The Nottingham to Lincoln and East Coast Main Line (ECML) railway lines create a barrier to the west, the A46 carriageway to the south, Brownhills link and the A1 to the east (crossing the Nottingham to Lincoln railway to the north). The Brownhills borrow pit area currently drains overland as surface water, into existing highways drains which are culverted through the aforementioned barriers and discharge into the River Trent. These pathways are not viable for fish from the River Trent to navigate upstream to the Environment Agency’s proposed permanent fry refuge at Brownhills.</p> <p>Furthermore, archaeological investigations identified an extensive, complex settlement of Romano British and Anglo-Saxon archaeological remains in the Brownhills area, which resulted in a reduced area that could be used as a borrow pit to ensure preservation of these archaeological remains in situ.</p> <p>Throughout the evolution of the design, opportunities to enhance biodiversity have been included in the Scheme (considering NPSNN 2015 paragraph 5.33). Proposals shown in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] include permanently wet ponds and associated reedbeds within attenuation areas, the sowing of species rich grassland adjacent to ponds and the addition of log and brash piles around ponds, to act as refugia / hibernacula. In addition to the function of waterbodies in the Farndon East and West FCAs to control the storage and discharge of flood water, they have been designed to have a benefit to wildlife. This includes the retention of sufficient water levels to conserve wildlife in periods of drought to maintain stable temperatures to reduce the risk of killing entrapped lamprey and eels (and other fish species), as far is reasonably practicable. The Scheme design provides a diverse assemblage of riparian plant species that will create shelter and foraging opportunities for wildlife (including fish) and contribute to the reduction of evapotranspiration (a design consideration for climate resilience). The size, depth and riparian planting of the Farndon FCAs have been designed to also reduce mortality of entrapped fish species, from various predatory piscivorous birds and mammals. The indicative locations of these measures are presented in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. Appendix 13.4 (Drainage Strategy) of the Environmental Statement Appendices [APP-179] also details measures to mitigate potential adverse impacts of the Scheme on water quality, and subsequently fish populations, within surrounding watercourses.</p> <p>This response has been provided within The Applicant’s Response to Relevant Representations [REP1-010] to the Environment Agency Relevant Representation RR-020]. The Applicant has also discussed this 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).</p>
Q3.0.8	The Applicant, the Environment Agency	<p>Invasive species – Himalayan Balsam</p> <p>The EA has commented [RR-020] that there is insufficient commitment to addressing spread of the non- native species, Himalayan Balsam, which is identified as impacting the</p>	<p>The Applicant confirms measures to manage and prevent the spread of INNS, including Himalayan balsam, from and within the working areas are summarised in the First Iteration Environmental Management Plan [APP-184], which will be developed into a Second Iteration Environmental Management Plan to be</p>

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		<p>development site as documented in the River Physical Habitat Technical Report [APP-158]. The EA recommend that an Invasive Non-Native Species (INNS) Management Plan for Himalayan Balsam is prepared and included in the First Iteration EMP [APP-184]. This should include the eradication of existing upstream and downstream sections of waterbodies outside the Order limits where possible.</p> <p>Please consider if the existing commitment in Requirement 3 in the dDCO [APP-021] is sufficient to meet this request, and if not, explain why.</p>
<p>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]. As detailed in the Register of Environmental Action and Commitments within the First Iteration Environmental Management Plan [APP-184], an Invasive Non-Native Species (INNS) Management Plan and Biosecurity Risk Assessment will be produced pre-construction, which will include control measures for Himalayan balsam as well as other INNS. All survey data collected from all disciplines have informed the environmental commitments in the First Iteration Environmental Management Plan [APP-184], not just that reported in Appendix 8.13 (River Physical Habitat Technical Report) of the Environmental Statement Appendices [APP-158]. A complete list of INNS is not provided in the First Iteration Environmental Management Plan [APP-184], however, species specific control measures will be further detailed in the INNS Management Plan and Biosecurity Risk Assessment, which will include the information within the River Physical Habitat Technical Report as well as from other discipline reports.</p> <p>Catchment-wide management would be required for the control of Himalayan balsam. This is not within the scope of the Scheme as it is only required to mitigate its impacts resulting from the Scheme and any consented Development Consent Order would only allow the Applicant to acquire land required to construct, operate and maintain the Scheme. Therefore, the eradication of existing Himalayan balsam upstream and downstream along sections of waterbodies outside the Order Limits is not possible. Design iterations have in the first instance avoided and then minimised works within and adjacent to the River Trent to avoid adverse impacts resulting from the Scheme as far as possible. Impacts of the Scheme will then be mitigated through the plans described above. A BNG Habitat Maintenance and Monitoring Plan (HMMP) will also be produced prior to construction and implemented for a minimum of 30 years post-construction. This will detail measures required for the target habitat type and condition set out in Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159], including the required management of these habitats for INNS. The Applicant considers this commitment is secured by Requirement 3 of the draft Development Consent Order [REP1-001].</p> <p>This response has been provided within The Applicant's Response to Relevant Representations [REP1-010] to the Environment Agency Relevant Representation RR-020]. The Applicant has also discussed this 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].</p>		
3.1 Biodiversity Net Gain		
Q3.1.1	<p>The Applicant, Natural England, Forestry Commission, the Environment Agency, NSDC</p>	<p>Biodiversity Net Gain Approach</p> <p>ES Chapter 8 [APP-052] and the First Iteration EMP [APP-184] detail the mitigation and compensation strategy for the approach to BNG. This includes offsite compensation at Doddington Hall and reference to a bespoke agreement for the loss of lowland meadow to be agreed with Natural England.</p> <p>Given the comments from NE [RR-044], the EA [RR-020] and FC [RR-023] relating to river units, opportunity for fry refuge and habitat severance has sufficient mitigation and compensation been provided for within the Order Limits.</p> <p>Finally, can the Applicant confirm that the offsite planting at Doddington Hall is a separate compensatory method than that to be agreed with NE for the loss of lowland meadow and please explain how the offsite compensation will be achieved through the DCO.</p>
<p>The Applicant confirms Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159] recognises that, despite the 36.93% numerical increase in river units, the Scheme involves a trading down for this unit type. Paragraph 5.1.8 on page 36 of the Biodiversity Net Gain Technical Report of the Environmental Statement Appendices [APP-159] explains that the trading down in river units is caused by some units of Other Rivers and Streams, a high distinctiveness habitat, being compensated for with Ditches, which are of medium distinctiveness. The Representation from Natural England [RR-044] notes the trading down and encourages the Scheme to provide additional units of Rivers and Streams. The Environment Agency Representation [RR-020] considers that the Scheme does not appear to incorporate improvements to river units and river units should be increased.</p> <p>While no mandatory requirement for Biodiversity Net Gain (BNG) applies for Nationally Significant Infrastructure Projects (NSIPs) such as this Scheme, increases in biodiversity units including river units have been sought within the parameters of the Scheme wherever possible. These include the creation of new sections of river channel, stream enhancements of The Fleet upstream of Winthorpe and new ditches as part of the highways network and within proposed wetlands.</p> <p>As there is no mandatory requirement for BNG, habitat enhancements to provide an increase in biodiversity units can only be included in the design as part of other works that are required by the Scheme. Some specific suggestions in the Environment Agency Representation [RR-020], including reconnecting rivers to their floodplain and removing barriers to fish migration, are not considered feasible. The portion of the Slough Dyke within the Order Limits is directly adjacent to the existing A1 carriageway with sections of proposed highway in close proximity on the opposite bank. This would be a significant constraint to increasing floodplain connectivity at this location. Scope for enhancements to the Slough Dyke are also limited by the maintenance requirements of the Trent Valley Internal Drainage Board. The request that the Scheme removes barriers to fish migration at Pingley / Car Dyke, Staythorpe Road Bridge is not possible. Pingley / Car Dyke, Staythorpe Road Bridge is not a location where any works are required to deliver the Scheme, it cannot be subject to compulsory acquisition, it is outside of the Order Limits and there would not</p>		

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			<p>be a justification for extending the limits to include this location. Therefore, there is no opportunity to provide improved fish passage there.</p> <p>The comments in the Environment Agency Representation [RR-020] on opportunities for the use of borrow pits for fry refuge do not relate directly to BNG. This is because biodiversity metrics measure changes in habitat rather than directly measuring benefits to particular species. Please see the Applicant's response to Q3.0.7, which describes the limitations of implementing suggestions made by the Environment Agency in their Relevant Representation [RR-020].</p> <p>Following the issue of the Environment Agency's Relevant Representation [RR-020], a meeting took place between the Applicant and the Environment Agency on 12 September 2024 covering biodiversity. During this meeting, the measures proposed by the Applicant to improve river habitat, as well as the limitations to providing fry refuge at the Brownhills borrow pit, were discussed. The Applicant and the Environment Agency have subsequently reached agreement on this point, as documented in the Statement of Common Ground with the Environment Agency [REP1-020].</p> <p>Habitat severance is not accounted for in the biodiversity metric. Levels of habitat connectivity can inform judgements on strategic significance (especially medium strategic significance). For this Scheme, all woodland habitat (both in the baseline and proposed) was assigned high strategic significance because woodland is a habitat of high local priority, see paragraphs 2.1.21 and 2.1.36 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159]. The Forestry Commission's Relevant Representation [RR-023] highlights the threat of woodland fragmentation associated with habitat loss from the Scheme, particularly in relation to lowland mixed deciduous woodland. Whilst the Scheme would result in the loss of woodland habitat, indirect effects of habitat fragmentation would be mitigated through new woodland planting within the Order Limits (as detailed in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]). Where lowland mixed deciduous woodland would be lost, this would not result in the creation of small, isolated fragments of the habitat because new woodland planting is proposed immediately adjacent to such areas which would ensure they are connected to a wider woodland network, please see Appendices A.1 and A.2 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159]. The area of lowland mixed deciduous woodland within the Order Limits would increase through the proposals as the baseline includes 2.26ha and post-development there would be 3.84ha (see Tables 5.1 and 5.3 in Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159]). See also Applicant's response to Q3.0.4.</p> <p>Overall given that there is no mandatory requirement for BNG, the Scheme proposals have evolved to mitigate and compensate for habitat losses and to provide increases in habitat quality where possible as part of the Scheme. The Scheme proposals predict a numerical increase in 'habitat units' through a combination of reducing habitat loss, compensation and enhancement. When compared to the baseline, this equates to a predicted percentage change of 4.99% net gain in habitat units, 8.17% net gain in hedgerow units and 36.93% net gain in river units Trading rules are built into the metric to ensure that losses are compensated with either the same habitat or, depending on the habitat, another habitat of higher distinctiveness. These rules were met in the metric in relation to habitat units. However, the Scheme does involve a trading down in river units. The Applicant has set this out and explained the constraints faced.</p> <p>The bespoke compensation for loss of lowland meadow is within the Order Limits and separate to the offsite compensation at Doddington Hall. The offsite compensation relates to the enhancement of woodland habitat. The offsite compensation at Doddington Hall is being provided by way of an agreement under s.253 of the Highways Act 1980 (HA80). That agreement will be legally binding on the owners of Doddington Hall and, pursuant to s.253(3) of the HA 80, on its successors in title. By the provisions of s.253(4) of the HA80 the agreement will also constitute a local land charge. The Applicant hopes to be able to provide the Secretary of State with a completed legal agreement for the provision of this offsite compensation during the course of the Examination. The Applicant is currently aiming to be able to do this before the Issue Specific Hearings in December.</p>
Q3.1.2	The Applicant	<p>Biodiversity Net Gain Calculation In NE's response [RR-044] it confirms that the proposal does not meet the suggested 10% BNG. What weight should be applied to not achieving this non-mandatory target?</p>	<p>The Applicant confirms the mandatory requirement for developments for which planning applications are required under the Town and Country Planning Act 1990 is a minimum of 10% biodiversity net gain in habitat units, as measured by the statutory biodiversity metric. At present there is no mandatory requirement for NSIPs, although this is expected to be in place by November 2025. Therefore, there is no applicable policy or guidance to indicate what numerical target, mandatory or otherwise, should apply to NSIPs subject to Development Consent Orders. The 2024 National Policy Statement for National Networks</p>

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			states that Applicants should provide net gains for biodiversity, but it does not state a numerical net gain. The previous 2015 National Policy Statement for National Networks states proposals can include biodiversity offsetting to help achieve no net loss and preferably a net gain for biodiversity but again it does not state a specific percentage net gain. On this basis, the Applicant does not consider that any weight should be applied to not achieving the 10% biodiversity gain objective set for developments under the Town and Country Planning Act 1990.
Q3.1.3	The Applicant	<p>Kelham and Averham FCA Ongoing Maintenance</p> <p>ES Chapter 8 [APP-052] sets out that the Kelham and Averham FCA will have a replacement pond enhancing its ecological value. The Environmental Masterplan [AS-026] shows this area being returned to agricultural use. Can the Applicant provide further detail as to how this area is to be managed in the future and how this would be secured in the dDCO.</p>	<p>The Applicant confirms that, once created, the pond will be planted with aquatic and marginal plants according to Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] and maintained in an open condition through prevention of tree and scrub encroachment. Further details will be provided in the Landscape and Ecology Management Plan as described in the First Iteration Environmental Management Plan [APP-184]. The pond and the wider FCA will be managed by the Applicant as described in Commitment B4 in Table 3-2 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-184]. Please see also, response to Q3.0.2 on maintenance of mitigation features and response to question Q15.1.3 for details of how FCAs will be managed. A maintenance plan for the floodplain compensation areas is secured by Requirement 14 of the draft Development Consent Order [REP1-001].</p>

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Q4.0.1	The Applicant	<p>Clarifications</p> <p>a) Paragraph 14.3.48 of ES Chapter 14: Climate [APP-058] appears to be incomplete – please clarify.</p> <p>b) Please confirm the meaning in full of MtCO_{2e} (eg in paragraph 14.3.11 of ES Chapter 14).</p> <p>c) Please update paragraph 14.8.6 to reflect the Final Statement for the Third Carbon Budget which was published in May 2024.</p>
Q4.0.2	The Applicant, NSDC	<p>Policy – National</p> <p>a) Is the climate / greenhouse gas / carbon-related policy in NPSNN 2024 materially different to that in NPSNN 2015? If yes, in what way?</p> <p>b) Given that this Application is to be determined pursuant to s104 of PA2008, how much weight should the decision-maker attach to the Proposed Development's compliance with the climate-related policies of NPSNN 2024?</p> <p>c) Does the ES comprehensively address policy in both NPSNN 2015 and NPSNN 2024? If not, please explain the further work that you consider should be undertaken.</p> <p>d) Does any other policy, guidance, legislation or court judgement indicate that the climate / greenhouse gas / carbon-related effects of the Proposed Development should be assessed in a different way to that set out in the ES, or that the assessment in the ES needs to be supplemented? If yes, how?</p>

Q4.0.1(a) – The Applicant confirms paragraph 14.3.48 of Chapter 14 (Climate) of the Environmental Statement [APP-058] “Continual improvement of carbon management and performance” is the final bullet point to the list of components of the value chain requirements listed in Paragraph 14.3.47. A formatting error has resulted in this bullet point being formatted as a standalone sentence. The Applicant details this amendment in Reference Number 6.1.9 of the A46 DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.

Q4.0.1(b) – The full meaning of MtCO_{2e} is Mega Tonnes of Carbon Dioxide Equivalents. This is the unit used to quantify national level emissions. M or Mega is x10⁶, or Million, i.e. 1MtCO_{2e}= 1,000,000 tCO_{2e}. CO_{2e}, as described in Paragraph 14.7.2 of Chapter 14 (Climate) of the Environmental Statement [APP-058], is the unit to capture the emissions from all greenhouse gases as one comparable unit, considering the global warming potential (GWP) of the different gases. Agreed at international level, the GWP of a gas is a measure of its impact on global warming relative to carbon dioxide. Carbon dioxide equivalent figures are therefore produced by multiplying the emissions of a greenhouse gas by its GWP.

Q4.0.1(c) – The Third Carbon Budget was confirmed in May 2024, whilst the Environmental Statement was produced and submitted ahead of this in April 2024, as such this was not possible to include. Whilst not a carbon budget that the Scheme was assessed against, for completeness, the Final statement for the third carbon budget, confirmed that the third carbon budget had been met and overperformed with emissions in this period being 15% lower than the cap. In addition, provisional data indicates that the UK is on track to achieve the fourth carbon budget. The Applicant details this amendment in Reference Number 6.1.10 of the A46 DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.

Q4.0.2(a) – The Applicant confirms the 2024 NPSNN includes additional paragraphs and changes aspects of the existing 2015 NPSNN with regard to Greenhouse Gas Emissions. The changes however do not materially affect the decision-making framework, instead further detail is provided on the requirements for assessment and the mitigation to be provided. The 2024 NPSNN gives further weight to undertaking a full assessment and minimising emissions, Paragraph 5.40 notes “The Secretary of State should be content that the applicant has taken all reasonable steps to reduce the total carbon emissions at all stages of development.”, whilst clearly noting that “the Secretary of State accepts that there are likely to be some residual emissions from construction of national network infrastructure.” In addition, Paragraph 5.40 of the 2024 NPSNN, notes “a net increase in operational carbon emissions is not, of itself, reason to prohibit the consenting of national network projects”. However, the ultimate decision remains based upon the impact a project would have upon the Government meeting its carbon budgets. As such whilst there are changes to the NPSNN, it does not materially change the criteria to which the approval decision is made as it continues to be based on the impact a proposed scheme would have upon the Government achieving its carbon targets. A detailed consideration of the Scheme against the 2024 NPSNN, is provided within the NPSNN 2024 Accordance Table [TR010065/APP/7.39] submitted at Deadline 2 of the Examination. A detailed consideration of the Scheme against the 2024 NPSNN, is provided within the NPSNN 2024 Accordance Table [TR010065/APP/7.39] submitted at Deadline 2 of the Examination.

Q4.0.2(b) – The National Policy Statement which has effect in relation to the Scheme for the purposes of s.104 of the Planning Act 2008 (PA2008) is the NPSNN 2015. This is confirmed in paragraph 1.16 of the NPSNN 2024 which states: “The Secretary of State has decided that for any application accepted for examination before designation of this revised NPS, the 2015 NPS should have effect in accordance with the terms of that NPS. The revised NPS will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of the revised NPS.” As such, for the purposes of s.104(2)(a) and (3) the Secretary of State must have regard to, and decide the application in accordance with, the NPSNN 2015 and not the NPSNN 2024.

However, the provisions of the NPSNN 2024 amount to an important and relevant consideration in the Secretary of State's decision making pursuant to s.104(2)(d). This is confirmed in the NPSNN 2024 at paragraph 1.17, which states “However, any emerging draft NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each Development Consent Order application.”

The weight to be attached to any important and relevant consideration under s.104(2)(d) of the Planning Act 2008 is a matter for the decision maker, i.e. the Secretary of State for Transport in this case.

Q4.0.2(c) – An assessment of the Scheme against the 2024 NPSNN, is detailed in the NPSNN 2024 Accordance Table [TR010065/APP/7.39] submitted at Deadline 2 of the Examination. In summary, however, the assessment of emissions, development of mitigation and the assessment of significance presented within the

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			<p>Application aligns with both the 2015 NPSNN and 2024 NPSNN.</p> <p>Q4.0.2(d) – No updates to policy, guidance, legislation or court judgements that have occurred since the completion of the Environmental Statement, would result in a different approach being required for the assessment. In addition, note the response to Q4.0.11 below, which references the ‘Finch Case’, highlights that it is not anticipated that this would impact the assessment conclusions reported in the Environmental Statement for the Scheme.</p>
Q4.0.3	The Applicant	<p>Policy – National Paragraph 14.3.8 of ES Chapter 14: Climate [APP-058] states that the UK’s Nationally Determined Contribution “has been further strengthened and detailed since the COP26 in Glasgow”.</p> <p>a) Is the more stringent COP26 target reflected in policy or legislation? b) Has the COP26 target been taken into account in the assessment set out in the ES?</p>	<p>Q4.0.3(a) – The Applicant confirms the “strengthening and detail” as noted in Paragraph 14.3.8 of Chapter 14 (Climate) of the Environmental Statement [APP-058], refers to the requirement for the UK to “focus its efforts on strengthening delivery rather than increasing its headline target, and seek ways to supplement current plans, including by taking more action to tackle its consumption emissions”, as noted on Page 3 of the Climate Change Committee’s publication COP26: Key outcomes and next steps for the UK, December 2021. The Net Zero Strategy: Build Back Greener, as described in Paragraphs 14.3.28-30 of Chapter 14 (Climate) of the Environmental Statement [APP-058], sets out policies and proposals for decarbonising all sectors of the UK economy to meet the UK Government net zero target by 2050. As such, the outcome from COP26 led to the UK producing further documentation to detail and strengthen the plans to meet the UK Government Net Zero target, and not setting of a more stringent target.</p> <p>Q4.0.3(b) – As noted in the response above, the Net Zero Strategy: Build Back Greener is valid national policy which has been considered as part of the Environmental Statement, detailed in Paragraphs 14.3.28-30 of Chapter 14 (Climate) of the Environmental Statement [APP-058]. However, there is no specific additional COP 26 target to be considered in the assessment. The assessment remains against the UK Government’s statutory carbon budgets.</p>
Q4.0.4	The Applicant	<p>Policy – National Paragraph 14.3.22 of ES Chapter 14: Climate [APP-058] says that ‘Department for Transport: Decarbonising Transport – setting the challenge (2020)’ covers the projected trajectory of the forecast greenhouse gas emissions from transport to the fifth carbon budget (2028 to 2032) and beyond, based on the firm and funded commitments outlined.</p> <p>a) Do the commitments include RIS2 schemes, including the Proposed Development? b) Do any policies in this document support or militate against the Proposed Development?</p>	<p>Q4.0.4(a) – The Applicant confirms The <i>Department for Transport: Decarbonising Transport – setting the challenge</i>, does not directly refer to the separate RIS periods or the proposed developments within the RIS. Instead, Department for Transport: Decarbonising Transport – setting the challenge, focuses on the “in use” emissions of transport, the baseline, future trajectories, the challenge and the intent to develop a plan to address reducing these emissions. Page 5 of the Department for Transport: Decarbonising Transport – setting the challenge, notes “Outside of the scope of this plan are the GHG emissions associated with power generation and distribution for transport, and construction of transport infrastructure, noting their consideration in other policy areas.” As such, this does not include commitments for RIS2 including the Proposed Development, however, it does include information pertinent to the assessment of the operational impact, as discussed in response Q4.0.4(b).</p> <p>Q4.0.4(b) – The Department for Transport: Decarbonising Transport – setting the challenge, itself does not describe the policies that would support or militate against the Scheme. However, it does set out the basis for development of policies that would support decarbonisation of the operational road user emissions of the Scheme. The approach adopted in the assessment of the carbon emissions of the Scheme represents a reasonable worst-case scenario, as the assessment of road user emissions uses the latest available projections provided within version 11 of the Emission Factor Toolkit on vehicle efficiency improvements and electric vehicle uptake, which do not reflect policy changes since the Decarbonising Transport Plan was published.</p>
Q4.0.5	The Applicant	<p>Policy – Local Paragraph 14.3.42 of ES Chapter 14: Climate [APP-058] discusses targets to achieve ‘net zero’ by 2040 for construction and maintenance activities.</p> <p>a) Which target applies to the Proposed Development? b) Do measures to achieve the target need to be secured in the dDCO?</p>	<p>Q4.0.5(a) – The Applicant confirms the targets as outlined in Paragraph 14.3.42 of Chapter 14 (Climate) of the Environmental Statement [APP-058], are interim targets which are set for, and by, National Highways for delivery of their entire Construction and Maintenance programme. These interim targets are not set at a Scheme level. As such, they do not directly apply to this Scheme. The construction of the Scheme falls within the 40-50% reduction by 2030 category for context, however, as noted this is not set as a target for the Scheme.</p> <p>Q4.0.5(b) – As noted above these targets are not set at the Scheme level, therefore, are not appropriate to be secured in the draft DCO [REP1-001] However, a 44% reduction in emissions compared to the initial baseline assessment is predicted, as presented in Section 14.8 of the Chapter 14 (Climate) of the Environmental Statement [APP-058]. This reduction is the result of significant efforts to minimise the greenhouse gas emissions associated with the Scheme design and identifying opportunities to improve resource efficiency and reduce carbon, such as reuse of existing carriageway infrastructure, use of precast materials where possible and provision of renewable energy for the site compound. The carbon management and mitigation approach, set out in Section 14.10 of the Chapter 14 (Climate) of the Environmental Statement [APP-058], for the Scheme aligns with PAS 2080 best practice, via an iterative system which repeatedly evaluates the Scheme, for example, the use of low carbon solutions or techniques that reduce resource consumption. Further mitigation aligning with the strategy is secured by commitments C2 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan, [APP-184], whereby efforts to further reduce GHG emissions as far practicable through construction and operation are to be sought. In addition, as</p>

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			per Requirement 3(2)(o) of the draft Development Consent Order [REP1-001] a Carbon Management Plan will be produced as part of the Second Iteration EMP. The output is a Scheme which is optimised as far as reasonably practicable.
Q4.0.6	The Applicant	<p>Environmental Statement – Methodology Paragraph 14.3.49 of ES Chapter 14: Climate [APP-058] states that DMRB LA 114 remains the sole standard which the Proposed Development has been assessed against.</p> <p>a) If DMRB LA 114 is the sole basis for assessment, please explain the relevancy of other policy, guidance and legislation referred to in ES Chapter 14.</p> <p>b) Does the approach outlined in DMRB LA 114 need to be altered to reflect any policy, legislation or court judgements which post-date its publication in June 2021.</p>	<p>Q4.0.6(a) – The Applicant confirms paragraph 14.3.49 of Chapter 14 (Climate) of the Environmental Statement [APP-058] refers to DMRB LA 114 as the sole standard for the assessment of significance, noting that DMRB does require contextualising against UK Government’s carbon budgets and refers to the NPSNN. As such, the policy, guidance and legislation remain relevant to support the development of mitigation and the assessment, whilst not being the standard for assessing significance.</p> <p>Q4.0.6(b) – No updates to policy, guidance, legislation or court judgements that have occurred since the completion of the Environmental Statement, would result in a different approach being required for the assessment. As noted in response to Q4.02 above, the 2024 NPSNN whilst differing from the 2015 NPSNN, does not result in a material change to the approach to the assessment or the conclusion of the assessment.</p>
Q4.0.7	The Applicant	<p>Environmental Statement – Methodology Paragraph 14.6.12 of ES Chapter 14: Climate [APP-058] states that future decarbonisation of the grid would have an impact upon the greenhouse gas (GHG) emissions associated with the operation of the Proposed Development and that only tailpipe emissions are considered in the future road traffic modelling scenarios. It also notes that emissions data relating to electricity production and decarbonisation of the grid have not been considered. Paragraph 14.6.13 then states that the operational GHG emissions reported in this assessment are a worst-case scenario and are likely to be mitigated by existing plans and initiatives to decarbonise the grid and electrify road transport.</p> <p>Please explain why emissions from the generation of the electricity which is used to power electric vehicles does not need to be taken into account.</p>	<p>The Applicant confirms paragraph 14.6.12 of Chapter 14 (Climate) of the Environmental Statement [APP-058], is focusing on future decarbonisation of the grid and electricity generation. It is not stating that emissions from electricity are not included in the assessment. Whilst not stated explicitly, the emissions from the consumption of electricity by electric vehicles, and therefore, the generation of the electricity for these vehicles are included as the assessment is has been carried out in accordance with Transport Appraisal Guidance Unit A3, which states in Paragraph 4.2.5 “both the ‘with scheme’ and ‘without scheme’ cases in each year, the analyst first needs to estimate fuel and electricity consumption, distinguishing between petrol, diesel, road electricity” .</p> <p>However, no rate of decarbonisation has been applied to the electric vehicle emission factors used in the assessment, which, therefore, presents the worst-case scenario. The grid is expected to decarbonise in the future as the contribution from renewable energy increases, however, to present a worst-case scenario this decarbonisation has not been applied to the emission factor for electric vehicles or for operational energy usage of the Scheme.</p>
Q4.0.8	The Applicant	<p>Environmental Statement – Methodology Paragraph 14.8.12 of ES Chapter 14: Climate [APP-058] states that DMRB LA 114 recommends the use of H++ scenarios used in UKCP09. However, LA 114 Version 0.0.1 appears to refer to UKCP18 (eg on page 14). Please clarify.</p>	<p>The Applicant confirms paragraph 3.30 of DMRB LA 114 Climate, notes “Assessments shall use the H++ climate scenarios to test the sensitivity of vulnerable safety critical features, to ensure that such features will not be affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections.” The H++ scenarios are not present within UKCP18 and are only present within UKCP09. As an alternative to the H++ scenario, the 10th and 90th percentile of the UKCP18 are used to capture the extreme range of changes which the H++ scenario does within UKCP09.</p>
Q4.0.9	The Applicant, NSDC	<p>Environmental Statement – Methodology Paragraph 14.7.5 of ES Chapter 14: Climate [APP-058] refers to maintenance, repair and replacement activities. However, Table 14-3 of ES Chapter 14 sets out the PAS 2080 modules which have been included in the operational lifecycle assessment but these do not include B3 (repair), B4 (replacement) and B5 (refurbishment). Please clarify.</p>	<p>The Applicant confirms the assessment captures the emission from B2-B5; maintenance, repair, replacement and refurbishment collectively under the category of maintenance. This is to produce a more simplified output where the categorisation of these is similar for the Scheme. The Applicant details this clarification in Reference Number 6.1.11 of the A46 DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.</p>
Q4.0.10	The Applicant	<p>Environmental Statement – Adequacy Please respond to [RR-012] which states that the Environmental Statement, including Chapter 14 on Climate Change, does not identify and describe:</p> <p>a) the full science-based impacts of the development on the global climate system;</p> <p>b) a ‘worst case’ description of the likely significant effects;</p> <p>c) the impacts on meeting the UK’s commitments under the Paris agreement; and</p> <p>d) the impacts on the delivery the UK Climate plan (‘the Carbon Budget Delivery Plan’).</p>	<p>The Applicant confirms a response to [RR-012] has been provided within the Applicant’s Response to Relevant Representations [REP1-009], which addresses the points listed.</p>

4. Climate and Carbon Emissions	
Q4.0.11	<p>The Applicant, NSDC</p> <p>Environmental Statement – Scope 3 Emissions [RR-020] and [RR-065] state that ‘scope 3’ emissions do not appear to have been taken into consideration, ie the projected increase in CO2 emissions attributed to increased traffic flow as a result of the Proposed Development. Please explain:</p> <p>a) whether there is any requirement for ‘scope 3’ emissions to be quantified and assessed for the Proposed Development;</p> <p>b) whether ‘scope 3’ emissions have been taken into consideration in the assessment of the Proposed Development as set out in the application documentation;</p> <p>c) whether the judgement of the UK Supreme Court in <i>Finch (R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents) [2024] UKSC 20)</i> has raised any new issues which have not been included in the application documentation (bearing in mind that the Application was Accepted before the Finch judgement was handed down); and</p> <p>d) if the judgement is of relevance to the determination of the Application, what you consider to be the correct approach to addressing the <i>Finch</i> judgement.</p>

Q4.0.11(a) – The Applicant confirms there is a requirement, and it is appropriate, to consider the entire impact of the Scheme, as such Scope 3 emissions should be considered. Scope 3 for the Applicant includes the emissions from the construction of the Scheme, maintenance of the Scheme and the road users. The only emissions that are relevant for the Scheme that are not Scope 3 are the emissions from operational energy for lighting, as noted on Page 6 of the National Highways Net zero highways our 2030/2040/2050 plan.

Q4.0.11(b) – Considering the response above, the Scope 3 emissions relevant for the Scheme are from construction, maintenance and road users through operation. The scope of the assessment as detailed in Section 14.5 of Chapter 14 (Climate) of the Environmental Statement [APP-058], states the inclusion of these sources.

Q4.0.11(c) and (d) – *R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents) [2024] UKSC 20 (Finch)* handed down 20 June 2024 concerned the assessment of indirect effects of a project. The judgment requires all indirect environmental effects of a project to be identified and assessed, and the findings presented in the Environmental Statement. For example, in *Finch*, the Supreme Court found that for a project for the extraction of oil, the environmental impact assessment was required to assess, as an indirect effect of the project, the environmental effects of greenhouse gas emissions arising from the ultimate combustion of the oil once refined and used as fuel.

Regulation 14(2)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) provides that an Environmental Statement must include “a description of the likely significant effects of the proposed development on the environment”. Schedule 4 para 5 of the EIA Regulations provides that the description of the likely significant effects of a project should cover “the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development”. That assessment must be before the Secretary of State prior to a decision on the application for development consent being taken.

As a result of the requirements of the EIA Regulations, and as confirmed by the Supreme Court in *Finch*, in order to ensure that all likely significant indirect effects are reported and none are omitted, a four-step approach to the assessment of indirect effects should be adopted:

1. All potential indirect effects of the Scheme must be identified.
2. Identify those indirect effects that are “likely” to occur as a result of the grant of consent for the Scheme.
3. Any likely indirect effects which have been identified must then be assessed to determine whether they are significant; and
4. Any likely indirect effects which are considered to be significant should be reported.

However, it should be noted that the Supreme Court emphasised the need for an Environmental Statement to consider all impacts where there can be considered to be an ‘inevitable causation’ between a project and an effect. Such effects must, however, not be mere ‘conjecture or speculation’ i.e. the relevant information needs to be available or an appropriate methodology able to be applied. Furthermore, it emphasised that an assessment should only be required if a reasoned conclusion is able to be reached – there must be sufficient evidence to draw the link between the project and effect.

The Applicant is confident that the environmental impact assessment carried out for the Scheme and reported in the Environmental Statement submitted with the application was fully compliant with the requirements of the EIA Regulations and the judgment in *Finch*, and that all likely significant indirect effects of the Scheme have been reported. However, in order to confirm that this is the case, the Applicant intends to check the environmental impact assessment for the Scheme against the four steps identified above and report the conclusions of that analysis to the Examination. Due to the nature of that work, it has not been possible to submit this analysis to the Examination at Deadline 2, but the Applicant hopes to be able to do so in due course.

4. Climate and Carbon Emissions			
Q4.0.12	The Applicant, NSDC	<p>Carbon Emissions – Fifth Carbon Budget [RR-001], [RR-016] and [RR-036] have commented on predicted carbon emissions arising from the Proposed Development both during construction and “over its 60 year lifetime”. They also state that these would occur during “the crucial 5th Carbon Budget, when we have to make the fastest and most significant cuts”.</p> <p>a) What period does the Fifth Carbon Budget cover? b) Is it appropriate to consider construction phase and operational phase carbon emissions against the Fifth Carbon Budget? If not, please explain the approach that you consider should be taken. c) What is the correct approach to addressing the carbon emissions from the Proposed Development against the national carbon budget? If available, please provide examples of where that approach has been followed by the decision-maker in relation to other NSIPs.</p>	<p>Q4.0.12(a) – The Applicant confirms the Fifth Carbon Budget covers 2028-2032, as shown in Table 14.1 and Table 14.21 of Chapter 14 (Climate) of the Environmental Statement [APP-058]. Q4.0.12(b) – The Applicant considers it is appropriate to consider construction phase and operational phase carbon emissions against the Fifth Carbon Budget as both construction and operation will occur within this period. Whilst NPSNN 2024, focuses upon construction emissions, it remains valid to consider the operation within the comparison to carbon budgets to contextualise the emissions. This gives a reasonable worst-case scenario, for consideration within decision making. Q4.0.12(c) – As per DMRB and the NPSNN the comparison is by estimating the contribution to the carbon budget i.e. scheme emissions divided by relevant carbon budget. This is documented in Table 14.21 and Paragraph 14.11.12 of Chapter 14 (Climate) of the Environmental Statement [APP-058] which states, “The assessment has identified that the emissions arising as a result of the Scheme represent less than 0.007% of the total emissions in any 5-year UK legally binding carbon budget during which they would arise”. This is the approach detailed in DMRB LA 114 and as such National Highways projects, including this Scheme, that have met the NSIP criteria will have used such an approach, including for example, the A12 Chelmsford to A120 Widening Development Consent Order.</p>
Q4.0.13	NSDC	<p>Design Do you agree that the Applicant “has sought to minimise carbon emissions as far as possible in order to contribute to the UK’s net reduction in carbon emissions (PRO.02)” (Scheme Design Report [APP-194], section 4.12). If no, what else do you suggest could be done?</p>	Question not addressed to the Applicant.
Q4.0.14	The Applicant	<p>Construction Phase Paragraph 14.7.3 of ES Chapter 14: Climate [APP-058] lists sources of GHG emissions during the construction phase. Do these include movement of site-won materials around and between the work sites, eg from borrow pits to construction sites?</p>	The Applicant confirms the assessment of the earthworks component includes emissions from plant through the excavation, compaction, deposition and disposal of all material, and the emissions from the importing of additional fill material. The deposition emission factor includes an allowance for movement from stockpile or excavation point to the deposition location. As the assessment is updated in subsequent stages, where further detail is available, estimates of the movements will be used to estimate the fuel consumption and therefore the GHG emissions. Aspects such as this where the detailed information on all movements are not currently available are included within the uplift value applied to the assessment allowing for this uncertainty, as described in Paragraph 14.6.5 of Chapter 14 Climate of the Environmental Statement [APP-058].
Q4.0.15	The Applicant	<p>Operational Phase Paragraphs 14.9.5 and 14.9.6 of ES Chapter 14: Climate [APP-058] state that the main impact on climate during operation would be the release of GHGs which contribute towards altering the UK’s climate beyond what would be expected from natural variation and that this impact could be caused by GHG released by: changes in vehicle distributions and speed limits; maintenance activities; energy usage for scheme operation; and reduced carbon sequestration from land-use change.</p> <p>a) In respect of ‘changes in vehicle distributions’, does this indicate that there would be no absolute increase in the number of vehicles on the highway network or in the total vehicle mileage across the highway network as a result of the Proposed Development? b) If the Proposed Development would result only in changes to vehicle distribution across the highway network, please explain why there would be a difference in the release of GHGs.</p>	The Applicant confirms within the study area there is an increase in total vehicle kilometres following the introduction of the Scheme, as noted in Paragraph 6.4.18 of the Transport Assessment Report [APP-193], stating “In summary, the traffic model indicates that the Scheme is likely to result in additional traffic using the network”. This increase in vehicle kilometres is the main driver for the increase in GHG emissions, compared to the change in distributions or speed. The Applicant details this amendment in Reference Number 7.1.8 of the A46 DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.
Q4.0.16	The Applicant	<p>Design a) Please clarify which design guidance is referred to in paragraph 14.10.15 of ES Chapter 14: Climate [APP-058]. b) Please clarify which design code is referred to in paragraph 14.10.16 of ES Chapter 14. c) How would adherence to the above be secured in the dDCO?</p>	<p>Q4.0.16(a) – The Applicant confirms paragraph 14.10.15 of Chapter 14 (Climate) of the Environmental Statement [APP-058] is an introductory sentence to the design aspects for which specific allowances for climate change have been included. The subsequent sections note the specific guidance being referred to which includes guidance for structural, highways, flood risk and drainage design. Q4.0.16(b) – Paragraph 14.10.16 of Chapter 14 (Climate) of the Environmental Statement [APP-058] is introducing the specific considerations for climate change within the Structural and Highways design. The subsequent bullet points explain these considerations including references to BS EN 1991-1-4 -Eurocode 1 and BS EN 1991-1-5 -Eurocode 1, for consideration of wind loads and thermal action, respectively. Q4.0.16(c) – The preliminary design of the Scheme adheres with these standards, as stated in Paragraph 9.1.3 of the Scheme Design Report [APP-194] which notes “all major structures have been designed with due regard to the long-term maintenance requirements and in accordance with DMRB CD 350 ‘The design of highway structures’”. DMRB CD 350, refers to a range of standards to which the design should adhere to, including both BS EN 1991-1-4 -Eurocode 1 and BS EN 1991-1-5 -Eurocode 1. That preliminary design is shown on the works plans, utilities works plans and the engineering drawings and sections. Adherence with that preliminary design is secured by Requirement 12 of the draft Development Consent Order [REP1-001] which requires the detailed design of the Scheme to accord with the preliminary scheme design shown on those plans.</p>

4. Climate and Carbon Emissions			
Q4.0.17	The Applicant	<p>Off-setting</p> <p>a) Does the Proposed Development include any voluntary measures to off-set residual carbon emissions using a recognised framework per NPSNN 2024 paragraph 5.35?</p> <p>b) Does the Proposed Development embed nature-based or technological processes to mitigate or off-set emissions? If yes, what are those processes?</p>	<p>Q4.0.17(a) – The Applicant is not proposing to engage in offsetting measures to balance the emissions expected from the Scheme, instead the focus has been on avoiding emissions associated with the Scheme as much as possible. A 44% reduction in emissions compared to the initial baseline assessment is presented in Section 14.8 of Chapter 14 (Climate) of the Environmental Statement [APP-058]. This reduction is the result of significant effort to minimise the greenhouse gas emissions associated with the Scheme design and identifying opportunities to improve resource efficiency and reduce carbon, such as reuse of existing carriageway infrastructure, use of precast materials where possible and provision of renewable energy for the site compound.</p> <p>Q4.0.17(b) – The application includes a Landscape Design and Biodiversity Net Gain strategy, as detailed in Appendix 8.14 Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-159], as part of this habitat planting and improvements result in a positive BNG value. The planting associated with this results in increased carbon sequestration for the Scheme compared to the baseline conditions. As such, over the lifetime of the Scheme this is estimated to result in a reduction of 2,085 tCO_{2e}, in addition to the 44% reduction in construction emissions noted in response to Q4.0.17(a). No technological processes to capture emissions associated with the Scheme have been included, as the focus has been reducing the emissions associated with the design, as opposed to offsetting the residual emissions.</p>
Q4.0.18	The Applicant	<p>Conclusions</p> <p>Paragraph 14.11.2 of ES Chapter 14: Climate [APP-058] says that it is unlikely that the Proposed Development would result in GHG emissions that would be defined as significant considering the GHG emissions from the Proposed Development are unlikely to have a material impact on the Government achieving its carbon targets.</p> <p>a) What degree of certainty can the decision-maker attach to the conclusion that a material impact is “unlikely”?</p> <p>b) Are the “carbon targets” the “statutory carbon budgets” referred to in paragraph 5.42 of NPSNN 2024?</p> <p>c) What are the relevant carbon budgets for each period in Table 14-21 which have led to the conclusion that GHG from the Proposed Development would amount to “less than 0.007% of the total emissions in any 5-year UK legally binding carbon budget”.</p>	<p>Q4.0.18(a) – The Applicant confirms paragraph 5.17 of the NPSNN 2015 states “<i>It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets</i>”. Considering this statement and the level of emissions for the Scheme contributing less than 0.007% of any of the relevant statutory carbon budgets, a reasonable degree of certainty can be placed on the conclusion that the impacts of the Scheme alone are unlikely to materially affect the Government in reaching its statutory carbon budgets.</p> <p>Q4.0.18(b) – The Applicant can confirm that the reference to targets in Paragraph 14.11.2 of Chapter 14 (Climate) of the Environmental Statement [APP-058], is reference to the statutory carbon budgets.</p> <p>Q4.0.18(c) – The statutory carbon budgets are detailed in Table 14.1 of Chapter 14 (Climate) of the Environmental Statement [APP-058]. These are as follows:</p> <ul style="list-style-type: none"> - Fourth carbon budget (2023-2027): 1,950 MtCO_{2e} - Fifth carbon budget (2028-2032): 1,725 MtCO_{2e} - Sixth carbon budget (2033-2037): 965 MtCO_{2e}
Q4.0.19	NSDC	<p>Mitigation</p> <p>a) Should details of a Carbon Management Plan (reference C1 on pages 85 and 87 of the First Iteration EMP [APP-184]) be provided before a decision on this DCO Application is made per paragraph 5.35 of NPSNN 2024?</p> <p>b) How would the Carbon Opportunities Log (paragraphs 14.10.6 and 14.10.12 of ES Chapter 14: Climate [APP-058]) be secured and monitored?</p> <p>c) How would the mitigation measures detailed at paragraphs 14.10.6 and 14.10.21 of ES Chapter 14: Climate be secured?</p>	<p>Q4.0.19 a) The Applicant confirms as noted in response to Q4.0.2 above, the NPS which has effect for determination of this application is the NPSNN 2015 and not the NPSNN 2024. The production of a Carbon Management Plan for submission with the application is therefore not a requirement that applies to the Scheme. However, a Carbon Management Plan will be produced as part of the Second Iteration Environmental Management Plan and is secured by Requirement 3 of the draft Development Consent Order [REP1-001APP-021].</p> <p>Q4.0.19 b) The Carbon Opportunities Log, noted in paragraphs 14.10.6 and 14.10.12 of Chapter 14 (Climate) of the Environmental Statement [APP-058], is captured by commitment reference C2 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan, [APP-184], prior to construction the First Iteration Environmental Management Plan will be developed into a Second Iteration Environmental Management Plan, compliance with which is secured by Requirement 3 of the draft DCO [REP1-001].</p> <p>Q4.0.19 c) The Carbon Opportunities Log, noted in paragraphs 14.10.6 of Chapter 14 (Climate) of the Environmental Statement [APP-058], is captured by commitment reference C2 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan, [APP-184]. The mitigation noted in Paragraph 14.10.21 of Chapter 14 (Climate) of the Environmental Statement [APP-058], is referring to the operational management of the Scheme and as such is captured by Commitment C3 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan, [APP-184]. The First Iteration Environmental Management Plan will be developed into a Second Iteration Environmental Management Plan prior to construction, secured by Requirement 3 of the draft Development Consent Order [REP1-001].</p>

4. Climate and Carbon Emissions			
Q4.0.20	The Applicant, NSDC, The Environment Agency (part c)	<p>Effect of the Proposed Development on Proposed Solar Scheme</p> <p>In response to [RR-003]:</p> <p>a) Has application 23/01837/FULM for a solar scheme at Kelham been determined? If not, is it likely to be determined before the close of the Examination?</p> <p>b) Please provide a red line and a general arrangement drawing for 23/01837/FULM.</p> <p>c) Would 23/01837/FULM be deliverable if the land is used as a flood compensation area and if yes do any provisions need to be made in the dDCO to ensure that the delivery of the solar scheme is not prejudiced by the Proposed Development?</p>	<p>Q4.0.20(a) – The Applicant confirms the planning application for 23/01837/FULM has not been determined. The Local Planning Authority will be able to provide an update on the likely determination date for the application.</p> <p>Q4.0.20(b) – The Planning Application Boundary and Site layout Plan are provided in Appendix A of this document.</p> <p>Q4.0.20(c) – The Kelham & Averham FCA design has been developed such that if planning application 23/01837/FULM is granted it can be incorporated within the FCA with no detrimental impacts to the operation or function of the FCA and the solar scheme is not prejudiced by the Scheme</p> <p>A response to [RR-003] has been provided within the Applicant's Response to Relevant Representations [REP1-009].</p>

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Q5.0.1	The Applicant	<p>Statement of Reasons (SoR): Extent of land Paragraph 4.1.2 of the SoR [APP-025] states that “.....0 hectares will be permanent acquisition of airspace and/or subsoil rights over land”. Please clarify and explain this statement in the context of paragraph 4.1.3 which identifies various plots in which either Network Rail or Canal and River Trust have an interest where they are scheduled for Compulsory Acquisition where the Applicant is only seeking the airspace and rights specified.</p>	<p>The Applicant confirms this statement means that there is no permanent acquisition of strata of land comprising airspace only (measured in hectares) is proposed for the purpose of obtaining rights over the airspace above or the subsoil beneath the land. It indicates that no physical land will be permanently acquired, but rights to use the airspace or subsoil can be used without affecting the surface land ownership. This wording was used and accepted by the Examining Authority on the A428 Black Cat to Caxton Gibbet Road Improvement Development Consent Order 2022 Statement of Reasons at Para 4.1.2, and this remained unchanged throughout the various deadline submissions. The Table below notes the relevant Statutory Undertaker's interests for each Plot which is listed in Paragraph 4.1.3 in the Statement of Reasons [APP-025] scheduled for compulsory acquisition where the Applicant is seeking the airspace and rights specified:</p> <table border="1" data-bbox="1596 583 2831 764"> <thead> <tr> <th>Statutory Undertaker</th> <th>Plot</th> </tr> </thead> <tbody> <tr> <td>Network Rail</td> <td>2/2e, 2/2g, 3/1r, 3/1s, 3/2cc, 3/2ee, 3/2mm, 4/12b, 4/12c, 4/12d, 4/12e, 4/12f, 4/12i</td> </tr> <tr> <td>Canal and River Trust</td> <td>1/18b, 1/18c, 4/2i, 4/2j, 4/2l</td> </tr> <tr> <td>Other</td> <td>1/5j, 1/5n, 1/5o, 3/2w, 3/16d</td> </tr> </tbody> </table>	Statutory Undertaker	Plot	Network Rail	2/2e, 2/2g, 3/1r, 3/1s, 3/2cc, 3/2ee, 3/2mm, 4/12b, 4/12c, 4/12d, 4/12e, 4/12f, 4/12i	Canal and River Trust	1/18b, 1/18c, 4/2i, 4/2j, 4/2l	Other	1/5j, 1/5n, 1/5o, 3/2w, 3/16d
Statutory Undertaker	Plot										
Network Rail	2/2e, 2/2g, 3/1r, 3/1s, 3/2cc, 3/2ee, 3/2mm, 4/12b, 4/12c, 4/12d, 4/12e, 4/12f, 4/12i										
Canal and River Trust	1/18b, 1/18c, 4/2i, 4/2j, 4/2l										
Other	1/5j, 1/5n, 1/5o, 3/2w, 3/16d										
Q5.0.2	The Applicant and all Affected Persons including Statutory Undertakers	<p>Land Rights Tracker: The ExA has requested a separate Land Rights Tracker, in its Rule 6 letter, which seeks to focus on the Affected Persons who have objected to Compulsory Acquisition (CA) or Temporary Possession (TP) to enable more focussed attention to be provided in relation to on-going discussions on those objections. There is potential that other uncontested land may be resolved during the Examination, and this can be suitably captured in Annex B without adding additional detail to the Land Rights Tracker. The Land Rights Tracker should be provided as an excel spreadsheet (with a PDF for publication) to enable the ExA to interrogate and sort the information. The Land Rights Tracker is focussed on those who have objected to the CA or TP of their land interest and should be regularly updated at each deadline during the Examination, or where no progress has been made confirmation there is no update required. The ExA are firmly of the view it should be the Applicant's aim to resolve and ensure all objections are addressed and where possible withdrawn before the close of the Examination. Should agreement not be reached by the conclusion of the Examination, the Applicant and any Affected Persons should provide a final position statement, by the final deadline, in relation to the land interest so that the ExA is in a position to arbitrate on the matter and provide a firm recommendation to the Secretary of State (this covers all land interests including Statutory Undertakers).</p>	<p>The Applicant is actively engaged to resolve all objections and where possible seeking withdrawal of them and aims to do so by the end of the Examination. Updates will be provided via the Land Rights Tracker [TR010065/APP/7.16] submitted at Deadline 2 of the Examination to identify progress. As requested, a final position statement will be submitted at the final deadline of the Examination so that the ExA can provide their recommendation to the Secretary of State.</p>								
Q5.0.3	The Applicant	<p>Unknown Interests: Confirm the on-going investigations and actions being undertaking to minimise the number of unknown interest and identify any interests in land presently identified as having unknown interest. This should be updated regularly during the Examination as and when any changes occur by updating table 4-1 of the SoR.</p>	<p>The Applicant confirms ongoing investigations and actions are being undertaken including Search of the Index Map and Land Registry checks to understand if any further land has been registered since the original submission of the Book of Reference [REP1-005]. Unregistered land notices and unregistered statutory consultation notices were erected on site in September and October 2022, with monitoring over November and December. Unregistered land notices will be erected prior to Deadline 4 of the Examination. If unregistered plots become registered or if named interests are found through ongoing communications, then the Book of Reference [REP1-005], Land Plans [AS-004] and Statement of Reasons [APP-025] will be updated as and when required as well as updates provided to the ExA through the submission of a Schedule of Changes to the Book of Reference [TR010065/APP/7.17]. There has been an addition to the Book of Reference [REP1-005] for plot 3/2c following the response from [RR-080]. Table 4.1 of The Statement of Reasons [APP-025] has not been updated regarding this information as the land is not registered with the Land Registry and still identifies as an unregistered land interest with only presumed ownerships now being set out within Book of Reference Version 2 [AS-096]. Table 4.1 of The Statement of Reasons [APP-025] has not been updated regarding this information as the land is not registered with the Land Registry and still identifies as an unregistered land interest with only presumed ownerships now being set out within Book of Reference Version 2 [AS-096]. Also due to the land requirement type being 'land to be used temporarily and rights to be acquired' this information is for this land requirement type and is not specified within Table 4.1 as that table refers to 'permanent land acquisition' plots only. Further information in relation to [RR-080] is contained in the Applicant's Response to Relevant Representation [REP1-009].</p>								

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
Q5.0.4	The Applicant	<p>Alternatives to Compulsory Acquisition: The SoR, Environmental Statement, Register of Environmental Actions and Commitments and the Consents and Agreements Position Statement make reference to other agreements and legal mechanisms as necessary, but none are before the Examination at this point in time. Reference is made to management agreements or other legal agreements in the documentation and within Relevant Representations by APs objecting to the CA of their land (including for Flood compensation or Biodiversity Net Gain for example). Has the Applicant fully explored the potential for the use of s106 planning agreements or sec 253 agreements under the Highways Act or other land agreements? Confirm what other alternatives to CA have been considered or are being considered in order to avoid the necessity for CA in relation to which plots and update on the progress on any such discussions or why they were concluded not to be appropriate.</p>	<p>The Applicant has fully explored alternatives to compulsory acquisition, primarily in seeking to acquire land by agreement and where it has reached agreement with landowners it has been on that basis. Alternatives that have or are being discussed with landowners include works licences to avoid the need to acquire land where appropriate. S253 management agreements have also been proposed where landowners seek to retain ownership of land but where the Applicant needs to ensure that their obligations are met in relation to the ongoing function of the land as part of the wider development. These works licences and S253 management agreements have been proposed primarily in relation to environmental mitigation and flood compensation land. Where these alternative mechanisms have or are proposed to be used, they are listed below by reference to plots. It is not possible to impose these options on landowners and can only be taken forward where agreement is reached. The status of discussions of proposed solutions below is included in the Land Rights Tracker [TR010065/APP/7.16] submitted at Deadline 2 of the Examination and will be updated ahead of CAH2 and submitted at Deadline 3.</p> <p>A Hatton: Plot 7/4e - Works licence and S253 management agreement (FCA) Latham Farms Ltd: Plot 7/6a - Works licence and S253 management agreement (FCA) J & B Sumsion: Plot 6/6b & 6/6c – Acquisition by agreement, works licence and S253 agreement. J Miller: Plot 1/19a & 1/19b – Acquisition by agreement or works licence and S253 agreement. 6th Earl of Listowel: Plot 13/5a – Acquisition by agreement via option agreement. Edmund Thornhill: Plot 5/8a & 5/8b - Acquisition by agreement via option agreement. Winthorpe Family Settlement 1990: Plot 5/7b - Works licence and S253 management agreement over part of this plot for environmental mitigation. Newark and Sherwood District Council: Plot 3/14a & 3/14b - Land and works agreement to be progressed (access and lorry park). Gascoine Group Limited: Plots 5/2a & 5/2b - All matters agreed and to be acquired by agreement. The Former Mint Leaf Restaurant: Plot 5/13a - All matters agreed and to be acquired by agreement.</p>
Q5.0.5	The Applicant, GTC Pipelines Ltd	<p>GTC Infrastructure GTC identify the location of their infrastructure and the plot numbers within which their infrastructure is located that may be affected or parts of the Proposed Development that may affect their infrastructure. The Applicant to explain how it has sought to address this potential impact on the infrastructure and what is the latest position.</p>	<p>The Applicant confirms GTC Pipelines Limited raised a Relevant Representation [RR-027] on 24 June in which they identified two potential interfaces between their assets and the Order Limits. A response was provided to [RR-027] in the Applicant's Response to Relevant Representations [REP1-009].</p> <p>The Applicant has contacted GTC Pipelines Limited detailing the interface at the two identified areas. GTC Pipelines limited have responded thanking the Applicant for the information and provided confirmation that the GTC Pipeline Assets are not affected by the Scheme.</p> <p>Location 1: Maltkin Lane, Newark</p> <p><u>GTC Asset Description</u> 90mm LP PE80 pipe located beneath the concrete access track at the northern end of Maltkin Lane at the junction with Trent Lane.</p>

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

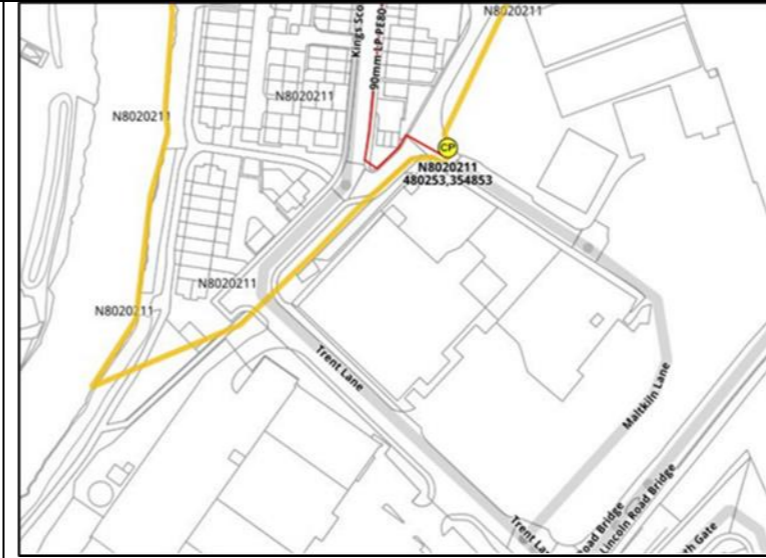


Figure 5.1: Extract of GTC Pipeline asset drawing provided as part of their Relevant Representation. [RR-027]

Interface with the Scheme

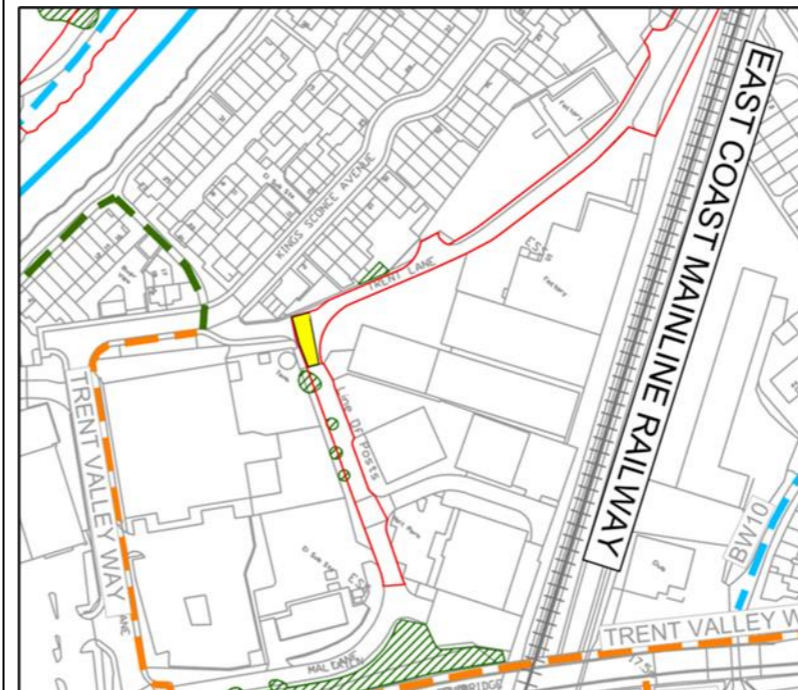


Figure 5.2: Extract from Sheet 4 of 7 of the General Arrangement Plans [AS-007]. The area of the interface with the GTC Pipeline Ltd asset has been highlighted in yellow.

The Applicant is seeking to use this land temporarily as an access road to access the construction areas at the Nether Lock Viaduct and obtain permanent rights to allow for maintenance access to the new assets that are to be constructed. Malkin Lane and Trent Lane currently provide access to the industrial estate and Nether Lock and are used by National Highways, and other asset owners. The Applicant is not undertaking any permanent works at this location and will not be undertaking any excavation on the existing access road.

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

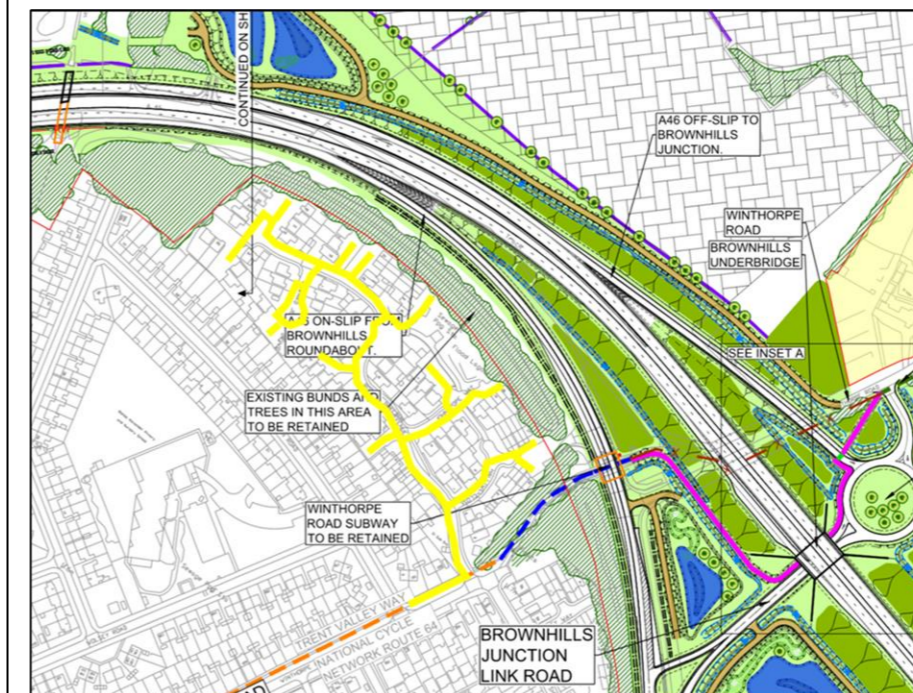
Location 2: Winthorpe Road and Robert Dukeson Avenue, Newark

GTC Asset Description

125mm LP PE80, 90mm LP PE80 and 63mm LP PE80 pipes located within the highway.



Figure 5.3: Extract of GTC Pipeline asset drawing provided as part of their Relevant Representation [RR-027].



Interface with the Scheme

Figure 5.4: Extract from Sheet 5 of 7 of the General Arrangement Plans [AS-007]. The GTC Pipeline Ltd assets are shown in yellow.

The GTC Pipeline Ltd assets in this area are all outside the Order Limits for the Scheme with the existing tree line and bund to the north and east of Robert Dukeson Avenue being retained. The closest area of construction is the installation of a new environmental barrier along the verge of the proposed south bound slip road from Brownhills roundabout, Work No.78 on sheet 5 of the Works Plans [AS-005], which is over 25 metres away from the GTC assets.

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
Q5.0.6	The Applicant	<p>Diversion of Winthorpe Footpath No.3 – Newark & Nottinghamshire Agricultural Society:</p> <p>a) Explain what other options have been explored in respect of the Compulsory Acquisition of land to facilitate the diversion of Winthorpe Footpath No.3, including the necessity for the diversion.</p> <p>b) Explain how the operational and security concerns identified in [RR-046] can be addressed and how any necessary measures proposed would be secured.</p>	<p>The Applicant confirms Winthorpe Footpath 3 currently connects the footway along the southbound A46 between Winthorpe Roundabout and Friendly Farmer Roundabout to Coddington Footpath 5, crossing over the A17. The Scheme has provided for the retention of Footpath 3 by connecting the Public Right of Way to the proposed combined footway/cycleway, Works No. 102 as shown on sheet 5 of the Works Plans [AS-005], between points F-5M and F-5O as shown on the Streets, Rights of Way and Access Plans [AS-006]. A short section (approximately 16 metres) of the footpath is being stopped up by the Scheme between points FX-5D and FX-5E as shown on sheet 5 of the Streets, Rights of Way and Access Plans [AS-006]. A diversion of the A46 footway is required in the construction phase to facilitate the construction of the new Friendly Framer Link, Work No. 104. During the construction of the new link road and footpath, a temporary diversion will be installed to the south of the current route. This alignment was chosen as it retains the footpath users on the same side of the A46 and intercepts Winthorpe Footpath 3, before connecting back to the existing footpath network on the A17 at Godfrey Drive.</p> <p>The new combined footway/cycleway runs along the southern verge of the proposed Friendly Farmer Link Road (Works No. 104) between points F-6A (on Drove Lane) to F-5m. The footway/cycleway then cuts across the fields to the western end of the Newark Showground. The alignment of the footpath/cycleway was selected during consultation to take account of the proposed development in this area. The Applicant commenced heads of terms discussions with the landowners to seek to purchase the land by agreement. Since then, the proposed development to the western end of the showground has evolved with the developer seeking a new alignment for the proposed footway/cycleway. The Applicant is currently in discussions with the developer to reach a legal agreement as to the provisions the developer can provide for the footway/cycleway should outline planning permission be granted and reserved matters applications be discharged.</p> <p>The operational security concerns raised in [RR-046] have been discussed and agreed with the Interested Party and reflected in the update to the Statement of Common Ground [REP1-027]. The Applicant will provide secure fencing along the route of the footpath diversion. This detail will be secured in the update to the Outline Traffic Management Plan [APP-196] and submitted at Deadline 2 of the Examination.</p>
Q5.0.7	The Applicant	<p>Management of Land by Agreement</p> <p>[RR-034] raises potential for management of land in preference to Compulsory Acquisition, in respect of Biodiversity Net Gain and Flood Compensation confirm whether such consideration was given and if so why it was rejected.</p>	<p>The Applicant confirms in respect of [RR-034] and the potential for the management of land by agreement, this has been an option that the Applicant has explored and discussed in respect of the Environmental Mitigation and Flood Compensation land. An offer was made 25-09-24 in respect of acquisition by agreement. The land can either be purchased outright or the land could be retained with the works carried out under a lease/licence with any future environmental or flood compensation obligations to be the responsibility of the landowner, secured by way of a S253 management agreement. No options have been rejected at this stage and the Applicant understands that the landowner is considering all options and is taking further advice in respect of minerals.</p>
Q5.0.8	Challenge Ltd	<p>Impacts on Property and income</p> <p>In respect of [RR-010] provide a plan to identify the location of the property interest and the access routes currently used and in which you have an interest.</p>	<p>Question not addressed to the applicant</p>
Q5.0.9	The Applicant, Aldergate Properties Ltd	<p>Impact on Aldergate Properties Property interest</p> <p>In respect of [RR-004] Aldergate Properties to identify the plots affected in which they hold an interest and the Applicant to confirm specifically why these plots are necessary for Compulsory Acquisition/ Temporary Possession.</p>	<p>The Applicant has responded to Aldergate Properties Limited Relevant Representation [RR-004] and [RR-049] in the Applicant's Responses to Relevant Representations [REP1-009].</p> <p>Plot 4/3a as shown on sheet 4/7 of the Land Plans [AS-004] forms part of the old Newark branch line. Within Plot 4/3a there is an existing stone access track which passes under a single span bridge that once formed part of the historic branch line.</p> <p>The Applicant is seeking temporary possession to use the current access track between the Kings Marina and the hydroelectric power station at Nether Lock Wier during the construction of the works at Nether Lock viaduct. The Applicant is also seeking permanent rights on the access track to provide for future maintenance access to the Nether Lock Viaduct (shown as Works No 64 on the Works Plans [AS-005], the north abutment of the Nottingham to Lincoln Railway Line East Crossing (Works No 58), the retaining wall (Works No 60 of the Works Plan [AS-004] and the associated drainage infrastructure and landscaping in this area.</p>
Q5.0.10	The Applicant, Peridot Solar, Environment Agency	<p>Impact on Solar Farm 23/01837/FULM</p> <p>[RR-058] references a letter of comfort from the Applicant to Peridot Solar to what extent is this an important and relevant matter, to what extent does it affect land interests and:</p> <ul style="list-style-type: none"> · Please provide a copy of the letter rather than information on where it can be located, · To what extent can any commitments/ comfort offered be secured, · Are the Applicant satisfied that the implementation of the use of any overlapping area is compatible with its intended use in the Proposed Development as Flood Storage, · Are Environment Agency in agreement that there is no significant effect on flood storage 	<p>The Applicant has provided a copy of the letter of comfort in respect of the proposed Kelham Solar Farm development in Appendix B of this document. The interface between the Applicant and the solar farmland is an important and relevant matter, but one which the Applicant considers can be addressed outside of the Examination as. As set out in the letter, both parties have commitments to be met, and so far as the Applicant is aware, both parties are able to meet those commitments.</p> <p>Throughout the period of extensive engagement with the landowner and with the developer Assured Asset Solar 2 Ltd (AAS2), the Applicant has worked closely with all parties to seek to minimise the impact of the flood</p>

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		<p>capacity or conveyancing of flood waters.</p>	<p>compensation works on both the land owned by the Interested Party and the AAS2 Solar Farm Development. The extent of this collaboration is best demonstrated by the integration of the Redhouse Field area of proposed flood compensation which was initially outside the Order Limits but was offered by the Interested Party as an alternative. This was subsequently assessed for technical capacity and environmental impacts and then incorporated into the Scheme design.</p> <p>AAS2 have confirmed their development site is viable and are progressing their planning application. The Applicant has assisted AAS2 with discussions with the Environment Agency which have confirmed that solar panels can be installed on flood zone 3 land (which the Kelham & Averham FCA shall become) with appropriate risk assessments undertaken which are now the responsibility of AAS2 as part of their continuing development of the solar farm opportunity. The Applicant is continuing productive dialogue with the landowner and AAS2 to coordinate the respective works and develop an installation methodology which meets the needs of AAS2 for the earliest possible installation of the solar panels on the affected land including the potential for temporary installation measures for which the Applicant has indicated that compensation for additional cost could be applied for and considered by the Applicant. To this effect, works at Kelham & Averham FCA are included in the Pre-commencement Works phase (which is in the Pre-commencement Plan [APP-188] secured in Requirement 17 of the draft Development Consent Order [REP1-001]), which is the earliest possible stage the Applicant could carry out the works under powers consented through the Development Consent Order.</p> <p>The Applicant has advised the Interested Party that the Applicant is not empowered to approve any combined use of the FCA for the Solar Development, this being the role of the Environment Agency as the organisation responsible for the approval of such matters. The Applicant has however engaged with the Environment Agency in parallel with the discussions with the Interested Party and secured correspondence from the Environment Agency confirming that dual use (solar farm and FCA) of the land is permissible subject to completion by the developer of the required assessments. A copy of the correspondence has been passed to AAS2 for action accordingly.</p> <p>The Applicant, in consultation with the Environment Agency, considers there to be no change in significance of effects that could result from the dual use of the Kelham & Averham FCA as a solar farm. Storage capacity of the FCA will be beneath the elevation of the solar panels themselves, with the supporting structures removing negligible volume from the FCA. The likelihood of supporting structures for the solar panels impeding flood conveyance is extremely low. Therefore, the Applicant is satisfied that the overlapping area is compatible for dual use.</p>
Q5.0.11	The Applicant	<p>Motor Fuel Group land take, access and egress Explain the detail of the proposed amended access and egress arrangements for the Motor Fuel Group service station and the land take that is required and detail the extent of discussions with the Motor Fuel Group in respect of their land interests, including:</p> <ul style="list-style-type: none"> · The extent to which alternative arrangements to access and egress have been explored, · The extent of alternatives to Compulsory Acquisition has been explored, · The nature and extent of the impact on the operations of the site that the Applicant has considered the change would result in, including safety and circulation within the site. 	<p>The Applicant has considered a new access and egress loop to the east of the facility. This arrangement was discounted as it would have required more land take, moved traffic closer to Winthorpe Village and required the existing copse of trees to be removed. The entrance to the facility was discussed with Motor Fuel Group during Statutory Consultation where it was agreed that the layout of the new entrance would be re-aligned to be more central within the forecourt. The exit to the facility has been improved to add an acceleration lane and improve visibility, this exit operates as the current situation.</p> <p>The layout of any added signage required within the facility will be agreed with the operator during detailed design. Advance signage will be provided on the A46 northbound approach to the service area.</p> <p>The Applicant has provided further information to the Interested Party to facilitate understanding of how the Scheme interacts with the land particularly in relation to access and egress to the petrol filling station. Further information can be found within [RR041] and the Applicant's Response to Relevant Representations [REP1-009] The nature and extent of the impact has been assessed within Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056]. Table 12-12 within Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] states that construction activities at Friendly Farmer Roundabout may have a temporary impact on access to The Esso Garage. The Applicant confirms that access to the filling station will be maintained throughout the construction period, therefore the significance of this effect is assessed as slight adverse (not significant). An Outline Traffic Management Plan [APP-196] details the traffic management proposals for the Scheme. The Outline Traffic Management Plan [APP-196] will be developed into the Traffic Management Plan for implementation during construction and is secured through Requirement 11 of the draft Development Consent Order [REP1-001].</p>
Q5.0.12	The Applicant	<p>Langford Hall access arrangements [RR-032] identifies concerns in respect of the Compulsory Acquisition of land to facilitate altered access arrangements for Langford Hall. It is suggested that Compulsory Acquisition is not necessary and that Temporary Possession and land agreements to ensure maintenance and aftercare would be more appropriate. Explain why Compulsory Acquisition is appropriate to secure the necessary outcomes explaining whether other alternatives have been explored and why these are not appropriate.</p>	<p>The Applicant confirms the area of permanent land take has been reduced from 27,748m² to 7,453m² in consultation with the landowner and matters are preceding by way of agreement as an alternative to compulsory acquisition. This includes amending the area of land previously identified as temporary possession with permanent rights, to temporary possession only by way of a works licence and a S253 management agreement. The Applicant's requirement for permanent maintenance rights in respect of the landscaping bund can be removed subject to the landowner entering a suitable management agreement. Heads of Terms have been drafted based on the acquisition of the smaller area of land by agreement and lesser rights by agreement to secure the necessary outcome without the use of compulsory acquisition powers.</p>

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
Q5.0.13	The Applicant	<p>Impact on Newark Lorry Park Newark and Sherwood District Council have raised concerns with the effect of the Proposed Development on Newark Lorry [RR-048].</p> <ul style="list-style-type: none"> To what extent has the Applicant sought to ensure the land take was the least necessary, What other locations have been considered to avoid the land take and why is this location important to the Proposed Development, Have the Applicant fully considered the impact of the loss of lorry parking space on the Town and whether any substitute or replacement land is necessary, 	<p>Please refer to [RR-048] and the Applicant's Response to Relevant Representations [REP1-009]. .</p> <ul style="list-style-type: none"> Land take has been minimised and that minimised land take is essential for the new southbound off slip to the Cattle Market gyratory. Plots 3/14b and 3/14k shown within the Book of Reference Version 2 [AS-096] and on the Land Plans [AS-004] identifies that permanent rights would need to be acquired within these plots to enable vehicle and machinery access to undertake maintenance of the embankment and drainage. There were no alternatives as the existing Lincoln Line railway bridge is retained and dictates the alignment of the new slip road. The Applicant acknowledges that lorry parking spaces will be lost both during construction and in operation. During construction there will be approximately 20 additional spaces lost due to the space needed to construct the works. The Applicant has estimated that between 20-30 spaces will be lost during operation but this is to be finalised through the ongoing discussions with NSDC. This reduction in spaces in the Applicant's view does not impact upon the ongoing viability of the lorry park facility.
Q5.0.14	The Charity of Thomas Brewer, The Applicant	<p>Effect on agricultural land holding The Charity of Thomas Brewer is concerned with the effect of the Proposed Development on its land holdings [RR-069] including agricultural land holdings.</p> <ul style="list-style-type: none"> The Charity of Thomas Brewer to identify its land holdings by plot reference from BoR and Land plans. The Applicant to confirm its intentions of the land affected and the assessment it has made on the viability of the land holding, taking account of the required interests to be acquired. 	<p>The Applicant has responded to [RR-069] with details in the Applicant's Response to Relevant Representation [REP1-009].</p> <p>The Applicant is seeking rights over four plots within the Interested Party's land. These are plots 6/2a, 6/2b, 6/2c and 6/2d as identified on sheet 6 of the Land Plans [AS-004].</p> <p>Plot 6/2a makes up the majority of the land required for the construction of the new Winthorpe Roundabout (Work No. 118). The new alignment of the A1133 (Work No. 109), a new attenuation pond (Work No. 107), a landscape bund (Work No. 94C) and the new footpath/cycleway (Work No. 105) are the others, all of which are shown on sheet 6 of the Works Plans [AS-005].</p> <p>Plots 6/2b, 6/2c and 6/2d represent a narrow corridor of temporary land use, and in the case of 6/2c temporary land use with permanent rights, which the Applicant is seeking to allow the construction of the new boundary fence and hedge between the new highway and the Interested Party's remaining land parcel. The alignment of the proposed hedgerow can be seen on sheet 6 of the General Arrangement Plans [AS-007]. An assessment of the impact on the Interested Party's land is included in tables 12-11 and 12-12 of Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] where it is referenced as Farm 06 (Sheet 5 of Figure 12.6, Agricultural Land Impact Plan of the Environmental Statement Figures [AS-071]).</p> <p>The Applicant confirms the Interested Party's remaining land parcels will be accessible during the operation of the Scheme from replacement field accesses which will link the Interested Party's land to the realigned A1133. The accesses can be seen on sheet 6 of the General Arrangement Plans [AS-007] and on sheet 6 of the Streets, Rights of Way and Access Plans [AS-006] where they are identified as private access between points P-6I to P-6J and P-6L and P-6K. During construction of the Scheme the existing field access will be maintained until suitable replacements are provided.</p> <p>The land is proposed for widening of the roundabout together with a bund and a footpath. The Landowner has a total holding of 17 acres, which extends over 2 fields fronting the A1133 to the north-east of Winthorpe village. An area of 4.99 acres is to be permanently acquired, which is identified as plot 6/2a on the land plans. Given the limited size of the overall land holding the Applicant does not consider that there is any impact on its viability. The applicant will be working with the charity to address the concerns arising from the impact on the land usage.</p>
Q5.0.15	The Applicant	<p>Use of minerals rights Savills on behalf of various APs have raised the issue of mineral rights and their value, to what extent is this a matter for the ExA to have regard to in considering whether Compulsory Acquisition or Temporary Possession is justified?</p>	<p>The Applicant confirms mineral rights and their value are to be assessed in accordance with the statutory compensation code. Whether acquiring land or rights under compulsory powers or by agreement the loss of any hope value for minerals would be reflected in the same way. This would be by either reflecting the mineral hope in the market value of the land or where the landownership remains with the affected party, compensating for the sterilisation of any mineral hope where the prescribed use of the land for the scheme would prohibit any potential future extraction. Examples of the latter would be flood compensation or environmental mitigation land. Mineral hope value has been provisionally agreed with Savills in relation to the 6th Earl of Listowel land and it is considered purely a compensation matter. To that extent, it is not considered to be a matter that the ExA need to have significant regard to in considering whether Compulsory Acquisition or Temporary Possession is justified as it is a compensation issue.</p>

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
Q5.0.16	The Applicant	<p>Land Interests of Edmund Thornhill and 6th Earl of Listowel and Adrian Hatton [RR-070] sets out concerns that the proposed acquisition of land should be via options agreement and agreed purchase, also raising concerns in relation to the extent of the land to be acquired. What is the Applicant's position and what is the current position or progress towards seeking to resolve matters without recourse to Compulsory Acquisition?</p>	<p>The Applicant confirms in respect of the land owned by Edmund Thornhill, the parties have agreed that the land, including an area of severed land within the remaining title will be purchased by agreement, via an option agreement. An offer was made on 25 September 2024 following several meetings and discussions and the Applicant awaits a response. Following confirmation of agreement by the landowner, Heads of Terms will be issued documenting that agreement in principle to progress the matter. Similarly in respect of the 6th Earl of Listowel's land, a way forward via an option agreement has been agreed in principle and the value of the land including mineral hope has also been provisionally agreed. In respect of Mr A Hatton's land, discussions are ongoing, Heads of Terms have been drafted on a by agreement basis. The Flood Compensation works are proposed to be undertaken by way of a licence agreement with the landowner retaining ownership of the land with any ongoing obligations relating to the land to be secured by a suitable management agreement.</p>
Q5.0.17	The Applicant	<p>Land within Flood Compensation Areas [RR-002 + RR-003] raise concerns regarding the necessity and extent of land and interest to be acquired primarily for Flood Compensation purposes, similarly in [RR-033]. Whilst the Issue of flooding including compensation areas will be examined under water resources. The Applicant should clearly set out</p> <ul style="list-style-type: none"> · Why the land is necessary to be Compulsorily Acquired and no other mechanism is suitable, including management agreements, · Detail why the land is the most appropriate for this purpose including identifying other alternative sites considered and why they have concluded the sites chosen are most appropriate, · Justify the extent of land take needed to meet the requirements for compensation and whether other mitigation proposal have been considered to reduce the amount of land to be subject to Compulsory Acquisition 	<p>As discussions progress with The Applicant and the Interested party, agreements may be made with regards to the access and management to the FCA and the requirement needed to secure the land to accommodate the Scheme and assessments.</p> <p>The Applicant is continuing negotiations for a land agreement with the Interested Party to remove the requirement for the Applicant to exercise compulsory acquisition powers. At the time of submission of the application for development consent the negotiations were ongoing with Heads of Terms and a full legal agreement in discussion. Details of these negotiations are set out at in the Land Rights Tracker [REP1-015]. Should a legal agreement be executed, it can be a term of that agreement that any compulsory acquisition powers it may have been granted will not be exercised in connection with this land against the landowner. However, as no legal agreement is currently in place, an application for development consent has been submitted seeking compulsory acquisition powers of the land referred to by this Interested Party. Therefore, the land sought to be acquired by the Applicant is that it is necessary for the construction and operation of the Scheme and no change to the Land Plans [AS-004] is required.</p> <p>Further information can be found within [RR-003] and the Applicant's Response to Relevant Representations [REP-009]</p> <p>Paragraphs 3.3.90 to 3.3.98 of Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047] outline the justification for the sites selected.</p> <p>Section 3.3 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177] sets out the floodplain compensation requirements and the methodology undertaken for the Flood Compensation Area (FCA) site screening and selection. The Kelham & Averham FCA was selected based primarily on correct topographic elevations, reasonable proximity to the Scheme and location adjacent to the River Trent floodplain impacted by the Scheme. The Farndon FCAs were selected based on a combination of reasons including immediate proximity to the Scheme, correct topographic elevations and existing land use.</p> <p>The Applicant acknowledges the ongoing discussions that have been had with the Interested Party regarding the inclusion of his land within the Scheme's Floodplain Compensation Areas (FCAs).</p> <p>The FCAs are required to be at ground levels that correspond to the elevations of the Scheme embankments where flooding is predicted. Floodplain compensation is required at levels between 8.6mAOD and 13.0mAOD. Section 3.3 of Appendix 13.2 Flood Risk Assessment of the Environmental Statement Appendices [APP-177] describes how 29 potential sites were screened for floodplain compensation. From the screening process, two broad areas were identified to be taken forward in the design: the Kelham & Averham area for higher elevation compensation between 10.6-13.0mAOD, and the Farndon area for compensation at lower elevations. The Kelham & Averham FCA site is to compensate for the more extreme flood events and in these events the land needs to be at an elevated location to replace the higher levels lost by the upper levels of the widened A46 embankments. Therefore, the land for compensation needs to be located at the edge of the existing floodplain.</p> <p>At this time, the negotiations are ongoing between the Interested Party and the Applicant including the form of land agreement to be entered into between the parties.</p> <p>The legal agreement being negotiated between the Applicant and the Interested Party includes arrangements for compensation for materials which can be beneficially incorporated into the Scheme and obligations on the Applicant for the disposal of materials which are not able to be incorporated in beneficial use into the Scheme for reasons of lack of suitability or programme incompatibility at no cost to the Interested Party. These arrangements will be concluded with the executed agreement.</p> <p>In relation to the site for an additional FCA referred to by the Interested Party, the Applicant can provide an explanation on its position if its specific footprint is provided on a map to the Applicant. To the Applicant's knowledge,</p>

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
			<p>all reasonably suitable sites discussed with the Interested Party have been included within the site screening process.</p> <p>The application for development consent includes possession of land on a temporary basis to construct the Scheme and the acquisition of the permanent rights for future maintenance of the Scheme. The Applicant can confirm, as indicated by the Interested Party in their relevant representation that negotiations are ongoing to secure the land by agreement.</p> <p>Further information can be found within [RR-002] and [RR-003] and the Applicant's Response to Relevant Representations [REP1-009]</p> <p>The Applicant confirms in connection with the Flood Compensation areas, the option for landowners to retain ownership of the land with the works to be carried out under a works licence with an ongoing management agreement has been proposed as an alternative to compulsory acquisition. In respect of the flood compensation parcels at Kelham (Hatton & Latham) discussions are being actively progressed to enable the landowners to retain ownership of the land. In respect of the larger area of flood compensation and environmental mitigation land north of Farndon (Mr J Miller) a decision is awaited from the landowner as to how he would like to progress matters.</p>
Q5.0.18	The Applicant	<p>Canal and River Trust [RR-009] suggests that in the absence of an appropriate conclusion on discussions to purchase land, the Applicant cannot demonstrate that it has taken all reasonable steps to avoid Compulsory Acquisition. How does the Applicant respond to this point and what is the current state of discussions with the Canal and River Trust.</p> <p>Canal and River Trust [RR-009] suggests that in the absence of an appropriate conclusion on discussions to purchase land, the Applicant cannot demonstrate that it has taken all reasonable steps to avoid Compulsory Acquisition. How does the Applicant respond to this point and what is the current state of discussions with the Canal and River Trust.</p>	<p>The Applicant confirms contact has been made with both the Canal and River Trust and their appointed agent. A date is awaited from them for a further meeting to discuss the potential acquisition by agreement of the land required for the Scheme. Every effort will be made to reach settlement before the end of the examination period.</p>
Q5.0.19	The Applicant	<p>Canal and River Trust [RR-009] states "<i>The Trust is identified as 'occupier' of both plots 7/1a and 7/3a. The Trust do not, however, occupy this land (it relates to land parcels alongside a section of the River Trent upon which the Trust have no direct responsibilities). The Book of Reference may therefore need to be amended to account for this to avoid confusion</i>". Please amend the BoR or explain why CRT are included for these plots.</p>	<p>The Applicant confirms the Book of Reference [REP1-005], has been amended to remove the Canal and Rivers Trust from the occupation column as specified within [RR-009] for plots 7/1a and 7/3a as shown on the Land Plans [AS-004] and the Book of Reference [REP1-005]. The Applicant had assumed the Canal and Rivers Trust was the navigation authority from a land registry title review of Title NT453559 (absolute freehold - Infrastructure Trust Property) where the schedule had mentioned them as navigation authority for the remainder of the River Trent where it adjoins this title and further north towards Kelham.</p>
Q5.0.20	The Applicant	<p>Newark and Sherwood District Council (NSDC) NSDC have objected/ raised concerns as a landowner to the impact of the proposed development on, amongst other matters, the access to their offices and other land interests but have indicated a willingness to enter into a land and works agreements with the Applicant. Confirm the latest position and state of negotiations and the likelihood of reaching agreement before the conclusion of the Examination.</p>	<p>The Applicant confirms a proposed outline structure for a land and works agreement has been drafted and this deals with three key areas including detailed design, temporary and permanent land take, and compensation. The Applicant considers this will be the basis upon which matters are now progressed by agreement and they will work with NSDC to mitigate the impacts on access and other land interests, primarily the lorry park. Ongoing meetings will be held between the parties to seek to agree matters and the Applicant will aim to reach agreement before the conclusion of the Examination.</p>
Q5.0.21	The Applicant	<p>Winthorpe Family Settlement 1990 [RR-077] questions the necessity of the extent of its land that is proposed to be acquired and the justification with concern that there will be a large amount of land taken to create embankments and floodplains with further land taken for a new pedestrian right of way and includes suggested alternative approaches. They further suggest they would be willing to provide this land under licence on a temporary basis to allow future use of the remaining parcel of land once the new road has been constructed.</p> <p>a) Explain why all of the land proposed to be Compulsorily Acquired is necessary; b) what alternative proposals were considered; c) to what extent other interests in the land were considered to achieve the required outcome other than Compulsory Acquisition including Temporary Possession management agreements or licencing.</p>	<p>Please refer to the Applicant's Response to Relevant Representation [REP1-008] to [RR-077]</p> <ol style="list-style-type: none"> a) The land is needed on the northern side of the A46 to allow screening bunds and planting to be provided to reduce the visual impact of the Scheme on Winthorpe Village b) The A46 corridor was moved as far as possible away from Winthorpe Village following discussions with the Think Again Group and village residents to reduce the impact on the village after preferred route announcement. Following Statutory Consultation the Applicant reduced the land take in this area to minimise the impact c) The Applicant is content to enter into an agreement with the Interested Party, either to acquire the land by agreement in line with the requirements identified in the Land Plans [AS-004] or to explore alternative options to allow future use of the remaining parcel of land if the landowner wishes to retain ownership which will not form part of the Strategic Road Network and is looking to progress matters with the Interested Party. <p>A meeting was held with the agent for the Landowner on 14 October 2024. Following discussions with the Applicant regarding alternatives to compulsory acquisition it was identified that part of plot 5/7b, as shown on the Land Plans [AS-004] which is to be utilised as environmental mitigation could be taken under licence on a temporary basis and returned to the Landowner subject to a management agreement. This is subject to ongoing discussions with the agent for the Landowner to progress matters.</p>

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5.1 Funding

Q5.1.1	The Applicant	<p>General funding position: Given the recent change in Government is the Applicant still content that there is a reasonable prospect of the necessary funding being made available? If yes, explain the basis of this position and provide the ExA with any available assurance that funding for the scheme is secure.</p>	The Applicant confirms the Secretary of State for Transport has commissioned a review of the Department for Transport's spending portfolio, including current and future road schemes. While the review is ongoing, the commitment to the Scheme remains in place.
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5.2 Special Considerations

Q5.2.1	The Applicant	<p>Crown Land: One plot of land plot 2/6a is identified as Crown Land. You identify those with an interest being the Secretary of State for Transport and the Government Legal Department. As the consent of the Crown (which you identify as the SoST) is required, please update the ExA on the latest position with regard to securing the necessary consent and the likelihood of this being achieved before the close of the Examination.</p>	The Applicant confirms the reference to Crown Land has been included on a precautionary basis as the land is currently registered under the ownership of the Secretary of State for Transport. The Applicant is pursuing registration of this land with the Land Registry and also a transfer of the land which is bona vacantia. This would avoid the need for Crown Consent,
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Q5.2.2	The Applicant	<p>Open Space Land: Confirm the owners/ those with an interest in any open space (where known) and confirm whether they have objected to the CA of their open space land and on what basis and what attempts the Applicant has made to voluntarily purchase any necessary interests.</p>	The Applicant has identified open space land within part 5 of the Book of Reference [REP1-005] and on the Special Category Land Plans [AS-018]. <table border="1" data-bbox="1528 766 2858 1932"> <thead> <tr> <th>Land Plans Sheet No.</th> <th>Plot Ref</th> <th>Land Title Ref</th> <th>Objection made</th> <th>Basis of objection</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1/5h, 1/5i, 1/5j, 1/5k, 1/5r</td> <td>Unregistered land</td> <td>No objection raised</td> <td>N/A</td> </tr> <tr> <td>1</td> <td>1/5q</td> <td>Unregistered</td> <td>Caution title NT452087</td> <td>No known objections.</td> </tr> <tr> <td>1</td> <td>1/9b, 1/9c</td> <td>Freehold title -NT454379</td> <td></td> <td>No known objections to proposed compulsory acquisition however the applicant is engaging with both freeholders of the land to discuss acquisition by agreement.</td> </tr> <tr> <td>1</td> <td>1/10b</td> <td>Freehold title -NT255267</td> <td></td> <td>No known objection</td> </tr> <tr> <td>1</td> <td>1/12a</td> <td>Freehold title -NT254982</td> <td></td> <td>No known objection</td> </tr> <tr> <td>1</td> <td>1/13a</td> <td>Freehold title -NT204996</td> <td></td> <td>No known objection</td> </tr> <tr> <td>1</td> <td>1/14c</td> <td>Freehold title -NT290406</td> <td></td> <td>No known objection</td> </tr> <tr> <td>1</td> <td>1/17a</td> <td>Freehold title NT474776</td> <td></td> <td>No known objections to proposed compulsory acquisition however the applicant is engaging with the freeholder of the land to discuss acquisition by agreement.</td> </tr> <tr> <td>4</td> <td>4/2a, 4/2b, 4/2c,</td> <td>Freehold title NT512389</td> <td></td> <td>The freeholder has stated their objection as part of their relevant representation to the proposed strategy of compulsory acquisition of the freeholder's land and that they wish to pursue acquisition by agreement with the applicant. The applicant is pursuing acquisition by agreement with the freeholder and is in discussions to progress this.</td> </tr> <tr> <td>4</td> <td>4/2d</td> <td>Freehold title NT513301 NT495012 (</td> <td></td> <td>Holding objection to proposed strategy of compulsory acquisition of the freeholder's land and stated within its relevant representation that the freeholder wishes to pursue acquisition by agreement with the applicant. The applicant is pursuing acquisition by agreement with the freeholder and is in discussions to progress this.</td> </tr> </tbody> </table>	Land Plans Sheet No.	Plot Ref	Land Title Ref	Objection made	Basis of objection	1	1/5h, 1/5i, 1/5j, 1/5k, 1/5r	Unregistered land	No objection raised	N/A	1	1/5q	Unregistered	Caution title NT452087	No known objections.	1	1/9b, 1/9c	Freehold title -NT454379		No known objections to proposed compulsory acquisition however the applicant is engaging with both freeholders of the land to discuss acquisition by agreement.	1	1/10b	Freehold title -NT255267		No known objection	1	1/12a	Freehold title -NT254982		No known objection	1	1/13a	Freehold title -NT204996		No known objection	1	1/14c	Freehold title -NT290406		No known objection	1	1/17a	Freehold title NT474776		No known objections to proposed compulsory acquisition however the applicant is engaging with the freeholder of the land to discuss acquisition by agreement.	4	4/2a, 4/2b, 4/2c,	Freehold title NT512389		The freeholder has stated their objection as part of their relevant representation to the proposed strategy of compulsory acquisition of the freeholder's land and that they wish to pursue acquisition by agreement with the applicant. The applicant is pursuing acquisition by agreement with the freeholder and is in discussions to progress this.	4	4/2d	Freehold title NT513301 NT495012 (Holding objection to proposed strategy of compulsory acquisition of the freeholder's land and stated within its relevant representation that the freeholder wishes to pursue acquisition by agreement with the applicant. The applicant is pursuing acquisition by agreement with the freeholder and is in discussions to progress this.
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5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

			4	4/2f, 4/2f1, 4/2f2	NT459576	The freeholder has stated their objection as part of their relevant representation to the proposed strategy of compulsory acquisition of the freeholder's land and that they wish to pursue acquisition by agreement with the applicant. The applicant is pursuing acquisition by agreement with the freeholder and is in discussions to progress this. The freeholder has stated their objection as part of their relevant representation to the proposed strategy of compulsory acquisition of the freeholder's land and that they wish to pursue acquisition by agreement with the applicant. The applicant is pursuing acquisition by agreement with the freeholder and is in discussions to progress this.
			4	4/3a	Freehold title NT443330	No known objection to compulsory acquisition however the applicant is engaging with the freeholder of the land and the applicant wishes to pursue acquisition by agreement.
			4	4/4a	Freehold title NT512389	Freehold title is shared between Aquavista Watersides Limited and Canal and River Trust. No known objections have been submitted by Aquavista Watersides Limited but the applicant has engaged with the freeholder and it is hoped that the required land and rights can be required by agreement. Canal and River Trust have stated their objection as part of their relevant representation to the proposed strategy of compulsory acquisition of freeholder's land and that they wish to pursue acquisition by agreement with the applicant. The applicant is pursuing acquisition by agreement with the freeholder and is in discussions to progress this.
			4	4/5a, 4/5e,	Unregistered	Freehold title is shared between Aquavista Watersides Limited and Canal and River Trust as presumed owner. No known objections have been submitted by Aquavista Watersides Limited but the applicant has engaged with the freeholder and it is hoped that the required land and rights can be required by agreement. Canal and River Trust have stated

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
			<p>their objection as part of their relevant representation to the proposed strategy of compulsory acquisition of freeholder's land and that they wish to pursue acquisition by agreement with the applicant. The applicant is pursuing acquisition by agreement with the freeholder and is in discussions to progress this.</p>
		4	<p>4/6a</p> <p>NT337109</p> <p>No known objections to proposed compulsory acquisition however the applicant is engaging with the freeholder of the land to discuss acquisition by agreement.</p>
		<p>The plots that require land to be acquired permanently are mainly unregistered land with unknown owners. The Applicant is, or has, entered into negotiations with land belonging to Canal and River Trust, Network Rail and private landowners.</p>	
Q5.2.3	<p>The Applicant, Canal and River Trust, National Rail Infrastructure, and National Grid Electricity Distribution.</p>	<p>Statutory Undertakers Land: Objections have been raised by Canal and River Trust (CRT), National Rail Infrastructure and National Grid Electricity Distribution (National Rail) thereby triggering sec 127(3) and 127(5). Protective Provisions are only included in respect of CRT and National Rail. Do you intend to provide Protective Provisions for National Grid? If so, confirm the current progress on discussions and if not explain how their interest will be protected. In terms of the Protective Provisions already included in the Draft Development Consent Order, please advise on progress with discussions with the relevant party and the likelihood of reaching agreed provisions before the conclusion of the Examination.</p> <p>Statutory Undertakers Land: Objections have been raised by Canal and River Trust (CRT), National Rail Infrastructure and National Grid Electricity Distribution (National Rail) thereby triggering sec 127(3) and 127(5). Protective Provisions are only included in respect of CRT and National Rail. Do you intend to provide Protective Provisions for National Grid? If so, confirm the current progress on discussions and if not explain how their interest will be protected. In terms of the Protective Provisions already included in the Draft Development Consent Order, please advise on progress with discussions with the relevant party and the likelihood of reaching agreed provisions before the conclusion of the Examination.</p>	<p>Negotiations with National Grid are slightly less advanced than with CRT and Network Rail because they have appointed lawyers a little later in the process. However, negotiations are progressing and the Applicant does not consider that the parties are very far apart. Negotiations are ongoing with all three parties. The Applicant does not currently foresee any impediments to reaching agreement on Protective Provisions before the end of the Examination but will update the ExA as the examination progresses.</p>

6. Draft Development Consent Order (DCO)			
Q6.0.1	The Applicant	Explanatory Memorandum (EM) – Description of Development Paragraphs 2.4.11 and 2.4.14 in the description of the development in the EM appear to be duplicate or repetition. Confirm and delete or add additional commentary to explain the difference.	The Applicant confirms that paragraphs 2.4.11 and 2.4.14 in the description of the development in the Explanatory Memorandum are duplicate. The draft Explanatory Memorandum [REP1-003] submitted at Deadline 1 of the Examination was amended to remove the duplication at paragraph 2.4.14 and has therefore corrected this error.
Q6.0.2	The Applicant	Consents and Agreements Position Statement (C&APS) - disapplication Paragraph 3.1.6 of the C&APS states that discussions between the Applicant and consenting bodies are on-going. Can the Applicant confirm: a) Of those provisions presently identified in the dDCO whether any require consent and if so identify which.	The Applicant confirms paragraph 3.1.6 of the Consents and Agreements Position Statement [APP-023] discusses the status of prescribed consents. Section 150 of the Planning Act 2008 states that where consents are prescribed the relevant consenting body must agree to the inclusion (i.e. disapplication) of these consents within the Development Consent Order. The list of prescribed consents for the purposes of Section 150 of the Planning Act 2008 are included in Part 1 of Schedule 2 of the Infrastructure Planning (Interested Parties and Miscellaneous Provisions) Regulations 2015. The Applicant confirms that none of the consents identified in Article 3 of the draft Development Consent Order [REP1-001] are prescribed consents in accordance with the Infrastructure Planning (Interested Parties and Miscellaneous Provisions) Regulations 2015. As these are not prescribed consents, the agreement of the respective consenting bodies to the disapplication of the provisions currently listed in Article 3 of the draft Development Consent Order [REP1-001] is therefore not required under Section 150 of the Planning Act 2008. We have updated the Consents and Agreements Position Statement [APP-023] submitted at Deadline 2 of the Examination to reflect the current position.
Q6.0.3	The Applicant	Explanatory Memorandum (EM) – disapplication Paragraphs 4.15 and 4.16 identifies the disapplication of section 32 of the Land Drainage Act 1991, does this affect any other drainage body. If so, please identify and confirm whether their consent is required.	The application for the Scheme includes a request to the Secretary of State to approve the proposed drainage arrangements. If Section 32 of the Land Drainage Act 1991 is not disappplied then, even if the Secretary of State grants consent for the drainage arrangements to be changed as part of the Scheme, the drainage body with affected powers or duties may still need to make a separate application to the Secretary of State under section 32 of the Land Drainage Act 1991 for approval of the revised scheme of drainage. This would be the case where the functions of the drainage body had been conferred via an "award" under any public or local Act. The drainage body would be the relevant Interim Drainage Body, which would require confirmation of the schemes in which there are variations, revocations or amendments from the Secretary of State under section 32 of the Land Drainage Act 1991 unless the requirement has been disappplied. The inclusion of this disapplication in the draft Development Consent Order [REP1-003] therefore assists the relevant drainage body as it negates the need for the drainage body to make any application to the Secretary of State for approval of any changes to existing drainage awards as a result of the construction of the Scheme. The Applicant understands that the drainage body who may be impacted by this disapplication is the Trent Valley Internal Drainage Board. Section 32 of the Land Drainage Act 1991 is not prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Provisions) Regulations 2015 and therefore the drainage body's consent is not required under Section 150 of the Planning Act 2008.
Q6.0.4	The Applicant	Explanatory Memorandum (EM) – disapplication For the sake of clarity identify those provisions where the Applicant may seek disapplication, who the consenting bodies are and the state of any on-going discussions including the likelihood of these being resolved before the conclusion of the Examination.	The Applicant is not currently proposing to seek disapplication of any other legislative provisions that are not already included in Article 3 of the draft Development Consent Order [REP1-001]. As stated in response to Q6.0.2 above, the Applicant is not seeking to disapply any prescribed consents for the purposes of Section 150 of the Planning Act 2008 and therefore the consenting bodies' agreement is not required for any disapplication. We have updated the Consents and Agreements Position Statement [APP-023] submitted at Deadline 2 of the Examination to reflect the current position.
6.1 Articles			
Q6.1.1	All IPs	Article 2 – Interpretation ‘Commence/Commencement and Pre-Commencement: Is the list of pre-commencement works (a) – (r) acceptable, if not: a) identify those with which you have an issue and explain the reason/ justification for your concern. b) Are the controls secured through Requirement 17 and the pre-commencement plan sufficient or should they be amended, if so please provide your suggested amendments and justification In relation to the flexibility to carry out advance works, any “carve out” from the definition of “commencement” should be fully justified and it should be demonstrated that such works are de minimis and do not have environmental impacts which would need to be controlled by requirement. See section 21 of Advice Note 15. Pre-commencement requirements should also be assessed to ensure that the “carve out” from the definition of “commencement” does not allow works which defeat the purpose of the requirement.	Question not addressed to the Applicant.

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Applicants Responses to ExAs First Written Questions

Q6.1.2	All IPs	Article 2 – Interpretation ‘Maintain’ Is the definition of maintenance acceptable, if not please explain your concern and suggest alternative wording to address your concerns including justification.	Question not addressed to the Applicant.
Q6.1.3	NCC	Article 3 – Disapplication of legislative provisions Article 3(4) seeks the disapplication of the Nottinghamshire County Council Permit Scheme Order 2020. Is the County Council in agreement and if not please explain and justify your response, including why the usual notice provisions of the New Roads and Street Works Act 1991 would not be sufficient.	Question not addressed to the Applicant.
Q6.1.4	LLFA, IDB, EA, Owners responsible for drainage	Article 4 – Maintenance of drainage works Confirm that the provisions and responsibilities referenced in Article 4 and which would remain are acceptable. If not, explain and justify your concern.	Question not addressed to the Applicant.
Q6.1.5	All IPs	Article 10 – Limits of deviation The Applicant confirms the limits of deviation identified in Article 10 have been taken into account in assessing the effects of the Proposed Development in the ES. a) Are there any concerns with the limits of deviation identified, b) If so, please identify which limits and explain and justify your concerns.	Question not addressed to the Applicant.
Q6.1.6	The Applicant	Article 12 – Consent to Transfer benefit of Order Article 12(4) references ‘as identified in column (4) of the table in Part 3 of Schedule 4 (permanent stopping up of highways and private means of access & provision of new highways & private means of access)’. However, Part 3 of schedule 4 is for new highways which are otherwise to be provided and only contains 2 columns. Please explain or correct the reference.	The Applicant has amended article 12(4) to refer to Part 4 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) instead of Part 3. This change is shown in the draft Development Consent Order [REP1-001] submitted at Deadline 1 of the Examination
Q6.1.7	NCC	Articles 13 - 22 (Part 3 – Streets) As local highway authority, are the provisions set out in Articles 13-22 acceptable. If not, identify which are not and provide suggested alternative wording to correct/ address any concerns with reasoned justification.	Question not addressed to the Applicant.
Q6.1.8	The Applicant	Article 15 – Classification of Roads a) Article 15(4) Includes the phrase ‘on such a day as the undertaker may determine’: I. Is this sufficiently precise? II. What are the parameters that would be involved in arriving at this determination of the day? III. How will Authorities or persons affected by the revocations or variations be made aware that they have come into effect? Please explain and justify any responses. b) Article 15(9) includes that variation of the application of provisions in this article is possible under any enactment and arguably this has the effect of disapplying section 153 which provides a procedure for changing a DCO. There may be precedent in other made DCOs for the same drafting but it should be clear under which section 120 power these articles are made and if necessary justification provided as to why the provision is necessary or expedient to give full effect to any other provision of the DCO. This is also relevant to Articles 21 and 22.	(a) (i) The Applicant considers that this wording is sufficiently precise. Article 15(4) relates to the timing of when the existing traffic regulation orders and other orders detailed in Part 9 of Schedule 3 of the draft Development Consent Order [REP1-001] should be varied or revoked. The timing of when each of these revocations or variations should be made will vary in each case and it may not be possible to link the revocation or variation to the opening of a particular road or roads, for instance, as with the introduction of new measures. This is due to some of the orders being required to remain in effect once the new road is open to traffic or relating to a number of different roads. For these reasons, the Applicant requires sufficient flexibility as to the timing for the variation and revocation of those orders. (ii) In practice, the Applicant would determine a date for the traffic regulation orders to be revoked or varied. The timing of the revocations or variations will be dependent on a number of factors, including when elements of the new highway network are open for use, what temporary traffic regulation has been put in place, whether highway has been stopped up, whether highway is being used as a temporary diversion route and its programme of works. This will be done in consultation with local highway and traffic authorities. Paragraph 2.20 of the Outline Traffic Management Plan [APP-196] makes it clear that the Applicant will continue liaison and communication with the local highway authority and will arrange regular traffic management meetings with stakeholders to provide updates, enforceable under requirement 11 of the draft Development Consent Order [REP1-001]. The Applicant is a highway authority and a traffic authority which is well-versed in introducing and amending traffic regulation and other measures of this type. (iii) Those arrangements referred to in relation to (ii) above would inevitably include communications about traffic management. Moreover, the road users who are affected by the revocations or variations would be made aware of them coming into effect in the usual way. For example, in relation to the speed limit variations, signage will be erected or removed on the roads to notify drivers of the speed limit in accordance with the Applicant’s duty under Section 85 of the Road Traffic Regulation Act 1984. The Applicant further notes that this wording is widely precedented and the Secretary of State has approved this wording in recent made National Highways Orders including the M3 Junction 9 Development Consent Order 2024, the A12 Chelmsford to A120 Widening Development Consent Order DCO 2024 and the A428 Black Cat to Caxton Gibbet Development Consent Order 2022.

			<p>(b) There is precedent for Article 15(9) and 21(9), 22(2)(a) in previous orders, including the A12 Chelmsford to A120 Widening Development Consent Order 2024 (Articles 14(8), 22(12) and article 23(2)(a), A47 Blofield to North Burlingham DCO 2022 (Articles 13(8) and 19(4)), and the A47 Tuddenham to North Easton DCO 2022 (Articles 12(9) and 18(4)).</p> <p>Section 120 of the Planning Act 2008 relevantly states that:</p> <p>(3) An order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted.</p> <p>(4) The provision that may be made under subsection (3) includes in particular provision for or relating to any of the matters listed in Part 1 of Schedule 5.</p> <p>Most of the provisions in Articles 15, 21 and 22 of the draft Development Consent Order are expressly referred to in Schedule 5, including paragraph 19 (the designation of a highway as a trunk road or special road) and paragraph 20 (the specification of the classes of traffic authorised to use a highway).</p> <p>However, the list of restrictions in Schedule 5 is not exclusive, and it is clear from Section 120(3) that other matters may be included provided that they are "...relating to, or to matters ancillary to, the development for which consent is granted".</p> <p>Articles 15(9), 21(9), 22(2)(a) of the draft Development Consent Order [REP1-001] are included under Section 120(2) and Section 120(5) which provides that a development consent order may:</p> <p style="padding-left: 40px;">include incidental, consequential, supplementary, transitional or transitory provisions and savings.</p> <p>Articles 15, 21 and 22 of the draft Development Consent Order [REP1-001] impose measures which would usually be introduced by order under Sections 1 and 83 and 84 of the Road Traffic Regulation Act 1984.</p> <p>Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 provides that the power to make an order under Section 1, 83 and 84 of the Road Traffic Regulation Act 1984:</p> <p>"...shall include power for the authority for the time being having power to make such an order as respects that road or parking place to make an order varying or revoking any previous order as respects that road or parking place made, or having effect as if made, under or by virtue of the provision in question, whether the previous order was made by that or some other authority, and notwithstanding that the previous order was, and the order varying or revoking it is not, made in pursuance of a power exercisable by statutory instrument."</p> <p>The specific statute providing for the imposition of these types of restrictions provides for the variation and revocation of the previous order, whether they were introduced under a traffic regulation order or speed limit order or by a statutory instrument.</p> <p>In summary, therefore the Applicant is not seeking to allow the Development Consent Order itself to be amended through these provisions, instead it provides the flexibility for the new restrictions being granted pursuant to the Development Consent Order to be varied as if they were Traffic Regulation Orders. The inclusion of these provisions allows the local traffic authority or the Applicant to use the Road Traffic Regulation Act 1984 to govern the roads in the usual way.</p>
Q6.1.9	EA, IDB, LLFA Owners or other SUs responsible for drainage	<p>Article 23 – Discharge of Water Confirm whether or not you are in agreement with the extent and form of this Article.</p> <ul style="list-style-type: none"> · If you have concerns please identify the concern and propose alternative wording to address your concern. · Explain and justify any alternative wording proposed 	Question not addressed to the Applicant.
Q6.1.10	The Applicant	<p>Article 24 – Protective Works to Buildings Does this give authority to carry out protective works to Listed Buildings without Listed Building Consent? Please explain how it does not enable such works and if this is not the intention advise how this can be explicitly addressed in the Article.</p>	<p>The Applicant confirms where protective works are needed in respect of a listed building, a separate Listed Building Consent is not required by virtue of Section 33 of the Planning Act 2008. Section 33(1)(i) of the Planning Act 2008 provides that a separate or additional Listed Buildings Consent is not required where a development consent has been granted.</p> <p>The article is adapted from article 15 of the model provisions and has precedent, for example article 21 of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 and the A12 Chelmsford to A120 Widening Development Consent Order 2024.</p>

Q6.1.11	The Applicant	<p>Article 25 – Authority to Survey Land Art 25(1)(b) includes the term 'adjacent to' this is imprecise and should be clarified/ defined. If you believe it is not necessary to define explain and justify why not.</p>	<p>The Applicant confirms this power will only extend to land adjacent to the Order Limits as far as 'reasonably necessary' to carry out the activities listed in Article 25(1)(b) of the draft Development Consent Order [REP1-001]. Given the nature of the surveys anticipated it is not always possible to limit the study area to within the Order Limits and as such, it is not possible to define the precise extents of what 'adjacent to' might be. However, the Article does contain a number of limitations to the exercise of this power including that the use of the land must be "reasonably necessary" meaning it must be connected to the authorised development, and it must fall within one of the activities listed in Article 25(1)(b).</p> <p>While the Applicant has included within the Order Limits all land that it considers necessary to deliver the Scheme, the Applicant can envisage circumstances where it would be necessary to carry out surveys outside the Order Limits to facilitate the delivery of the Scheme. The Applicant is not at this time able to identify exhaustively the land adjacent to the Order Limits where surveys or investigations under this article may be required because, for example, surveys may be required in relation to ecological receptors on land adjacent to the Order limits where construction activities are taking place in the Order Limits because the presence of the ecological receptors may extend further than the Order Limits.</p> <p>The application of this power is usually limited and only used when reasonably necessary for the purposes specified. The Applicant would also only seek to use this power in the event that consent could not be obtained by the landowner by agreement. This extension beyond the Order Limits has precedent in the Silvertown Tunnel Development Consent Order 2018, the M42 Junction 6 Development Consent Order 2020 and the A12 Chelmsford to A120 Widening Development Consent Order 2024.</p>
Q6.1.12	The Applicant	<p>Article 29 – Compulsory Acquisition of rights and imposition of restrictive covenants a) Article 29 is drafted to enable compulsory acquisition of new rights and restrictive covenants over <u>all</u> of the Order land. Schedule 5 limits the compulsory acquisition power in defined plots to the defined rights listed in that schedule. This approach (allowing undefined rights in land not listed Schedule 5) should be clearly identified and the need for it explained and justified in the Explanatory Memorandum and Statement of Reasons. It is likely to be difficult to justify. There must be evidence to show that persons with an interest in the Order land were aware that undefined new rights were being sought over <u>all</u> of the Order land (including the land described as being for temporary possession in schedule 7) and were consulted on that basis. The Secretary of State DfT has previously limited the power to create undefined new rights by amending the temporary possession article b) Compulsory acquisition of an interest in land held by or on behalf of the Crown cannot be authorised through this or any other article. There is no specific drafting in article 29 to exclude interests held by or on behalf of the Crown. Reference to article 52 does not achieve this. The interests of the Crown should therefore be excepted from the description of the relevant plots in the Book of Reference to ensure that the DCO does not purport to authorise compulsory acquisition of such rights</p>	<p>a). The Applicant has amended Article 40 of the version of the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination. Furthermore, whilst Article 29 allows the compulsory acquisition of rights over all of the Order land (now with the exception of any land listed in Schedule 7) such acquisition of new rights over that land would only occur if that land is required for the Scheme but where no permanent acquisition has taken place. The following amendment has been made to the version of the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination and set out below for reference: "This article is subject to paragraph (9) of article 40 (temporary use of land for carrying out the authorised development) and article 52 (crown rights). "</p> <p>b). The Applicant respectfully disagrees with the Examining Authority's view that the inclusion of Article 52 in the draft Development Consent Order [REP1-001] does not preclude the Applicant from compulsorily acquiring rights in Crown land. Additionally, Article 29 of the draft Development Consent Order [REP1-001] is based on article 21 of the model provisions and the M20 Junction 10a Order (article 24) and the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (article 22). The Applicant will amend the Book of Reference [REP1-005] to remove references to crown interests at Deadline 3 of the Examination.</p>
Q6.1.13	The Applicant	<p>Article 29 Compulsory Acquisition etc and Article 26 (land) and 29 (rights) Temporary possession is not itself compulsory acquisition. The compulsory acquisition articles 26 (land) and 29 (rights), are drafted to authorise the compulsory acquisition of <u>all</u> of the Order land. Although the land in schedule 7 is described as being for temporary possession, there is nothing in the DCO which prevents the compulsory acquisition of new rights and restrictive covenants in that land. There should be a provision in article 40 which prevents compulsory acquisition of land which is only intended to be used temporarily. To prevent any compulsory acquisition of the land in schedule 7 something along the following lines is required: <i>The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 38 (acquisition of subsoil or airspace only).</i> The compulsory acquisition article (26) should be drafted in a way that expresses that it is subject to the temporary possession article (by reference to the temporary possession article number). Article 26 says that it is subject to article 40(9), however 40(9) simply refers to the undertaker not being required to acquire land if it takes temporary possession of it and does not serve to prevent the undertaker compulsorily acquiring rights over the land described as being for temporary possession (i.e the land in schedule 7). The drafting of the compulsory acquisition of rights article (article 29) authorises the creation of new rights</p>	<p>The Applicant has noted the Examining Authority's suggested wording for Article 40 and has adapted this to refer to both land and rights at article 40 (9) of the version of the draft Development Consent Order [REP1-005] submitted at Deadline 2 of the Examination and set out below for reference: "(8) The undertaker may not compulsorily acquire under this Order any land or rights in respect of the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 38 (acquisition of subsoil or airspace only)."</p>

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		<p>over all of the order land, in addition to the new rights described in schedule 5. In the absence of a provision in article 40 along the above lines, this has the effect of permitting the creation of undefined new rights in the land over which temporary possession powers are granted under 40(1)(a)(i) (ie the land in schedule 7). This is likely to be difficult to justify.</p> <p>In these circumstances it is important that the book of reference, land plans and Statement of Reasons identify and define the land in schedule 7 appropriately. If the land is consistently described as being for temporary possession, then it may be that persons with an interest in the land have not understood the nature of powers sought over their land and consequently have not been correctly consulted. The applicant should clearly explain the powers that they are seeking over these plots, the need for these powers, how this is secured in the DCO and provide evidence that all persons with an interest in these plots have been consulted appropriately in a way that was clear about the nature of the powers sought</p>	
Q6.1.14	The Applicant	<p>Article 30 – Private Rights over land Art 30(10) includes the phrase ‘From such date as the undertaker may determine...’ this is imprecise. Whilst an end date is provided how does the undertaker intend to notify owners or persons with rights that the stopping up has become effective?</p>	<p>Article 30(10) provides that the Applicant may, where possible allow owners and occupiers to use the substitute private means of access to their land as constructed by the Applicant at an earlier date than the stopping up of their existing private means of access coming into effect. This provides owners and occupiers of affected landholdings with more flexibility on how they may access their land.</p> <p>The Applicant cannot provide more certainty in relation to the timing of this, at this stage, because the ability of a landowner to use a new substituted private means of access will be determined by its completion but also whether it is being used for the construction of the authorised development. However, it should be noted that any existing private means of access will remain available to users unless and until it is stopped up and it cannot be stopped up until the substitute private means of access has been provided as per Article 19 (Permanent stopping up and restriction of use of streets and private means of access) of the draft Development Consent Order [REP1-001].</p> <p>Landowners will be kept up to date in relation to closures and diversions in accordance with the Traffic Management Plan which will be prepared pursuant to Requirement 11 of the draft Development Consent Order [REP1-001]. This wording of Article 30(10) has precedent in the A47 Blofield to North Burlingham Development Consent Order 2022.</p>
Q6.1.15	The Applicant	<p>Article 41 – Temporary use of land for maintaining the authorised development a) In Art 41(13) the maintenance period is specified as 5 years from the development first opening. Given some of the landscaping mitigation and other mitigation requires longer establishment periods in the region of 15 years or longer. Explain and justify why it is appropriate to limit maintenance here to 5 years. b) Is it appropriate to have different periods for different elements with longer periods than proposed here? c) What are the consequences of seeking to secure necessity for temporary access over a longer period?</p>	<p>a). Where land within the Order limits is required for essential mitigation such as landscaping mitigation the Applicant is seeking the compulsory acquisition of this land. As such, the Applicant does not intend to rely solely on temporary possession powers to maintain the landscaping. This means the Applicant can comply with longer establishment period commitments secured in the draft Development Consent Order [REP1-001].</p> <p>The Applicant envisages that there may be circumstances where temporary possession is required during the maintenance period such as where an access is temporarily blocked by construction of the Scheme. Where appropriate, the Applicant will seek temporary powers under Article 41 during the maintenance period which is a lesser burden than acquiring permanent rights to achieve the same purpose.</p> <p>b). The Applicant does not believe it is appropriate to extend temporary possession powers beyond the standard 5 years which is preceded in other Development Consent Orders such as article 38 of the A428 Black Cat Order and article 35 of the M25 Junction 28 Order.</p> <p>c). The Applicant is not seeking to secure temporary powers for more than 5 years as explained above. The Applicant can confirm that reference to the 5-year aftercare period made in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051], is in relation to the maintenance required during the establishment period for planting implemented as part of the Scheme. The 5-year aftercare period is a standard length of time for highways projects and has precedent in all National Highways Development Consent Orders. It is intended that following the initial 5 year aftercare period, the plants will have established, with subsequent maintenance of planting to continue as part of National Highways cyclical maintenance regime for the life of the Scheme, secured via the Third Iteration Environmental Management Plan to ensure that planting continues to mature to meet its intended function whether as essential mitigation from landscape and visual perspective or from a biodiversity perspective. It should be noted that the reference to Year 15 is used in the assessment of landscape and visual effects to determine the point at which it is considered that mitigation planting will have matured to fully meet its intended function rather than denoting a required maintenance period.</p>
Q6.1.16	Statutory Undertakers	<p>Articles 42, 43 and 44 in relation to Statutory Undertakers Do these Articles raise any significant concerns, if so: a) Explain the concern. b) Propose any alternative wording c) Comment on whether Protective Provisions are being discussed to address and such issues and detail the</p>	<p>Question not addressed to the Applicant.</p>

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		state of play with those discussions, and d) Explain and justify any responses.	
Q6.1.17	The Applicant, NSDC, NCC, LCC	<p>Articles 49 and 50 – Statutory Nuisance and Control of Pollution</p> <p>a) Do these Articles create any issues for Local Authorities in relation to the carrying out of their functions and if so explain and justify any concerns and provide alternative wording for the Articles to address your concerns.</p> <p>b) For the Applicant, in respect of Article 50 why is a different procedure to the existing procedures for challenging such decisions under the Control of Pollution Act necessary, and</p> <p>c) The drafting of Article 50 does not appear to limit the power to appeal to notices / consents issued by the Local Authority in relation to works for which consent is granted by the order. The drafting appears to permit the undertaker to appeal any notice / consent issued to them by the Local Authority even if it related to works authorised under a different planning permission in a different location.</p>	<p>a). This is not addressed to the Applicant.</p> <p>b). Both sections 60 and 64 of the Control of Pollution Act 1974 provide that the recipient of a notice may appeal to the magistrates' court within 21 days. There is no prescribed procedure or timescales for the Magistrates Court to hear the appeal. To ensure that the process does not result in unnecessary delay, the Applicant has set out a clear procedure for the resolution of appeals by the Secretary of State. The process enables the Local Authority to take part in the appeals procedure whilst ensuring that there is no unnecessary delay due to the timeframes imposed. This article has been included in a number of orders, including the M25 Junction 28 Order (article 52).</p> <p>c). The Applicant confirms that the appeals procedure set out in Article 50 of the draft Development Consent Order [REP1-001] is only intended to apply to appeals in respect of a notice received under sections 60 and 64 of the Control of Pollution Act 1974. The drafting of the article is based on the M25 Junction 28 Order (article 52).</p>
Q6.1.18	The Applicant	<p>Article 51 – Removal of Human Remains</p> <p>The SoS has recently removed such provisions from recent DCOs on the basis that no evidence has been submitted to suggest that such potential existed. Is the Applicant aware of any such potential within the Order limits and if so please sign post or provide this evidence. Is the Article necessary?</p>	<p>The Applicant confirms in preparation for submission of the application for the Scheme, preliminary surveys and archaeological evaluation were carried out. The investigations identified numerous late Prehistoric, Roman and medieval settlement sites within the Order Limits which increases the likelihood that related burial sites exist nearby. Further details of these assessments can be found in Sections 6.8.51, 6.8.52 and 6.8.62 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and within Sections 4.11.11, 4.11.29 of Appendix 6.1 of the Desk Based Assessment of the Environmental Statement Appendices [AS-099].</p> <p>The Applicant considers Article 51 of the draft Development Consent Order [REP-001] is necessary given the reasonable prospect of the discovery of human remains within the Order Limits. The article provides certainty of the procedures to be carried out in the event that human remains are discovered and ensures that the remains are treated with respect and dignity whilst also balancing the need not to unduly delay the delivery of the Scheme.</p>
Q6.1.19	Government Legal Department	<p>Article 52 – Crown Rights</p> <p>a) Are GLD satisfied that Article 52 safeguard's its position and that its only interest lies in respect of interest in Plot 2/6a.</p> <p>b) Advise as to whether it is likely that agreement will be reached with the Applicant in respect of the necessary permission for the inclusion of the Article.</p> <p>c) The Applicant to confirm who they have engaged with in respect of Crown Land and what is the latest position in terms of on-going discussions and the likelihood of successful conclusion before the close of the examination.</p> <p>d) The word "take" should be removed from this Article.</p> <p>e) Consent under section 135 (1) and (2) should also be obtained from the Crown authority for the compulsory acquisition of any interest held otherwise than by or on behalf of the Crown.</p>	Question not addressed to the Applicant.
Q6.1.20	The Applicant	<p>Article 58 – Temporary suspension of navigation</p> <p>a) Given Canal and River Trusts (CRT) [RR-009] update the ExA on the ongoing discussions and potential resolution to the issues raised.</p> <p>b) Is it likely this Article will be removed?</p> <p>c) Will Protective Provisions (PP) be required for CRT and if so, what is the state of discussion on the PPs including the likelihood these will be concluded before the close of the examination</p>	<p>Q6.1.20(b) – The Applicant responded to the Canal and River Trust's (CRT) Relevant Representation [RR-009] at Deadline 1 (REP1-009). In that response the Applicant explained that it is seeking to temporarily suspend navigation rights on the river during specific operations where lifting operations for the construction of Nether Lock Viaduct and Windmill Viaduct are required over the navigable river. The lifting of the steel bridge beams would be undertaken during night shifts where there will be minimal impact to river traffic. The construction of the bridge deck, including the installation of permanent participating formwork, temporary cantilever formwork for the bridge string courses and the concreting of the bridge deck will also need to be undertaken over the River Trent. These works would be undertaken in the daytime with lifting operations controlled to prevent lifting taking place when river traffic is passing under the works area. Whilst the Applicant is in discussions with the Canal and River Trust as to specific methodology to be used to manage river traffic during these times, there would still need to be measures to suspend or manage navigational rights, and the detailed drafting of Article 58 of the draft Development Consent Order [REP1-001] is currently in negotiation with CRT.</p> <p>Q6.1.20(c) – The Applicant is in the process of negotiating protective provisions with CRT with the expectation that agreed protective provisions will be included in the draft Development Consent Order (REP1-001).</p>

6.2 Requirements - Schedule 2			
Q6.2.1	The Applicant	<p>Requirement 3 – Second Iteration EMP How are ‘parts’ of the authorised development defined in the context of R3(1) – the decision-maker would need to know the extent of the ‘part’ in order to decide if the EMP satisfactorily deals with it?</p>	<p>The Applicant confirms it is proposed that the Second Iteration Environmental Management Plan is dealt with for approval in parts, so that parts can be commenced, if necessary, before all Scheme details are finalised. The individual parts have not yet been determined but would be clearly set out in the Second Iteration Environmental Management Plan submitted for consultation and approval.</p>
Q6.2.2	The Applicant NSDC, NCC, LCC, NE, EA	<p>Requirement 3 – Second Iteration EMP a) R3(1) currently refers to the Local Planning Authority. Does this need to be defined? b) R3(1) includes the phrase “substantially in accordance with”. Justify why this is sufficiently certain and precise to ensure essential mitigation is secured. c) R3(2) fourth line ‘...method statements and method statements...’ there is a duplication of words is this a typing error? d) R3(2) states the Second Iteration EMP ‘.... must ‘reflect’ the mitigation measures...’ the term ‘reflect’ is imprecise and could lead to watering down of the requirement and the required mitigation, please reconsider the use of this phrase</p>	<p>6.2.2(a) – Requirement 3(1) currently refers to the relevant planning authority which is defined in Article 2(1) of the draft Development Consent Order [REP1-001] as “the local planning authority for the land to which this provision relates”.</p> <p>6.2.2(b) – In the Applicant’s submission, it would not be appropriate to simply secure delivery of the entire Environmental Masterplan [AS-026] because this would not supply the necessary flexibility for detailed design of the Scheme and of mitigation accompanying it. Flexibility is justified in this case as like any major infrastructure project proceeding through consenting detailed design has yet to be undertaken and as such, some detailed design-related environmental surveys would still need to be undertaken (e.g. protected species confirmation surveys). As a result, some measures identified in the First Iteration Environmental Management Plan [APP-184] may not be necessary or may require revision (e.g. if surveys for bats found the presence of a previously unidentified roost) at the time that the Second Iteration Environmental Management Plan is being prepared. This wording therefore provides a way for updates to be made if necessary. Equally some provisions of the First Iteration Environmental Management Plan [APP-184] may need to be made more specific to the circumstances of the detailed design to effectively deliver the mitigation that they are designed to achieve. The Environmental management Plan, like any Code of Construction Practice or similar document, is designed to be a living document that is central to the mitigation of environmental effects of the scheme. To be effective it must be flexible enough to ensure clarity for contractors in how it applies to the detailed design while at the same time delivering the mitigation that it is designed to achieve. Setting out that the Second Iteration Environmental Management Plan must be substantially in accordance with the First Iteration Environmental Management Plan [APP-184] ensures that any update will be consistent with the mitigation already secured.</p> <p>6.2.2(c) – The Applicant confirms that this duplication of words is a typographical error which has been corrected in the draft Development Consent Order [REP1-001] submitted at Deadline 1 of the Examination.</p> <p>6.2.2(d) – It is common for requirements in Development Consent Orders to require that the authorised development ‘reflects’ mitigation measures set out elsewhere. See for example requirements 5(2), 7(1), 11(1), 13(2)-(3) of the recently made A12 Chelmsford to A120 Widening Development Consent Order 2024. The Applicant therefore considers that this is a precedented approach and that the language is appropriate for use in Requirement 3 of the draft Development Consent Order [REP1-001].</p>
Q6.2.3	The Applicant, NSDC, NCC, LCC, NE, EA	<p>Requirement 3 – Second Iteration EMP The EA has requested that it is identified as a consultee in relation to the discharge of this requirement and that the EMP includes a Dewatering Plan. a) Given the breadth of management plans and method statements, should other consultees not be identified including NCC, EA, NE? b) Are there any other management plans or method statements that should be included in the list in R3(2)?</p>	<p>6.2.3(a) – In the draft Development Consent Order [REP1-001] submitted at Deadline 1 of the Examination, the Applicant amended this requirement to include Natural England and the Environment Agency as consultees of the Second Iteration Environmental Management Plan. The relevant planning authority is already included as a consultee under Requirement 3. Relevant planning authority is defined in Article 2(1) of the draft Development Consent Order [REP1-001] as “the local planning authority for the land to which the provision relates”. As such, NCC would be consulted on those matters that fall within its jurisdiction as one of the local planning authorities within whose area the Scheme falls.</p> <p>6.2.3(b) – The Applicant has agreed with the Environment Agency that a Dewatering Management Plan will be prepared as part of the Second Iteration Environmental Management Plan. This has been added to the list of management plans in Requirement 3(2) in the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination. The Applicant believes that all other relevant and necessary management plans and method statements have been included in Requirement 3(2).</p>
Q6.2.4	The Applicant	<p>Requirement 4 – Third Iteration EMP What is the definition of the ‘completion of construction’ of the authorised development and should there be a trigger point included in R4 in relation to the bringing into use of the completed development?</p>	<p>The Applicant confirms completion of construction is a term used in all National Highways Development Consent Orders and is taken to have its ordinary meaning in the context of highways development - completion of the permanent work activities, removal of temporary traffic management and the Scheme fully open to traffic. The Applicant notes that recent Development Consent Orders made by the Secretary of State for Transport have all contained similarly drafted requirements to Requirement 4, requiring the Third Iteration Environmental Management Plan to be submitted following completion of construction. See for example Requirement 4(1) of the A12 Chelmsford to A120</p>

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			Widening Development Consent Order 2024 and Requirement 3(4) of the M3 Junction 9 Development Consent Order 2024.
Q6.2.5	The Applicant, NSDC, NCC, LCC, NE, EA	Requirement 4 – Third Iteration EMP Other consultation bodies should be included given the context of Q6.2.5. If you consider this should not be the case, please explain your response. (The EM at paragraph 5.5(c) refers in relation to the EMP to consultation with the relevant LPA and the EA, but this is not secured in the wording of the Requirement).	Requirement 3 of the draft Development Consent Order [REP1-001] as drafted provides for consultation with the relevant planning authority, which is defined in Article 2(1) of the draft Development Consent Order [REP1-001] as “the local planning authority for the land to which the provision relates”. In the draft Development Consent Order [REP1-001] submitted at Deadline 1 of the Examination, the Applicant amended this requirement to include the Environment Agency as a consultee of the Third Iteration Environmental Management Plan. The Applicant confirms that it will also add Natural England to the list of consultees under this requirement. This amendment has been made in the version of the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination. The Applicant therefore considers that Requirement 3 requires consultation with all the appropriate consultation bodies.
Q6.2.6	NSDC, NCC	Requirement 5 – Construction Hours Is the LPA happy with the hours specified in R5(1) and with the excluded works in R5(2), (3) and (4)?	Question not addressed to the Applicant.
Q6.2.7	The Applicant	Requirement 6 – Landscaping Should the EA and NE not be included as consultees on landscaping given the interrelationship with BNG and ecology effects? If not, please explain and justify your response.	<p>The Applicant has reviewed various other made Development Consent Orders, including the A12 Chelmsford to A120 Widening Development Consent Order 2024, the M3 Junction 9 Development Consent Order 2024 and the A47/A11 Thickthorn Junction Development Consent Order 2022. The proposal to include the Environment Agency and Natural England as consultees in relation to the landscaping scheme in Requirement 6 of the draft Development Consent Order (REP1-001) is not precedented and the Applicant does not consider it necessary or appropriate to agree to this amendment.</p> <p>The Applicant has engaged with the Environment Agency and Natural England throughout the development of the environmental design in the form of the quarterly Environmental Technical Working Group (TWG). This Environmental TWG was established to inform consultation bodies of the progress and timescales for the Scheme, and also to review and discuss specific Scheme issues, to consider appropriate design solutions and seek to agree statements of common ground (SoCGs) on environmental matters. The Environmental TWG also provided a format for technical review of the Environmental Statement assessments such as EIA methodology and documents supporting the Environmental Statement, and associated surveys, development, review and agreement of environmental design, mitigation requirements, and environmental opportunities and enhancements. The Applicant is therefore satisfied that it has sufficiently consulted with the Environment Agency and Natural England to address their concerns. Further, the Applicant also notes that Natural England has not requested to be a consultee to this requirement.</p>
Q6.2.8	The Applicant	Requirement 6 – Landscaping R6(6) limits replacement within five years. Given that some of the mitigation requirements and establishment periods for BNG and landscaping are significantly longer, including 15–30-year time frames and the maintenance periods in the first iteration EMP. Explain and justify the limited five year period.	The Applicant can confirm that reference to the 5-year aftercare period made in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051], is in relation to the maintenance required during the establishment period for planting implemented as part of the Scheme. The 5-year aftercare period is a standard length of time for highways projects and has precedent in National Highways Development Consent Orders recently made by the Secretary of State. See for example, the A12 Chelmsford to A120 Widening Development Consent Order 2024 Requirement 5(6), the A47 Wansford to Sutton Development Consent Order 2023 Requirement 5(3)(f), the M25 Junction 28 Development Consent Order 2022 Requirement 5(3)(f) and M54 to M6 Link Road Development Consent Order 2022 Requirement 5(5). It is intended that following the initial 5-year aftercare period, the plants will have established, with subsequent maintenance of planting to continue as part of National Highways cyclical maintenance regime for the life of the Scheme, secured via the Third Iteration Environmental Management Plan to ensure that planting continues to mature to meet its intended function whether as essential mitigation from landscape and visual perspective or from a biodiversity perspective. It should be noted that the reference to Year 15 is used in the assessment of landscape and visual effects to determine the point at which it is considered that mitigation planting will have matured to fully meet its intended function rather than denoting a required maintenance period.
Q6.2.9	The Applicant	Requirement 7 – Fencing a) The Requirement references the Manual for Contracts Documents, are these before the Examination (please sign post where if they are). b) The Requirement does not appear to secure the provision of the fencing. Please explain how the fencing proposed is secured as Requirement 7 appears to only identify the construction and installation method of any fencing adjacent to the new dual carriageway. It may be that reliance is placed on ‘The Authorised Development in Schedule 1’ or Requirement 12 detailed design? However an explanation of your intention is	Q6.29(a) – The Applicant confirms The Manual of Contract Documents for Highway Works is a standard suite of specification documents which are included within highway construction contracts. The documents can be found at the following website: Standards For Highways. The Manual of Contract Documents for Highway Works is referred to in this fencing requirement which is commonly included in National Highways DCOs. See for example, Requirement 7 of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022; Requirement 12 of the M42 Junction 6 Development Consent Order 2020, Requirement 7 of the M3 Junction 9 Development Consent Order 2024 and

		needed for clarity.	Requirement 11 of the A47/A11 Thickethorn Junction Development Consent Order 2022. Q6.2.9(b) – The Applicant notes that Requirement 7 of the draft Development Consent Order [REP1-001] does not secure the provision of the fencing, instead its purpose is to specify how the fencing adjacent to the new dual carriageway is to be constructed and installed to ensure that it is subject to the standard highway fencing specification. The provision of the fencing itself is contained across a number of other application documents including the Authorised Development in Schedule 1 of the draft Development Consent Order [REP1-001] , the Works Plans [AS-005], the First Iteration Environmental Management Plan [APP-184], the Scheme Design Report [APP-194] and Requirement 12 of the draft Development Consent Order (detailed design) [REP1-001].
Q6.2.10	The Applicant, NSDC, EA.	Requirement 8 – Contaminated Land and Ground Water R8(2) appears to leave the decision as to whether remediation is necessary to the Undertaker. There is currently no cross reference to the Risk Assessment undertaken in accordance with consultation with the EA and LPA. Should it not be that the Requirement should state where the risk assessment in (1) determines that remediation is necessary it is required rather than leaving it to the discretion of the undertaker? If not please explain and justify your response.	The Applicant agrees with the Examining Authority that the Risk Assessment should determine whether remediation is necessary. There is precedent for this approach in the A12 Chelmsford to A120 Widening Development Consent Order 2024 and the A47/A11 Thickethorn Junction Development Consent Order 2022. The Applicant therefore proposes to amend Requirement 8 of the draft Development Consent Order [REP1-001] as follows: "Where the risk assessment prepared in accordance with paragraph (1) determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose and to prevent any impacts on controlled waters must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions." This revised wording is reflected in the latest version of the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination.
Q6.2.11	NSDC, EA	Requirement 8 Is Requirement 8 (Contaminated Land and Groundwater) of the dDCO [APP-021] sufficiently comprehensive? If not, please explain how you think it should be amended.	Question not addressed to the Applicant.
Q6.2.12	The Applicant, NSDC, Couthy Archaeologist, District Archaeologist.	Requirement 9 – Archaeology and built heritage Please address the following issues: a) In 9(1) 'reflecting' is imprecise and adds a degree of ambiguity more appropriate to 'secure' the mitigation measures. b) 9(6) third line a space is missing after the (4) – Typing error. c) In 9(7) why is the district archaeologist not referenced as in other subsections eg (4). d) What is the justification for 14 days stated in 9(8) given that once 'identified' must be subject to appropriate mitigation as set out in any relevant mitigation strategy and agreed. The timescale seems unreasonably tight. Furthermore, as drafted 9(8) refers to 9(6) – surely this is referencing not- previously-identified remains which would be 9(7).	At Deadline 2 of the Examination the Applicant has submitted an updated Archaeological Management Plan [APP-187] that now includes the detailed archaeological mitigation strategy anticipated by Requirement 9 of the draft Development Consent Order [REP1-001]. As a result of this submission, the Applicant has also updated requirement 9 of the draft Development Consent Order [REP1-001] to reflect the fact that all work must be carried out in accordance with the archaeological mitigation strategy. The updated draft Development Consent Order [REP1-001] has been submitted at Deadline 2 of the Examination. Q6.2.12(a) – The drafting of Requirement 9 of the draft Development Consent Order [REP1-001] now requires that the authorised development must be carried out, operated and maintained in accordance with the archaeological mitigation strategy and relevant Site-Specific Written Schemes of Investigation. The updated drafting should remove any ambiguity. Q6.2.12(b) – As Requirement 9 of the draft Development Consent Order [REP1-001] has now been updated this error is no longer present. Q6.2.12.(c) – Paragraphs 6.1.2 and 6.1.3 in Chapter 6 (archaeological mitigation strategy) of the updated Archaeological Management Plan [APP-187] states the archaeological mitigation strategy was developed in consultation with NCC (County Archaeologist) and NSDC (District Archaeologist) and all archaeological investigations within the strategy will be carried out in accordance with the task specific WSI's, to be produced by the Archaeological Contractor and approved by NCC and NSDC. Q6.2.12.(d) – The 14 days previously stated in 9(8) of the draft Development Consent Order [REP1-001] is not needed as Section 6.10 in Chapter 6 (archaeological mitigation strategy) of the updated Archaeological Management Plan [APP-187] outlines that an "unexpected finds procedure" should be produced by the Archaeological Contractor prior to the start of any pre-commencement works or authorised development. This will ensure any discoveries outside of previously identified areas will be suitably recorded. The unexpected finds procedure will be approved by NCC and NSDC before works commence.
Q6.2.13	The Applicant, NSDC, EA, NE	Requirement 10 – Protected Species Should the written scheme for protection and mitigation measures to be prepared by the Ecological Clerk of Works not be agreed with the LPA, Natural England or some other independent body? If not, explain and justify your response. Are NSDC, EA and NE content that this Requirement provides sufficient protection for protected species?	The Applicant has reviewed various other made Development Consent Orders, including the A12 Chelmsford to A120 Widening Development Consent Order 2024, the M3 Junction 9 Development Consent Order 2024 and the A428 Black Cat to Caxton Gibbet Development Consent Order 2022. The proposal to amend Requirement 10 of the draft Development Consent Order [REP1-001] to require that the written scheme for protection and mitigation measures to be prepared by the Ecological Clerk

			<p>of Works is agreed with the Local Planning Authority or Natural England is not precedent and the Applicant does not consider it necessary or appropriate to agree to this amendment.</p> <p>The Applicant notes that this Requirement only applies to any protected species or nesting birds not previously identified in the environmental statement. Should any additional protected species or nesting birds be identified, they would be protected through the protected species licensing regime. Sub-paragraph (2) of Requirement 10 of the draft Development Consent Order [REP1-001] prevents construction taking place in the area specified in the written scheme "until any necessary licences are obtained to enable mitigation measures to be implemented". Protected species licences are issued by Natural England and therefore Natural England would be consulted separately through the licensing regime if the Applicant is required to do so.</p>
Q6.2.14	The Applicant, NCC, NSDC	<p>Requirement 11 – Traffic Management</p> <p>a) How is the 'part' of the of the authorised development defined or identified?</p> <p>b) Should consultees not also include NSDC as the TMP potentially has implications beyond the effect on the local highway network?</p>	<p>Q6.2.14(a) – Please see the Applicant's response to Q6.2.1.</p> <p>Q6.2.14(b) – The Applicant has reviewed various other made Development Consent Orders, including the A12 Chelmsford to A120 Widening Development Consent Order 2024, the M3 Junction 9 Development Consent Order 2024 and the A428 Black Cat to Caxton Gibbet Development Consent Order 2022. The proposal to include the Local Planning Authority as a consultee to the Traffic Management Plan is not precedent and the Applicant does not consider it necessary or appropriate to agree to this amendment.</p> <p>Paragraph 2.17.5 of the Outline Traffic Management Plan [APP-196] states that monthly Traffic management meetings will be held with specific stakeholders including NSDC to discuss the detailed design, temporary traffic management details, diversions routes and interface with adjacent developers and their schemes. This means that there will be consultation with NSDC regarding the proposed traffic management measures, however as local highway authority NCC are best placed to be consulted on the Traffic Management Plan for the purposes of the requirement discharge process.</p>
Q6.2.15	The Applicant	<p>Requirement 12 – Detailed design</p> <p>Should 12(b) not be 'mitigation' principles?</p> <p>Requirement 12 contains a tailpiece permitting the Secretary of State to amend the detailed design, this should be justified in consideration of the advice on tailpieces in advice note 15.</p>	<p>The Applicant accepts the addition of "mitigation" in Requirement 12(1)(b) and therefore proposes to amend Requirement 12(1)(b) of the draft Development Consent Order [REP1-001] as follows:</p> <p>"(b) the mitigation principles set out in the environmental masterplan; and".</p> <p>This amendment has been included in the latest version of the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination.</p> <p>The Applicant has had regard to Advice Note 15. The purpose of the tailpiece in Requirement 12 of the draft Development Consent Order [REP1-001] is to provide a degree of flexibility for the Applicant should amendments to any of the documents listed at Requirement 12(1)(a) to (c) be required. The Applicant has therefore followed the precedent approach of limiting this flexibility to amendments that would not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement. Advice Note 15 is particularly concerned about including tailpieces that allow a discharging authority (other than the Secretary of State) to approve a change to the scope of the Authorised Development applied for and examined – this is not the case here. Examples of where the inclusion of this tailpiece has been approved by the Secretary of State in recent made National Highways Orders include the M3 Junction 9 Development Consent Order 2024 and the A12 Chelmsford to A120 Widening Development Consent Order 2024.</p>
Q6.2.16	The Applicant, NSDC, EA, IDB, LLFA.	<p>Requirement 13 – Surface and Foul water drainage</p> <p>Consultation requirements in (2) only reference the relevant local authority but does not reference EA as is done in (1), why the difference? Also given that the Requirement is in respect of surface water and foul water drainage should this not include LLFA, IDB or other relevant SUs?</p>	<p>The Applicant confirms that the Environment Agency should be referenced as a consultee in Requirement 13(2) in addition to Requirement 13(1) of the draft Development Consent Order [REP1-001]. The Applicant also agrees to include the Lead Local Flood Authority (LLFA) and Internal Drainage Board (IDB) as consultees under Requirement 13(1) and (2). However, it is not anticipated that any Statutory Undertakers would be impacted by the subject of this requirement, and given consultation with these three bodies is provided, the Applicant is of the view that it is not necessary to include any Statutory Undertakers as consultees under this requirement. These amendments have been made in the version of the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination.</p> <p>The Applicant confirms that the Environment Agency should be referenced as a consultee in Requirement 13(2) in addition to Requirement 13(1) of the draft Development Consent Order [REP1-001]. The Applicant also agrees to include the Lead Local Flood Authority (LLFA) and Internal Drainage Board (IDB) as consultees under Requirement 13(1) and (2). However, it is not anticipated that any Statutory Undertakers would be impacted by the subject of this requirement, and given consultation with these three bodies is provided, the Applicant is of the view that it is not necessary to include any Statutory Undertakers as consultees under this requirement. These amendments have</p>

			<p>been made in the version of the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination.</p> <p>In addition, the Applicant notes that this requirement should refer to "relevant planning authority" as defined in Article 2(1) of the draft Development Consent Order [REP1-001] and not "relevant local authority". This amendment has been made in the version of the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination.</p>
Q6.2.17	The Applicant, EA	<p>Requirement 14 - Flood Compensatory Storage Does the detailed flood compensation scheme proposed in Requirement 14 supersede the current submission and should this Requirement be reworded to consider the current details given Requirement 15 states the scheme must be carried out as per the FRA of which the FCA forms a part?</p>	<p>The detailed floodplain compensation scheme to be approved under Requirement 14 of the draft Development Consent Order [REP-001] will supersede the current submission as it will be based on the final detailed design of the Scheme.</p> <p>In order to ensure that the detailed floodplain compensation scheme aligns with the mitigation measures currently set out in the FRA [APP-177], the Applicant proposes to amend Requirement 14 of the draft Development Consent Order [REP1-001] to read (amendments shown in red):</p> <p>— (1) No part of the authorised development is to commence until a detailed floodplain compensation scheme for that part, that reflects the mitigation within the flood risk assessment, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency.</p> <p>This amendment is reflected in the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination</p>
Q6.2.18	The Applicant, EA LLFA	<p>Requirement 15 – Flood Risk Assessment Should this include consultation with the LLFA?</p>	<p>Requirement 15 of the draft Development Consent Order [REP1-001] currently only requires consultation with the Environment Agency. That is because the Environment Agency is the consultation body taking the lead in matters relating to fluvial flood risk, whereas the LLFA is concerned with surface water (road drainage) covered within the Drainage Strategy [APP-179]. The Applicant therefore considers that each body is being consulted appropriately in relation to their functions. In this regard, the Applicant is not aware that the LLFA has requested to be a consultee under Requirement 15(2) of the draft Development Consent Order [REP1-001]</p>
Q6.2.19	The Applicant, NSDC	<p>Requirement 16 – Noise Mitigation a) (2)(a) 'reflect' is imprecise and introduces ambiguity, should this not be 'include'? b) Does (3) mean retained in perpetuity thereafter?</p>	<p>Q6.2.19(a) – Please see the Applicant's response to Q6.2.2(d). The wording at Requirement 16(2)(a) of the draft Development Consent Order [REP1-001] is the same as that in Requirement (13)(3)(a) in the A12 Chelmsford to A120 Widening Development Consent Order 2024 made by the Secretary of State earlier this year.</p> <p>Q6.2.19(b) – That is correct, unless modified by a later Order or planning permission.</p>
Q6.2.20	All IPs	<p>Requirement 17 – Pre-commencement Works Are the details of the pre-commencement plan [APP-188] sufficient and address any concerns? If not, detail the particular parts and matters with which you have concerns and explain and justify your response.</p>	<p>Question not addressed to the Applicant.</p>
Q6.2.21	The Applicant, NSDC, NCC, EA, NE	<p>Requirement 18 – Highway Lighting 18(1) refers to consultation with the relevant local authority, this isn't defined. Moreover, the lighting is recognised as potentially affecting landscape, visual, biodiversity etc. Wider consultation to include NSDC, NCC, EA, NE would appear to be appropriate. If not, please explain and justify why not.</p>	<p>The Applicant notes that this requirement should refer to "relevant planning authority" as defined in Article 2(1) of the draft Development Consent Order [REP1-001] and not "relevant local authority". This amendment has been made in the version of the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination.</p> <p>The relevant planning authority is identified as a consultee under this requirement as it will have responsibility for operation and maintenance of the lighting assets on the local highway network. The highway lighting design must reflect the mitigation measures in Chapter 7 Landscape and Visual [APP-051], Chapter 8 Biodiversity [APP-052] and Chapter 14 Climate [APP-058] of the Environmental Statement as set out in Requirement 18(2)(a) of the draft Development Consent Order [REP1-001]. The Environment Agency and Natural England can therefore be confident that all potential effects will be mitigated in line with the assessments in those chapters. Further, the Applicant also notes that neither the Environment Agency nor Natural England have requested to be a consultee to this requirement. As such, the Applicant is of the view that no further consultees are required to be added to this requirement.</p>

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6.3		Other Schedules	
Q6.3.1	NCC	<p>Schedule 3 – Classification of Roads etc Are NCC as the Local Highway Authority in agreement with:</p> <ul style="list-style-type: none"> a) The Classified Roads listed in Parts 2 and 3 and unclassified Roads identified in Parts 3 and 4 b) The speed limits proposed in Part 5 c) The traffic regulation measures in Parts 7, 8 and 9 including revocations And d) The cycle tracks in Part 10.Q6.3.1 	<p>Question not addressed to the Applicant.</p> <p>Schedule 3 – Classification of Roads etc Are NCC as the Local Highway Authority in agreement with:</p> <ul style="list-style-type: none"> a) The Classified Roads listed in Parts 2 and 3 and unclassified Roads identified in Parts 3 and 4 b) The speed limits proposed in Part 5 c) The traffic regulation measures in Parts 7, 8 and 9 including revocations And d) The cycle tracks in Part 10.
Q6.3.2	NCC and other IPs	<p>Schedule 4 – permanent Stopping up etc a) Are you in agreement with the stopping up of highways with or without substitution or are otherwise to be provided as referenced in parts 1, 2 and 3. b) Parts 4-6 dealing with private means of access. Are you in agreement with the highways and accesses listed and if not, please identify to which you object and explain why.</p>	<p>Question not addressed to the Applicant.</p>
Q6.3.3	The Applicant	<p>Schedule 9 – Protective Provisions Is it the Applicant's intention to secure complete other protective provisions than those presently included in the dDCO? If so, please specify with which parties and update the ExA on any ongoing discussions.</p>	<p>The Applicant is currently negotiating protective provisions with Network Rail, National Grid Electricity Distribution and the Canal and River Trust. These will be included in the draft Development Consent Order [REP1-001] once they are in their final form.</p>
Q6.3.4	The Applicant	<p>Schedule 9 – Protective Provisions Schedule 9 Part 1 deals with Electricity, Gas, Water and Sewage undertakers as a catch all. Part 3 is in respect of Cadent Gas, are there other Gas operators and utilities to be included or is cadent gas the only operator with equipment that is relevant and should Gas be excluded from Part 1. To avoid duplication or overlap should it be made clear that Part 1 does not relate to Cadent Gas as they are specifically addressed in Part 3?</p>	<p>The Book of Reference [REP-004] identifies Indigo Gas Services Limited as having an interest in plot 4/9b as shown on the Land Plans [AS-004] in respect of utilities apparatus. As such, Cadent Gas is not the only operator who may benefit from the protective provisions in Part 1 of Schedule 9 of the draft Development Consent Order [REP1-001]. The Applicant has amended the definition of 'utility undertaker' in paragraph (2) of Part 1 Schedule 9 of the draft Development Consent Order [REP1-001] to exclude Cadent Gas from the undertakers to which these protective provisions apply. This amendment has been in the draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination.</p>
Q6.3.5	The Applicant, Cadent Gas	<p>Schedule 9 – Protective Provisions Part 3 of Schedule 9 is for the benefit of Cadent Gas. Provide an update on the latest position in respect of the Protective Provisions in Part 3 and what the likelihood of these being agreed and completed prior to the close of the Examination.</p>	<p>The negotiation of the Protective Provisions is nearly concluded between the parties and there is a high likelihood that it will be settled prior to the Examination concluding</p>
Q6.3.6	The Applicant, Network rail	<p>Schedule 9 – Protective Provisions Part 4 of Schedule 9 is for the benefit of Network Rail. Provide an update on the latest position in respect of the Protective Provisions in Part 4 and what the likelihood of these being agreed and completed prior to the close of the Examination.</p>	<p>The Applicant has been discussions with Network Rail and most recently held a meeting on the draft protective provisions on 1 November 2024. The Applicant is of the view that the matters still under discussion between the parties will not prevent the timely agreement of final form protective provisions and the Applicant is confident that these will be confirmed well before the close of the Examination. In addition, the Applicant is also in the process of finalising a number of Basic Asset Protection Agreements with Network Rail Infrastructure Limited to govern the structures being built over the railway.</p>

7. Geology and Soils			
Q7.0.1	The Applicant	<p>Clarifications</p> <p>a) Please review the syntax of paragraph 9.11.2 of ES Chapter 9: Geology and Soils [APP-053].</p> <p>b) In Table 9-9 of ES Chapter 9: Geology and Soils [APP-053] a number of “GS” references do not appear to correspond with Table 2-1 of the First Iteration EMP, eg GS10. Please check all references in Table 9- 9 and update if necessary.</p>	<p>a) The Applicant has reviewed paragraph 9.11.2 in Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053] and agrees that the syntax requires review. The Applicant has detailed this amendment in Reference Number 6.1.1 of the A46 DCO Table of Errata [TR010065/APP/7.38] which has been submitted at Deadline 2 of the Examination.</p> <p>b) The Applicant has reviewed Table 9-9 in Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053] to ensure it aligns with Table 2-1 in the First Iteration Environmental Management Plan [APP-184]. The Applicant has detailed this amendment in Reference Number 6.1.2 of the A46 DCO Table of Errata [TR010065/APP/7.38] which has been submitted at Deadline 2 of the Examination. Updates have also been made to Table 2-1 in the First Iteration Environmental Management Plan [APP-184] which has been revised and re-submitted at Deadline 2 of the Examination.</p>
Q7.0.2	The Applicant, NSDC	<p>Policy – Local</p> <p>On the webpage for which a link (https://www.newark-sherwooddc.gov.uk/landpollution/) is provided at footnote 33 of ES Chapter 9: Geology and Soils [APP-053], reference is made to a previous version of the NSDC’s contaminated land strategy. Is that document relevant to the consideration of this Application?</p>	<p>The Applicant confirms prior to the submission of Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053], Newark & Sherwood District Council’s contaminated land strategy was not available for review, as it was in the process of being updated.</p> <p>The Applicant notes that an updated version of Newark & Sherwood District Council’s contaminated land strategy is now available to view in draft format for consultation until Friday 8 November 2024. The updated contaminated land strategy’s regulatory context and overarching legislation in relation to geology and soils is consistent with that applied in Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053]. On that basis, the Applicant does not consider that the previous version of NSDC’s contaminated land strategy is relevant to the consideration of the Application.</p>
Q7.0.3	The Applicant, EA	<p>Consultation Responses – Environment Agency</p> <p>With reference to paragraph 9.4.3 of ES Chapter 9: Geology and Soils [APP-053], please provide the response of the EA’s Groundwater and Contaminated Land officer in respect of the known contamination hotspot and risk to controlled waters.</p>	<p>The Applicant confirms paragraph 9.4.3 of Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053] explains that the Environment Agency’s Groundwater and Contaminated Land Officer confirmed they would not provide comments regarding the proposals around the known contamination hotspot and risk to controlled waters until receipt of the Contaminated Land Risk Assessment (CLRA). Appendix 9.2 (Contaminated Land Risk Assessment) of the Environmental Statement Appendices [APP-164 – APP-169] was submitted as part of the application for development consent.</p> <p>The Environment Agency’s response on the known contamination hotspot and risk to controlled waters was received in their Relevant Representation [RR-020]. A response to address the Environment Agency’s concerns in relation to the contamination hotspot identified at WS46 was provided within the Applicant’s Response to the Environment Agency’s Relevant Representations [REP1-010]. In summary, the Applicant is of the view that the contamination hotspot within the Order Limits presents a low risk to controlled waters if left in situ. Therefore, the Applicant proposes to leave the contamination in situ at the hotspot location due to the absence of planned excavation or vegetation clearance activities. The Applicant proposes to undertake further assessment, in the form of controlled waters detailed quantitative risk assessment (DQRA), in line with the Land Contamination Risk Management guidance, in relation to the hotspot of contamination identified in the vicinity of WS46. The completed DQRA will be discussed with the Environment Agency and submitted at Deadline 4 of the Examination.</p>
Q7.0.4	NSDC	<p>Consultation Responses – Contaminated Land</p> <p>a) Paragraph 9.4.2 of ES Chapter 9: Geology and Soils [APP-053] states that NSDC’s Environmental Health Technical Officer was in agreement with the Contaminated Land Risk Assessment conclusions and agreed with the proposal to leave the identified hotspot area of contamination in situ. Please confirm your position, including by reference to the Applicant’s proposals as outlined at paragraph 9.11.7 of ES Chapter 9.</p> <p>b) Are you satisfied that the Applicant’s approach is consistent with the EA’s Land contamination risk management (LCRM) guidance?</p> <p>c) NSDC [RR-048] expresses an expectation that full details of mitigation would be confirmed prior to the commencement of works. What details should be provided, which Works Number(s) should the details relate to, and how should this be secured by the dDCO?</p> <p>d) Are you satisfied with the proposed measures in relation to non-hotspot areas as outlined at paragraph 9.11.8 of ES Chapter 9: Geology and Soils [APP-053]?</p> <p>e) Should construction-phase monitoring for contamination be added to Table 16.2: Summary of monitoring requirements of ES Chapter 16: Summary [APP-060]?</p>	<p>Question not addressed to the Applicant.</p>

7. Geology and Soils			
Q7.0.5	The Applicant	<p>Effect on Landfill Site In response to [RR-020] please clarify:</p> <ul style="list-style-type: none"> a) how the Proposed Development could impact the active landfill permit boundary; b) whether the proposed works extend onto the landfill site, and if they could affect the locations of existing monitoring boreholes on or around the site; c) if necessary, how boreholes would be retained and protected from damage; and d) whether the submitted drawings accurately show the extent of landfill sites and the Order Limits. 	<p>The Applicant's Response to Relevant Representations [REP1-010] to the Environment Agency Relevant Representation [RR-020], where details of the British Sugar authorised (active) landfill site are provided.</p> <p>Figure 2.2 (Environmental Constraints Plan) of the Environmental Statement Figures [AS-025] has been updated using the most recent boundary of the British Sugar Borrow Pit landfill, as shown on the Schedule 2 - Site plan of permit ref. EPR/VP3732LH (provided to the Applicant by the Environment Agency). The updated version of Figure 2.2 (Environmental Constraints Plan) of the Environmental Statement Figures [AS-025] has been submitted at Deadline 2 of the Examination</p>
Q7.0.6	The Applicant	<p>Agricultural Land Survey Natural England [RR-044] expressed concern relating to the absence of an ALC survey of land south of Farndon Roundabout. Paragraph 9.6.4 of ES Chapter 9: Geology and Soils [APP-053] states that SSEW soils data was used.</p> <ul style="list-style-type: none"> a) Please provide a copy of the Soilsmap England and Wales (SSEW) map(s) for this area. b) Is it appropriate to rely on SSEW information given that paragraph 3.6.1 of DMRB LA 109 Revision 0 says that a survey should be undertaken? c) Please describe the works that would take place on the land to the south of the Farndon Roundabout which has not been surveyed and explain the maximum amount of agricultural land which could be lost as a result of those works as well as the ALC grade(s) of that land. 	<p>The Applicant confirms the small area of around 7.5 ha south of Farndon Roundabout was within the Order Limits at the time of the survey. However, the Applicant can confirm that this area is now outside of the Order Limits and therefore no further work is required in this location as part of the Scheme.</p>
Q7.0.7	The Applicant	<p>Agricultural Land</p> <ul style="list-style-type: none"> a) Would all of the areas coloured pink on the Agricultural Land Impact Plan [AS-071] be permanently removed from agricultural use? b) If not, please indicate the areas that would be permanently removed from agricultural use, also stating the extent of each area in hectares. c) Please provide a drawing illustrating and noting in hectares the extent of each agricultural land classification grade that would be permanently removed from agricultural use and the farms to which each parcel belongs (farm references to correspond with the sub-receptor references in ES Chapter 12: Population and Human Health [APP-056]). 	<ul style="list-style-type: none"> a) The Applicant confirms that not all the areas coloured pink on the Agricultural Land Impact Plan [AS-071] will be permanently removed from agricultural use. Whilst the areas on this plan are shown as being permanently acquired, some of these areas will be returned to agricultural use. b) & c) A figure titled "Agricultural Land Classification Grade and Land Plots Anticipated to be Permanently Removed from Agricultural Use" is provided in Appendix C to show exactly where the permanent and temporary losses of agricultural land will occur. The extent of each agricultural land classification grade that will be permanently removed from agricultural use for each farm is also provided in a table to accompany the figure.
Q7.0.8	The Applicant	<p>Agricultural Land Paragraph 9.12.6 of ES Chapter 9: Geology and Soils [APP-053] states that the Outline Soil Management Plan provides guidance on the handling of all soils to ensure they remain of comparable quality and functionality in the event that they are to be re-purposed.</p> <ul style="list-style-type: none"> a) Would some soils not be re-purposed and if yes, what would happen to them? Please respond to Natural England's comments [RR-044] in relation to: b) The lack of a clear commitment to reinstate all temporarily lost Best and Most Versatile land to its original classification after construction. c) The lack of a clear commitment to ensure that soils are not handled when wet. d) Would the Proposed Development adhere to Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (referred to footnote 110 of NPSNN 2015). 	<ul style="list-style-type: none"> c) The Applicant confirms soils that are not used for reinstating temporary land back to its existing condition would be utilised in the works either for re-soiling of the landscaped areas or within mitigation bunds. d) As outlined in the response to [RR-044] in the Applicant's Responses to the Relevant Representations [REP1-009], the Applicant confirms that, as secured by Requirement 3 of the draft Development Consent Order [REP1-001], soil quality and ALC grade will be retained after reinstatement by following the Second Iteration Environmental Management Plan (including a detailed Soils Management Plan). e) As outlined in the response to [RR-044] in the Applicant's Responses to the Relevant Representations [REP1-009], the Applicant acknowledges the importance of ensuring soils are handled only after passing a field test, which determines that soils are in a sufficiently dry state. In line with this it is critical to be attentive to weather-dependent constraints during construction. The Outline Soil Management Plan (Appendix B.3 of the First Iteration Environmental Management Plan [APP-184]) specifies the conditions under which soil may and may not be handled during all stages of the construction process. The First Iteration Environmental Management Plan [APP-184] will be developed into a Second Iteration Environmental Management Plan (including a detailed Soils Management Plan) to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan and associated detailed management plans is secured by Requirement 3 of the draft Development Consent Order [REP1-001]. The detailed Soil Management Plan will additionally provide instructions on how to conduct a field test, as per the guidance in the Institute of Quarrying "Good Practice Guide for Handling Soils". f) The Applicant can confirm that the Scheme would adhere to Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, which has been referenced in the Outline Soil Management Plan (Appendix B.3 of the First Iteration Environmental Management Plan [APP-184])
Q7.0.9	The Applicant	<p>Agricultural Land – Flood Compensation Area (FCA)</p> <ul style="list-style-type: none"> a) What is the duration of the temporary loss of agricultural land in the Kelham and Averham FCA noted in Table 9.9 of ES Chapter 9: Geology and Soils [APP-053]? b) Would the creation of the Kelham and Averham FCA affect the ability of the land to be used for agricultural purposes? 	<p>The Applicant confirms construction of the FCA and associated works would take approximately 6 months.</p> <p>The land at the Kelham and Averham FCA will remain cultivable and is not anticipated to experience a downgrading of ALC grade. This is because the key limiting factor across the Kelham and Averham FCA is currently considered to be soil droughtiness due to a combination of light soil textures (high sand content) and</p>

7. Geology and Soils			
		c) Would flooding affect the quality of this land (in terms of ALC)?	stone content. The soils west of the A617 are typically free draining and therefore not prone to waterlogging. The soils east of the A617 are currently considered at risk of seasonal flooding but did not display evidence of gleying or slowly permeable layers during the ALC survey undertaken in 2023. Flood modelling indicates that under the Scheme there is no likelihood of flooding in a 20-year period and a 1 in 30-year flood risk in a small portion of agricultural land, running along a ditch. This falls into the same flood risk category as the current baseline as assessed using Tables 2 and 3 of the ALC guidelines (1988).
Q7.0.10	The Applicant, NSDC, NCC	Ground Gas Paragraph 9.8.55 of ES Chapter 9: Geology and Soils [APP-053] states that elevated carbon dioxide emissions were encountered during monitoring. Would any mitigation or safety measures be needed, or would any risks be controlled by another regime?	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].
Q7.0.11	NSDC, NCC	Mitigation Is the Outline Soil Management Plan (OSMP) at Appendix B.3 of the First Iteration EMP [APP-184] in line with the ambition set out in the Government's Environmental Improvement Plan in relation to the sustainable management of agricultural soils (per 5.190 of NPSNN 2024)?	Question not addressed to the Applicant.
Q7.0.12	NSDC, NCC	Mitigation Would the Outline Materials Management Plan (OMMP) at Appendix B.2 of the First Iteration EMP [APP-184] satisfactorily maximise the re-use of suitable site-won geological resources while minimising waste generated for disposal off site and the importation of virgin materials?	Question not addressed to the Applicant.
Q7.0.13	NSDC, NCC, The Environment Agency	Mitigation Are the measures in respect of controlled waters/ groundwater at references GS3, GS4 and GS5 on pages 59-63 (inclusive) of the First Iteration EMP [APP-184] satisfactory?	Question not addressed to the Applicant.
Q7.0.14	The Applicant	Mitigation In Table 9-9 of ES Chapter 9: Geology and Soils [APP-053] "LCRM – CLRA (Appendix 9.2 (Contaminated Land Risk Assessment) of the ES Appendices (TR010065/APP/6.3))" is listed as "Essential Mitigation". How would this mitigation be secured?	The Applicant confirms Appendix 9.2 (Contaminated Land Risk Assessment) of the Environmental Statement Appendices [APP-164 – APP-169] includes a revised conceptual model which identifies any unacceptable contamination risks and the appropriate mitigation measures, to ensure protection of human and environmental receptors (including controlled waters) during construction. The mitigation would be secured through commitments in references GS6 and GS7 included 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].
Q7.0.15	The Applicant	Remediation Would full land remediation, including topsoil and re-seeding (as appropriate), be undertaken on the land described in [RR-003] and [RR-029]? If yes, how would this be secured?	The Applicant confirms soils will be reinstated back to their existing condition as detailed in commitments GS1 and GS9 in Table 3-2 Register of Environmental Actions and Commitments in 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].

8. Cultural Heritage			
Q8.0.1	The Applicant, NSDC	<p>Winthorpe Conservation Area ES Chapter 6: Cultural Heritage [APP-050] refers to the potential installation of triple glazed windows in a property affected by noise in the conservation area. However, ES Chapter 11: Noise and Vibration [APP-055] makes no reference to this as a possible mitigation measure.</p> <ul style="list-style-type: none"> Is the installation of triple glazed windows at this property necessary to make the Proposed Development acceptable at this location? If so, please provide details on what discussions have been had in this regard with the property owner and the Local Planning Authority (LPA). NSDC please confirm, without prejudice to any potential application, if this would be acceptable? <p>* NSDC please provide a copy of the Winthorpe Conservation Area Character Appraisal.</p>	<p>The Applicant confirms the installation of triple glazing does not form part of the required mitigation for the Grade II listed Lowwood or any other properties in the Winthorpe Conservation Area.</p> <p>Paragraph 6.11.25 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] states “consultation with the Conservation Officer raised the possibility of an application from the owners [of the Grade II listed Lowwood] for replacement triple-glazed windows. This could result in a loss of historic fabric if such an application were approved.” To avoid the installation of triple glazing and associated impacts, an alternative solution consisting of proposed noise barriers along the new route of the A46 has been included in the Scheme design (as shown on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]). This was discussed during consultation with Newark & Sherwood District Council during a meeting held on 3 May 2023, as summarised in paragraph 6.4.11 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].</p> <p>The proposed noise barriers form part of the mitigation outlined in paragraph 11.10.4 of Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055]. The specific noise barrier is proposed along the fly-over section of the A46 located at the southbound entry slip road at Brownhills Junction and is illustrated on Figure 2.3 (Environmental Masterplan) (Sheet 5) of the Environmental Statement Figures [AS-026]. The provision of the noise barrier is secured by Requirement 16 of the draft Development Consent Order [REP1-001].</p>
Q8.0.2	The Applicant	<p>Smeaton’s Arches To fully appreciate the impact on the Grade II listed Smeaton’s Arches we request that the Applicant provides a plan of their full extent and description of their current condition including a commentary of any elements that have already been impacted by existing works. Furthermore, please provide:</p> <ul style="list-style-type: none"> A drawing showing the location / extent of any alterations to or demolition of any part of the designated heritage asset as a consequence of the Proposed Development, along with an explanation of any such works, and how those works would affect the significance of the heritage asset. 	<p>The Applicant confirms there are five sections of the Causeway Arches (known as Smeaton’s Arches), and each is listed individually. These five sections are: NHLE: 1297726 Causeway Arches 1490m northwest of level crossing; NHLE: 1196288 Causeway Arch 1300m northwest of level crossing; NHLE: 1228754 Causeway Arches 900m northwest of level crossing; NHLE: 1196289 Causeway Arches 650m northwest of level crossing; and NHLE: 1228733 Causeway Arches 500m northwest of Level Crossing. The section closest to the Cattle Market roundabout (NHLE: 1228733 Causeway Arches 500m northwest of Level Crossing) will be directly physically impacted by the Scheme.</p> <p>The detailed works to the Causeway Arch as a result of the Scheme are detailed on the Engineering Plans and Sections Part 6, Structures General Arrangements, Sheet 6 [APP-014]. In summary the works will remove the parapet brickwork and concrete façade along the extent of the proposed widening area, excavate to expose existing foundations and construct extension foundations; construct arch extensions with in-situ concrete, tying into the existing concrete arches; construct new façade detail and brick parapet.</p> <p>The full extent of the Causeway Arches 500m northwest of Level Crossing (NHLE: 1228733) is shown on drawings titled “Causeway Arches (also known as Smeaton’s Arches)” and included in Appendix D of this document.</p> <p>A walkover survey undertaken on the 7 and 8 February 2023 to examine the condition supported the production of Appendix 6.1 (Cultural Heritage Desk-Based Assessment) of the Environmental Statement Appendices [AS-099]. This condition can be summarised as follows:</p> <p>The north-east elevation has original brickwork, but two central sections have been repaired with modern brickwork following a series of road traffic accidents. Three semi-circular arches have been heavily repaired with large sections replaced. The chamfered top of five pilasters has been replaced and the base of each has been repointed with concrete mortar. Internally, each archway leads to a barrel-vaulted passageway of original construction.</p> <p>The south-west elevation was wholly rebuilt during the widening of the Great North Road in 1922. The arches were widened by approximately 4.25 meters (on this side) in concrete construction. The extant south-west elevation is built of reinforced concrete with an upper brick-built parapet wall of 6 courses with coping stones. This elevation has been repaired several times since due to road traffic accidents. About 30% of the south-western elevation brick-built parapet wall has been replaced during these repairs.</p> <p>During consultation and as stated in the paragraph 6.4.6 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] ... “The potential impacts to the Causeway Arches were accepted and the modern repair work from vehicle crashes on the western parapet were noted. It was advised by the Newark & Sherwood District Council Conservation Officer that impacts should be restricted to the western side where possible”.</p> <p>Paragraph 6.10.7 Chapter 6 Cultural Heritage of the Environmental Statement [APP-050] states that the section to be reconstructed will be done so in “an appropriate and sensitive manner and materials, the details of which will be subject to further consultation with stakeholders.</p>

8. Cultural Heritage		
Q8.0.3	The Applicant	<p>Civil War Landscape To gain a fuller understanding of the civil war landscape, please signpost where in the documentation the ExA can locate a map and commentary of the likely impacts, or provide a map and commentary, with only this information.</p>

The Applicant confirms the Civil War Landscape (MM964) in the vicinity of the Scheme is detailed in paragraph 6.6.9 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. A description of the heritage assets that make up the Civil War Landscape are detailed in paragraphs 6.8.27 - 6.8.32 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Key designated assets related to the Civil War Landscape are listed in Table 6-5 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Key non-designated assets related to the Civil War Landscape are listed in Table 6-6 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].

The heritage assets that make up the Civil War Landscape are depicted within Appendix B (Drawings) of Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099].

Designated heritage assets which form part of the Civil War Landscape are depicted in drawing B.2 of Appendix B of Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. These assets include:

- Newark Castle (MM001) - Sheet 7 of 15.
- Civil War town defences within the Friary Garden (MM006) - Sheet 8 of 15.
- Civil War redoubt 550m south-east of Valley Farm (MM007) - Sheet 2 of 15.
- Gun platform 440m south-east of Muskham Bridge (MM008) - Sheet 2 of 15.
- Civil War fieldwork on Crankley Point (MM010) - Sheet 2 of 15.
- Civil War redoubt on Crankley Point (MM011) - Sheet 2 of 15.
- Civil War redoubt 580 metres east to north-east of sugar refinery (MM014) - Sheet 2 of 15.

Non-designated heritage assets which form part of the Civil War Landscape are depicted in drawing B.3 of Appendix B of Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099]. These assets include:

- Second line of circumvallation (MM624) see Sheets 7, 8, 15,16 of 18.
- The King's Sconce (MM639) see Sheet 13 of 18.
- Civil War Defences at Winthorpe (MM640) see Sheet 1 of 18.
- One Parliamentarian Civil War Dam at Newark (MM646) see Sheet 13 of 18.
- Two Royalist Civil War Dams at Newark (MM647, MM648) see Sheets 12 and 15 of 18.
- Multiple Civil War Redoubts at Newark (MM649, MM661, MM662, MM663) see Sheet 15 of 18, Sheet 7 of 18 and Sheet 14 of 18.
- First line of circumvallation (MM660) see Sheets 13, 14, 17, 18 of 18.
- Moll's Hornwork at Winthorpe (MM665) see Sheets 12, 13 of 18.

The following heritage assets are referred to in Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] but are located outside the study area and are not depicted on figures:

- Civil War redoubt 680 metres north-west of Dairy Farm (MM009).
- Moated site 750m north-west of Dairy Farm (MM012).
- The Queen's Sconce (MM013).
- Civil War sconce 650m north-west of Devon Bridge (Sandhills Sconce) (MM015).
- Civil War Camp at Newark (MM653).

Appendix 6.1 Desk Based Assessment) of the Environmental Statement Appendices [AS-099] gives an assessment of historic landscapes in paragraphs 4.3.1 - 4.3.2 and Table 4-4 (Key non-designated historic landscape assets with the potential to be impacted by the Scheme). Further detail pertaining to the Civil War Landscape and the heritage assets which form part of it, is also contained in paragraphs 4.11.46 through to 4.11.51 of Appendix 6.1 Desk Based Assessment) of the Environmental Statement Appendices [AS-099].

Appendix 6.2 (Assessment of Heritage Value) of the Environmental Statement Appendices [APP-133] assesses the value of the Civil War Landscape as well as its component heritage assets (listed above).

8. Cultural Heritage			
			<p>Appendix 6.3 (Assessment of Cultural Heritage Effects During Construction of the Scheme) of the Environmental Statement Appendices [APP-134] details the impact of construction on the Civil War Landscape as well as its component heritage assets (listed above).</p> <p>Appendix 6.4 (Assessment of Cultural Heritage Effects During Operation of the Scheme) of the Environmental Statement Appendices [APP-135] details the impact of operation on the Civil War Landscape as well as its component heritage assets (listed above).</p>
8.1 Non-Designated Heritage Assets			
Q8.1.1	The Applicant NCC	<p>Non-Designated Heritage Assets (NDHAs) In the ES Chapter 6: Cultural Heritage [APP-050] the Applicant provides details of NDHAs. Can the Applicant and NCC confirm that this list is up to date?</p>	<p>The Applicant confirms as stated in paragraph 3.7.2 of Appendix 6.1 (Cultural Heritage Desk Based Assessment) of the Environmental Statement Appendices [AS-099], the assessment of non-designated heritage assets was reliant on data from Nottinghamshire Historic Environment Record (HER), which was acquired in August 2022. The acquisition of this data is within the 3-year data life period considered standard for HER data.</p> <p>Furthermore, a continuous process of stakeholder consultation has also been undertaken which has highlighted additional non-designated heritage assets including those identified through archaeological investigations undertaken to inform the Scheme. This consultation is detailed in Section 6.4 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].</p>
Q8.1.2	NCC	<p>Newark Flat Crossing In Section 7.3 of the Applicant's Transport Assessment Report [APP-193] there is reference to the "last remaining flat railway crossing in the UK" (paragraph 7.3.3). Does this have any heritage value, and if so, should it be considered a NDHA and assessed as such?</p>	Question not addressed to the Applicant.
Q8.1.3	The Applicant	<p>Late Upper Palaeolithic (LUP) Archaeology NCC [RR-057] state that the identified LUP site around Farndon, applicant's reference MM503 [APP-050], should be considered of equivalent significance as a Scheduled Ancient Monument (SAM). This has been recognised by Historic England (HE) and is detailed in the Council's Local Plan. This approach is consistent with paragraph 5.124 of NPSNN 2015, paragraph 5.208 in NPSNN 2024 and footnote 72 of NPPF 2023. Please explain how the cultural heritage assessment considers the above in respect to the LUP site at Farndon.</p>	<p>The Applicant's approach to the assessment of significance (termed heritage value/sensitivity) is set out within Section 6.5 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].</p> <p>As set out within Table 6-1 (Criteria for assessing heritage value) in Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050], heritage assets of 'high value' are those with high importance and rarity on a national scale. This includes scheduled monuments, grade I, II* and II listed buildings, registered parks and gardens, conservation areas and registered battlefields where the heritage asset and its setting retain archaeological, architectural, artistic and historic interest which contributes to their value. It also includes non-designated monuments, sites or landscapes that can be shown to have specific nationally important qualities and heritage assets that can contribute significantly to national research objectives.</p> <p>In accordance with these criteria, the non-designated Late Upper Palaeolithic (LUP) site at Farndon identified as (MM053) has been assessed as having 'high value'. This makes it of equivalent heritage value to a designated scheduled monument and has been considered in this way.</p> <p>This is consistent with the approach set out in paragraph 5.124 of the 2015 NPSNN, paragraph 5.208 of the recently designated 2024 NPSNN, and footnote 72 of the NPPF (2023).</p> <p>To prevent an impact to the non-designated LUP site at Farndon, which is of high value, the Applicant, in discussion with NSDC, NCC and Historic England stakeholders, made the decision during development of the outline design to relocate the Farndon compound from the area adjacent to the LUP site to an area of previously disturbed land located at the centre of Farndon Roundabout. As a result, there is not anticipated to be any impact upon the LUP site at Farndon as a result of the Scheme, as it now lies outside of the Order Limits. This change is detailed further in paragraph 3.3.72 and Table 3-12: Development of Temporary Construction Work of Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047] and within paragraph 6.4.13 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].</p> <p>The removal of the impacts to the LUP site at Farndon prevents substantial harm to a heritage asset of equivalent significance to a scheduled monument which is consistent with paragraph 5.131 of the 2015 NPSNN, paragraph 5.219 of the recently designated 2024 NPSNN, and paragraph 206 of the NPPF (2023).</p>

9. Habitats Regulation Assessment (HRA)		
Q9.0.1	The Applicant	<p>Drainage Strategy Report (Construction Phase) In their response NE [RR-044] highlights that the Drainage Strategy Report [APP-179] does not include any measures to prevent silt and water quality impacts during construction, as the document relates to the operational phase only. This contradicts the contents of Table 8-9 of ES Chapter 8: Biodiversity [APP-052] which states “temporary drainage and silt management techniques are outlined in Appendix 13.4 (Drainage Strategy Report)”. The First Iteration EMP Table 3-2 (REAC) [APP-184] makes a similar statement. The HRA report [APP-185] (p30-31) includes reference to embedded construction mitigation measures for works close to the River Trent, namely silt fencing and protective fencing. Please provide further details on temporary drainage and silt management techniques to assess the likely impact of construction works on international designated sites (Humber Estuary SAC and Humber Estuary Ramsar) and their qualifying features.</p>

The Applicant notes the comments made by Natural England on Appendix 13.4 Drainage Strategy Report of the Environmental Statement Appendices [APP-179]. The Drainage Strategy Report [APP-179] covers the permanent works design and does not include temporary works. The references to temporary drainage and silt management techniques being included in the Drainage Strategy [APP-179] was made in error. The Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-184] does however include measures to protect the water environment during construction, such as silt curtains to mitigate sediment disturbance and smothering of gravel during construction (Commitment RDWE3 of the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184]) and the use of cut-off ditches to collect site run-off passed through settling lagoons or silt traps to allow removal of sediments prior to discharge (Commitment GS3 of the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184]). These measures will be further detailed in the Pollution Prevention Plan and the Erosion and Sediment Management Plan which will be accompanying plans to the Second Iteration Environmental Management Plan to be developed from the First Iteration Environmental Management Plan [APP-184]. In addition, the Outline Soil Management Plan (Appendix B.3 of the First Iteration Environmental Management Plan [APP-184]) includes measures associated with stockpile maintenance such as cordoned off soil stockpiles with secure fencing or tape to prevent any disturbances or contamination by other construction activities. The Outline Soil Management Plan will also be developed into a detailed Soil Management Plan as part of the Second Iteration Environmental Management Plan. Adherence with the Second Iteration Environmental Management Plan and associated management plans is secured by Requirement 3 of the draft Development Consent Order [REP1-001], which requires consultation with Natural England, among others, prior to its approval by the Secretary of State.

In addition to the mitigation measures contained in the First Iteration Environmental Management Plan [APP-184] and consequently the Second Iteration Environmental Management Plan and its accompanying plans, the Environment Agency’s Pollution Prevention Guidelines (PPG) will also be followed. Whilst the PPG were formally withdrawn in 2015, nonetheless they provide clear and useful best practice advice. The following standard guidance will be adhered to as best practice measures

- EA PPG1: Basic good environmental practices
- EA PPG5: Works in, near or over watercourses
- EA PPG6: Construction and demolition sites
- CIRIA Guidance C532 ‘Control of water pollution from construction sites - Guidance for consultants and contractors’

In addition to the above, Chapter 13 (Road Drainage and the Water Environment) of the Environmental Statement [APP-057] details further relevant guidance which informed mitigation:

- CIRIA’s Guidance C811 ‘Environmental good practice on site’
- CIRIA’s Guidance C648 ‘Control of water pollution from linear construction projects: Technical Guidance
- Environment Agency’s ‘Protect groundwater and prevent groundwater pollution’
- PPG7 ‘The safe operation of refuelling facilities’
- PPG13 ‘Vehicle washing and cleaning’

The Applicant can confirm that the construction management measures described above comprise embedded mitigation that have been used to inform the assessment of the likely impact of construction works on international designated sites (Humber Estuary SAC and Humber Estuary Ramsar) and their qualifying features, (river and sea lamprey). It is an offence under the Salmon and Freshwater Fisheries Act 1975 (as amended) to permit pollution of a watercourse with the result of poisoning or causing injury to fish (including lamprey), spawning habitat, spawn or food sources. As detailed in Chapter 13 (Road Drainage and Water Environment) of the Environmental Statement [APP-057], and the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (WFD Regulations) require the protection (prevention of deterioration) and improvement of the status for all waterbodies (defined as all or part of a river system or aquifer) and the Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009 regulates water quality and water pollution. The best practice measures for construction silt or water quality impacts listed above are considered embedded mitigation for this Scheme to comply with the aforementioned legislation, as set out in Chapter 2 (The Scheme) of the Environmental Statement [APP-046] and the First Iteration Environmental Management Plan [APP-184], which will be developed into the Second Iteration Environmental Management Plan. Following the implementation of these embedded mitigation measures it is concluded that no likely significant effect on the

9. Habitats Regulation Assessment (HRA)		
		<p>integrity of the designated sites and their conservation objectives would occur as a result of construction on silt or water quality impacts, as detailed in the Habitat Regulations Assessment Stage 1 [APP-185].</p> <p>The Habitats Regulation Assessment [APP-185] will be updated and submitted for Deadline 3 with the above detail included.</p> <p>This issue was addressed within the Applicant's Response to Relevant Representations [REP1-009] in response to Natural England's Relevant Representation [RR-044]. The Applicant has also discussed this item with Natural England and has subsequently reached agreement on this point, as documented at issues 9 and 10 in the Statement of Common Ground with Natural England [REP1-026]</p>
Q9.0.2	The Applicant	<p>Loss of Lamprey Individuals</p> <p>NE comments [RR-044] that page 39 of the HRA report (Stage 1: Screening) [APP-185] refers to the possibility for likely significant effects (LSEs) "through the loss of lamprey individuals". There is no other reference to direct loss of lamprey individuals in the report and it is not discussed further. Please provide a justification for this potential direct loss of lamprey including how and why this might come about.</p> <p>The Applicant confirms the 'Loss of lamprey individuals' at Stage 1 Habitat Regulations Assessment screening in the Habitat Regulations Assessment [APP-185], refers to the potential entrapment of lamprey in the Farndon Floodplain Compensation Areas (FCAs) prior to the implementation of mitigation measures, which has the potential to result in low numbers of lamprey mortality (i.e. 'individuals'). Loss of individuals refers to the low risk of entrapment of lamprey, already detailed in the Habitat Regulations Assessment [APP-185] and is therefore not an additional impact pathway. This impact pathway was taken through to Stage 2 Appropriate Assessment as the Stage 1 Habitat Regulations Assessment Screening was unable to exclude the possibility of the potential for likely significant effects on the integrity of the Humber Estuary SAC/Ramsar and their conservation objectives as a result of entrapment of all life stages of sea and river lamprey, even after embedded mitigation. The Habitat Regulations Assessment Stage 2 Appropriate Assessment concludes no adverse effect on the integrity of the designated sites and their conservation objectives due to lamprey entrapment following the implementation of essential mitigation i.e. fish escape passages incorporated into Farndon FCAs to mitigate entrapment of river and sea lamprey. This measure is secured within commitment B9 of the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184].</p> <p>The following details how 'individuals' as a proportion of the lamprey population to be impacted by the Scheme was concluded.</p> <p>Pre-construction, flood water in the fields proposed for the Farndon FCAs naturally drains into Old Trent Dyke, following the topography of the land. This flows northwards, meandering through Cattle Market roundabout and eventually joins the River Trent again, downstream of Nether Weir near suitable spawning substrate. The flap valves and mechanical gates along this route are opened after flooding to slowly discharge flood water and fish into the River Trent.</p> <p>Adult river lamprey stop feeding when they enter freshwater to begin their migration upstream to spawning sites, after which, all adult lamprey species die after spawning. Most adult river lamprey found in fresh water are either migrating upstream to spawn or are dying after spawning (natural cause of death). Following construction, if individual adult lamprey that have not yet spawned were subject to entrapment in the excavated Farndon FCAs as flood water recedes (draining into Old Trent Dyke), there is potential that they may not survive until the next flood event (having exerted their energy migrating and no longer foraging). As river lamprey require flowing water through silt and sand substrate to spawn, they would not be able to spawn within the Farndon FCAs before dying. Adult river lamprey physiology facilitates their migration in winter and early spring when water flows are greater, hiding under stones and vegetation (sucking disk to cling to rocks). Therefore, the likelihood of river lamprey being swept up by flood water is considered low, as they would likely take refuge until suitable conditions resumed for their migration. As such, whilst it is considered unlikely that adult lamprey would be entrapped in the Farndon FCAs following flood water recession (incidental individuals only), measures were proposed in agreement with the Environment Agency to mitigate the remaining uncertainty of the implications for the Site in view of the Humber Estuary SAC/ Ramsar conservation objectives.</p> <p>There is negligible potential for larvae (ammocoetes) to become entrapped in the Farndon FCAs, as high flows during spates are likely to wash eggs and larvae downstream before they would become trapped in the Farndon FCAs. However, there is a minor risk that during flood events they could be held within backwaters within the Order Limits, such as within the Farndon FCAs or Old Trent Dyke. Furthermore, if a future independent development upstream of the Scheme resulted in the disturbance of silt beds/nurseries upstream of Farndon, then the entrapment of these lamprey life stages cannot be ruled out. Though larvae lamprey can tolerate low oxygen tension typical of ponds (due to their physiology), high temperatures and pollution usually occur with low oxygen levels, which are lethal factors. The Farndon East and Farndon West FCA waterbodies were designed to be a minimum summer depth of 0.3 metres to maintain stable temperatures to reduce the risk of killing lamprey (and other fish species). The size, depth and riparian planting of Farndon FCAs were designed to also reduce mortality of entrapped fish species, from various predatory piscivorous birds and mammals. Appendix 13.4 (Drainage Strategy) of the Environmental Statement Appendices [APP-179] details measures to mitigate adverse</p>

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		<p>impacts of pollution and therefore further reduce mortality of entrapped lamprey.</p> <p>The Habitats Regulation Assessment [APP-185] will be updated to provide clarity that “<i>loss of lamprey individuals</i>” is not an additional impact pathway and is the same as entrapment, which was assessed within the Habitats Regulation Assessment [APP-185]. The updated Habitats Regulation Assessment will be submitted for Deadline 3 with the above detail included.</p> <p>This issue was addressed within the Applicant’s Response to Relevant Representations [REP1-009] in response to Natural England’s Relevant Representation [RR-044]. The Applicant has also discussed this item with Natural England and has subsequently reached agreement on this point, as documented at issue 12 in the Statement of Common Ground with Natural England [REP1-026].</p>
Q9.0.3	The Applicant	<p>Loss of Lamprey Individuals The First Iteration EMP Table 3-2 (REAC) [APP-184] reference B9 states “<i>Electro-fishing will be undertaken as part of fish rescue prior to sheet piling at Windmill Viaduct and works to Slough Dyke to mitigate injury and death of fish. The screening aperture across the abstraction pump inlets during dewatering works at Slough Dyke would be small enough to prevent access of European eel (yellow eel life stage) (no greater than 3mm).</i>” These works have not been discussed in the HRA yet the EA advise [RR-020] that this may have the potential to cause direct loss of lamprey individuals and thus a likely significant effect to lamprey associated with the Humber Estuary. Further clarity on this impact pathway is required. If there is any possibility of direct harm or loss to be caused to lamprey individuals this needs to be clearly set out within the report, along with associated prevention measures.</p>
		<p>The Applicant confirms the only works with the potential to have an impact on the features for which the Humber Estuary SAC and Ramsar has been designated (river and sea lamprey), have been reported in the Habitat Regulations Assessment [APP-185]. Realignment of Slough Dyke and associated works are detailed in Section 2 of the Habitat Regulations Assessment [APP-179] only, which describes the Scheme. Slough Dyke is considered unsuitable for river and sea lamprey but may be suited to brook lamprey (not a reason for the designated sites). Appendix 8.13 (River Physical Habitat Technical Report) of the Environmental Statement Appendices [APP-158] provides further details of the Slough Dyke channel bed and channel margin. Therefore, proposed works to realign Slough Dyke will not result in likely significant effects on qualifying features of the designated sites.</p> <p>Sheet piling at Windmill Viaduct was scoped out at Stage 1 Habitat Regulations Assessment Screening (see Table 4-2 of the Habitat Regulations Assessment [APP-185]) as the extension of the existing sheets are within riparian habitat and substrate unsuitable to support lamprey (no gravel, silt and sand beds). Lamprey are unlikely to take refuge in the gaps of the existing submerged gabion baskets, preferring flowing water. These works will be undertaken in the daytime, avoiding sensitive periods (nighttime lamprey migration). Furthermore, as secured within commitment B9 of the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184], electro-fishing will be undertaken for multiple fish species as part of fish rescue to mitigate injury and fish mortality. Therefore, proposed works at Windmill Viaduct will not result in likely significant effects on the integrity of the designated sites and their conservation objectives.</p> <p>The Habitats Regulation Assessment [APP-185] will be updated to provide clarity that these works do not result in impact pathways to lamprey species associated with the Humber Estuary SAC / Ramsar, so do not have the potential to cause direct loss of lamprey individuals and will not result in a likely significant effect. The updated Habitats Regulation Assessment will be and submitted at Deadline 3 of the Examination with the above detail included.</p> <p>This issue was addressed within the Applicant’s Response to Relevant Representations [REP1-009] in response to Natural England’s Relevant Representation [RR-044]. The Applicant has also discussed this item with Natural England and has subsequently reached agreement on this point, as documented at issue 12 and 13 in the Statement of Common Ground with Natural England [REP1-026]</p>
Q9.0.4	The Applicant	<p>De Minimis Level Impact NE comments [RR-044] that the HRA report (Stage 1: Screening; p37) [APP-185] refers to a potential “<i>de- minimis level impact upon resting lamprey or larval lamprey (if present)</i>” due to daytime piling works. “<i>De- minimis</i>”, as defined in the HRA report glossary, relates to “<i>effects considered to be ‘trivial’ and those that have no appreciable effect on the site</i>”, and these effects are excluded from further assessment (para. 3.2.7). Please provide a further explanation as to how the conclusion of de minimis was reached.</p>
		<p>The Applicant confirms that vibratory piling is much quieter than impact piling but occurs for longer, meaning longer exposure times to lamprey. The type of piling for each location will depend on the site conditions during construction, so impact piling cannot be ruled out at this stage of the Scheme delivery to minimise disturbance. For this reason, the Habitat Regulations Assessment [APP-185] applies a worst-case scenario, assuming that impact piling will be required during construction. Piling works will be undertaken in the daytime to avoid sensitive periods for lamprey migration (nighttime hours), as secured within commitment B9 of the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184]. However, this means that the piling works could impact lamprey resting nearby in the day. However, lamprey lack a swim bladder and as such are categorised as low hearing sensitivity fish, as these species detect sound particle motion within a narrow band of frequencies, rather than sound pressure. This physiology makes lamprey inherently resilient to the kinds of physical injury (e.g. barotrauma) that other fish species can experience as result of adverse levels of underwater sound and vibration, and therefore physical injury is highly unlikely to occur. It is considered that lamprey would need to make contact with a vibrating surface for a response to be likely (i.e. localised impact). This behavioural response is likely to include swimming away and a change of swimming direction, orientation or position in the water column. However, the risk of more significant responses from vibratory piling, such as startle reactions, is low. At Nether Lock Viaduct, proposed piling will be set back from the bank. Therefore, the disturbance pathway (through earth then water), mean lamprey will not be able to come into direct contact with the source of vibration. As detailed in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052], the northern branch of the River Trent is considered the main route for lamprey migration and will likely act as a bypass to the upper reaches during piling works along the southern branch of the river.</p>

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		<p>Furthermore, works at Kelham and Averham FCA will be included within the pre-commencement works phase and will start prior to the commencement of main alignment works. The pre-commencement works phase is set out in the Pre-commencement Plan [APP-188] secured in Requirement 17 of the draft Development Consent Order [REP1-001]). Therefore, a de-minimis level impact was concluded on resting lamprey on their migration journey and larval lamprey (for the same reason).</p> <p>At Habitat Regulations Assessment Stage 2 (Appropriate Assessment), following the implementation of mitigation, a precautionary approach was applied assuming a de-minimis level impact on lamprey, instead of a neutral impact, due to daytime piling works.</p> <p>The Habitats Regulation Assessment [APP-185] will be updated and submitted for Deadline 3 with the above additional detail included.</p> <p>This issue was addressed within the Applicant's Response to Relevant Representations [REP1-009] in response to Natural England's Relevant Representation [RR-044]. The Applicant has also discussed this item with Natural England and has subsequently reached agreement on this point, as documented at issue 14 and 15 in the Statement of Common Ground with Natural England [REP1-026].</p>
Q9.0.5	The Applicant	<p>Effects of Light Spill</p> <p>NE comments [RR-044] that the HRA [APP-185] does not refer to operational light spill and its possible effects on migrating lamprey. NE consider that the changes to the highway lighting scheme could introduce additional light spill and subsequently have a likely significant effect on migrating lamprey.</p> <p>Please provide a comment on the operational effects of highway lighting on migrating lamprey or provide justification for not including it within the HRA.</p> <p>The Applicant notes the comments made by Natural England in relation to the lighting impacts during operation of the Scheme on migrating lamprey. It is acknowledged that the statement "<i>emissions considered relevant to this assessment are air pollution from construction and operational vehicle movements, road runoff discharges and artificial lighting</i>" under Emissions in Table 4-2 of the Habitat Regulations Assessment [APP-185] does not distinguish which impacts are resulting during construction or operation. For clarity, operational emissions impacts prior to implementation of mitigation refers to air pollution and road runoff discharges only. Sensitive lighting (embedded mitigation) incorporated into the Scheme design development is set out in Chapter 2 (The Scheme) of Environmental Statement [APP-046]. There is no existing lighting over Nether Lock Viaduct and Windmill Viaduct and the Scheme will not introduce any new lighting in closer proximity to the River Trent than is currently present. The requirements for road lighting have been determined based on ensuring safety for all road users, hence new lighting is focused on junctions. The Habitat Regulations Assessment [APP-185] aligns with the assessment reported in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] that, with regard to lighting, there will be no impact to fish, including lamprey, during operation and prior to implementation of mitigation and consequently there are no residual effects to report. In terms of operational lighting, the proposals are likely to result in a betterment to the existing situation. This is because the proposed planting design will provide natural screening from sky glow along the River Trent, particularly in the summer months. Therefore, impacts to migrating lamprey from operational lighting have been omitted from the Habitats Regulations Assessment [APP-185]. As part of the ongoing design process, information regarding lighting proposals will be developed at the detailed design stage, as detailed within Chapter 2 (The Scheme) of the Environmental Statement [APP-046].</p> <p>The Habitats Regulation Assessment [APP-185] will be updated and submitted at Deadline 3 of the Examination with additional clarity provided that emissions considered relevant to this assessment are; air pollution (construction and operation), road runoff discharges (operation) and artificial lighting (construction only)."</p> <p>This issue was addressed within The Applicant's Response to Relevant Representations [REP1-009] in response to Natural England's Relevant Representation [RR-044]. The Applicant has also discussed this item with Natural England and has subsequently reached agreement on this point, as documented at issue 16 and 17 in the Statement of Common Ground with Natural England [REP1-026].</p>
Q9.0.6	The Applicant	<p>In-combination Effects</p> <p>The HRA [APP-185] in-combination assessment table lists projects by distance from the SAC/ Ramsar. However, it is considered that distance from the River Trent is also an important factor given the functional linkage to the Humber Estuary.</p> <p>Please provide an updated in-combination assessment considering the functional linkage of the River Trent to the Humber Estuary. This should also provide a justification as to not including non-NSIP projects, or should be updated to include them</p> <p>The Applicant agrees that distance from the Scheme is important, as well as distance from the SAC/ Ramsar, when assessing in-combination effects as a result of the Scheme. As detailed within 'Section 3.4: In-combination assessment methodology' of the Habitat Regulations Assessment [APP-185], a review of the following resources has been undertaken to identify projects or plans which could result in likely significant effects upon any European Sites, in-combination with the Scheme:</p> <ul style="list-style-type: none"> • all onshore Nationally Significant Infrastructure Projects (NSIPs) and proposed NSIPs within the 'Yorkshire and Humber' and 'East Midlands' regions (listed in the table starting on page 40 of the Habitat Regulations Assessment [APP-185]) • projects or plans within the Newark & Sherwood district located within 2km of the River Trent (listed within the table starting on page 42 of the Habitat Regulations Assessment [APP-185]) • projects or plans within 2km of the Humber Estuary SAC/Ramsar (also within the table starting on page 42 of the Habitat Regulations Assessment [APP-185]).

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		<p>Therefore, both NSIP and non-NSIP projects within 2km of the River Trent have been included in the in-combination assessment, as well as those within 2km of the SAC/ Ramsar. By covering such a sizable area this has allowed the Applicant to incorporate and assess a number of surrounding projects as part of the HRA process.</p> <p>The Applicant has conducted a thorough review of the data that is publicly available, and this has informed the in-combination assessment section of the Habitat Regulations Assessment [APP-185]. The Habitat Regulations Assessment [APP-185] covers 11 different NSIP projects within the table on Page 40 and 42, and different planning applications which were reviewed and then summarised within the table spanning pages 42-48 of the Habitat Regulations Assessment [APP-185]. It is acknowledged that the heading of the second table within the Habitat Regulations Assessment [APP-185] (starting on page 42) is misleading as it currently refers to 'non-NSIP Projects located within 2 kilometres of the Humber Estuary SAC / Ramsar'. The heading of this table should read 'non-NSIPs and impact pathways relevant to the in-combination assessment' and includes non-NSIPs within 2km of the River Trent and within 2km of the Humber Estuary SAC and Ramsar.</p> <p>In addition, the sentence "As detailed in Section 5, non-NSIPs have not been detailed within the below table as the potential for in-combination effects is considered unlikely" should not be present within the assessment and requires deleting. As detailed above, non-NSIP projects are included in the in-combination assessment table (p42-48) and have been considered as part of this assessment within the Habitat Regulations Assessment [APP-185]. That in-combination effects of the Scheme with other projects, which was completed as part of the Habitat Regulations Assessment [APP-185], concluded that there to be no in-combination effects on the SAC/ Ramsar.</p> <p>It is acknowledged that further clarity is required on the in-combination assessment and how the conclusions have been reached, which will be provided within an updated Habitat Regulations Assessment [APP-185] and will be issued to the Examining Authority at Deadline 3. This will include an updated review to identify projects or plans which could result in likely significant effects upon any European Sites, in-combination with the Scheme, which had applications submitted since the completion of the Habitat Regulations Assessment [APP-185] (between August 2023 and September 2024).</p> <p>This issue was addressed within The Applicant's Response to Relevant Representations [REP1-009] in response to Natural England's Relevant Representation [RR-044]. The Applicant has also discussed this item with Natural England, as documented at issue 18 and 19 in the Statement of Common Ground with Natural England [REP1-026] and will be the subject of further discussion with Natural England once the Habitat Regulations Assessment [APP-185] has been updated.</p>
Q9.0.7	The Applicant	<p>Light Spill Impact on Migrating Lamprey (Construction phase) NE comments [RR-044] that the HRA [APP-185] report identifies "temporary severance of migratory routes along the river for breeding (as a result of artificial light spill)" as a likely significant effect which is taken through to Stage 2: Appropriate Assessment. As noted in Section 5.3, bridge beam installation is planned during May 2026, which is within the lamprey migration season as noted within the HRA report. This may contravene conservation objectives associated with maintaining the population and distribution of qualifying species (river and sea lamprey) of the Humber Estuary SAC/ Ramsar. Review NE's comments and provide a response applying the mitigation hierarchy to the bridge beam installation.</p> <p>The Applicant notes the comments made by Natural England on the timing of the bridge beam installations. In applying the mitigation hierarchy, whilst the bridge beam installation works will endeavour to avoid the lamprey migration season, the bridge beam installation is weather dependent, with a particular need to avoid high winds. It is anticipated that the window for this work would best be undertaken in spring and summer months due to the reliability of the weather. In addition, the bridge beam installation at certain locations (e.g. Nether Lock) will also be constrained by possession availability on the East Coast Mainline. The works also needed to be undertaken at night due to safety considerations with regard to the proximity of the lifting operations adjacent to live traffic and asset protection requirements by Network Rail. Therefore, whilst the exact timing of the installation may change, it cannot be guaranteed that the bridge beam installation works would be able to avoid the lamprey migration season and thus this pathway for a potential likely significant effect on the integrity of the designated sites and their conservation objectives was taken through to Stage 2 Appropriate Assessment within the Habitat Regulations Assessment [APP-185].</p> <p>The Register of Environmental Actions and Commitments in the First Iteration Environmental Management Plan [APP-184] includes measures to prevent light spill during construction. These include the use of task and directional lighting with cowls to minimise light splay to the River Trent and its banks outside of the works area (see commitment B1 of the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184]) as well as static, task lighting with cowls to direct light towards the areas of works and avoid direct illumination of the River Trent, where possible (see commitment B9 of the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184]). The "where possible" was included in this context due to the fact that when a crane slews, the lighting on the boom casts across the water before coming to rest on the beam lift. However, it is noted that this would likely only ever be for short amounts of time (the slewing of the crane would take place approximately four times during a night shift, with the slew taking approximately 30 minutes, with works occurring over 4 weeks in total). The River Trent is approximately 30m wide at the location of the works and therefore, as the crane slews, only a section of the width of the watercourse would be illuminated at any one time. Therefore, the light spill is unlikely to sever the migratory route as there will be dark areas either side. Additionally, the northern branch of</p>

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		<p>the River Trent, considered the main route for migratory lamprey, will still be available to migratory lamprey. The southern branch (where works are proposed) is currently more affected by the light distribution from nearby urban areas; therefore, light spill during construction will be along a section of the watercourse which is already subject to artificial light. The southern branch is also only available to migratory lamprey when Nether Lock is open and therefore is considered semi-permeable to migratory lamprey. The northern branch is considered to provide more favourable conditions for migration, given the permeability and reduced lighting along this stretch.</p> <p>To provide clarity, Register of Environmental Actions and Commitments 'REAC' commitment B9 in the First Iteration Environmental Management Plan [APP-184] will be updated to remove "and avoid direct illumination to the River Trent, where possible". Therefore, it will now state "Static, task lighting with cowls will direct light towards the areas of works to minimise light spill". The First Iteration Environmental Management Plan [APP-184] will be developed into a Second Iteration Environmental Management Plan prior to commencement of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP1-001].</p> <p>The Habitats Regulation Assessment [APP-185] and Register of Environmental Actions in the First Iteration Environmental Management Plan [APP-184] will be updated and submitted at Deadline 3 of the Examination with the above additional detail included.</p> <p>This issue was addressed within the Applicant's Response to Relevant Representations [REP1-009] in response to Natural England's Relevant Representation [RR-044]. The Applicant has also discussed this item with Natural England and has subsequently reached agreement on this point, as documented at issue 20 in the Statement of Common Ground with Natural England [REP1-026].</p>
Q9.0.8	The Applicant	<p>Terminology In their response [RR-044] NE points out that the terminology used within the HRA Appropriate Assessment Section 5.3.7 [APP-185] is incorrect. It is concluded that an LSE can be ruled out after considering the effect of mitigation. Any mitigation required must be considered in the Appropriate Assessment to demonstrate "no Adverse Effect on Integrity". Please review Section 5 of the HRA to ensure impacts are considered with regard to site integrity.</p> <p>The Applicant can confirm that a Stage 2 Appropriate Assessment has been undertaken as the Stage 1 Screening was unable to exclude the possibility of the potential for likely significant effects upon the on the integrity of the Humber Estuary SAC/Ramsar and their conservation objectives as a result of temporary severance of migratory routes along the river for breeding river lamprey and sea lamprey (as a result of artificial light spill) (see the Habitat Regulations Assessment [APP-185]). The Applicant agrees that paragraph 5.3.7 of the Habitat Regulations Assessment [APP-185] should conclude no adverse effect on integrity of the Humber SAC/Ramsar as a result of the Stage 2 Appropriate Assessment as set out in Section 5.3 of the Appropriate Assessment within the Habitat Regulations Assessment [APP-185].</p> <p>The Habitats Regulation Assessment [APP-185] will be updated and submitted at Deadline 3 of the Examination with the above amendment to the wording.</p> <p>This issue was addressed within the Applicant's Response to Relevant Representations [REP1-009] in response to Natural England's Relevant Representation [RR-044]. The Applicant has also discussed this item with Natural England and has subsequently reached agreement on this point, as documented at issue 20 in the Statement of Common Ground with Natural England [REP1-026].</p>
Q9.0.9	The Applicant	<p>Mitigation to Prevent Entrapment/Isolation of Lamprey During Flooding The wording at Reference B9 in the Register of Environmental Actions and Commitments (REAC) within the First Iteration EMP [APP-184] says "Following consultation with the Environment Agency...". Please provide a justification as to why this is not worded to include agreement with the EA.</p> <p>The Applicant is continuing consultation with the Environment Agency regarding the fish escape passage design, with the intention that an agreement with the Environment Agency can be reached and consequently the wording within DCO documents, such as the First Iteration Environmental Management Plan [APP-184], can be updated to state "in agreement with the Environment Agency". Although there is no obligation for the Scheme to provide fish escape passages in agreement with the Environment Agency, the Applicant has led consultation with the Environment Agency to incorporate their recommendations into the fish escape passage design where it is deemed proportionate mitigation for entrapment of riverine fish species in the Farndon FCAs, whilst maintaining flood defense function (storage and discharge functions).</p> <p>The Applicant confirms fish escape passage from Farndon FCAs was included within the design of the Scheme to mitigate the risk of fish entrapment, including the low risk to lamprey species (qualifying features of the downstream Humber Estuary SAC/ Ramsar). Following receipt of the relevant representation from Natural England, 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.</p> <p>The Applicant held a meeting with Natural England and the Environment Agency on 21 October 2024 to discuss the detail of the proposals for the fish escape passage from the Farndon FCAs to enable Natural England and the Environment Agency to provide assurance that the proposed mitigation measures have been designed appropriately. The outcomes of this discussion (and any subsequent discussions) will be documented in the updated Statements of Common Ground. In addition, Natural England and the Environment Agency have been added as consultees on the Second Iteration Environmental Management Plan at Requirement 3 of the draft Development Consent Order [REP1-001].</p>

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Q9.0.10	The Applicant	<p>Fish Escape Passage Design</p> <p>NE [RR-044] has commented that the wording within HRA [APP-185] section 5.2.3 states that the EA's recommendations regarding the fish escape passage design would be incorporated "<i>where possible</i>". The use of imprecise language such as this may introduce uncertainty around the implementation of these mitigation measures.</p> <p>NE also note that the design of these measures must include consideration for changes to flood events caused by climate change.</p> <p>Please provide a detailed response to this comment and an explanation as to why the EA's recommendations [RR-020] will only be incorporated "<i>where possible</i>".</p>
		<p>The Applicant confirms that the statement 'The fish escape passage design would incorporate the Environment Agency's recommendation of a naturalised shape and measure a minimum of 0.5 metres wide and 0.3 metres deep, <i>where possible</i>' was included within the Habitat Regulations Assessment [APP-185] as the design of the fish escape passages had not been refined at the time that the DCO application was submitted. The specific number, location and design of fish escape passages were proposed to be refined during detailed design of the Scheme. However, following receipt of the Relevant Representation from Natural England, 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 submitted at Deadline 3 of the Examination. The Applicant can confirm that the selected fish escape passage option comprises naturalised channels, which will be 0.5m wide and 0.3m deep in accordance with the Environment Agency's recommendations.</p> <p>The Applicant has undertaken consultation with the Environment Agency, Nottinghamshire County Council (the Lead Local Flood Authority), Newark & Sherwood District Council and the Trent Valley Internal Drainage Board which has shaped and influenced the drainage design, including the fish escape passages, and the assessment of flood risk, with an allowance for the effects of climate change included in the design.</p>

10. Landscape and Visual effects			
Q10.0.1	The Applicant	<p>Maintenance ES Chapter 7: Landscape and Visual Effect [APP-051] states that the maintenance of landscape features will be undertaken for a period of five years, paragraph 7.12.2. However, the supporting information in the landscape and visual impact assessment [APP-139] details mitigation for up to year 15. Please provide a justification for the current maintenance period of five years instead of 15 when the latter would ensure those details set out in the LVIA can be achieved.</p>	<p>The Applicant confirms the reference to the 5-year aftercare period made in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051], is in relation to the maintenance required during the establishment period for planting implemented as part of the Scheme. The 5-year aftercare period is standard within the highways industry and has precedent in all National Highways' Development Consent Orders. It is intended that following the initial 5-year aftercare period, the plants will have established, with subsequent maintenance of planting to continue as part of National Highways cyclical maintenance regime into perpetuity, secured via the Third Iteration Environmental Management Plan and Requirement 4 of the draft Development Consent Order [REP1-001]. The reference to Year 15 is used in the assessment of landscape and visual effects to determine the point at which it is considered that mitigation planting will have matured to fully meet its intended function.</p>
10.1 Photomontages			
Q10.1.1	The Applicant	<p>Photomontages Please confirm that the photomontages [APP-139] take account of the Environmental Masterplan [AS-026] with consideration of the vegetation that is to be lost and mitigation measures to be implemented such as noise barriers, bunds and planting. If not, please provide updated versions.</p>	<p>The Applicant can confirm that the photomontages have been informed by the environmental masterplan (as depicted in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]), vegetation clearance and mitigation measures including noise barriers, landscape bunds and proposed and retained planting.</p>

11. Material Assets and Waste		
Q11.0.1	The Applicant	<p>Clarifications – Environmental Statement In respect of ES Chapter 10: Material Assets and Waste [APP-054]:</p> <p>a) Should Table 10-1 refer to the more recent Nottinghamshire and Nottingham Local Aggregates Assessment 2022 sales data which is now available?</p> <p>b) Please clarify what 'Mt' means in Table 10-6 and Table 10-7.</p> <p>c) Table 10-18 (page 54) states that: <i>“the use of the available sand and gravel by the Scheme is anticipated to be less than approximately 3.5%.”</i> Please clarify what the 3.5% estimate is a percentage of.</p> <p>d) Paragraph 10.8.39 states that: <i>“Not all landfills outlined in Table 10-12 and Table 10-14 may be suitable for accepting waste generated by the Scheme, but it demonstrates that sufficient landfills are within the surrounding areas of the Scheme.”</i> Those tables do not indicate which landfills would be suitable, the remaining capacity of those landfills, or the amount of materials that could be deposited in them as a consequence of the Proposed Development. Please clarify how the conclusion at 10.8.39 has been drawn.</p> <p>e) Paragraph 10.10.3 states: <i>“Details on the First and Second Iteration EMPs, including how mitigation is secured within the draft DCO (TR010065/APP/3.1), is provided within Section 4.4 of Chapter 4 (Environmental Assessment Methodology) of this ES.”</i> However, Section 4.4 of ES Chapter 4 [APP-048] relates to 'Consultation and engagement'. The paragraph numbering in Section 4 also appears to be incorrect. Please review and update.</p> <p>In respect of ES Figure 10.1 [AS-053]:</p> <p>f) Please confirm what the dark brown shading to the right of the 'historic landfill site' represents – it is not indicated on the key.</p>
		<p>a) The Applicant's assessment contained within Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] was completed prior to the publication of the Nottinghamshire and Nottingham Local Aggregates Assessment 2022, which became available online from December 2023. However, the Applicant has reviewed the updated information available for the permitted reserves of total aggregates (as of December 2022), provided in Nottinghamshire and Nottingham Local Aggregates Assessment 2022. The total permitted reserves for aggregates at 31 December 2022 is 31.84 million tonnes as reported in Nottinghamshire and Nottingham Local Aggregates Assessment 2022 compared to 32.62 million tonnes at December 2021 and stated in Table 10-6 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054]. The total aggregates likely to be used by the Scheme is approximately 930,600m³ (Table 10-16 and 10-17 of Chapter (Material Assets and Waste) of the Environmental Statement [APP-054]). This is 3.5% of the regional availability of the aggregate (based on total aggregate reserve available in December 2022), compared to 3.42% (based on total aggregate reserve available in December 2021). It has been reported in Table 10-18 of Chapter (Material Assets and Waste) of the Environmental Statement [APP-054] that 'the use of the available sand and gravel by the Scheme is anticipated to be less than approximately 3.5%'. The percentage use of sand and gravel, based on the regional availability of total aggregates, does not change significantly despite the small, reported decrease in the total permitted reserves for aggregates at 31 December 2022. Moreover, the Scheme has demonstrated that at least 46% of fill materials would consist of reused or recycled materials and from borrow pits (Table 10-18 of Chapter (Material Assets and Waste) of the Environmental Statement [APP-054]). It is considered that conclusions reported in Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] would not change when taking into account the more recent information available in the Nottinghamshire and Nottingham Local Aggregates Assessment 2022 as the increase in percentage use of aggregate available within the region, on the conclusions in the ES is negligible. The Applicant therefore does not propose to update the local policy and baseline information with that data in Table 10-1 and Table 10-6 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054].</p> <p>b) Mt in Table 10-6 and Table 10-7 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] refers to million tonnes.</p> <p>c) The use of the available sand and gravel by the Scheme is anticipated to be less than approximately 3.5% of the total aggregate reserves available for Nottinghamshire and Nottingham as given in Table 10-6 'Aggregate sales and reserves for Nottinghamshire and Nottingham' of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054].</p> <p>d) Remaining landfill capacities at the end of 2021 for all stated landfills has been provided in Table 10-12 'Permitted landfill with remaining capacity at the end of 2021 in Nottinghamshire and Table 10-14 'Permitted landfill sites with remaining capacity for C&D waste at the end of 2021, located within 50 kilometres of the Scheme' of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054]. An explanatory note below both of these tables states that some landfills have been identified with * as not suitable to receive waste generated from the Scheme. It is likely that other landfills may be suitable to receive waste, based on their available remaining capacity. At the time of construction of the Scheme, some landfills may no longer have remaining void capacities or may no longer be operational, but it is unlikely that none of the landfills stated in Table 10-12 and Table 10-14 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] will not be operational or will not have any remaining capacities to accommodate waste from the Scheme. The volume of material (waste) that could be deposited will be dependent on the available void capacity of the landfills at the time of construction. Hence it is concluded in paragraph 10.8.39 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] that <i>“Not all landfills outlined in Table 10-12 and Table 10-14 may be suitable for accepting waste generated by the Scheme, but it demonstrates that sufficient landfills are within the surrounding areas of the Scheme”</i>.</p> <p>e) In paragraph 10.10.3 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054], the correct section reference given should be Section 4.3 of Chapter 4 (Environmental Assessment Methodology) of the Environmental Statement (APP-048). The Applicant details this amendment in Reference Number 6.1.3 of the A46 DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.</p> <p>f) The dark brown shading to the right of the 'historic landfill site' reflects where two landfill site boundaries overlap. Figure 10.1 (Material Assets and Waste Management First Study Area) of the Environmental Statement Figures [AS-053] has been updated to reflect the revision to the British Sugar Authorised Landfill site, as clarified by the Environment Agency in their Relevant Representation (RR-20). The updated figure</p>

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			is submitted at Deadline 2 of the Examination.
Q11.0.2	The Applicant	<p>Policy – National Paragraphs 10.3.43 and 10.3.44 of ES Chapter 10: Material Assets and Waste [APP-054] (dated April 2024) discuss the 2021 consultation version of the Waste Prevention Programme for England. The final policy paper was published in August 2023. Please update.</p>	<p>The Applicant notes the final policy paper Waste Prevention Programme for England was published in August 2023. The Applicant has considered this update, and confirms amendments are needed to paragraph 10.3.43 in Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054]. The Applicant has considered this update, and confirms amendments are needed to paragraph 10.3.43 in Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054]. The Applicant details this amendment in Reference Number 6.1.4 of the A46 DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.</p> <p>The amendments that are needed to paragraph 10.3.43 include: Waste Prevention programme for England 2023</p> <p>The key goals for the waste prevention programme includes:</p> <ul style="list-style-type: none"> • designing out waste; • system and services to include collection and take back services, encouraging reuse, repair, leasing business and facilities; and • data and information including materials databases, product passport and voluntary corporate reporting. <p>The Applicant does not consider any amendments would be needed to paragraph 10.3.44 Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054].</p>
Q11.0.3	The Applicant, NCC	<p>Policy – Local Please explain the relevancy of the following policies, noted on pages 16 and 17 of ES Chapter 10: Material Assets and Waste [APP-054], to the determination of this Application? Nottinghamshire and Nottingham County Council Waste Core Strategy (Adopted 2013):</p> <ul style="list-style-type: none"> • WCS3 Future waste management provision • WCS5 Disposal sites for hazardous, non-hazardous and inert waste • WCS8 Extensions to existing waste management facilities • WCS10 Safeguarding waste management sites <p>Emerging Nottinghamshire County Council draft Waste Local Plan (2022):</p> <ul style="list-style-type: none"> • SP2 Future Waste Management Provision 	<p>The Applicant confirms the Nottinghamshire and Nottingham County Council Waste Core Strategy (Adopted 2013): WCS3 Future waste management provision is not directly relevant to the assessment of this Scheme, however this policy indicates the recycling rate that Nottinghamshire and Nottingham County Council anticipates for future waste management proposals and thus an indication of the targeted recycling and composting rates of the waste generated from the Scheme.</p> <p>WCS5 Disposal sites for hazardous, non-hazardous and inert waste is not directly relevant to the assessment of this Scheme, however this policy indicates that Nottinghamshire and Nottingham County Council will allow development of landfill sites that can accept waste arising from the Scheme.</p> <p>WCS8 Extensions to existing waste management facilities is not directly relevant to the assessment of this Scheme, however this policy indicates that Nottinghamshire and Nottingham County Council will allow extensions of waste management sites that can accept waste arising from the Scheme.</p> <p>WCS10 Safeguarding waste management sites is not directly relevant to the assessment of this Scheme however, this policy indicates that Nottinghamshire and Nottingham County Council has safeguarding policies for waste management sites and thus will have provisions for available waste management facilities to manage waste arisings from the Scheme.</p> <p>The emerging Nottinghamshire County Council draft Waste Local Plan SP2 Future Waste Management Plan is not directly relevant to the assessment of this Scheme, but the policy provides information that Nottinghamshire County Council will support provisions for sufficient waste management capacities to move waste management up the waste hierarchy which will help to manage waste arisings from the Scheme.</p>
Q11.0.4	NCC	<p>Policy – Local a) Please provide a clear extract from the Nottinghamshire Minerals Local Plan (adopted March 2021) showing the area within which the Proposed Development would be located. b) Subject Area Plan C on page 160 of the Nottinghamshire Minerals Local Plan shows an area covered by yellow cross-hatching in a south-west to north-east direction. However, yellow cross-hatching in a south- west to north-east direction does not appear on the key. Please clarify.</p>	Question not addressed to the Applicant.
Q11.0.5	The Applicant, NCC	<p>Policy – Local Paragraph 10.3.58 of ES Chapter 10: Material Assets and Waste [APP-054] (dated April 2024) states that: <i>“The new waste management plan is expected to be adopted by July 2023.”</i> a) Is the “new waste management plan” a replacement Waste Local Plan? If no, please provide a reference to the “new waste management plan”. b) When was it, or when is it expected to be, adopted?</p>	<p>a) The Applicant can confirm reference to “The new waste management plan is expected to be adopted by July 2023” in paragraph 10.3.58 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] is an error and should read “The Nottinghamshire and Nottingham Waste Local Plan is expected to be adopted by March 2025”. The Nottinghamshire and Nottingham Waste Local Plan refers to the replacement Waste Local Plan that will replace the previous Adopted Waste Local Plan (2002) and the Waste Core Strategy (2013). The Applicant details this amendment in Reference Number 6.1.5 of the A46 DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.</p> <p>b) Based on information available on Nottinghamshire County Council’s website, the Nottinghamshire and</p>

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			Nottingham Waste Local Plan (incorporating review of Waste Core Strategy 2013) prepared by Nottingham City Council was submitted by the Councils to the Planning Inspectorate on 5 March 2024. The timetable suggests that the Examination period is set between April to December 2024 and has not been completed yet. The target date for the adoption of the Nottinghamshire and Nottingham Waste Local Plan is March 2025.
Q11.0.6	The Applicant	Minerals Table 10-18 of ES Chapter 10: Material Assets and Waste [APP-054] (page 55) states that: <i>“paragraph 10.8.21 outlines reasons of why prior extraction may not be appropriate.”</i> It does not appear to explain, with specific reference to the Proposed Development, why prior extraction may not be appropriate. Furthermore, paragraph 10.10.14 says that site-won materials, including sand and gravel, would be re-used within the Proposed Development. Please clarify the position.	The Applicant confirms based on paragraph 3.87 of the Nottinghamshire Minerals Local Plan (2021), Nottinghamshire County Council has stated several circumstances where prior extraction may not be appropriate. The applicable reason for this Scheme is that <i>“There is an overriding need for the non-mineral development which outweighs the need for the mineral”</i> . This has been stated in paragraph 10.8.21 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] and described in Section 2.1 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046]. Extraction of all minerals that are within the Order Limits may not be technically appropriate or economically viable as a ‘mineral development’ prior to the construction of the Scheme. However as stated in paragraph 10.10.14 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054], the Applicant will consider the potential use of site won materials that includes minerals derived from excavation activities within the Scheme.
Q11.0.7	The Applicant, NCC	Minerals Do you consider that the Proposed Development complies with: a) Policies SP7, DM13 and DM15 of the Nottinghamshire Minerals Local Plan and the related paragraphs 3.84 and 3.87; and b) Paragraph 5.191 of NPSNN 2024?	a) The Applicant confirms Policy SP7 of the Nottinghamshire Minerals Local Plan provides information that in a mineral safeguarding area, where there is a clear demonstrable need for the non-minerals development, prior extractions of minerals will be sought, where practicable. However, in paragraph 3.87 of Nottinghamshire Minerals Local Plan it is stated that <i>‘It is accepted that there may be circumstances where prior extraction may not be appropriate’</i> . Nottinghamshire County Council provides several circumstances where prior extraction may not be appropriate. The applicable reason for this Scheme is that <i>“There is an overriding need for the non-mineral development which outweighs the need for the mineral”</i> . This has been stated in paragraph 10.8.21 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] and described in Section 2.1 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046]. The Applicant considers that the Scheme complies with Policy SP7 of the Nottinghamshire Minerals Local Plan. The Applicant considers that the Scheme complies with Policy DM13. Policy DM13 requires a planning application for the extraction of minerals where a “necessary element of other development proposals” which would involve the excavation and removal of significant quantities of soils and minerals in an MSA. The Applicant considers that: (i) the necessary permissions for the extraction of minerals are provided by the DCO; (ii) the total area of the Scheme with the sand and gravel MSA is approximately 1.8 square kilometres, which is approximately 0.48 per cent of the MSA area of 377 square kilometres -i.e. a very small scale extraction in a small area of the MSA as stated in paragraph 10.8.21 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054]; and (iii) mineral extraction is not a significant reason for justifying or promoting the Scheme as set out in para. 5.142 of Policy DM13. The Applicant considers that the Scheme complies with DM15 of the Nottinghamshire Local Plan. DM15 will support proposals for borrow pits that includes where: <ul style="list-style-type: none"> • they are adjacent to or close to the project/s they are intended to serve. The locations of the proposed borrow pits for the Scheme have been chosen to be in close proximity of the scheme and has been provided in bullet point five of paragraph 10.10.3 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054], • are time limited to the life of the Scheme and material is to be used only for the specified scheme. This has been stated in paragraphs 2.6.205 to 2.6.214 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046], • can be worked and reclaimed without any unacceptable environmental impacts. This has been explained in paragraphs 2.6.205 to 2.6.214 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046], • there are overriding environmental or other benefits compared to obtaining materials from alternative sources. The volume of materials from borrow pits that may be used in the Scheme and the benefits of using materials from borrow pits are stated in paragraphs 10.11.13 and 10.11.14 of

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			<p>Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054],</p> <ul style="list-style-type: none"> proposals provide for appropriate restoration measures which include full use of surplus spoil from the Scheme. The restoration measures for borrow pits that include use of surplus spoil from the Scheme is given in paragraph 10.11.11 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054]. <p>The Applicant considers the Scheme complies with paragraph 3.84 of the Nottinghamshire Minerals Local Plan as it is not within an open countryside as stated in the first bullet point in paragraph 10.8.21 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054].</p> <p>The Applicant Considers the Scheme complies with paragraph 3.87 of the Nottinghamshire Minerals Local Plan as stated in the second bullet point of paragraph 10.8.21 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054].</p> <p>b) The Applicant considers the Scheme complies with paragraph 5.191 of NPSNN 2024 as it has been stated in paragraph 10.10.14 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] that the Applicant will give consideration to potential use of the minerals extracted during the excavation works for the Scheme. Prior excavation of the minerals may not be appropriate as it has been stated in paragraph 10.8.21 of Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] that Scheme is substantially smaller than the size of the MSA.</p>
Q11.0.8	The Applicant	<p>Minerals</p> <p>Does the “loss of any future potential to work these minerals” in [RR-069] relate to the ability of the landowner to work the minerals, or does it relate to an absolute loss of the ability to work these minerals as a consequence of the Proposed Development. If the latter, what is the type and approximate volume of minerals that would be affected?</p>	<p>The Applicant would note that the reference to [RR-069] should be [RR-070]. The “loss of any future potential to work these minerals” stated in [RR-070] relates to the ability for the Landowner to work the minerals at the locations in question (Plots 3/15a and 3/2k as shown on sheet 3 of the Land Plans [AS-004].</p> <p>These plots are within the northeast section of the Cattle Market Junction and contain Work No. 54 (maintenance access track) and Work No. 55 (attenuation ponds) as shown on Sheet 3 of the Works Plans [AS-005]. The construction and operation of these works will result in an absolute loss of the ability to work the minerals as a consequence of the Scheme. The Scheme will excavate approximately 3000m³ of sand and sand gravels in the construction of the attenuation ponds and associated drainage in this location.</p> <p>The total area of plots 3/15a and 3/2k is 21,812m² (taken from the Book of Reference [REP1-005]). The sands and gravel layer in this location is approximately 7.3 meters deep. An approximate volume of the sands and gravels within the land plot is therefore approximately 159,228m³. However, given the constraints associated with the location of the existing A46 road to the south, the presence of the listed Smeaton’s Arches to the west, the ditch to the north and the wooded area to the east, it would not be possible to excavate the entire volume. Space would need to be made for access into and out of the land with appropriate offsets to the constraints. The side slopes to the excavation would need to be sloped to 1:3 to ensure that they remained stable during material extraction. When considering these constraints, it is the Applicant’s view that an excavation 4 metres deep, with side slopes of 1:3 over an area of 12,951m² could be achieved. This would equate to approximately 39,176m³ of mineral excavation.</p>
Q11.0.9	The Applicant, NCC	<p>Site-won Material</p> <p>Paragraph 10.10.14 of ES Chapter 10: Material Assets and Waste [APP-054] says that site-won materials, including sand and gravel, would be re-used within the Proposed Development and, if required, further opportunities would be explored. However, paragraph 10.11.11 anticipates that not all site-won material would be re-used due to the potential poor quality of the material and its unsuitability for use as structural fill.</p> <p>a) (Applicant): What would happen to any unused site-won material, including any site-won minerals deposits?</p> <p>b) Does the dDCO need to include any provisions in relation to the use of any site-won minerals, including minerals that are not used in the Proposed Development (e.g. to avoid minerals going to waste)?</p>	<p>a) The Applicant confirms site won material from excavations that is not suitable for structural fill material would be used within the construction of the landscape bunds.</p> <p>b) As any excess site won material will be used within the landscape bunds, the Applicant does not consider that it is necessary to have any provisions in the draft Development Consent Order [REP1-001] intended to control the disposal of site won material.</p>
Q11.0.10	The Applicant	<p>Use of Materials</p> <p>Paragraph 5.71 of NPSNN 2024 says that, where possible, applicants are encouraged to use existing materials first, then low carbon materials, sustainable sources, and local suppliers. Consideration should be given to circular economy principles wherever practicable, for example by using longer lasting materials efficiently, optimising the use of secondary materials and how the development would be maintained and decommissioned. Paragraph 5.78 says that, where possible, projects should include the use of recycled materials.</p>	<p>The Applicant’s approach to use of existing materials has been implemented in the design solution developed for the Scheme, in which parts of the existing highway asset have been used where possible. This is evidenced in Table 3-10 of Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047]. For both the Brownhills slip and the A1 to Winthorpe alignment sections of the existing carriageway have been re-used.</p> <p>The waste hierarchy and circular economy principles will be implemented throughout the construction phase to minimise disposal and maximise reuse and recycling of waste arising and has been included in the Outline Site Waste Management Plan in the First Iteration Environmental Management Plan [APP-184]. Opportunities for</p>

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		Please explain your approach in relation to these considerations.	<p>reuse and recycling of waste include (but are not limited to):</p> <ul style="list-style-type: none"> • Reusing excavated soils that includes stored topsoil on site in the landscaping features of the A46 or in flood compensation areas. Excavated materials would also be considered to create flood bunds when possible. Surplus soils would be offered to schemes in close proximity to the Scheme for reuse on land, whenever possible. • Chipping green waste on site for use in the landscaping for the Scheme. • Composting of green waste. • Recycling inert materials by crushing, blending and subsequent reuse, as an aggregate. • Reusing waste on other nearby schemes, which includes reuse of Construction & Demolition waste from bitumen road surfaces, existing footway, tar products, highway kerb stone, concrete, mortar, drainage pipes, rock, steel, asphalt. • Reusing waste for uses with clear benefits to the environment, for example in the remodelling of agricultural land or in the restoration of nearby quarries or other excavation sites. • Procurement of secondary materials such as recycled concrete for use in starter layers and road construction where the specification permits.
Q11.0.11	The Applicant	<p>Modern Methods of Construction (MMC) Paragraph 5.75 of NPSNN 2024 states that infrastructure projects should look to use MMC such as legal and sustainable timber and low carbon concrete and other sustainable design practices, where possible. [APP- 192] states that: “The Scheme would as far as possible look to use modern methods of construction.” Please explain the type and extent of MMC that you anticipate being used in the Proposed Development.</p>	<p>The Applicant confirms all timber products supplied for either temporary or permanent inclusion in the works on the Scheme must be certified as legally and sustainably sourced through the Forest Stewardship Council (FSC) or the Programme for the Endorsement of Forest Certification (PEFC). Suppliers must provide Chain of Custody (CoC) evidence, including certificates, delivery notes and invoices to confirm compliance.</p> <p>Examples of Modern Methods of Construction which could be implemented include:</p> <ul style="list-style-type: none"> • Use of precast elements for drainage headwalls, bridge beams and minor structures. • Use of Self-Propelled Modular Transporters (SPMT) to facilitate the construction of the A1 crossing bridge deck away from the A1 alignment to reduce disruption to the public. This is described in paragraph 2.6.164 of Chapter 2 The Scheme of the Environmental Statement [APP-046]. • Use of Building Information Modelling in the detailed design and use of digital engineering solutions on site to improve efficiency and reduce waste. • Use of electric plant and renewable powered plant
Q11.0.12	NSDC, NCC	<p>Mitigation – Outline Site Waste Management Plan (OSWMP) Do you consider that the OSWMP at Appendix B.1 of the First Iteration Environmental Management Plan [APP-184] would satisfactorily address paragraph 5.76 of NPSNN 2024? Is the Applicant’s approach consistent with Nottinghamshire and Nottingham County Council Waste Core Strategy policies WCS1 and WCS2?</p>	Question not addressed to the Applicant.
Q11.0.13	NSDC, NCC	<p>Mitigation – Outline Materials Management Plan (OMMP) Do you consider that the OMMP at Appendix B.2 of the First Iteration Environmental Management Plan [APP-184] to be satisfactory?</p>	Question not addressed to the Applicant.
Q11.0.14	NSDC, NCC	<p>Mitigation – Outline Soil Management Plan (OSMP) Paragraph 10.10.7 of ES Chapter 10: Material Assets and Waste [APP-054] states that the OSMP would be developed into a full Soil Management Plan (SMP) prior to construction. a) Are you satisfied with this arrangement? b) Do you consider that any amendments need to be made to the OSMP (Appendix B.3 of First Iteration Environmental Management Plan [APP-184])?</p>	Question not addressed to the Applicant.

12. Noise and Vibration		
Q12.0.1	The Applicant NSDC	<p>Tolney Lane Traveller Site Environmental Statement Chapter 11: Noise and Vibration [APP-055] makes note that the gypsy and traveller community at Tolney Lane is recognised as a “Noise Sensitive Receptor” and “it is acknowledged mobile houses may provide a lesser degree of sound insulation; context will be considered as part of the standard DMRB LA 111 methodology”. DMRB 111 makes reference to “Determining Significance” with several examples of those noise sensitive receptors that might be more sensitive to noise than others. Can the Applicant confirm what allowances have been made to the methodology to account for Tolney Lane gypsy and traveller site, if any, as per the “Determining Significance” on page 21 of the DMRB LA 111. Do both parties confirm that this has been considered and do both agree with the applied methodology?</p>
Q12.0.2	The Applicant	<p>Bridge House Farm Traveller Site It is noted that there is a live planning application for a permanent traveller site at Bridge House Farm, NSDC reference 24/00548/FUL. Does the applicant consider that the noise assessment should include this site in the interests of the Public Sector Equality Duty?</p>

The Applicant confirms Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] presents the outcomes of the construction noise and vibration, and operational noise assessments for the relevant study areas, which include the gypsy and traveller community site off Tolney Lane. Figure 11.9 (Short-term Noise Change) of the Environmental Statement Figures [AS-063] and Figure 11.10 (Long-term Noise Change) of the Environmental Statement Figures [AS-064] present the impact of the Scheme in the short-term and long-term respectively, indicating the noise level change at this location is up to Minor in the short-term and up to Negligible in the long-term.

Noise impacts with the Scheme in the short term where noise levels increase by 3 dB or more (Moderate/Major impact) for receptors above the Lowest Observable Adverse Effect Level (LOAEL) or at least by 1 dB (Minor impact) for receptors at or above the Significant Observable Adverse Effect Level (SOAEL) would be considered to be potentially significant, subject to review of additional factors (which include the magnitude of change with respect to minor and moderate boundaries, the magnitude of impact in the long-term and short-term, the consideration of absolute noise levels with respect to the LOAEL and SOAEL, the location of noise sensitive parts of the receptor, the acoustic context, and the perception of change).

Noise impacts at the gypsy and traveller community site, which are predicted to be up to Minor in the short-term (and Negligible in the long-term) relate to absolute noise levels well below SOAEL. Accordingly, any additional allowances for receptor characteristics e.g. potentially lower sound insulation performance by mobile houses, have not been considered further as a significant effect as a result of the Scheme is not considered to arise at this location.

The assessment methodology and outcomes have been presented to Newark & Sherwood District Council Environmental Health Officers (EHOs) in the context of two consultation meetings (14 September 2022 and 21 June 2023). No objections to the assessment methodology and associated results have been raised.

The Applicant confirms the Environmental Impact Assessment (EIA) carried out for the Scheme, as presented in the Environmental Statement is necessarily a snap-shot in time as far as possible receptors are concerned. However, as outlined in Section 2.4 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046], Regulation 14(2) of the Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (the EIA Regulations) requires “a description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed within reasonable effort on the basis of the availability of environmental information and scientific knowledge”.

Future changes to the baseline without the Scheme could result from both natural events and from other human activities, including development. Table 2-2 of Chapter 2 The Scheme of the Environmental Statement [APP-046] provides an outline of the future baseline scenario in relation to the environmental topics considered as part of the EIA. For potential human activities that could result in changes to the baseline for the noise assessment, Table 2-2 states “No significant baseline changes are anticipated within the next 15 years although traffic movements are likely to increase.” As stated in paragraph 3.11.1 of the Design Manual for Roads and Bridges LA 104, “the likely significant environmental effects for do-something scenarios should be assessed for the baseline year and future year, or series of future years, depending on the environmental factor.” Therefore, only those activities that have the potential to significantly change the baseline have been considered in the assessment.

The Public sector equality duty, provided by s.149 of the Equality Act 2010, requires public authorities, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

None of the objectives listed above require the Applicant to consider an inchoate planning application as part of the future baseline in its Environmental Impact Assessment in circumstances in which guidance (in this case DMRB) would not ordinarily require it to do so.

However, in order to assist the Examining Authority, the Applicant's noise specialist has considered the location

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			<p>of the site in relation to the noise and vibration assessment carried out, as set out in detail in Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055].</p> <p>Construction noise impacts are detailed in Section 11.11 of Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] for affected representative receptors which are shown in Figure 11.11 (Construction Noise and Vibration Assessment Locations) of the Environmental Statement Figures [AS-065]. The nearest representative noise sensitive receptor to the land subject of the planning application for which construction noise calculations have been carried out is 127039 as shown in Figure 11.11 (Construction Noise and Vibration Assessment Locations) of the Environmental Statement Figures [AS-065]. That receptor is slightly closer to the works than the potential traveller site at The Old Stable Yard site. Tables 11-14, 11-15, 11-17, 11-18, 11-19, 11-22, 11-23, 11-25, and 11-29 in Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] present daytime construction noise levels relevant to this representative receptor, indicating that the daytime baseline noise level of 68dB(A) (which reflects the Lowest Observable Adverse Effect Level (LOAEL)) is not exceeded throughout the construction period. Tables 11-20 and 11-24 of Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] present night-time construction noise levels relevant to this representative receptor, indicating that the night-time baseline noise level of 59dB(A) is only exceeded during the roadworks construction phase, with a highest predicted level of 62dB(A) during the resurfacing work activity which would be classified as a moderate impact. This noise level is unlikely to be disruptive as resurfacing works are by definition linear suggesting any potential impacts would only be for a short period of time and therefore additional mitigation is not required for this activity. Construction induced vibration is not expected to be experienced at this representative receptor.</p> <p>Operational noise impacts of the Scheme are adverse in some areas and beneficial in others but none of these are significant. The impact of the Scheme at this location may be seen in Sheet 5 of Figure 11.9 (Short-term Noise Change) of the Environmental Statement Figures [AS-063] and Figure 11.10 (Long-term Noise Change) of the Environmental Statement Figures [AS-064] which shows the noise impact at the potential traveller site is Negligible in both the short-term and long-term. In addition to low noise surfacing that will be used to control noise levels, Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] shows the proposed operational noise mitigation in the form of barriers and earthworks that influence the noise environment in the vicinity of the Scheme. Requirement 16 of the draft Development Consent Order [REP1-001] secures the provision of the noise mitigation measures presented within Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026].</p>
Q12.0.3	The Applicant	<p>ES Chapter 11: Noise and Vibration [APP-055] states in paragraph 11.13.5 that “No properties eligible for noise insulation under the Noise Insulation Regulations 1975 (amended 1988) have been identified.” However, Chapter 6: Cultural Heritage [APP-050] identifies the potential for the installation of triple glazed windows at Lowwood House, paragraph 6.11.25.</p> <p>Does this have any bearing on the noise assessment and can the Applicant expand on the potential impacts on this property resulting from the proposal without the installation of new windows.</p>	<p>The Applicant confirms Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] indicates that while noise impacts of the Scheme are assessed as Negligible, there may be a general perception that the noise environment may affect the heritage value at this receptor. Paragraph 6.11.25 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] does not advise on potential noise mitigation measures but rather acknowledges that a potential application for ‘replacement triple glazed windows’ from the owners has been raised as a possibility during consultation with the Conservation Officer.</p> <p>As detailed in the Applicant’s response to [RR-013], contained in the Applicant’s Response to Relevant Representations [REP1-009], any change in noise levels at the Interested Party will in fact be Negligible Beneficial in both the short-term and long-term, as reported in Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055]. Accordingly, the Interested Party is not eligible for noise insulation under the Noise Insulation Regulations 1975.</p>
12.1 Construction Noise			
Q12.1.1	The Applicant	<p>Crushing Activities</p> <p>It is noted in the Consents and Agreements Position Statement Appendix A [APP-023] that a crusher is proposed as part of the construction works. Although this will be subject to separate permitting, can the Applicant confirm the proposed location for this activity and whether this has been considered in the noise and vibration assessment.</p> <p>If this has not been considered should the Noise and Vibration Assessment be updated? If not, explain why?</p>	<p>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 construction information available at the time of the assessment as the details of construction activities are dependent on the detailed design, programme, and chosen methodology. Appendix 11.1 (Construction Activities and Plant for Noise Assessment) of the Environmental Statement Appendices [APP-172] presents the construction information assumptions as used to represent a reasonable worst case.</p> <p>Appendix A of the Consents and Agreements Position Statement [APP-023] refers to the <i>possible</i> onsite re-use of waste arising from demolition activities, which may involve crushing/blending of waste materials within the proposed construction compounds, to be used as an aggregate. It is however noted this does not constitute construction information (and therefore was not included as part of the construction noise and vibration assessment) but is rather intended to demonstrate how commitment M3 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-184] may be achieved.</p>

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			Details of all construction activities are to be reviewed, once known, in advance of any construction activity taking place. The noise and vibration assessment will accordingly not be updated at this stage. 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, if proposed by the Principal Contractor in coordination with the Local Authority. Any noise and vibration impacts will therefore be considered by the Local Authority pursuant to that application and suitable mitigation measures imposed, if deemed to be required.
12.2 Operational Noise			
Q12.2.1	The Applicant	<p>Operational Noise – Surface Course ES Chapter 11: Noise and Vibration [APP-055] states in paragraph 11.10.7 that “A thin surface course would be applied to new carriageways associated with the Scheme to reduce operational road surface noise.” Can the Applicant signpost where this will be applied and how it is secured through the dDCO?</p>	<p>The Applicant confirms noise mitigation measures are shown on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026], within which note 10 states ‘Low noise surfacing will be provided along the proposed dual carriageway, slip roads and the friendly farmer link. Where existing pavements are retained along the existing A46, these will be re-surfaced with low noise surfacing if not already present.’.</p> <p>Requirement 12(b) of the draft Development Consent Order [REP1-001] secures the provision of the mitigation proposals presented within Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] and Requirement 16 requires details of the proposed noise mitigation, including low noise surfacing, to be submitted to and approved by the Secretary of State. Requirement 16(2)9b) requires those details in reflect the mitigation measures for operation of the Scheme included in Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055]</p>
Q12.2.2	The Applicant	<p>Operational Noise – Traffic Flow NPSNN 2015 paragraph 3.7 provides a commentary on the uptake of ultra-low emission vehicles (ULEVs), including pure electric vehicles, plug-in hybrids and fuel cell electric vehicles. Given some such vehicles are generally accepted as being quieter than traditional combustion engine vehicles should [APP-055] have any consideration to this? If so, should this chapter be updated, but if not, explain why?</p>	<p>The Applicant confirms the assessment presented in Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] does not make explicit allowances for pure electric, plug-in hybrids, and fuel cell electric vehicles on the basis that the use and future uptake of such vehicles is a variable that is not reflected in the currently available source terms/ traffic flow patterns.</p> <p>Further, it is noted that noise arising from a stream of traffic has two main components: The first component is generated by the engine, exhaust and transmission systems of vehicles and is the dominant source of noise when traffic is travelling at fairly low speeds, or in a low gear, and which may be lower for electric vehicles than for internal combustion vehicles. The second component of traffic noise is generated by the interaction of tyres with the road surface and this is the dominant noise source when traffic is flowing freely at moderate to high speeds. This is likely to be similar for both electric vehicles and internal combustion vehicles. Tyre noise levels depend on the tyre characteristics and the road surface roughness, but always increase with vehicle speed in this speed range. Hence at moderate to high speeds there may be only a small reduction in noise for electric vehicles compared with internal combustion vehicles.</p> <p>By not making any allowance for the uptake of these type of vehicles, the noise assessment is considered to be precautionary and represent a reasonable worst-case scenario. As such, the Applicant is of the view that no update to the assessment, or Chapter 11 (Noise and Vibration) of the Environmental Statement is required.</p>

13. Population and Human Health			
Q13.0.1	The Applicant	<p>Clarifications In respect of ES Appendix 12.1 Walker, Cyclist and Horse-rider Survey Results [APP-174]:</p> <p>a) Please provide a larger-scale map which clearly shows each of survey locations on an 'existing situation' base (ie without the Proposed Development).</p> <p>b) It is indicated that Newark FP3 (near the Farndon Roundabout) would be stopped up. However, on [AS- 006] it is indicated that a private means of access would be stopped up along the route of Newark FP3. Please explain what is intended in relation to Newark FP3.</p> <p>c) Would the part of Newark FP14 outside the Order Limits near Cullen Close remain a PRoW? If yes, what purpose would this serve?</p> <p>In respect of ES Chapter 12: Population and Human Health [APP-056]:</p> <p>d) Should the reference to 'Mathers Road' on page 34 read 'Mather Road'?</p> <p>e) Is the list of PRoW at paragraph 12.8.19 complete, for example Newark FP3 appears to be in the Local Impact Area but does not appear on the list?</p> <p>f) In relation to Farm 14 (pages 46 and 47), are the areas for temporary possession and permanent acquisition correct (both are stated to be 2.7ha)?</p>	<p>a) The Applicant confirms a large-scale map which clearly shows each of the survey locations on an existing baseline situation can be found in Appendix E of this document.</p> <p>b) Newark Footpath 3, as shown on sheet 1 of the Streets, Right of Way and Access Plans [AS-006], is to be used as a temporary diversion route for Newark Bridleway 2 during construction of the Scheme. It will remain in use during construction and revert back to a footpath in operation.</p> <p>c) The part of Newark Footpath 14 that is not to be stopped up, as shown on sheet 3 of the Streets, Right of Way and Access Plans [AS-006], would remain open and operate as it does now with users gaining access to it from the footway along Kelham Road from Cattle Market gyratory, albeit providing access to a short section of residual public right of way and the top of the existing flood bund.</p> <p>d) The Applicant confirms that the reference to 'Mathers Road' on page 54 of Chapter 12 Population and Human Health of the Environmental Statement [APP-056] is an error and should read 'Mather Road'. The Applicant details this amendment in Reference Number 6.1.13of the A46 DCO Table of Errata [TR010065/APP/7.38] which will be submitted at Deadline 2.</p> <p>e) The Applicant confirms that paragraph 12.8.19 of Chapter 12 Population and Human Health of the Environmental Statement [APP-056] does not provide an exhaustive list of all PROW within the Local Impact Area. The PROW listed in 12.8.19 of Chapter 12 Population and Human Health of the Environmental Statement [APP-056] are those that were identified as likely to experience significant effects as a result of the Scheme.</p> <p>f) The Applicant confirms the permanent land acquisition from Farm 14 is correct at 2.7ha. However, the Applicant confirms there is an error within Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] with regard to the temporary possession. The area of land required temporarily from Farm 14 should be stated as 2.2ha. The Applicant details this amendment in Reference Number 6.1.14 of the A46 DCO Table of Errata [TR010065/APP/7.38] which will be submitted at Deadline 2.</p>
Q13.0.2	The Applicant	<p>Policy – National Please indicate where evidence relating to the consideration of opportunities to deliver social benefits per paragraph 3.3 of NPSNN 2015 can be found in the application documentation.</p>	<p>The Applicant has considered opportunities to deliver environmental and social benefits as part of the Scheme. Section 4.14 and Chapter 5 of the Case for the Scheme [APP-190] discusses the social benefits of the Scheme (including new walking route, environmental and economic benefits), while each chapter of the Environmental Statement provides specific details of the opportunities for social and environmental benefits to be delivered by the Scheme considered as part of the EIA process. Examples include the new access to the Showground entrance from Winthorpe via Hargon Lane, a connection from FP2 at Winthorpe around to FP3 and other routes in the south, a fully signalized walking and cycling route from Great North Road South around the enlarged Cattle Market gyratory and a potential leisure and destination place beneath Nether Lock viaduct.</p>
Q13.0.3	The Applicant, NSDC	<p>Policy – Local Plan Allocations Paragraph 12.8.12 of ES Chapter 12: Population and Human Health [APP-056] refers to three employment sites with planning permission, four housing sites with planning permission and two mixed-use allocations. What are these sites, and are there any other employment or housing allocations which do not have planning permission but which should be taken into account in the assessment?</p>	<p>The Applicant confirms that the employment, housing and mixed-use sites presented within Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] were identified using the Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document (Adopted July 2013).</p> <p>The Applicant confirms that employment and housing allocations without planning permission have been taken into consideration and the phrase '<i>with planning permission</i>' has been included in error. The Applicant details this amendment in Reference Number 6.1.15 of the A46 DCO Table of Errata [TR010065/APP/7.38] which will be submitted at Deadline 2.</p> <p>The allocations, as referenced in 'Map 1 – Newark North Proposals' (page 32) and 'Map 2 – Newark South Proposals' (page 33) of the Development Plan Document, are as follows:</p> <ul style="list-style-type: none"> - Employment site allocations: NUA/E/2, NUA/E/3 and NUA/E/4 - Housing site allocations: NUA/Ho/1, NUA/Ho/2, NUA/Ho/3 and NUA/Ho/4 - Mixed-use allocations: NUA/MU/1 and NUA/MU/1. <p>Table 12-11 in Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] provides an assessment of the impact of the Scheme on the former Nottinghamshire County Council Highways Depot which is land allocated for employment (NUA/E/4) – which will be the Main Construction Compound for the construction of the Scheme. The assessment considers the site to have a high sensitivity due to the size of site allocation. However, the assessment considers the magnitude of impact to be minor given that the site currently does not have a planning application on it and, moreover, the site will be returned to its current state following the construction of the Scheme. As such, the assessment concludes there will be a slight adverse (not significant) effect on this site.</p> <p>The Applicant confirms that site allocations with planning permission as set out in the Development Plan Document have also been taken into consideration, however these sites have been brought forward and assessed as receptors.</p>

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Q13.0.4	The Applicant	<p>Managing Disruption During Construction – Winthorpe [RR-078] expresses concern about the disruption to the Winthorpe village community during the 3.5-year construction phase and the implications for Winthorpe School and the village pub.</p> <p>a) Has direct consultation taken place with the school and business mentioned in [RR-078]?</p> <p>b) How would you manage disruption, ensure access to community facilities and businesses, and communicate with the local community before and during construction.</p>	<p>a) The Applicant has engaged with both the primary school and business mentioned in [RR-078], since statutory consultation, including hosting an engagement van session for residents in the business' car park, with their permission, in August 2022.</p> <p>Following receipt of the Relevant Representations, the Applicant has engaged with the primary school to set up a further meeting. This was held in early October 2024 and included discussions around potential social value activity, including road safety workshops to build safety awareness and confidence among pupils, their families and staff.</p> <p>More recently, the Applicant has reached out to the business to check-in as they did not submit a relevant representation.</p> <p>b) The Applicant is committed to ongoing engagement with the local community, including thorough communication of plans during construction. As secured by Requirement 11 of the draft Development Consent Order [REP1-001], the Applicant will produce a Traffic Management Plan, substantially in accordance with the Outline Traffic Management Plan [APP-196] and a Construction Communications Management Plan (as secured by Requirement 3 of the draft Development Consent Order [REP1-001]) to further minimise disruption, where possible</p>
Q13.0.5	The Applicant	<p>Managing Disruption During Construction – Newark Showground</p> <p>a) Would works be planned to take account of events as noted in [RR-046]?</p> <p>b) Would any temporary changes to the road network during construction take account of any large vehicles and large volumes of movement associated with events?</p>	<p>a) The Applicant confirms the significant events held at the Newark Showground are identified in Table 2-9 of the Outline Traffic Management Plan [APP-196]. The proposed mitigation measures are included within the table and include no closures of the strategic network taking place during these significant events.</p> <p>b) The temporary traffic management will be designed to achieve the minimum dimensions required under Chapter 8 of the Traffic Signs Manual to allow the safe movement of vehicles through the works. This is detailed in section 2.6 of the Outline Traffic Management Plan [APP-196]. The Outline Traffic Management Plan [APP-196] will be developed into the Traffic Management Plan for implementation during construction and secured through Requirement 11 of the draft Development Consent Order [REP1-001]</p>
Q13.0.6	The Applicant	<p>Managing Disruption During Construction – Businesses in Newark [RR-028] and [RR-059] express concern that disruption would discourage people from travelling into Newark.</p> <p>a) What disruption would you expect to occur to Newark-bound journeys and how would disruption be managed?</p> <p>b) How would you communicate disruption to businesses?</p> <p>c) Would there be a mechanism for businesses to communicate with the project team if issues arise?</p>	<p>a) The Applicant confirms Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] considers the impact of the Scheme on businesses during construction and operation. No significant adverse impacts have been identified on businesses during the construction or operation period.</p> <p>b) The Applicant confirms that, during the construction phase, a Traffic Management Plan will be implemented to ensure that access is maintained, and disruption is minimised. The Traffic Management Plan will be developed from the Outline Traffic Management Plan [APP-196] and is secured through Requirement 11 of the draft Development Consent Order [REP1-001]. Local people and businesses will be engaged, with details set out in a Construction Communications Management Plan about how construction may impact them, for example through road diversions. The Construction Communications Management Plan will be an accompanying plan to the Second Iteration Environmental Management Plan, to be developed from the First Iteration Environmental Management Plan [APP-184] (as secured by Requirement 3 of the draft DCO [REP1-001]). There is considered to be a slight beneficial (nonsignificant) effect on access to businesses once the Scheme is operational due to improved journey time and reliability.</p> <p>c) The Applicant has a National Customer Contact Centre and the Scheme will operate a Scheme specific email address and contact number to enable stakeholders to make contact with the Scheme Stakeholder Manager.</p>
Q13.0.7	The Applicant, NSDC, NCC, Emergency Services	<p>Managing Disruption During Construction – Communications</p> <p>a) Paragraph 12.10.2 of ES Chapter 12: Population and Human Health [APP-056] refers to a Construction Communications Management Plan and a Construction Communications Plan. What is the difference between these documents?</p> <p>b) It is also indicated at paragraph 12.10.2 that these documents would be prepared as part of a Second Iteration Environmental Management Plan prior to the commencement of construction. Should an outline of the proposed commitments and details of parties who would be consulted be provided before a decision is made on this Application?</p> <p>c) How would changes to the road network be communicated to the emergency services?</p> <p>d) Do the emergency services have any specific requirements?</p>	<p>a) The Applicant confirms there is an error within Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056]. Communication with stakeholders during the construction of the Scheme will be managed via a Construction Communications Management Plan. The Applicant details this amendment in Reference Number 6.1.16 of the A46 DCO Table of Errata [TR010065/APP/7.38] which will be submitted at Deadline 2.</p> <p>b) An Outline Construction Communications Plan will be submitted by the Applicant at Deadline 3.</p> <p>c) Emergency services will be invited to the Monthly Traffic Management meetings as detailed in section 2.17.5 of the Outline Traffic Management Plan [APP-196]. The Applicant will produce a weekly lookahead programme for stakeholders and the highway authorities to communicate changes in the traffic management (as set out at section 2.18.5 of the Outline Traffic Management Plan [APP-196]).</p> <p>d) Section 1.1.6 of the Outline Traffic Management Plan [APP-196] states that maintaining access for the emergency services and affected properties is a key objective. Table 2-1 of the Outline Traffic Management Plan [APP-196] (page 12) details emergency services requirements and proposed mitigations.</p>

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Q13.0.8	NSDC, NCC	<p>Inclusion Action Plan Paragraph 12.10.2 of ES Chapter 12: Population and Human Health [APP-056] refers to an Inclusion Action Plan (IAP) and indicates that this would be prepared as part of a Second Iteration Environmental Management Plan prior to the commencement of construction.</p> <p>a) What is the relationship between this document and the Population and Human Health topic – it does not appear to be discussed anywhere else in Chapter 12?</p> <p>b) Should an outline of the proposed commitments and details of parties who would be subject of the IAP be provided before the decision on this Application?</p> <p>c) If no, can the Public Sector Equality Duty be discharged in determining this Application (NPSNN 2015 paragraph 3.21)?</p>	Question not addressed to the Applicant.
Q13.0.9	NSDC	<p>Employment On page 34 of ES Chapter 12: Population and Human Health [APP-056] it is noted that land designated as employment land in the Newark & Sherwood Development Plan would be used as the Main Construction Compound for 48 months. Would this be a cause of concern in relation to the supply of employment land in the District?</p>	Question not addressed to the Applicant.
Q13.0.10	The Applicant	<p>Employment a) With regard to 'Employment and Income' on Table 12-14 of ES Chapter 12: Population and Human Health [APP-056], how many construction-phase jobs would be created? b) Should the significance of construction-related employment be quantified in ES Chapter 12? c) Why is the Education, Employment and Skills Plan noted at 12.10.2 of ES Chapter 12 considered to be a 'mitigation measure' and what provisions would it make?</p>	<p>a) The approximate maximum size of the construction workforce is set out in section 2.6.272 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046]. At peak, it is estimated that 450 staff will be on site per day, split between office-based staff (approximately 110) and the onsite workforce (approximately 340). Over the three-year construction period, it is estimated that 110 office staff roles and 3,000 construction workforce roles will be required as a result of the Scheme. The office staff will include management, engineering and supporting functions, the majority of which will be on the scheme for the full duration of the construction phase. There will be a gradual reduction in the number of office staff on the project in the final year. The workforce will include specialist trades employed through both national and local subcontractors. These roles would vary in duration, with some, such as engineering, management and supervisory roles spanning the length of the scheme while other associated with specialist activities (such as steel fabrication works, pavement and lighting) being of a shorter duration focused on specific elements of construction.</p> <p>b) Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] assesses the significance of construction employment. As set out in Table 12-14 of Chapter 12 Population and Human Health of the Environmental Statement [APP-056], the significance of the effect has been assessed as slight beneficial (not significant). The Design Manual for Roads and Bridges LA112 and IEMA guidance do not require the quantification of employment effects as such this has not been undertaken within Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056].</p> <p>c) The Applicant confirms there is an error within Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056]. Reference to the Education, Employment and Skills Plan should be listed as an enhancement measure and set out in 12.10.7. The Applicant details this amendment in Reference Number 6.1.17 and 6.1.18 of the A46 DCO Table of Errata [TR010065/APP/7.38] which will be submitted at Deadline 2.</p>
Q13.0.11	NSDC	<p>Employment and Skills Are the arrangements in relation to employment and skills set out under references PHH4 and PHH5 on pages 77 and 78 of the First Iteration EMP [APP-184] satisfactory?</p>	Question not addressed to the Applicant.
Q13.0.12	The Applicant	<p>Farms A number of significant effects on agricultural land holdings are reported summarised in Table 12-19 of ES Chapter 12: Population and Human Health [APP-056]. These are based on the land take from the part of the farm within the Local Impact Area (LIA).</p> <p>a) What efforts have been made to establish the total extent of each farm? b) Would the impacts be significant if the assessment took account of parts of the farms beyond the LIA? c) Would the viability of any farms be affected by the temporary or permanent use of land for the Proposed Development? d) During the August 2024 USI, the ExA noted that cattle were grazing on Farm 16. Is there suitable grazing land to which livestock could be relocated?</p>	<p>a) The Applicant confirms that Scheme information and HM Land Registry titles were reviewed in order to establish the total extent of each farm within 500m of the Order Limits of the Scheme. This is in accordance with the proposed study area within the Design Manual for Roads and Bridges LA112.</p> <p>b) The Applicant considers that the inclusion of parts of farms beyond the local impact area (LIA) has the potential to reduce the significance of effects identified in Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056]. The inclusion of a broader area of land would increase the overall farm size and would therefore reduce the proportion of land affected by the Scheme.</p> <p>c) Based on the permanent and temporary use of land for the scheme the Applicant does not consider that the viability of the farms along the route will be affected. Where there are any losses associated with the retained holdings, these will be dealt with in accordance with the statutory compensation code.</p> <p>d) In respect of Farm 16, it is not known at this stage whether there is a specific parcel of grazing land to which any livestock</p>

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			could be relocated to but the costs arising from any displacement from this land will be fully compensated including the movement of any stock and this would be discussed with the relevant party in advance to ensure that there was adequate provisions in place And in accordance with the statutory compensation code.
Q13.0.13	The Applicant	<p>Health Effects – Direct [RR-028] and [RR-059] suggest that pollution caused by construction works and increased traffic could affect the health and wellbeing. [RR-059] also suggests that the Proposed Development would result in negative health consequences. Please indicate where these effects have been addressed in ES Chapter 12: Population and Human Health [APP-056]. If they have not been addressed, please provide a response to the relevant parts of these RRs.</p>	<p>The Applicant confirms Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] assesses the effects of the Scheme on Human Health. In order to do so, it considers the potential for both adverse and beneficial effects to human health including a range of personal, social, economic and environmental factors that influence human health status, such as:</p> <ul style="list-style-type: none"> • Neighbourhood quality • Access to services, health and social care • Social capital • Employment and income • Access to green space, recreation, and physical activity. <p>Changes in neighbourhood quality / amenity occur from a combination of significant residual (post-mitigation) effects reported in other topics, specifically Chapter 11 (Noise and Vibration) [APP-055], Chapter 5 (Air Quality) [AS-021] and Chapter 7 (Landscape and Visual Effects) [APP-051] of the Environmental Statement. For an amenity effect to be identified, at least two significant 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. No other significant human health effects have been identified during the construction or operation of the Scheme (as set out in Table 12-19 of Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056]).</p>
Q13.0.14	The Applicant, NSDC, NCC	<p>Health Effects – Indirect Paragraph 4.80 of NPSNN 2015 and paragraph 4.71 of NPSNN 2024 state that national road networks may have indirect health impacts eg if they affect access to key public services, local transport, opportunities for walking, cycling and wheeling, or the use of open space for recreation and physical activity. Would the Proposed Development have indirect health effects and, if yes, what weight do you consider should be given to them by the decision-maker?</p>	<p>The Applicant confirms Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] assesses the effects of the Scheme on Human Health. In order to do so, it considers the potential for both adverse and beneficial effects to human health including a range of personal, social, economic and environmental factors that influence human health status, such as:</p> <ul style="list-style-type: none"> • Neighbourhood quality • Access to services, health and social care • Social capital • Employment and income • Access to green space, recreation, and physical activity. <p>Table 12-13 and Table 12-17 of Chapter 12 Population and Human Health of the Environmental Statement [APP-056] provides an assessment on changes in access to local services during the construction and operation of the Scheme, respectively. Similarly, Table 12-15 and Table 12-18 of Chapter 12 Population and Human Health of the Environmental Statement [APP-056] provides an assessment on changes in access to green space, recreation and physical activity during the construction and operation of the Scheme, respectively. The assessment identifies a number of receptors which may be impacted by temporary or permanent changes in access as a result of the construction or operation of the Scheme. However, no significant human health effects have been identified during either construction or operation of the Scheme (as set out in Table 12-19 of Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056]).</p>
Q13.0.15	The Applicant	<p>Local Vulnerable Populations Please respond to [RR-073] which states that ES Chapter 12: Population and Human Health [APP-056]: a) does not adequately identify local vulnerable populations and report on potential effects on these groups in addition to the general population. The IP refers to two Gypsy, Roma and Traveller groups at Tolney Lane and Bridge House Farm and says that Chapter 12 should be revised and report any differential or disproportionate effects on vulnerable populations when compared to the general population; and b) does not address potential suicide risk and that further assessment of the risk and mitigation should be undertaken.</p>	<p>In the Applicant's response to [RR-073]:</p> <p>a) The Applicant acknowledges that IEMA guidance for Determining Significance for Human Health in Environmental Impact Assessment identifies it <i>may be</i> appropriate to consider relevant sub-populations. In this instance, it was not considered necessary to consider groups with more sensitivities in Chapter 12 (Population and Human Health) [APP-056] as vulnerable population groups have been assessed in the Equality Impact Assessment (EqIA). The Equality Impact Assessment (EqIA) [APP-195] draws on the findings of Chapter 5 (Air Quality) [APP-022], Chapter 7 (Landscape and Visual Effects) [APP-051], Chapter 11 (Noise and Vibration) [APP-055] and Chapter 12 (Population and Human Health) [APP-056] of the Environmental Statement. The EqIA appropriately identifies and assesses differential and disproportionate impacts of the Scheme on populations that share protected characteristics (as set out under the Equality Act 2010). Section D of the EqIA [APP-195] assesses the impact of the Scheme on the local Gypsy, Roma and Traveller communities in the vicinity of the Scheme, identifying a disproportional impact associated with changes in noise exposure. The assessment concludes a 'neutral' effect following the implementation of proposed noise mitigation. To avoid repetition, the Applicant therefore feels it is appropriate for the Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] to assess the impact of the Scheme on the general population, with the impact on vulnerable population groups set out in the EqIA [APP-195].</p>

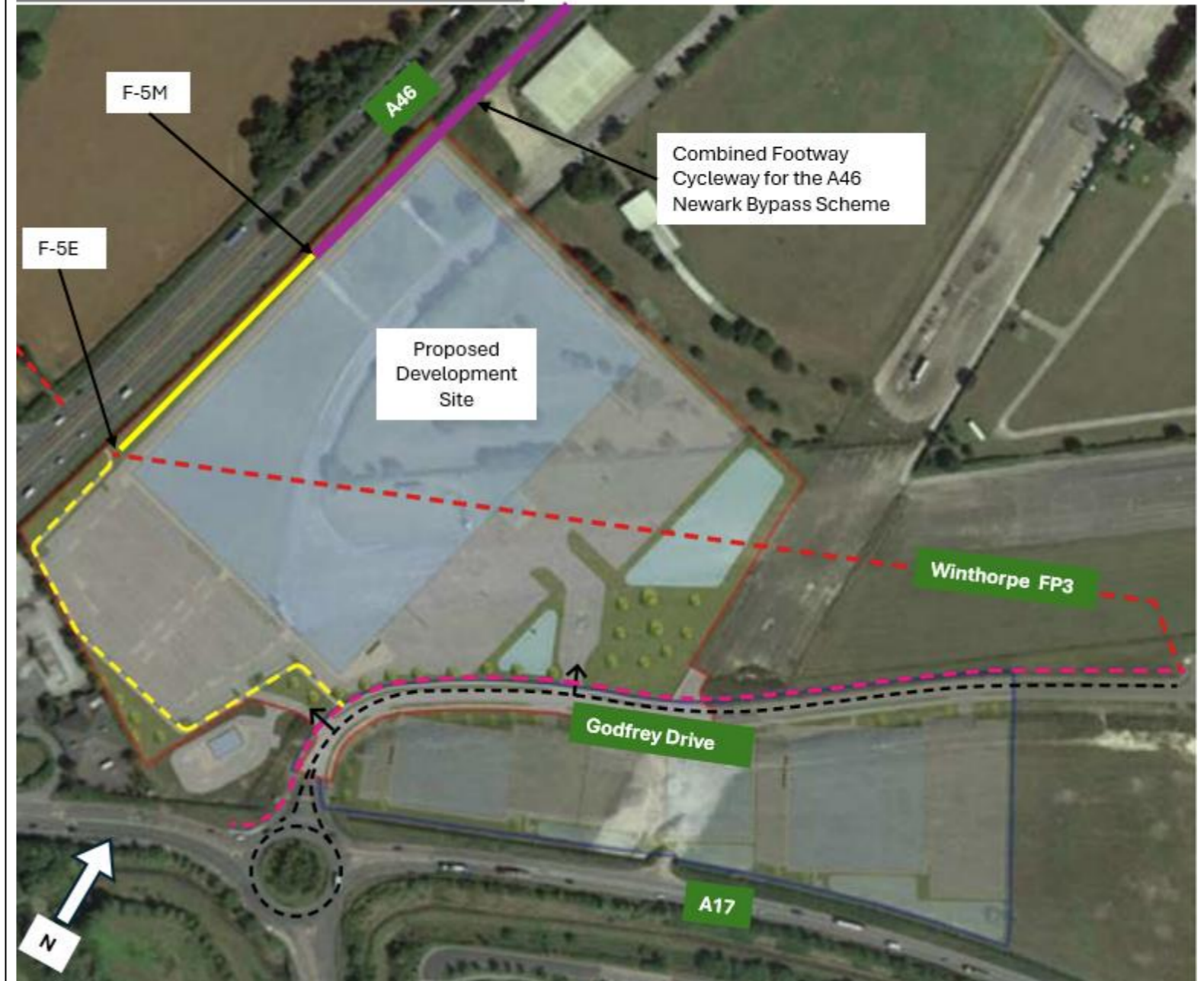
13. Population and Human Health			
			b) Section 12.8 of Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] acknowledges the presence of the Farndon Unit. Risk of death by suicide is not within the scope of the Design Manual for Roads and Bridges LA112 and IEMA guidance for Determining Significance for Human Health in Environmental Impact Assessment as such it has not been considered within Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056]. The Applicant considers that no specific activity associated with the Scheme is likely to increase the risk of death by suicide for local population groups, including residents of the Farndon Unit. Indeed, the Scheme will reduce interaction between pedestrians and the A46, via the closure of an at-grade public right of way crossing over the A46 and active travel route improvements, therefore reducing the risk of collisions. The Applicant acknowledges the influence of changes on the road network affects mental wellbeing and confirms that the National Highways Suicide Prevention Toolkit will be utilised as part of detailed design for the Scheme.
Q13.0.16	The Applicant	Walking, Cycling and Horse riding – Temporary Diversions Please provide a map which clearly illustrates/ labels: a) the sections of existing WCH routes (whether PRoW or not) that would be closed during the construction phase; please illustrate different types of routes, such as pedestrian-only, bridleway and so on, in different colours; b) the diversionary routes; and c) in each case, the difference in length between the existing route and the diversion.	The Applicant confirms the information requested has been provided in Appendix F of this document. All other routes within the Scheme will be diverted locally onto their permanent location as these are constructed and do not have long diversions away from the localised area.
Q13.0.17	The Applicant, NCC	Walking, Cycling and Horse riding – Temporary Diversions On pages 58 and 59 of ES Chapter 12: Population and Human Health [APP-056] it is stated that Newark BW2 is well-used and that users would be temporarily diverted via Newark FP3 and it is stated on page 35 of the Scheme Design Report [APP-194] the Order limits were altered to enable an alternative route to be used as a temporary bridleway diversion during construction. Is all of the diversionary route, including Newark FP3 and the A46 underpass, suitable for cyclists and horseriders in addition to walkers?	Please refer to drawing within response to 13.0.16 above. The Applicant has provided a separate route for equestrian users along part of the diversion as the route for walking and cycling is too narrow for equestrians to use. The full route shown will be suitable for cyclists and horse riders, with mounting blocks required where the bridleway diversion passes under the existing A46 underpass.
Q13.0.18	NSDC, NCC	Walking, Cycling and Horse riding – Temporary Diversions Are the arrangements in relation to WCH diversions, which are set out under reference PHH3 on page 77 of the First Iteration Environmental Management Plan [APP-184], satisfactory?	Question not addressed to the Applicant.
Q13.0.19	The Applicant, NCC	Walking, Cycling and Horse riding – PRoW Newark FP14 Paragraph 12.8.21 of ES Chapter 12: Population and Human Health [APP-056] says that the existing A46 is considered to cause a severance effect on this Newark FP14 and that due to safety concerns, Newark FP14 has been proposed for closure by NCC. However, ES Appendix 12.2: Population and human health supplementary information [APP-175] states that the Newark FP14 crossing is not currently used due to safety hazards and that foot traffic is diverted along Kelham Road and Great North Road. a) Is Newark FP14 currently in use? If no, how long has it been out of use? b) Please provide details of NCC's proposed closure. c) Is the diversion via Kelham Road and Great North Road signposted?	a) The Applicant confirms that paragraph 12.8.21 within Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056] is correct, with Newark FP14 currently proposed for closure by Nottinghamshire County Council due to safety concerns. However, the route is still in use and the survey undertaken in January 2023 showed 4 walkers on one day and 11 walkers with dogs on the second day. It is only suitable for able bodied walkers due to the narrow and steep steps on both sides of the A46, crossing of the A46 is very dangerous due to high volumes of traffic and there is no refuge island in the middle of the highway to improve crossing safety. b) The Applicant confirms there is an error within Appendix 12.2 (Population and Human Health Supplementary Information) of the Environmental Statement Appendices [APP-175] which currently states that the "Crossing is not currently used due to safety hazards associated with crossing the A46". The Applicant details this amendment in Reference Number [insert ref. no. e.g. A.1.] of the A46 DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination. c) The Applicant confirms the diversion via Kelham Road and Great North Road will be signposted.
Q13.0.20	The Applicant	Walking, Cycling and Horse riding – Trent Valley Way In relation to National Cycle Network Route 64, National Highways' Studies Team are reported as highlighting the reduction of existing severance effects and the provision of grade-separated crossings as a key priority (paragraph 3.16.1 of the WCHAR [APP-193]). Have options been considered to avoid the need for users of the Trent Valley Way / National Cycle Network Route 64 to cross the proposed A46 northbound off-slip? For example, could the route follow the existing underpass, run between the proposed A46 mainline and on-slip, and then via an underpass beneath the A46 and the off-slip? If so, would this reduce the magnitude of the significance of the residual effect report on page 77 of ES Chapter 12:	The Applicant confirms the preferred route announcement layout dated March 2021 had three long subways passing beneath the new A46 on southbound on slip, the new A46 dual carriageway and the new northbound off slip to maintain the Route 64 facility. Whilst assessing options to improve the Scheme and to take account of the Think Again group's comments on the preferred route the Applicant liaised closely with the Think Again group and local Winthorpe residents during pre-statutory consultation events and during the statutory consultation. The majority of people consulted felt that the proposed at grade option presented provided the best option and was preferable over multiple subways included at the preferred route announcement. The subway option and the justification for the changes made are included in Table 3-10 in Chapter 3 of the Environmental Statement, Assessments of Alternatives [APP-047].

13. Population and Human Health			
		Population and Human Health [APP-056]?	
Q13.0.21	The Applicant, Winthorpe Primary School	<p>Walking, Cycling and Horse riding – School Journeys [RR-078] says: “Our children and school community use the underpass to cycle and walk to school. Some of our pupils take this route by themselves. It is imperative for the school that the cycling and walking route remains open without long detours during all construction phases as up to 27% of Winthorpe Primary School pupils can use this route to and from school. As well as remaining open, the route also needs to remain accessible and free of long detours to enable everyone to be able to get to and from school easily and safely, along with the pushchairs, scooters etc. that accompany the school run.” It also questions whether Thoroughfare Lane be utilised and improved to enable a safe pedestrian and cycle route to both the school and the village?</p> <p>a) Does “the underpass” relate to the underpasses beneath the A1 and A46? b) If yes, what is the distance between Newark and Winthorpe Primary School via this route? c) How many pupils are on roll at the Winthorpe Primary School? d) Whilst it is noted that 27% of pupils “can” use this route, is there any evidence to show how many actually use this route? e) Does the data used to prepare the Walker, Cyclist and Horse-rider (WCH) Survey Results [APP-174] indicate the usage of the underpasses in the periods before and after the school’s core hours? If yes, please provide these data. f) Does Thoroughfare Lane connect to any existing pedestrian / cycle infrastructure to allow for an alternative safe access route?</p>	<p>Please refer to the Applicant’s Response to Relevant Representations [REP1-009] in relation to [RR-078]. Further clarity has been provided to each point below:</p> <p>a) The Applicant believes the underpass beneath the A46 is being referred to by the Interested Party, however, it is relevant to both the underpass under the A1 and A46. The routes will remain open without long diversion during construction of the Scheme</p> <p>b) Section 2.3.20 to 2.3.22 and Appendix A.2.2 of the Outline Traffic Management Plan [APP-196] describes the construction phasing for the Brownhills Junction such that a walking and cycling route can be maintained during the construction phase. The new route will be moved onto its permanent route, beneath Brownhills Underpass, which is 120m longer than the existing route</p> <p>c) Current pupil numbers is 108, the capacity is 118</p> <p>d) The Applicant undertook a survey of users in January 2023 for a period of 7 days, during week days the maximum use by pedestrians was 53 and cyclists was 10. The school may be able to provide additional supporting evidence.</p> <p>e) The Applicant confirms the Walkers, Cyclists and Horse-Riders (WCH) Survey Results within the Transport Assessment Report [APP-174] does not utilise data to indicate the usage of the underpasses in the periods before and after the school’s core hours.</p> <p>f) The Applicant confirms that Thoroughfare Lane does not connect to any existing pedestrian/cycleway infrastructure as it is a dead end after the school side entrance. It is also overgrown and leads to farmers fields.</p>
Q13.0.22	The Applicant, NSDC, NCC	<p>Walking, Cycling and Horse riding – Friendly Farmer Area a) In respect of the ‘Footway / Cycle Track’ between F-5M and F-5D on Sheet 5 of Streets, Rights of Way and Access Plans [AS-006]: (i) Could this route prejudice the delivery of NSDC Local Plan allocation NUA/MU/1? (ii) Could the route be lost as a consequence of the development of NUA/MU/1? If yes, how would an alternative route be secured? (iii) Given that this section of the footway / cycle track does not run parallel with the A46, is there any risk arising from the formation and use of an ‘informal’ route / desire line between F-5M, FX-5E and the Shell Service Station? (iv) If yes, how would this be addressed? b) What is the purpose of retaining the part of Winthorpe FP3 that crosses the area shaded in yellow on Sheet 5? c) How would users of Winthorpe FP2 access the Esso Service Station and associated convenience store (noted on page 44 of Walking, Cycling & Horse-Riding Assessment and Review Report [APP-193])? d) Where proposed footways / cycle tracks (illustrated in pink on [AS-006]) join an existing route, eg at point F-5C on Sheet 5, would those existing routes be suitable for cycles as well as pedestrians? If no, would facilities be created to enable cyclists to safely change route / transition to the highway without dismounting?</p>	<p>a) The Applicant confirms the alignment for the combined footway/cycleway between points F-5M and F-5O on sheet 5 of the Streets, Rights of Way and Access Plans [AS-006] was chosen following consultation with multiple stakeholders, including the developer for the proposed development within the NSDC’s Local Plan allocation NUA/MU/1. The route was selected to provide a replacement to the current footway that runs along the southbound A46. The route provides a link to the existing footpath on the A17 and intercepts Winthorpe footpath 3. The intention was that the combined footway/cycleway would run through and provide access to the proposed developed. The plans for the development have since been further developed with an outline planning application (reference 23/02281/OUTM) having been submitted by the developer to NSDC in December 2023. It is expected that this outline planning application is to be determined in December 2024. The Applicant is currently drafting a legal agreement with the developer of the site to ensure that, should their application be provision granted, provision is made as far as possible for i) the combined footway/cycle track between the A46 and Godfrey Drive that does not conflict with their proposed development and ii) a temporary diversion route for the footway along the southbound A46 . Should the outline planning application be granted permission and Reserved Matters be approved, the alignment for the combined footway/cycle track would be similar to that proposed in Section 6 of the developer’s Design and Access Statement but with a corridor provided along the northern boundary of the development site to provide a continuous link between F-5E and F-5M (please refer to the sketch below). The current footway adjacent to the A46 southbound carriageway crosses over the access and exit roads to the Shell Service Station but does not provide a pedestrian access. The footway continues west for a short distance before reaching the staggered crossing point of the A46 to the east of Friendly Farmer Roundabout. With the existing footpath and staggered crossing stopped up there is little need to use this as an informal route.</p>

13. Population and Human Health

- Proposed New Pedestrian / Cycle Path
- Existing Bridleway
- Existing Pedestrian / Cycle Path
- Vehicular Access

Annotated extract from Section 6 of the Design and Access Statement, dated 27th December 2023, submitted with Outline Planning Application 23/02281/OUTM



- b) The Scheme does not stop up FP3, the route provided by the Scheme replaces the existing footway facility that runs alongside the existing A46 which is not a PROW. The Applicant notes that a residual section of FP3 is retained through the yellow land. The alignment of the combined footway/cycleway and its interaction with FP3 are being discussed with the Lindum Group as part of their Statement of Common Ground with a separate legal agreement being drafted.
- c) There is no current access into the Esso garage for pedestrians, the Applicant has stated that it will discuss the potential provision of a route during detailed design. This has not been provided to date as the route would potentially impact on the operation of the filling station, as a safe walking route would need to be provided through the forecourt.
- d) This is an existing combined walking and cycling route at point F-5C.

13. Population and Human Health			
Q13.0.23	The Applicant	<p>Walking, Cycling and Horse riding – Active Travel</p> <p>In ES Chapter 12: Population and Human Health [APP-056] discussions with the Newark A46 Active Travel Partnership (ATP) are outlined (eg at paragraph 12.4.3). Please provide a tabulated summary of the ATP's requests / suggestions and how you have responded to them (<i>note – this could be addressed in a SoCG with the ATP</i>).</p>	Please refer to the Applicant's Response to Relevant Representations [REP1-009] in relation to [RR-056] and the SoCG with the Active Travel Partnership [REP1-024].
Q13.0.24	The Applicant, NSDC, NCC	<p>Walking, Cycling and Horse riding – Enhancements</p> <p>NPSNN 2015 notes at paragraph 3.22 that applicants should seek to deliver improvements that reduce community severance and improve accessibility. NPSNN 2024 notes at paragraph 4.72 that enhancement opportunities should be identified and that this includes potential impacts on vulnerable groups.</p> <p>a) Which aspects of the Proposed Development do you consider to be 'enhancements' in terms of WCH?</p> <p>b) Would the Proposed Development result in a worsening of conditions for active travel and / or vulnerable groups in any locations?</p> <p>c) Has the Applicant addressed new or existing severance issues and/ or safety concerns that act as a barrier to non-motorised users (NPSNN 2015 paragraph 5.205 and NPSNN 2024 paragraph 5.274)?</p>	<p>a) The Applicant confirms that where the Scheme impacts on an existing walking or cycling route either during construction or when the Scheme is operational, the Applicant has provided replacement facilities alongside or crossing the new highway alignment. All replacement facilities have been designed to comply with LTN 1/20 which is an improvement as the majority of existing facilities to be replaced are of a poor standard.</p> <ul style="list-style-type: none"> • Improved facilities have been provided at the following locations as shown on the General Arrangement Plans [AS-007] <ul style="list-style-type: none"> • Cattle Market Roundabout – 3-metre-wide route around the junction with signal-controlled crossings at all crossing points • Great North Road – Signalised crossing of the new lorry park entrance • Winthorpe connectivity – 3-metre-wide walking and cycling route from Hargon Lane with southern connection to Newark and existing severed routes to the south of the A46. Also, northern route to the A1133 and around Winthorpe Roundabout • Showground entrance – 3-metre-wide walking and cycling route between the A17 crossing and Winthorpe Roundabout extended to the first Showground entrance on Drove Lane <p>b) The Applicant confirms the Scheme would not result in a worsening of conditions for active travel and/or vulnerable groups at any locations within the Order Limits.</p> <p>c) The Scheme does not cause any new severance or safety issues and as highlighted in a) above it has improved connectivity and the safety of facilities.</p>

14. Transportation and Traffic

Q14.0.1 The Applicant

Clarifications

a) Paragraph 2.5.59 of ES Chapter 2: The Scheme [APP-046] refers to “the exiting A46” – please clarify.

b) Paragraph 2.6.110 of ES Chapter 2 refers to “CCTV mass” – please clarify.

c) The figures in Table 6-2 of the Transport Assessment Report (TAR) do not appear to accord with Figure 6-1 of the TAR – please check.

d) Parts of Table 6-33 of the TAR [APP-193] are not legible – please rectify.

e) Paragraph 3.3.53 of the TAR states that the A46 is designed as a dual carriageway with a 50-mph speed limit. However, the Permanent Speed Limit Plans [AS-104] show that the national speed limit would apply to part of the Proposed Development. Please clarify.

f) Please provide a list of the diverted routes that a referred to in 7.2.23 of the TAR.

- a) The Applicant confirms the text “the exiting A46” in paragraph 2.5.59 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046] should state “the existing A46”. This has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.
- b) The text “CCTV mass” in paragraph 2.5.59 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046] should state “CCTV mast”. This has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.
- c) The values in Table 6-2 of the Transport Assessment Report [APP-193] for “A1 Beacon Hill Rd and A46” should be as follows:

Road	Section	Without Scheme	With Scheme	Change	%Change
A1	Beacon Hill Rd and A46	53,000 (7,100)	50,500 (7000)	-2,500 (-100)	-5% (-1%)

This accords with Figure 6-1 of the Transport Assessment Report [APP-193] and has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.

- d) A legible version of Table 6-33 from the Transport Assessment Report [APP-193] is provided below.

Table 6-33: Friendly Farmer junction assessment in 2028 (with the Scheme)

Arm	Movement	AM				PM			
		Total Flow (vehs)	LOS (A-F)	Mean Queue (m)	Max Queue (m)	Total Flow (vehs)	LOS (A-F)	Mean Queue (m)	Max Queue (m)
A46 SB off-slip	A46 (North) to A46 (South)	518	A	20	110	421	A	9	71
	A46 (North) to A17	27	B	20	110	20	A	9	71
	A46 (North) to A1 (South)	481	B	20	110	455	A	9	71
A17	A17 to A46 (North)	31	C	43	184	22	C	14	104
	A17 to A46 (South)	875	C	43	184	821	B	14	104
	A17 to A1 (South)	23	A	22	184	53	A	7	104
A1 Link	A1 (South) to A46 (South)	214	B	14	117	146	A	4	65
	A1 (South) to A46 (North)	128	C	15	112	138	B	5	60
	A1 (South) to A17	389	C	15	112	237	B	5	60
Friendly Farmer Link	A46 (South) to A46 (North)	632	A	16	123	897	B	36	138
	A46 (South) to A17	353	A	16	123	413	A	36	138
	A46 (South) to A1 (South)	207	B	16	123	156	A	36	138
Overall	Friendly Farmer Total	3,878	B			3,778	B		

- e) The text in paragraph 3.3.53 of the Transport Assessment Report [APP-193] should be as follows:
- “The A46 is designed as a dual carriageway with a national speed limit between Farndon and Cattle Market roundabouts and a 50-mph speed limit between Cattle Market and Winthorpe roundabouts, with additional changes...”. This has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.
- f) The diverted Walking Cycling and Horse-Riding routes are listed in table 7-1 of the Transport Assessment Report [APP-193].

Q14.0.2 The Applicant

Clarification

Paragraph 6.4.13 of the TAR [APP-193] refers to the A617 corridor between Ollerton Road and Drove Lane and refers to delays caused at the Brownhills junctions. The ExA understands that the A617 originates at the Cattle Market Roundabout and continues in a westerly direction to Chesterfield. It does not appear to interface with Drove Lane or the Brownhills junctions. Paragraph 6.4.13 also refers to 2023 as opposed to 2028. Please clarify paragraph 6.4.13.

The Applicant confirms the text in paragraph 6.4.13 of the Transport Assessment Report [APP-193] should refer to the “A617-A17 corridor” (Operational model journey time routes are illustrated in Figure 6-4 of the WCHAR) and 2028 instead of 2023. This has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.

A46 Newark Bypass

Applicants Responses to ExAs First Written Questions

14. Transportation and Traffic			
Q14.0.3	The Applicant, NSDC, NCC	<p>Policy – National</p> <p>NPSNN 2015 states at paragraph 5.205 that applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. Paragraph 5.270 of NPSNN 2024 says that the Government is committed to sustainable development through facilitating a modal shift to active travel and public transport and that the needs of pedestrian and other vulnerable road users should be considered, where appropriate (paragraph 5.273). Has the Applicant taken available opportunities to contribute towards this aim? If no, what else do you consider could be done?</p>	<p>The Applicant confirms Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047] provides information on an Alternative Transport Modes Assessment that was carried out on the Scheme, which confirmed that the existing public transport network does not generally offer comparable alternatives to cars for most movements. Small traffic flows were distributed over a large area and therefore are not suited to be catered for by public transport. In addition, alternative transport modes would not address the congestion and capacity issues experienced on the A46.</p> <p>Notwithstanding the above, the alleviation of traffic in Newark-on-Trent brought about by the implementation of the Scheme (through traffic currently travelling through the Town Centre is forecast to reroute onto the A46 as a result of the Scheme) would allow bus operators to be able to deliver more efficient and reliable services on both the strategic and local road network. Additionally, the reduction in traffic within the town will also help to support the encouragement of walking and cycling within Newark-on-Trent.</p> <p>The Applicant has considered improvements to the Active Travel network through the upgrade of existing footways to 3-metre-wide combined footway/cycle tracks. The Scheme is replacing the current, substandard, Public Rights of Way crossing of the A46 at FP14 with signalised crossings at Cattle Market Junction. A circular route for walkers and cyclists has been created between the A1 and Winthorpe roundabout.</p>
Q14.0.4	NSDC	<p>Policy – Local Plan</p> <p>a) The Newark and Sherwood Amended Core Strategy adopted March 2019 refers to:</p> <ul style="list-style-type: none"> · A46 Link Capacity, Newark-on-Trent Bypass (Policy NAP1); and · A46 Newark Bypass – Upgrade(s) – Upgrade to 'expressway standard' (page 140). Would these aspirations be addressed by the Proposed Development? <p>b) Core Strategy page 141 refers to: “A46(T)/A113 Drove Lane (A46 Winthorpe Roundabout) Winthorpe – Grade Separated Junctions”. The Winthorpe Roundabout would not be grade separated. Does the Proposed Development conflict with this policy, therefore?</p>	Question not addressed to the Applicant.
Q14.0.5	The Applicant, NSDC, NCC	<p>Policy – Local Plan</p> <p>Paragraph 3.8 of NPSNN 2024 states that transport infrastructure is a catalyst and key driver of growth, and it is important that the planning and development of infrastructure fully considers the role it can play in delivering sustainable growth, how it can support local and regional development plans and the growth aspirations of local authority areas. On page 7 of the Transport Assessment Report [APP-193] it is stated that Newark Business Park represents a significant part of Newark-on-Trent’s planned growth but development is currently limited by the lack of capacity at Brownhills roundabout. It also refers to “a number of housing development sites identified within the Newark and Sherwood District Allocations and Development Management Development Plan Document, which rely on the Scheme to achieve their full completion as detailed within Section 3.12 of the CftS”.</p> <p>a) Please detail the allocated sites and the amount of development that would be directly facilitated by the Proposed Development.</p> <p>b) What weight should be given to this aspect of the Proposed Development?</p>	<p>a) The Applicant confirms there are a number of major development proposals around Newark-on-Trent and adjacent to the A46 corridor that will create new employment and housing, with resulting social benefits. None of these developments have been identified as being specifically dependent on the Scheme, however, it is generally recognised that the progression of the Scheme will aid these developments, particularly through improvements to journey time reliability.</p> <p>The following corrections to the Transport Assessment Report [APP-193] and the case for the Scheme [APP-190] will be addressed in the DCO Table of Errata [TR010065/APP/7.38] that has been submitted at Deadline 2 of the Examination.</p> <ul style="list-style-type: none"> • The “Connectivity” section of Table 1-1 in the Transport Assessment Report [APP-193] will be amended as follows: <ul style="list-style-type: none"> “The Scheme would help support the delivery of planned new housing and employment growth within Newark-On-Trent. For example, the Newark Business Park represents a significant part of Newark-on-Trent’s planned growth but is currently considered to be limited by the available capacity at Brownhills roundabout. This TA indicates that delays at Brownhills roundabout are notably reduced in the AM and PM peaks due to the new layout of the A46 mainline which bypasses this section of the network. There are also a number of housing development sites identified within the Newark and Sherwood District Allocations and Development Management Development Plan Document, which would benefit from the Scheme to achieve their full completion as detailed within Section 3.12 of the CftS (TR010065/APP/7.1). For example, Land East of Newark (as set out in Policy NAP 2B) is located between the A1, the East Coast Mainline and Beacon Hill Road. Traffic flows are, therefore, likely to be directed to the town centre and its access to the A46 and the A1 through Beacon Hill Road. The Scheme would also help support the delivery of planned growth within the wider Midlands area. As detailed in Section 3.11 of the CftS (TR010065/APP/7.1), the Scheme would ease traffic flows on key junctions of the A46, thereby unlocking investment.” Paragraph 3.12.7 of the Case for the Scheme [APP-190] will be amended as follows: <ul style="list-style-type: none"> “As a result, the Scheme is a key condition to unlocking growth in Newark-On-Trent, thus reaching the

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			<p><i>district's objectives: The IDP aims to strengthen growth in:</i></p> <ul style="list-style-type: none"> o <i>Newark Business Park – The site concentrates a significant part of Newark's growth but is currently considered to be limited by the available capacity at Brownhills roundabout.</i> o <i>Housing development sites, which would benefit from the Scheme to achieve their full completion – Land east of Newark is located between the A1, the East Coast Mainline and Beacon Hill Road. Traffic flows are, therefore, likely to be directed to the town centre and its access to the A46 and the A1 through Beacon Hill Road. Land south of Newark and land around Fernwood will directly benefit from the southern link road which will connect the A1 and the A46."</i> <p>b) As detailed above, the development proposals in the area are not specifically reliant on the delivery of the Scheme and therefore the Applicant considers that no weight should be attached</p>
Q14.0.6	The Applicant, NSDC	<p>Major Development Sites In respect of Table 3-5 'Major development sites within Newark-upon-Trent' of Case for the Scheme [APP- 190]:</p> <p>a) This appears to include sites that are not within Newark-upon-Trent – please clarify. b) Why does Newark Showground have 8,000 free parking spaces if it caters for up to 3,000 people? c) Are there any proposals for the relocation of Newark Lorry Park? When would it be relocated and where to? d) Is the "William St Hughs Development" at Witham St Hughs? e) Where is the St Modwen Business Park? f) What is the Middlebeck scheme? g) Does this list include all of the major sites noted in Appendix 15.2 Assessment of Cumulative Effects for Construction and Operation [APP-182]?</p>	<p>a) The Applicant confirms the title "Major Development Sites within Newark-on-Trent" of Table 3-5 in the Case for the Scheme [APP-190] should be "Major Development Sites in and around Newark-on-Trent". This has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.</p> <p>b) The text in relation to Newark Showground in Table 3-5 of the Case for the Scheme [APP-190] currently states "Catering up to 3,000 people, the Newark Showground is a major of Newark-On-Trent, bringing important flows during its 500 annual events. It provides 8,000 free parking spaces and connects to the A46 and the A17. Most of the major events are held when traffic counts are at their lowest, i.e. during the weekend and during summer.". The text should read "Newark Showground is a major conference, exhibition and hospitality venue located to the north-east of Newark-On-Trent, generating significant traffic flows during its 500 annual events. It provides 8,000 free parking spaces and connects to the A46 and the A17. Most of the major events are held when traffic flows are at their lowest, i.e. during the weekend and during summer.". This has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.</p> <p>c) As noted in [RR-015] and [RR-048] in Applicant's Responses to Relevant Representations [REP1-009], the Applicant confirms that the Newark Lorry Park does not need to be re-located due to the Scheme and can remain operational during the construction of the works.</p> <p>The Applicant has had several meetings with Newark & Sherwood District Council (NSDC) to discuss the impact of the land required to deliver the Scheme and the impact on their retained lorry park. The Applicant has confirmed that they will work with NSDC to mitigate the impact on the operational lorry park site.</p> <p>Access to the Newark Lorry Park from the Great North Road will be maintained during the construction of the Scheme with the new access being constructed prior to the existing access being closed.</p> <p>d) The text "William St Hughs Development" in the first column of Table 3-5 of the Case for the Scheme [APP-190] will be amended as follows: "Witham St Hughs Development". This has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.</p> <p>e) St Modwen Business Park is located in Witham St Hughs to the west of Camp Road.</p> <p>f) Middlebeck is the name of the 694-acre urban extension to the south of Newark formerly known as Land South of Newark or Newark Growth Point.</p> <p>g) The Applicant has acknowledged the Examining Authority's comments regarding the cumulative effects assessment and developments assessed as part of this in Chapter 15 (Assessment of Combined and Cumulative Effects) of the Environmental Statement [APP-059]. The cumulative effects assessment follows the Design Manual for Roads and Bridges LA 104 and the Planning Inspectorate's Advice Note Seventeen: Cumulative Effects Assessment, with four stages of assessment. This process identifies any new or approved developments which fit within certain criteria specified in the assessment methodology to create a "Long List". Then, inclusion/exclusion criteria specified in the assessment methodology is applied to each development in the "Long List" to create a "Short List", which then undergoes a detailed cumulative effects assessment to identify which developments are predicted to cause</p>

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			<p>significant cumulative effects with the Scheme. As a result, not all of the developments have been included in Appendix 15.2 (Assessment of Cumulative Effects for Construction and Operation) of the Environmental Statement Appendices [APP-182]. An updated review of the developments has taken place which is captured within the Cumulative Effects Assessment Technical Note [TR010065/APP/7.37] submitted at Deadline 2 of the Examination. An explanation of the progression of the developments in the Examining Authority's comments in the cumulative effects assessment is stated below:</p> <ul style="list-style-type: none"> Newark Showground: the development (NUA/MU/1) has already been assessed as part of ID 6 in Chapter 15 (Combined and Cumulative Effects) of the Environmental Statement [APP-059]. This development was included in the Short List due to the inclusion/exclusion criteria in the methodology being applied, including the construction of the development overlapping with our Scheme and the scale and nature of the development likely resulting in a significant effect. Newark Lorry Park: the development already exists and so is not included in the cumulative effects assessment. Witham St Hughs: the development lies outside the 2 kilometre study area and so is not included in the cumulative effects assessment. <p>St Modwen Business Park: the development lies outside the 2 kilometre study area and so is not included in the cumulative effects assessment.</p> <ul style="list-style-type: none"> Middlebeck: the development is included in CTN4 in Table 1-1 of the Cumulative Effects Assessment Technical Note [TR010065/APP/7.37]. An EIA has not been submitted for this particular development, but it has been written for the wider development 10/0586/OUTM which has already been assessed as part of ID 2 in Chapter 15 (Combined and Cumulative Effects) of the Environmental Statement [APP-059]. The detailed submission for reserved matters does not include any information that would change the original assessment undertaken which included the outline permission. The size and scale of the development would give rise to likely significant effects. However, this has already been captured under ID-2 in the original assessment [APP-059].
Q14.0.7	NSDC, NCC	<p>Assessment – Regard to Local Policies</p> <p>a) Has the Applicant consulted the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts per NSPNN 2015 paragraph 5.204?</p> <p>b) Has the Applicant paid appropriate regard to policies outlined in existing or emerging local plans, Local Transport Plans, Local Cycling and Walking Infrastructure Plans and Rights of Way Improvement Plans where appropriate, per NPSNN 2024 paragraph 5.271?</p>	Question not addressed to the Applicant.
Q14.0.8	The Applicant, NCC	<p>Assessment – Transport Assessment Report – Surveys</p> <p>[RR-015] suggests that the traffic surveys are now out-of-date, should be repeated and should cover a period of 24 hours to evidence how many minutes per day conditions are congested and how many hours per day traffic flow is unhindered on the current system. Do you agree? If no, please explain why you consider the submitted information to be robust.</p>	<p>The Applicant rejects the suggestion that the traffic surveys are out of date. As documented in the Transport Assessment Report [APP-193], the Applicant undertook a significant data collection exercise in 2022 to underpin the traffic modelling for the Scheme. The timing of the surveys in 2022 formed a critical path activity in the extensive programme of work that subsequently followed to develop the base year traffic models that would allow forecasts and assessment to be carried out in support of the Scheme.</p> <p>The 2022 data collection included two-week volumetric link counts on a number of roads in Newark and the surrounding area, as well as classified turning counts at six key locations, queue length surveys, journey time surveys and level crossing surveys. Details of the traffic data used in the development of the Scheme are provided in the Transport Assessment Report [APP-193].</p> <p>Further information is provided in [RR-015] in The Applicant's Responses to Relevant Representations [REP1-009].</p>
Q14.0.9	The Applicant, NCC	<p>Assessment – Transport Assessment Report – Junctions</p> <p>[RR-057] states that the submitted documents do not provide sufficient details in order to adequately appraise the impacts on junctions. It notes that further information has been requested from the Applicant around flow difference plots and individual junction modelling.</p> <p>a) Which junctions are a cause for concern?</p> <p>b) Please provide to the Examination details of the concerns raised with the Applicant and any information subsequently provided by the Applicant.</p> <p>c) The Stage 1 Road Safety Audit (RSA) [APP-193] notes that it does not include a full assessment at this stage. When would a full assessment be undertaken, and could this affect the design of the junctions?</p>	<p>a) Question not addressed to the Applicant.</p> <p>b) Question not addressed to the Applicant.</p> <p>c) The Applicant confirms it is highly unlikely that a future road safety audit of the junctions will impact the junction layouts themselves as the geometry and road markings formed part of the audit, the audit at stage 2 will also cover lighting, highway drainage, fencing and signage which if changed would not affect the junction layout.</p>

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Q14.0.10 The Applicant, NCC

Assessment – Transport Assessment Report – Network Changes and Growth

Paragraph 1.3.10 of the Outline Traffic Management Plan (OTMP) [APP-196] refers to several areas in the vicinity of the Proposed Development for strategic future growth and development for the region includes development of new distribution areas along the A17 and A46.

a) Please provide details of the development sites which are numbered on Figure 12-4 of the Combined Modelling and Appraisal Report (CMAR) [APP-193].

b) Paragraph 12.4.16 of the CMAR discusses port-related traffic. Has regard been paid to the Immingham Eastern Ro-Ro Terminal NSIP which was approved by the Secretary of State for Transport on 4 October 2024?

c) Does the modelling in the TAR [APP-193] take account of any redistribution of traffic as a result of the opening of the Southern Link Road (SLR) which is expected to be completed by Spring 2026? If not, please update the TAR to take account of the changes to vehicular flows once the SLR is open.

d) Does the data / modelling in the TAR take account of any changes in traffic arising from the implementation of allocations in the adopted development plan or the schemes / growth alluded to at paragraph 1.3.10 of the OTMP?

- If yes, please provide details of the schemes / growth that has been taken into account.
- If no, please update the TAR to take account of any anticipated increase in traffic or changes to traffic flows.

a) The Applicant confirms that details of the developments indicated in Figure 12-4 of the Transport Assessment Report [APP-193] are provided in the table below.

ID	Site Name	Dwellings (post 2019)	Jobs (post 2019)
379	Land off Grantham Road	91	0
384	Cell 17 Witham St Hughes	9	0
587	NAP2A - Land south of Newark (Employment)	0	5348
590	Newark Urban Area - Mixed Use Site 1	0	978
593	NUA/E/3 - Telford Drive	0	97
595	Co/MU/1 – Collingham	80	146
613	Land off Northgate	0	310
619	Land East of Bowbridge Lane (Parcel 2a)	64	0
627	SO/HO/3 - Nottingham Road	38	0
629	Land South of Newark (Residential)	2608	0
630	Land South of Bowbridge Lane (Parcel 1)	173	0
635	Braemar Farm, Station Road	60	0
638	Beacon Hill Road	25	0
642	Yorke Drive Estate and Lincoln Road Playing Fields	190	0
643	Land North of Lowfield Lane	120	0
644	SO/HO/1 - Land East of Allenby Road	67	0
667	NAP2C - Great North Road (Fernwood Meadows South)	350	0
668	Land north and east of existing Fernwood Development	1050	0
695	Land to the north of Witham St. Hughs (Phase 3)	1100	0
956	Land between Butt Lane and Closes Side Lane, East Bridgford	88	0
977	East Bridgford Business Park	0	39
1294	20/01177/FULM - Welcome Break	0	372

b) Traffic related to Immingham Eastern Ro-Ro Terminal has been captured within the general approach adopted for ports in the strategic modelling, as set out in paragraph 12.4.16 of the Combined Modelling and Appraisal Report, which is included as Appendix A to the Transport Assessment Report [APP-193]. No growth associated with ports is assumed for cars, while freight trips are assumed to change in line with the general assumptions around the growth of light and heavy goods vehicles within the strategic modelling. Growth in light goods vehicles (LGV) follows the Department for Transport's National Road Traffic Projections (NRTP22), while heavy goods vehicle (HGV) trip growth is informed by bespoke forecasts that were prepared by MDS Transmodal for National Highway's second-generation Midlands Regional Traffic Model (MRTM2). Overall LGV and HGV growth is constrained to NRTP22.

c) The Southern Link Road is included within the Do Minimum (without the Scheme) scenario traffic forecasts and does relieve some traffic from the A46. However, the modelling also demonstrates that without the Scheme, even with the development of the Southern Link Road, there would still be significant delays on the A46, especially at the Cattle Market Junction. This traffic modelling work is detailed in the Transport Assessment Report [APP-193].

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Q14.0.11	The Applicant	<p>Assessment – Transport Assessment Report – Changes in Traffic Distribution</p> <p>a) What is the cause of the large increases in traffic near Newark Castle station on Figures 6-1 and 6-2 of the TAR [APP-193]?</p> <p>b) What is the cause of the large increases in traffic on the A17 near Drove Lane on Figures 6-1 and 6-2 of the TAR?</p> <p>c) Table 6-2 – why would there be a 45% decrease in cars on the A1 between Beacon Hill Road and A46 (Table 6-2 of the TAR) when the adjacent section to the south would experience a 1% decrease? Where would the traffic be re-distributed to?</p>												
		<p>d) Chapter 12 “Forecasting Assumptions” within the Combined Modelling and Appraisal Report included as Appendix A to the Transport Assessment Report [APP-193] provides details of the developments and schemes that have been included within the future year traffic forecasts. A schedule of all the developments included within the forecasts will be provided at Deadline 3.</p> <p>a) 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 from this.</p> <p>The reductions in delay at Cattle Market junction are forecast to make routes through the junction more attractive. This benefits not only those who currently use the junction, but also impacts on journeys that are forecast to divert onto other routes to avoid Cattle Market junction altogether.</p> <p>The B6326 Great North Road, which runs past the access to Newark Castle railway station, 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 reductions in traffic as a result of the Scheme.</p> <p>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 Muskam onto the B6325/A616 Great North Road is also noted as a result of the improvements at Cattle Market.</p> <p>b) The introduction of a new link across the A1 for A46 through traffic removes a significant volume of traffic from the Friendly Farmer and Brownhills roundabouts. The removal of this traffic leads to an improvement in capacity for routes via the A17 and as a result traffic flows on the A17 east of the A46 are forecast to increase.</p> <p>c) There is an error in the values in Table 6-2 of the Transport Assessment [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:</p> <table border="1"> <thead> <tr> <th>Road</th> <th>Section</th> <th>Without Scheme</th> <th>With Scheme</th> <th>Change</th> <th>%Change</th> </tr> </thead> <tbody> <tr> <td>A1</td> <td>Beacon Hill Rd and A46</td> <td>53,000 (7,100)</td> <td>50,50029,300 (7000)</td> <td>-2,50023,700 (-100)</td> <td>-545% (-1%)</td> </tr> </tbody> </table> <p>Note that this typographical error is limited to Table 6-2 and does not affect the underlying traffic figures used in the assessment. This correction has been addressed in the DCO Table of Errata [TR010065/APP/7.38] submitted at Deadline 2 of the Examination.</p>	Road	Section	Without Scheme	With Scheme	Change	%Change	A1	Beacon Hill Rd and A46	53,000 (7,100)	50,500 29,300 (7000)	-2,500 23,700 (-100)	-545% (-1%)
Road	Section	Without Scheme	With Scheme	Change	%Change									
A1	Beacon Hill Rd and A46	53,000 (7,100)	50,500 29,300 (7000)	-2,500 23,700 (-100)	-545% (-1%)									

A46 Newark Bypass

Applicants Responses to ExAs First Written Questions

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Q14.0.12	The Applicant	<p>Assessment – Transport Assessment Report – Additional Traffic Paragraph 6.4.2 of the TAR [APP-193] states that “This analysis broadly indicates that the Scheme is likely to result in additional traffic using the network in both the weekday AM and PM peak hours in 2028 and 2043.” Paragraph 6.4.3 states that: “by 2043, the number of vehicles passing through the network is forecast to increase by around 1,200 to 1,600 vehicles as a result of the Scheme, which is an increase of around 9 to 11%”.</p> <p>a) Does the “additional traffic using the network” relate to the parts of the road network that have been studied in the TAR, or the entire road network? b) If it relates to the parts of the road network that have been studied in the TAR, would some of the additional traffic be re-assigned from other parts of the network? If yes, how much of the increase is accounted for by reassignment? c) Does the increase include growth in usage that is predicted to take place without the Proposed Development?</p>	<p>a) The Applicant confirms that the traffic volumes noted in section 6.4 of the Transport Assessment Report [APP-193] relate to the Operational (microsimulation) traffic model. The extents of the Operational traffic model are illustrated in Figure 3-1 of the Transport Assessment Report [APP-193]. Additional traffic in this regard reflects trips that have been attracted from elsewhere onto routes that incorporate the sections of road included within the Operational model.</p> <p>b) The levels of traffic in the Operational traffic model are informed by the Strategic Traffic Model. The Strategic Traffic Model captures the effects of changes in trip making and routing. Traffic modelling shows that most of the forecast traffic increase is associated with trips travelling along the A46 to bypass Newark-on-Trent. The Scheme’s implementation would therefore lead to a better flow of traffic and a reduction in congestion on both the A46 and on local roads within Newark-on-Trent. While traffic modelling indicates an increase in traffic on the A46 because of the Scheme, it also shows that a significant component of this increase is attributable to the reassignment of strategic through traffic that currently diverts off the A46 and goes through the town centre to avoid congestion. With the Scheme, this through traffic is forecast to remain on the strategic road network, where it is more appropriate for it to be.</p> <p>In particular, forecasts undertaken with the traffic model show that the Scheme would reduce traffic flows on most local roads through Newark-on-Trent, including the B6326 London Road, Barnaby Road, Beacon Hill Road, Beckingham Road, Drove Lane, Farndon Road and Fosse Road. More details on the volume of flow decreases are available in the Transport Assessment Report [APP-193].</p> <p>c) The Applicant confirms the growth in traffic is attributable to the Scheme (i.e. With Scheme vs Without Scheme).</p>
Q14.0.13	The Applicant	<p>Assessment – Combined Modelling and Appraisal Report – ‘Do Minimum’ Scenario Which part of the network do the journey times in Table 3-1 of the CMAR [APP-193] relate to?</p>	<p>The Applicant confirms the forecast journey times in Table 3-1 of the Combined Modelling and Appraisal Report in Appendix A of the Transport Assessment Report [APP-193] relate to the A46 route between Farndon and Winthorpe roundabouts.</p>
Q14.0.14	The Applicant	<p>Assessment – Combined Modelling and Appraisal Report – Traffic Flow Impacts On figures showing forecast traffic flows (eg Figure 13-4 of the CMAR [APP-193]) do the numbers which are connected with the A46 to the east of Winthorpe (48,300, 21,300 and - 27,000 in the case of Figure 13-4) relate to the Friendly Farmer Link Road as opposed to the A46?</p>	<p>The Applicant confirms, with reference to the various figures (including Figure 13-4) showing AADT traffic flows in the Transport Assessment Report [APP-193], that the annotation of traffic flows for the link between Friendly Farmer and Winthorpe roundabouts is representative of the forecast flow on the existing A46 in the Without Scheme scenario, but only the proposed Friendly Farmer Link Road in the With Scheme case. The mainline A46 flow in the With Scheme case is annotated against a schematic dashed line in the figure that represents the new offline section of the proposed Scheme.</p>
Q14.0.15	The Applicant, NCC	<p>Assessment – Combined Modelling and Appraisal Report – Modelling Data Paragraph 1.1.3 of the CMAR [APP-193] states that further details of all of the areas of model development and scheme appraisal can be found in the following: · Transport Data Package (HE551478-SKAG-GEN-CONWI_CONW-RPTR-00013); · Transport Model Package (HE551478-SKAG-GEN-CONWI_CONW-RPTR-00019); · Transport Forecasting Package (HE551478-SKAG-GENCONWI_CONW-RP-TR-00022); and · Economic Appraisal Package (HE551478-SKAG-GEN-CONWI_CONWRP-TR-00032). The ExA has been unable to locate these documents. Do they need to be submitted to the Examination and made available to IPs such as the local highway authority?</p>	<p>The Combined Modelling and Appraisal Report in Appendix A of the Transport Assessment Report [APP-193] presents a detailed summary of the technical packages noted in paragraph 1.1.3. The four packages are extensive and therefore were not submitted with the application for development consent, as the detailed summary is considered sufficient. The references to the technical packages in the Transport Assessment Report [APP-193] will be addressed in the DCO Table of Errata [TR010065/APP/7.38] that has been submitted at Deadline 2 of the Examination.</p> <p>Notwithstanding the above, the Applicant notes that the Transport Forecasting Package document has been shared with Nottinghamshire County Council in their capacity as the local highway authority.</p>
Q14.0.16	The Applicant, NCC, NSDC	<p>Construction Phase – Construction Traffic Paragraph 8.2.16 of the TAR [APP-193] states that there is no set route for construction vehicles but where practicable they would primarily travel on the A46 and A1, and limit travel on local or side roads when travelling to work sites and compounds, as set out in the OTMP. Paragraph 2.6.59 of ES Chapter 2: The Scheme [APP-046] states that: “HGV movements will be banned through the centre of Farndon and Newark, and they will also be prohibited from using the railway level crossing at Newark Castle”.</p> <p>a) Are any roads unsuitable for construction traffic, and should use of any such roads be restricted by the dDCO? Alternatively, should construction routes be defined in the dDCO? b) How would any ‘ban’ on construction traffic moving through the centres of Farndon and Newark be monitored and enforced? c) Could on-street parking, eg on (but not limited to) Wolsey Road, impede construction traffic? If yes, would on-street parking controls need to be provided for in the dDCO?</p>	<p>a) The Applicant confirms section 2.4 and Table 2-3 of The Outline Traffic Management Plan [APP-196] lists the roads that the Applicant considers unsuitable for construction vehicles including roads through Newark Town Centre. The Outline Traffic Management Plan [APP-196] will be developed into the Traffic Management Plan for implementation during construction and secured through Requirement 11 of the draft Development Consent Order [REP1-001].</p> <p>b) The Traffic Management Plan, including details of the restrictions, will be provided within all suppliers employed on the Scheme and will be included in the site inductions. Clear No Construction Traffic signage will be installed, as referred to in paragraph 2.4.2 of the Outline Traffic Management Plan.</p> <p>c) The Applicant has reviewed the following streets within Newark which have on street parking within the Order Limits and considered this in relation to the proposed access routes detailed in Chapter 2 The Scheme of the Environmental Statement [APP-046] and the Outline Traffic Management Plan [APP-196]. In summary the Applicant does not consider on street parking will impede construction traffic.</p>

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		<p>d) Would the Proposed Development require the movement of Abnormal Indivisible Loads (AIL) on the highway network? If yes, has route testing been undertaken and should there be any controls in the dDCO in relation to AIL routing?</p> <p>e) What are the restrictions noted in Table 8-3 of the TAR [APP-193] eg where it is noted that construction traffic would be permitted to use Fosse Road or Mather Road "with restrictions". Please provide details for each of the roads listed.</p>															
		<table border="1"> <thead> <tr> <th>Street Name</th> <th>Logistic Route affected</th> <th>Applicant's Assessment</th> </tr> </thead> <tbody> <tr> <td>Ossington Way and Marther Road</td> <td>Access route to the Kings Marina and access track to the southern side of Nether Lock Viaduct, Work No. 64 as shown on the Works Plans [AS-005].</td> <td>The streets have existing parking restrictions via double yellow lines.</td> </tr> <tr> <td>Kelham Road</td> <td>Access to compound, Work No. 53 as shown on the Works Plans [AS-005].</td> <td>Kelham Road is not used as a main construction access, and this has been considered in table 2-3 of the Outline Traffic Management Plan [APP-196]TMP.</td> </tr> <tr> <td>Trent Lane and Malkins Lane</td> <td>Access to Nether Lock Viaduct, Work No. 64 and Satellite compounds, Work No. 64 and 65 as shown on the Works Plans [AS-005]</td> <td>The streets have existing parking restrictions via double yellow lines.</td> </tr> <tr> <td>Winthorpe Road, Wolsey Road and Quibells Lane.</td> <td>Access to satellite compound, Work No 71 as shown on the Works Plans [AS-005].</td> <td>Whilst there is on street parking along sections of this route it is not impeding the existing HGV traffic that accesses the Industrial Park on Quibells Lane.</td> </tr> </tbody> </table> <p>d) The Applicant envisages that several Abnormal Loads would be required on the strategic and local highway network. These would include the delivery of bridge beam sections to the construction site. The procurement of the beams would take place during the construction phase however the Applicant can confirm there will be a requirement to notify the police, highway authorities and bridge and structure owners along the route by compiling an abnormal loads movement form or using the industry recognised Electronic Service Delivery for Abnormal Loads (ESDAL) system.</p> <p>e) The restrictions for those roads assigned access "permitted with restrictions" status are described in the "details" column of Table 2-3 of the Outline Traffic Management Plan [APP-196], eg construction traffic would only be permitted to use Fosse Way to access Crees Lane and the satellite compound.</p>	Street Name	Logistic Route affected	Applicant's Assessment	Ossington Way and Marther Road	Access route to the Kings Marina and access track to the southern side of Nether Lock Viaduct, Work No. 64 as shown on the Works Plans [AS-005].	The streets have existing parking restrictions via double yellow lines.	Kelham Road	Access to compound, Work No. 53 as shown on the Works Plans [AS-005].	Kelham Road is not used as a main construction access, and this has been considered in table 2-3 of the Outline Traffic Management Plan [APP-196]TMP.	Trent Lane and Malkins Lane	Access to Nether Lock Viaduct, Work No. 64 and Satellite compounds, Work No. 64 and 65 as shown on the Works Plans [AS-005]	The streets have existing parking restrictions via double yellow lines.	Winthorpe Road, Wolsey Road and Quibells Lane.	Access to satellite compound, Work No 71 as shown on the Works Plans [AS-005].	Whilst there is on street parking along sections of this route it is not impeding the existing HGV traffic that accesses the Industrial Park on Quibells Lane.
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Q14.0.17	The Applicant	<p>Construction Phase – Construction Traffic</p> <p>Paragraph 8.5.5 of the TAR [APP-193] says that there is a forecast to be a minimal increase in the number of vehicles on the network as a result of construction activity (from around 12,900 vehicles to around 13,200 vehicles). Paragraph 8.2.25 of the TAR says that there would be 1,900 two-way vehicle movements per day at the peak of the construction period.</p> <p>a) Paragraph 8.5.5 suggests an increase of 300 vehicles per day. Are these individual vehicle movements or two-way movements?</p> <p>b) Please explain the difference between the two numbers.</p> <p>c) How long would the peak construction period last for?</p> <p>d) Would there be a typical number of construction vehicle movements outside of the peak construction period?</p> <p>e) How do these figures relate to threshold traffic scoping criteria in respect of air quality (ID3.1.4 of Scoping Opinion [APP-189])?</p>															
		<p>f) The Applicant confirms -paragraph 8.5.5 of the Transport Assessment Report [APP-193] relates to trips that pass through the network represented by the Operational Traffic Model in the AM peak hour (i.e. not vehicles over the whole day).</p> <p>g) The increase of 300 vehicles in the AM peak hour is consistent with an increase of 1,900 vehicles over the whole day and reflects a skew towards the morning peak hour when a significant proportion of the workforce would be expected to commute to site.</p> <p>h) The peak construction period is within 2026 (please refer to section 8.2.25 of the Transport Assessment Report [APP-193]) and is expected to occur during the earthworks session in a six-month period within the spring and summer.</p> <p>i) The construction vehicle movements have been assessed as AADT movements for each year of the construction phase. The first two years which are associated with the main earthworks and bridge structures see the largest volume of traffic movements, similar to that shown in table 8-2 of the Transport Assessment Report. This volume decreases significantly in the final years.</p> <p>j) Paragraph 5.5.9 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021] sets out the traffic scoping criteria applied to the construction traffic in accordance with the Design Manual for Roads and BriBridges LA5 i.e. a change of over 200 and 1,000 annual average daily traffic (AADT) respectively for heavy-duty vehicle (HDV) and total traffic, as well as changes in speed band and carriageway alignment of at least 5m. To compare construction traffic flows with the Design Manual for Roads and Bridges LA 105 traffic scoping criteria, the construction traffic flows must be provided for individual roads on an AADT basis rather than as a combined total.</p> <p>k) The construction vehicle distribution was calculated by splitting the total required construction vehicles across the network dependant on their origin and destination to derive the number of vehicles on each road.</p> <p>l) The AADT value was calculated by taking the annual number of construction vehicles and dividing by 365 to derive a daily average.</p>															

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Q14.0.18	British Sugar plc, RWE Generation UK PLC	Construction Phase – British Sugar / Staythorpe Power Station Does the Outline Traffic Management Plan (OTMP) [APP-196] address your comment [RR-008]/ [RR-063] regarding access to your facilities? If no, please explain the measures that you would like to be included in the OTMP.	Question not addressed to the Applicant.
Q14.0.19	The Applicant. NSDC	Construction Phase – Newark Lorry Park NSDC [RR-048] notes that there could be an impact on Newark Lorry Park during construction. a) Would a reduction in the Lorry Park's capacity necessitate replacement capacity elsewhere to ensure that adequate facilities are provided per NPSNN 2024 paragraph 5.289? b) If yes, how would this be secured?	The Applicant recognises the importance of the Newark Lorry Park providing rest and welfare facilities to lorry drivers traveling through the region. The Applicant has minimised the loss of spaces within the design solution by considering the use of permanent rights to secure a maintenance corridor alongside the highway boundary. This has meant that the permanent land take has been reduced. The Applicant is exploring reconfiguration options with Newark and Sherwood District Council to further minimise the number of spaces lost. As a result, the Applicant does not consider that replacement capacity is required and does not believe that there is a need to secure additional capacity elsewhere.
Q14.0.20	The Applicant	Construction Phase – Access to Properties Please provide details of: a) The temporary access route that would be provided to maintain access to the hydroelectric power station (Paragraph 2.6.129 of ES Chapter 2: The Scheme [APP-046] and [RR-009]). b) The alternative access to be provided for accessing the Crankley Point Sewage Treatment Works during the extension works on the underpass (page 11 of the OTMP [APP-196]). c) Access to Langford Hall and its properties during the construction phase. Would the proposed new access drive from the A1133 be provided in advance of the main A1133 and A46 works being carried out [RR-032]? d) The existing access(es) to Nether Lock House [RR-010] and whether there would be any changes to access during the construction phase?	m) The Applicant confirms temporary access would be provided via a realigned access track as detailed on Figure 2.4 Locations of Temporary Works Areas Required During Construction of the Environmental Statement Figures [AS-027] n) Temporary access would be provided to the Crankley Point Sewage Treatment Works during the widening of the sewage treatment works underpass, Work No. 70 on sheet 4 of the Works Plans [AS-005]. The access would use the temporary construction access road which runs between Winthorpe Road and Quibells Lane as shown on Sheet 3 of Figure 2.4 Locations of Temporary Works Areas Required During Construction of the Environmental Statement Figures [AS-027]. o) The new access drive to Langford Hall, points P-6A to P-6B on sheet 6 of the Streets, Rights of Way and Access Plans [AS-006], is required to be constructed prior to stopping up the existing access driveway from the A46, point 6G on sheet 6 of the Streets, Rights of Way and Access Plans. This is pursuant to article 19 of the draft Development Consent Order [REP1-001], which provides that the stopping up of the private means of access specified in columns 1 and 2 of Part 4 of Schedule 4 may not take place until the new private means of access to be constructed and substituted for it, as specified in column 4 of Part 4 of Schedule 4, has been completed and is open for use. p) The existing access along the tow-path to Nether Lock House is maintained during construction. There will be the need for short term closures along this route (bridgeway 6) during the bridge beam lifting works on the Nether Lock Viaduct [Work No.64 as shown on the Works Plans [AS-005]]. These closures will have assigned vehicle marshals to manage pedestrian and vehicle along the tow path during these works.
Q14.0.21	The Applicant	Construction Phase – River Trent Navigation a) Paragraph 2.6.34 of ES Chapter 2: The Scheme [APP-046] states that a temporary bridge would be constructed (Work No 63) over the River Trent. Would this provide sufficient clearance for navigation? b) Paragraph 2.6.90 of ES Chapter 2: The Scheme [APP-046] notes that lifting of the bridge beams and subsequent deck works would temporarily prevent navigation along the River Trent. How long would navigation be prevented for?	a) The Applicant confirms the temporary bridge over the River Trent, shown as Work No. 63 on Sheet 4 of the Works Plans [AS-005] will provide the minimum clearance required by the Canal and River Trust for navigation. This has been agreed with the Canal and River Trust within their Statement of Common Ground to be submitted at Deadline 2 of the Examination. b) The lifting of the bridge beams and deck works would require overnight closures up to 12 hours in duration. The mechanisms for temporary suspension of navigation rights during these nighttime closures are being agreed within the Protective Provisions with the Canal and River Trust within Schedule 9 of the draft Development Consent Order [REP1-001]
Q14.0.22	The Applicant, NCC	Construction Phase – Walking and Cycling a) How would the consultation noted at paragraph 7.2.27 of the TAR [APP-193] be secured? b) How would the measures in Table 7-1 of the TAR be agreed (where alternatives are noted), secured and monitored? c) How would temporary / phased diversions of PRoW and cycle routes be communicated? d) Should channels of communication be established with specific parties / groups?	a and b)The Applicant has amended the Outline Traffic Management Plan [APP-046] at Deadline 2 of the Examination to include the temporary diversion routes described in Table 2-7 of Chapter 2 of the Environmental Statement [APP-046] and table 7-1 of the Transport Assessment Report [APP-193] such that this consultation is secured through Requirement 11 of the draft Development Consent Order [REP1-001]. c) Communication would be via the weekly lookahead programme for stakeholders and the highway authorities described in Section 2.18.5 of the Outline Traffic Management Plan [APP-196]. Advanced signage would be erected along the routes to advise users of the upcoming diversions. d) The Construction Communication Plan, which is to be included in the Second Iteration Environmental Management Plan as secured by Requirement 3 of the draft Development Consent Order [REP1-001], will identify other user groups that would receive these updates.

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Q14.0.23	The Applicant	<p>Construction Phase – Access to Newark BW2 from The Ivies [RR-053] states that the construction process would cause significant disruption to their daily lives in terms of access to walks for the dogs. Would alternative routes be available during construction, and would the access from The Ivies to Newark BW2 be maintained throughout the construction phase?</p>	<p>Access along Newark bridleway 2, between the west side of the junction with Newark footpath 3 and Newark Footpath 1, would be restricted during the construction phase of the Scheme. This is to allow the safe construction of the Windmill Viaduct, Work No. 7, as shown on Sheet 1 of the Works Plans [AS-005]. A diversion of bridleway 2 will be installed prior to the construction works commencing. This diversion is described in Table 2-7 of Chapter 2 of the Environmental Statement [APP-046]. It is anticipated that the closure and diversion will be required for approximately 24 months. Newark bridleway 2 will be re-opened following the completion of the construction works.</p> <p>The footpath from the northern end of The Ivies to Bridleway 2 and the section of Bridleway 2 from the junction of Footpath 2 to Farndon Road and Newark Footpath 26 is not impacted by the Scheme.</p>
Q14.0.24	The Applicant	<p>Construction Phase – Air Traffic A civil airfield, "Recotory Farm Civil Airfield", is marked on Figure 9.2 Potential Sources of Contamination [APP-087]. Does this facility give rise to the need for any safety precautions during construction, for example when cranes are in use?</p>	<p>The Scheme is within 6km of operational aerodromes and airfields therefore the Applicant will be required to notify the UK Civil Aviation Authority, through the Airspace Coordination and Obstacle Management Service (ACOMS), when erecting a crane over 10m tall, unless it is surrounded by taller structures or trees or if the crane is above 100m regardless of location or height of surrounding structures. Cranes will also be fitted with red obstacle lights.</p>
Q14.0.25	The Applicant	<p>Construction Phase – Temporary Speed Limits Paragraph 8.3.5 of the TAR [APP-193] and Table 2-4 of the OTMP [APP-196] refer to temporary speed limits. Should these be secured in the dDCO?</p>	<p>The Applicant has set out the anticipated temporary speed limits and the locations of these in the OTMP [APP-196] at Table 2-4, however these are only anticipated at this stage as they will need to be assessed under the National Highway guidance "Safe highest speed" and in accordance with the Traffic and Signs Manual, Chapter 8, Part 3. It would therefore not be appropriate to secure the anticipated temporary speed limits themselves within the dDCO [APP-021] at this stage and they will be subject to temporary traffic regulation order applications in due course.</p> <p>In addition to Table 2-4, paragraph 2.5.1 of the OTMP notes that details on temporary speed limits, including any temporary restrictions which need to be applied for (via traffic regulation order), will be set out in the Traffic Management Plan (TMP). Requirement 11 of the dDCO [APP-021] provides that a TMP, substantially in accordance with the OTMP, must be submitted and approved in writing by the Secretary of State and that the authorised development must be constructed in accordance with the approved TMP.</p>
Q14.0.26	NSDC, NCC	<p>Construction Phase – Mitigation – CWTAP Paragraph 8.3.16 of the TAR [APP-193] says that a Construction Worker Travel and Accommodation Plan (CWTAP) would be developed by the Principal Contractor as the Proposed Development progresses through the detailed design phase. Is it appropriate for these details be reserved until after a decision is made on the Proposed Development?</p>	<p>Question not addressed to the Applicant.</p>
Q14.0.27	The Applicant, NCC, LCC	<p>Construction Phase – Mitigation – Outline Traffic Management Plan</p> <ol style="list-style-type: none"> Are diversionary routes at Appendix A1 of the OTMP [APP-196] acceptable? Do any other parties need to be consulted in relation to these? Would the measures in the OTMP allow for the effects of the simultaneous implementation of other schemes (such as the Southern Link Road and the North Hykeham Relief Road) to be suitably managed? Do any other stakeholders need to be included in the Outline Traffic Management Plan [APP-196], eg the owner / operator of the power station [RR-063]? At paragraph 2.3.20 and on page 13 reference is made to a "caravan site" at Bridge House Farm. To ensure that full regard is paid to the Public Sector Equality Duty, should this be referred to as a Gypsy, Roma and Traveller (GRT) site? Should specific reference to the GRT site at Tolney Lane also be included in the OTMP? Please explain how the matters raised in [RR-010] and [RR-078] in relation to NMUs and vehicular access would be addressed. [RR-036] refers to attendance of monthly traffic management workshops and consultation on the Traffic Management Plan which is to be approved under Schedule 2 Requirement 11 of the draft DCO. How would these arrangements be secured? Would the emergency services be consulted on the OTMP and road closures / diversions? Would the Royal Mail be consulted on the OTMP and road closures / diversions? 	<ol style="list-style-type: none"> The Applicant considers that the diversion routes in Appendix A of the OTMP are acceptable and the relevant parties have been identified within the OTMP. The Southern Link Road, the North Hykeham Relief Road and other schemes are identified and have been considered in section 2.9 and table 27 of the OTMP. The OTMP offers proposals for the management of any interface between the schemes, ie discussion and coordination with specific stakeholders through monthly traffic management meetings. The Applicant does not consider it necessary for the operator of the Staythorpe Power Station to be included as a stakeholder in the OTMP. As a key local stakeholder, the updates to the Traffic Management Plan and proposed closures, diversions and traffic management layout would be communicated to them. Correction made in the updated OTMP The Applicant has included the local authority GRT liaison officer as a contact within table 2-1 of the OTMP. Regarding [RR-010]. The Applicant can confirm that access to the property will be maintained during the construction phase and during the operation of the Scheme. Temporary access control on the tow path and Bridleway 6 will be implemented during specific works on the Nether Lock Viaduct, Work No 64. These include the lifting of bridge beams during nighttime working hours. During this operation, movement along the access road will be controlled by vehicle marshals. Regarding [RR-078]. The proposed construction phasing for the new Brownhills Junction has been developed to maintain a safe pedestrian access along Winthorpe Road which is used by the residents of Newark and Winthorpe, including those delivering and collecting children from school. The construction phasing for the Brownhills Junction is set out in section 2.6.144 to 2.6.160 in Chapter 2 (The Scheme) of the Environmental Statement [APP-046]. Secure fencing will be erected along the boundary of the work site to prevent unauthorised access. The Outline Traffic Management Plan [APP-197] has identified Gainsborough Road as a restricted route for construction traffic. Table 2-3 of the Outline Traffic Management Plan [APP-196] states that this road will not be used by HGV's or LGV's during the construction of the Scheme. Access will be limited to cars/vans that need to access the technology and electrical infrastructure adjacent to the A1 underpass therefore removing construction traffic from using the route. This approach will not increase safety hazards along the route and will not impact on

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			<p>school safety as the increase in traffic will be limited to a few journeys per week.</p> <p>g) The interface with the North Hykeham Relief Road scheme is included in sections 1.3.11, 2.9.5 and Table 2-7 of the OTMP [APP-196]. The OTMP [APP-196] will be developed into the Traffic Management Plan for implementation during construction, which must be substantially in accordance with the OTMP, and is secured through Requirement 11 of the draft Development Consent Order [APP-021]. Whilst the North Hykeham Relief Road is outside the zones of influence for the A46 Newark Bypass Scheme, the Applicant recognises the potential interface regarding wider traffic management proposals. The Applicant has identified in Table 2-7 of the OTMP [APP-196] that there will be an interface between the two schemes when closures are proposed on the A46 north of the Friendly Farmer Roundabout. Coordination between the two schemes will be required to ensure that there are no road space clashes on the proposed diversion (Appendix Figure A-3 in the OTMP [APP-196]). This coordination would be undertaken at the monthly traffic management meetings, which section 2.17.5 of the Outline Traffic Management Plan [APP-196] sets out will be held with specific stakeholders. As set out in paragraph 2.17.5 of the OTMP, Lincolnshire County Council (LCC) will be invited to these monthly traffic management meetings. As set out in section 1.1.3 of the OTMP, LCC, as a Local Highway Authority on part of a proposed diversion route, will be consulted on the Traffic Management Plan for the Scheme.</p> <p>h) The emergency services would be invited to attend the traffic management workshops (Section 2.17.5 of the OTMP) in which the upcoming plans, closures and diversions will be reviewed.</p> <p>i) The Royal Mail is identified in table 2-1 of the OTMP as a key stakeholder with its requirements and mitigation measures detailed.</p>
Q14.0.28		<p>Construction Phase – Public Transport Paragraph 7.3.18 of the TAR [APP-193] says during the construction phase the Principal Contractor would liaise with bus operators and NCC. How would this be secured?</p>	<p>The liaison with the bus operators is included within table 2-1 of the OTMP which states that bus companies will be given advanced warning of closures impacting their routes. Requirement 11 of the draft DCO [REP1-001] secures submission of a Traffic Management Plan, substantially in accordance with the OTMP, and compliance with the approved Traffic Management Plan. Nottinghamshire County Council is identified as a consultee on the Traffic Management Plan in Requirement 11 of the Draft DCO [REP1-001]. The liaison with Nottinghamshire County Council on the Traffic Management Plan is detailed within table 2-1 and paragraph 2.17.5 of the OTMP.</p>
Q14.0.29	NCC	<p>Scheme Design – Great North Road / Kelham Road Junction Please elaborate on your concerns in [RR-057] regarding the dedicated right turn lane from Great North Road into Kelham Road. How could these concerns be addressed?</p>	<p>Question not addressed to the Applicant.</p>
Q14.0.30	NNAS, The Applicant	<p>Operational Phase – Access to Newark Showground a) With reference to [RR-046], what are the “significant traffic benefits” of providing an alternative Showground access / egress on the proposed Friendly Farmer Link Road? b) Would an access include facilities pedestrians and cyclists? c) Would an access affect the satisfactory performance of the Friendly Farmer Link Road?</p>	<p>a) The Applicant investigated the possibility of providing an egress on the new Friendly Farmer Link Road but as stated within section N8. Annex N of the Consultation Report Annexes [APP-044] the Applicant has assessed additional options for turning movements onto Friendly Farmer Link Road from Newark Showground. The assessment showed that Winthorpe Roundabout could accommodate the traffic along Drove Lane and additional turning movements were not required to deal with traffic. It also presented an increased risk of queues on the link road, which could have led to rear end shunt incidents.</p> <p>b) Please refer to [RR-046] Applicant’s Responses to Relevant Representations [REP1-009]. It will be possible for pedestrians and cyclists to enter the Showground at this location.</p> <p>Whilst discussing the new access with the Showground operator they confirmed that sufficient space would always be provided within the site to allow vehicles to enter the site without hindrance and prevent queues developing onto the Friendly Farmer Link Road. The Link Road will therefore have sufficient capacity whilst the entrance is in use.</p>
Q14.0.31	The Applicant	<p>Operational Phase – Congestion in Newark Please respond to the concern in [RR-060] that: “all new road schemes have been shown to fill up and increase traffic and pollution” and “that traffic issues in Newark and the surrounding areas would become permanently worse if the bypass was built.”</p>	<p>The Applicant acknowledges that there would be an overall increase in traffic, however, when the Scheme is introduced, journey times along the A46 are forecast to improve as outlined in the Transport Assessment Report [APP-193] demonstrating the benefits of the Scheme. It is notable that traffic modelling shows that levels of traffic on the A46 around Newark-on-Trent are forecast to increase even if the Scheme is not built.</p> <p>In line with Department for Transport’s Transport Analysis Guidance (TAG), traffic flows have been forecast up to 2061. This modelling demonstrates that the A46 is not forecast to be over capacity within these timescales if the Scheme is implemented.</p> <p>Traffic modelling shows that most of the forecast traffic increase is associated with trips travelling along the A46 to bypass Newark-on-Trent. The Scheme’s implementation would therefore lead to a better flow of traffic and a reduction in congestion on both the A46 and on local roads within Newark-on-Trent. While traffic modelling indicates an increase in traffic on the A46 because of the Scheme, it also shows that a significant component of this increase is attributable to strategic through traffic that is effectively removed from the centre of Newark-on-Trent by the Scheme. These trips currently divert off the A46 and go through the town centre to avoid congestion. With the Scheme, this through traffic is</p>

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			forecast to remain on the strategic road network, where it is more appropriate for it to be. Further information is provided in [RR-060] Applicant's Responses to Relevant Representations [REP1-009].
Q14.0.32	The Applicant, NCC	Operational Phase – Congestion in Newark [RR-007] notes that they are experiencing direct environmental impacts (including noise, air quality, visual detriment) from traffic diverting through the Town Centre due to capacity issues on the existing A46 around Newark. They also note severe disruption to access / egress to and from their property / the town centre and circulation around the town from displaced congestion. Would the Proposed Development result in any changes to traffic in Newark?	The Applicant confirms, as set out in the Transport Assessment Report [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 rat-run 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. Further information is provided in [RR-007] Applicant's Responses to Relevant Representations [REP1-009].
Q14.0.33	The Applicant	Operational Phase – Farndon Under normal operating conditions, would traffic queue back across the vehicular accesses to residential properties on Fosse Road, a concern raised in [RR-018]?	The Applicant confirms forecasts undertaken with the traffic model show that the Scheme would reduce traffic flows on most local roads through Newark-on-Trent, including the B6326 London Road, Barnaby Road, Beacon Hill Road, Beckingham Road, Drove Lane, Farndon Road and Fosse Road. More details on the volume of flow decreases are available in the Transport Assessment Report [APP-193]. The design of the Scheme has been developed to minimise congestion at the junctions of the A46 for both the local road approaches and the main carriageway of the A46. In turn, the reduction in congestion would alleviate the current blocking-back issues seen on the local road network within Newark-on-Trent. Traffic lights and additional lanes have been included as part of the Scheme design at Farndon Roundabout. Signals would be full time on the A46 approaches to Farndon Roundabout and lane sensors would be used as appropriate to help manage traffic flows during peak and off-peak times. The inclusion of signal control would allow flows to be consistently controlled both through and onto the roundabout. Signals on the A46 arms would generate gaps in the circulatory flow allowing traffic to enter the roundabout from the unsignalised Farndon Road and Fosse Road. Further information is provided in [RR-018] Applicant's Responses to Relevant Representations [REP1-009].
Q14.0.34	The Applicant	Operational Phase – Winthorpe Please respond to the concerns in [RR-071] in relation to: a) the operation of the Winthorpe 'through-about' in the event of a power failure or computer malfunction; and b) the merging of traffic on the Friendly Farmer Roundabout in the direction of the Friendly Farmer Link Road.	a) The Applicant confirms that at Winthorpe Roundabout traffic management would be put in place in the event of signal failure or malfunction, this would effectively close the through section of the mainline A46 and this traffic would utilise the circulatory section of the roundabout. b) Northbound traffic from Brownhills Roundabout does have the option to travel northbound to join the A46 at Winthorpe Roundabout, or to enter the existing Friendly Farmer Roundabout. Traffic travelling north to the A46 will no longer be a free flow/filter lane layout as at present and a give way line has been introduced which is in accordance with National Highways' Design Manual for Roads and Bridges. Further information is provided in [RR-071] Applicant's Responses to Relevant Representations [REP1-009].
Q14.0.35	The Applicant	Operational Phase – Hargon Lane, Winthorpe Please explain the type and typical frequency of vehicles that would use Hargon Lane, what those vehicles would be accessing, and whether such use of Hargon Lane is compatible with the on-street parking noted in [RR-006].	As stated within the response to [RR-006] in the Applicant's Responses to Relevant Representations [REP1-009], the Applicant confirms that, during detailed design, it will consult on the necessity and location of passing places on Hargon Lane with the residents of Hargon Lane, the Parish Council and local service providers such as the Post Office prior to determining where and/or if these will be provided. The Applicant is aware that farm vehicles currently use Hargon Lane to access the area, these vehicles will continue to use the field access to the north of Pine Cottage as well as the new access road. Maintenance vehicles will generally consist of lightweight vans with occasional larger vehicles needed to remove debris and waste from the balancing ponds – the new access track alignment will cater for these. Providing access from the Esso service station would require slow moving farm vehicles to travel southbound along the new A46 to Cattle Market Junction and then return back along the northbound A46. This introduces road safety issues and would not be acceptable to the Applicant. The Applicant therefore confirms that heavy plant will not utilise Hargon Lane and parked vehicles along Hargon Lane will not be an issue.

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Q14.0.36	The Applicant, NCC	<p>Operational Phase – Cattle Market Junction</p> <p>Paragraph 1.1.3 of the CMAR [APP-193] states that the railway level crossing on the B6326 between the A46 and Newark causes traffic to back-up onto the A46 several times during the day and that this impacts on the operation of the Cattle Market junction. Would the Proposed Development include sufficient queuing space to ensure that the Cattle Market Junction would perform satisfactorily and safely when the level crossing is closed?</p>	<p>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.</p> <p>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].</p>
Q14.0.37	The Applicant, NCC	<p>Operational Phase – Speed Limits</p> <p>Please respond to the following:</p> <ul style="list-style-type: none"> · [RR-079] which says that the speed limit from Winthorpe Roundabout along the (modified) A1133 towards Langford should be reduced. · [RR-032] which says that a 40 miles per hour (mph) zone should be introduced from the Winthorpe roundabout to the entrance to the current 40mph limit at the entrance to Langford village and that this would ensure safe and convenient access to and egress from the new private means of access that is proposed to their property. 	<p>Please refer to [RR-079] and [RR-032] of the Applicant's Responses to Relevant Representations [REP1-009].</p>
Q14.0.38	The Applicant	<p>Operational Phase – Signage</p> <p>Paragraph 2.5.99 of ES Chapter 2: The Scheme [APP-046] notes that static road signage would be agreed with the applicable local authorities to ensure continuity is achieved along the adjoining routes.</p> <p>a) Who would pay for new or replacement static road signage on other authorities' networks?</p> <p>b) Does the dDCO need to include provisions in relation to such signage?</p> <p>c) Please respond to the comments in [RR-065] regarding access to the Shell Station once it is taken off-line and the need for advance signage.</p>	<p>a) The Applicant will pay for all signage that is directly impacted by the Scheme.</p> <p>b) The Applicant confirms that provision in relation to signage is within the "other associated development" after the Works in Schedule 1 of the draft Development Consent Order [REP1-001], which includes at (p) (inter alia) signing, signals and gantries.</p> <p>c) Please refer to [RR-065] Applicant's Responses to Relevant Representations [REP1-009].</p>
Q14.0.39	The Applicant	<p>Public Transport</p> <p>Would provision be made for bus priority signals as part of the Proposed Development (Paragraph 7.3.14 of the Transport Assessment Report [APP-193])?</p>	<p>The Applicant has continued discussions with NCC and the need for bus priority signals has not been identified on any of the Scheme junctions.</p>
Q14.0.40	The Applicant	<p>Walking, Cycling and Horse riding – WCHAR</p> <p>Paragraph 7.2.1 of the TAR [APP-193] says that a Walking, Cycling and Horse-Riding Assessment & Review (WCHAR) for the Proposed Development was completed in June 2023 based on the preliminary design for the Proposed Development and that a further WCHAR would follow at the detailed design stage to ensure that the needs of WCH continue to be considered as the design progresses.</p> <p>a) How would a further WCHAR be secured?</p> <p>b) Could this exercise result in some of the proposed WCH measures being omitted from the Proposed Development?</p>	<p>a) The Applicant undertakes designs in accordance with the Design Manual for Roads and Bridges and in accordance with National Highways procedures for delivery of major projects. Both require the WCHAR report to be reviewed at each stage of design, hence it will be reviewed and updated as necessary at detailed design stage. Further WCHAR provisions would be undertaken within the DCO granted powers or through individual land owner agreements and the use of mechanisms such as designated or social funding schemes that are secured outside of the Scheme. The current WCHAR assessment is contained within Appendix C of the Transport Assessment Report [APP-193].</p> <p>b) The Applicant confirms that the WCH measures detailed within the Walking, Cycling and Horse-Riding Assessment & Review will not be removed following the updated assessment. The WCH measures proposed are detailed on the Works Plans [AS-005] and are therefore secured under Requirement 12 of the draft Development Consent Order [REP1-001]. The diversions proposed are detailed within the updated Outline Traffic Management Plan [APP-196], updated for Deadline 2 which is secured under Required 11.</p>
Q14.0.41	The Applicant, Active Travel England	<p>Walking, Cycling and Horse riding – Walking and Cycling Facilities</p> <p>Please respond to the concern expressed by NCC [RR-057] that cycling and walking facilities may not comply with the standards in LTN 1/20 and that it should be demonstrated that Active Travel England (ATE) is appropriately consulted by the Applicant and assurance sought that the proposals are acceptable from ATE's perspective.</p>	<p>The Applicant and NCC have discussed the design of the walking and cycling facilities at the Statement of Common Ground meetings. Item 28, Alignment with Local Cycling and Walking Infrastructure Plan within the Statement of Common Ground is now agreed. Responses have been provided to [RR-057] in 7.10 Applicant's Responses to Relevant Representations [REP1-009]. The Applicant does not propose to undertake consultation with Active Travel England.</p>
Q14.0.42	The Applicant, NCC	<p>Walking, Cycling and Horse riding – Cycling Facilities</p> <p>[RR-040] suggests that the Proposed Development would make it more difficult for cyclists to travel from Newark to Lincoln. Do you agree? If no, please explain why.</p>	<p>The Scheme will not make it more difficult to cycle to Lincoln. Walking and cycling facilities have been improved throughout the Scheme and maintain the existing links to Lincoln from them.</p>

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14. Transportation and Traffic			
Q14.0.43	The Applicant	Walking, Cycling and Horse riding – Winthorpe Road [RR-059] says that Winthorpe Road would no longer be suitable to walk along during construction or after completion. Would any alternative walking facilities be provided?	The 120m diversion of the walking and cycling route beneath the proposed Brownhills Underpass will be an open corridor with landscaping alongside it, thus providing a replacement facility.
Q14.0.44	The Applicant	Walking, Cycling and Horse riding – Safety Section 4.2 of the Transport Assessment Report [APP-193] notes that there were accidents involving cyclists at the Brownhills and Cattle Market junctions. How has the design of the proposed development endeavoured to make junctions safer for NMUs?	The proposed layouts all provide segregated walking and cycling routes when alongside highways with signalised crossings provided around Cattle Market gyratory and to the Brownhills slip road and the A46 between Brownhills roundabout and Friendly Farmer roundabout, thus improving safety of the routes.
Q14.0.45	The Applicant	Walking, Cycling and Horse riding – Footway to Residential Property Could footway F-6C to F6-E (as shown on [AS-006] – Sheet 6) be extended to meet with the proposed access drive to facilitate access / egress on foot as requested in [RR-032]?	Please refer to [RR-032] in Applicant's Responses to Relevant Representations [REP1-009].
Q14.0.46	The Applicant	Walking, Cycling and Horse riding – Diversion of PRoW [RR-046] says that the proposed permanent re-routing of Winthorpe FP3 raises serious operational and security issues for the Newark & Notts Agricultural Society. However, the Streets, Rights of Way and Access Plans [AS-006] do not appear to show any diversion of Winthorpe FP3. Please clarify.	The Applicant can clarify that the diversion raised in RR-046 is the diversion of the A46 southbound footway that will be implemented during the construction phase. The Applicant has agreed with the Interested Party that appropriate security fencing is to be provided along the footway diversion and this statement is included in the updated Outline Traffic Management Plan submitted at Deadline 2.
Q14.0.47	Network Rail	Railway – Newark Flat Crossing Paragraph 7.3.4 of the Transport Assessment Report [APP-193] states that the Applicant worked with the DfT designer to provide confidence that the Proposed Development would not preclude a future grade separated rail scheme from being delivered in the future. Do you consider the Proposed Development to be acceptable in this regard? Do any changes need to be made to the Proposed Development as suggested by [RR-029]?	Question not addressed to the Applicant.

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Applicants Responses to ExAs First Written Questions

15. Water Environment and Road Drainage (inc Flooding)			
Q15.0.1	The Applicant	<p>Water Quality – Surface Water Sensitivity In ES Chapter 13: Road Drainage and the Water Environment [APP-057] the sensitivity of surface waters is derived from the importance of surface waters as detailed in Table 13-1. Importance has been assessed using Water Framework Directive (WFD) classification and the Q95 flow, with high importance equalling a higher Q95. The EA has advised [RR-020] that the sensitivity of a watercourse to water quality impacts is the reverse, with less dilution meaning a watercourse is more sensitive. The EA advises that this approach risks underestimating the sensitivity of waterbodies and therefore underestimating the significance of an affect. Please consider and provide a response to this query.</p>	<p>Please refer to the Applicant's response to EAWQ-002 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p> <p>The Applicant has discussed this item with the Environment Agency and has subsequently reached agreement on this point. The Statement of Common Ground with the Environment Agency (REP1-020) will be updated at Deadline 4 of the Examination to reflect this agreement. The Environment Agency has agreed that the issue can be closed out as the Applicant has confirmed that, when data has not been available to follow DMRB LA113 guidance, professional judgement has been used to determine the sensitivity and potential impacts on the receiving watercourses so as to not underestimate the sensitivity or significance of effect.</p>
Q15.0.2	The Applicant	<p>Highways England Water Risk Assessment Tool (HEWRAT) – baseline The EA comments [RR-020] that the HEWRAT [APP-178] does not offer the results from the existing baseline for comparison and advise that the HEWRAT assessment should be completed for the existing baseline conditions and the results offered for comparison. This will make it clear whether the Proposed Development will reduce or increase the contribution from the Reason for Not Achieving Good (RNAG). Please provide the results from the existing baseline.</p>	<p>Please refer to the Applicant's response to EAWQ-005 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p> <p>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] will be updated at Deadline 4 of the Examination to reflect this agreement. 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 on existing conditions.</p>
Q15.0.3	The Applicant	<p>Dewatering Management Plan (DWMP) The EA has commented [RR-020] that a dewatering management plan (DWMP) should be submitted as part of the Second Iteration EMP. Is the Applicant committing to preparing a DWMP as part of the Second Iteration EMP? If not, why not and if yes Requirement 3 should be updated.</p>	<p>Please refer to the Applicant's response to EAGWCL-002 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p> <p>The Applicant has discussed this item with the Environment Agency and confirmed that a Dewatering Management Plan will be prepared as part of the Second Iteration EMP. This is reflected in the updated First Iteration Environmental Management Plan [APP-184] and draft Development Consent Order [REP1-001] submitted at Deadline 2 of the Examination.</p>
Q15.0.4	The Applicant	<p>Surface water and groundwater monitoring The EA [RR-020] considers that there is a lack of clarity in relation to surface water and groundwater monitoring commitments. Please consider the EA comments and either update [APP-184] or provide a justification for your approach.</p>	<p>Please refer to the Applicant's response to EAGWCL-004 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p> <p>The Applicant confirms that it has updated commitment RDWE7 in the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-184] as described in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p>
Q15.0.5	The Applicant	<p>Drainage Strategy – Points of Discharge The submitted Drainage Strategy Report (6.3, Appendix 13.4) [APP-179] identifies that the proposals seek to discharge water to the River Trent, utilising three existing outfalls to the river (labelled as 01, 09 and 09a.) The Canal and River Trust [RR-009] comments that it does not have a record of any outfall other than 09a. Please respond in full to [RR-009] and provide specific detail on these outfalls.</p>	<p>Please refer to the response to [RR-009] in the Applicant's Response to Relevant Representations [REP1-009]. This confirms that outfall 01, 09 and 09a are existing outfalls and the outfall rate will be limited to the greatest of the existing flow rate or 5l/s where the 5 l/s needs to be a minimum rate to provide a self-cleaning velocity through a flow control device.</p> <p>Outfall locations are shown on the Engineering Plans and Sections Part 5 - Drainage Engineering Plans [AS-012].</p> <p>The outfall flow rates, as set out in Appendix 13.4 (Drainage Strategy) of the Environment Statement Appendices [APP-179], are therefore at existing or limited to 5l/s which will not change the existing safety risk to passing craft or present a high flow if increased to 5l/s.</p>
Q15.0.6	The Applicant	<p>Ongoing Management of Farndon West FCA ES Chapter 8: Biodiversity [APP-052] sets out that the Farndon FCA is to be turned into coastal and floodplain grazing marsh HPI. Can the Applicant explain what measures they intend to put in place to secure the management of this area and how this would be secured through the dDCO.</p>	<p>The First Iteration Environmental Management Plan, which is secured by Requirement 3 of Schedule 2 of the draft DCO [REP1-001], sets out how the features of the Farndon FCA, including the HPI, will be managed at B4.</p> <p>The Farndon FCA will be implemented by the Principal Contractor, who will be responsible for the management of the pond during the aftercare period, unless agreements are made with the landowner with regards to them adopting management responsibilities in the long-term.</p> <p>The Applicant will be responsible for management of the pond following the aftercare period in line with the requirements of the LEMP (to be detailed within the Second Iteration EMP), unless agreements are made with the landowner with regards to them adopting management responsibilities in the long-term.</p>

15. Water Environment and Road Drainage (inc Flooding)			
15.1 Flooding			
Q15.1.1	The Applicant	<p>Clarification Paragraph 1.3.3 of the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the FRA) [APP-177] sets out that during detailed correspondence with the EA on 20 July 2023, it was proposed that the Farndon East borrow pit area would be utilised as attenuation to offset, by displacement, the exceedance volume for events above the 1 in 30-year storm (+ climate change) up to the 1 in 100 year (+ climate change %) which cannot be managed in the borrow pits or their landscaped area. This additional attenuation has been described within the FRA and has been secured by Requirement 14 of the dDCO [APP-021]. However, this does not appear to match up with the list of agreed design parameters at Section 1.3 of the Drainage Strategy Report (DSR) [APP-179] with paragraph 1.3.1 stating that detention basins would hold the 1 in 30 years (plus 25% climate change) pluvial storm event volumes. Please clarify the position and update the documentation as appropriate.</p>	<p>The Applicant confirms paragraph 1.3.1 of Appendix 13.4 (Drainage Strategy Report) of the Environmental Statement [APP-179] states that it is proposed to attenuate surface water within detention basins for flows up to the 1 in 30-year storm event plus a climate change allowance of 25%. For the difference in volumes of water realised between 1 in 30 and 1 in 100-year plus climate change pluvial (rainfall) events, the stakeholders (the Lead Local Flood Authority, Internal Drainage Board and Environment Agency) are content that the additional runoff can flow into the Old Trent Dyke, provided that land adjacent to it does not flood more frequently or more severely as a result than at present. The Farndon East Flood Compensation Area/borrow pit is therefore designed to also alleviate water from the Old Trent Dyke. This provides capacity for the attenuation ponds within the floodplain to outfall into the Old Trent Dyke whilst not causing additional flooding. The Applicant therefore believes that no update is required to the documentation as the information is correct.</p>
Q15.1.2	The Applicant, NCC as LLFA	<p>Agreement with Stakeholders Has the latest proposed drainage strategy, discussed in the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the FRA) [APP-177] been agreed? If not, please set out any outstanding matters.</p>	<p>The Applicant confirms that Drainage and Flood Management Steering Group meetings have been held regularly during the development of the Scheme outline design to ensure key stakeholders are consulted with and kept updated on the drainage design and the mitigation measures proposed. The correspondence and key outcomes of the meetings are recorded in Appendix A of Appendix 13.4 (Drainage Strategy Report) of the Environmental Statement Appendices [APP-179]. The Drainage Strategy Report has been accepted in principle by the Environment Agency, Nottinghamshire County Council as the Lead Local Flood Authority, the Trent Valley and Lindsey Marsh Internal Drainage Board and the Canal and River Trust. The Applicant confirms that the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the Flood Risk Assessment) referred to by the Examining Authority is the same as Appendix 13.4 (Drainage Strategy Report) of the Environmental Statement Appendices [APP-179].</p>
Q15.1.3	The Applicant, LLFA	<p>Flood Compensation Areas The FRA [APP-177] details that maintenance of the FCAs and their features will be ensured by the Applicant for the operational life of the Proposed Development. RDWE10 of the REAC (in the First Iteration EMP) [APP-184] says that maintenance details would be defined at the next stage of design. <ul style="list-style-type: none"> Please provide further detail and assurances with respect to the maintenance of the FCAs. Are the LLFA content with the approach adopted? </p>	<p>The Applicant confirms Requirement 14 of the draft Development Consent Order [REP1-001] sets out how the detailed plans for Floodplain Compensation Areas (FCAs) are to be approved prior to the commencement of works. A maintenance plan for the culverts and all FCAs is secured by Requirement 14 of the draft Development Consent Order [REP1-001]. Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177] considers the impact on flood risk should the Kelham and Averham FCA culverts (under the A617) become blocked, in Appendix B of the Hydraulic Modelling Technical Report, (which is Appendix A of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]). This looks at blockage modelling of the culverts and the impacts said blockage would have. The size of the five culverts (arranged in parallel) are the largest that can reasonably fit beneath the A617 based upon the carriageway profile and the connecting ditch profile for draining the Kelham & Averham FCA back into the River Trent following a flood event. The Lead Local Flood Authority have been consulted throughout on the approach adopted and have so far raised no objection. Further information is provided in the response to EAFR-006 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p>
Q15.1.4	The Applicant	<p>Interaction with Existing Flood Defences FRA [APP-177] mentions that the Scheme will "tie-in" with existing EA flood defences (see paragraphs 3.4.2 and 7.7.2), but there is no explanation for how this will occur, or how it will be ensured that there will be no detriment to the defences. The Applicant should provide further information on: <ul style="list-style-type: none"> the current Standard of Protection (SoP) of the existing defences, their composition, current condition, and inspection regime; detailed plans for areas around the defences, showing tie-in with the Proposed Development; confirm that the lifespan of the defences is commensurate with the Proposed Development; and agreement showing this matter has been resolved with those responsible for the </p>	<p>The Crees Lane embankment flood defence (labelled "existing flood defence") is shown on General Arrangement Sheet 1 [AS-007]. Although the location of the tie-in is shown, the details of this will be defined at Detailed Design. The tie in with the scheme is at the southern abutment of Windmill Viaduct. The EA is responsible for maintenance of the asset, and this will remain their responsibility post scheme completion. The Newark Roundabout Embankment flood defence (labelled "existing flood defence") is shown on General Arrangement Sheet 3 [AS-007]. Although the location of the tie-in is shown, the details of this will be defined at Detailed Design. The tie in is at Cattle Market Junction. The EA is responsible for maintenance of the asset, and this will remain their responsibility post scheme completion. Current Standard of Protection of existing defences, composition, current condition, and inspection regime: The Applicant confirms the Scheme interacts with two Environment Agency flood defences. Information on the flood defences was discussed with the Environment Agency on 05/09/2024 in a meeting.</p>

15. Water Environment and Road Drainage (inc Flooding)	
Q15.1.6	<p>The Applicant</p> <p>Sequential Test Paragraph 10.2.2 of the FRA [APP-177] states that the Proposed Development alignment was developed following a comprehensive assessment of different alignment options, which considered all environmental impacts (inclusive of flood risk). Further detail on this process has been provided in ES Chapter 3 (Assessment of Alternatives) [APP-047]. The selected route option (Option C) did not score as well as other options regarding flood risk but was selected due to performing better with regards to other potential impacts. Please provide further commentary as to how the flood risk Sequential Test, as detailed in NPPF 2023, has been considered and how the proposal meets this.</p>
Q15.1.7	<p>The Applicant</p> <p>Omission of Reference to UK Climate Projections 18 (UKCP18) No explicit reference has been made to UKCP18 in the FRA [APP-177]. Please explain this omission, and if it is not relevant, explain why.</p>
Q15.1.8	<p>The Applicant</p> <p>Exception Test Despite acknowledging the increases in flood risk, the FRA [APP-177] does not consider any additional mitigation measures to offset these increases. The FRA also fails to consider any opportunities presented by the Proposed Development for reducing fluvial flood risk overall as required by paragraphs 5.108 of the 2015 NPSNN and 5.128 of the 2024 NPSNN. The Applicant should demonstrate what opportunities to reduce flood risk overall have been considered and incorporated into the design. Thereafter, the Applicant should provide a clear demonstration that the proposal meets with the Exception Test as outlined NPPF 2023. The Applicant should consider the EA response [RR- 020] when replying to this question.</p>

The Applicant confirms section 4.3 and section 10 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177], discusses the Sequential Test.

The Sequential Test is intended to steer new development to areas with the lowest risk of flooding from any source. The National Planning Policy Framework states that if it is not possible for development to be located in areas with a lower risk of flooding, the Exception Test should be applied. The Applicant notes that the National Policy Statement for National Networks likewise applies the same tests.

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 best on flood risk criteria (Options D and B), the selected route option (Option C) 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. The Local Impact Report [REP1-038] submitted by the Lead Local Flood Authority (Nottinghamshire County Council) also considers that the Scheme may pass the Sequential Test.

The Applicant confirms Section 4.8 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177] states that the Environment Agency climate change allowance guidance was used to undertake the assessment. The Environment Agency climate change allowances are predictions of the anticipated change for peak river flow, peak rainfall intensity, sea level rise, and offshore wind speed and extreme wave height. They are based on UK Climate Projections 2018 (UKCP18), which are the most recent UKCPs. Therefore, it was not considered necessary to explicitly refer to UKCP18 in Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177] given that the Environment Agency climate change allowance guidance is already referenced.

The Applicant confirms Section 4.3 and Section 10 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177], discusses the Sequential and Exception tests.

For the Exception Test (as required by paragraphs 5.108 of the 2015 NPSNN and 5.128 of the 2024 NPSNN) to be passed, it must be demonstrated that:

- 1) the Scheme provides wider sustainability benefits to the community that outweigh the flood risk; and
- 2) the Flood Risk Assessment must demonstrate that the Scheme would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, would reduce flood risk overall.

The Applicant maintains that both parts of the Exception Test have been satisfied.

The first part of the Exception Test is met, as stated in paragraph 4.3.3-5 and section 10.3 in Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177], due to the Scheme being part of the strategic road network, the need for upgrading of which is set out in the Case for the Scheme [APP-190]). The Scheme is essential transport infrastructure that has to cross the area(s) at flood risk.

The second part of the exception test is also met. As described in paragraph 11.1.6 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177], the Scheme, which includes three Flood Compensatory Storage areas to mitigate the potential for increased flood risk elsewhere, does not change fluvial flood risk for the design (1%AEP plus 39% climate change) event, when compared to the baseline.

Section 8.2 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177] itemises areas where minor localised changes in flood depth, both increases and decreases, were observed in modelling of the 1%AEP plus 39% climate change event. Vulnerable receptors that are impacted in the localised areas where flood depths show slight increases compared to the baseline are discussed in a Hydraulic Modelling Technical Note which has been submitted in draft format to the Environment Agency for comment and will be submitted to the Examining Authority by Deadline 3, if not sooner. It is further considered that there are decreased flood depths in other areas of the floodplain in the 1%AEP plus 39% climate change event.

It is not realistic or possible for the Scheme to reduce flood risk overall within the wider catchment, given the extensive baseline flood hazard in the floodplain for the 1%AEP plus 39% climate change event, as shown in Figure 8-2 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]. It should be noted that the Scheme does provide some localised reduction of flood risk as shown in Figure 8-1 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]. However, it is considered that the Scheme during

15. Water Environment and Road Drainage (inc Flooding)			
			<p>operation does not cause an overall change flood risk for the 1%AEP plus 39% climate change event, when compared to the baseline.</p> <p>As discussed in Section 4.7 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177], the EA has been consulted throughout the hydraulic modelling process and has provided feedback and review of the hydraulic model.</p> <p>The Applicant is continuing to work with the Environment Agency to address this comment through technical meetings and supporting technical note documents that will be provided to the Examination. This is documented in the Statement of Common Ground with the Environment Agency [REP1-020].</p> <p>Further information is provided in EAFR-001 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p>
Q15.1.9	The Applicant	<p>Compensatory flood storage The FRA [APP-177] fails to provide details on the amount and location of the flood storage being displaced, compared to the amount and location of flood storage being provided, demonstrating that any flood storage provided will become effective at the same point in a flood event as the lost storage would have done. Please provide details of where exact volumes of flood storage are being lost, and subsequently compensated for, to demonstrate the proposed compensatory flood storage is sufficient, and where possible can provide additional storage to reduce flood risk to the local area and the Proposed Development overall.</p>	<p>Details of the exact volumes of floodplain lost due to the development are included in the Floodplain Compensation Area Technical Note, which has been submitted in draft format to the Environment Agency for comment and will be submitted to the Examining Authority by Deadline 3, if not sooner. Additional storage is provided at each of the floodplain compensation areas to reduce flood risk to the local area. This additional compensation is used in part to mitigate the Scheme's inability to compensate for all elevations of volume lost on a level-for-level basis. The use of the additional compensation is discussed further in the Floodplain Compensation Area Technical Note section 2.2, paragraphs 2.2.3 and 2.2.14, which will be submitted into the Examination at Deadline 3.</p> <p>Further information is provided in EAFR-004 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p>
Q15.1.10	The Applicant	<p>Compensatory flood storage – phasing of works Please provide details of the locations and exact volumes of flood storage which are being lost in each phase of works, and compensatory arrangements to maintain effective flood storage. Please also explain if additional storage would be provided to overall reduce flood risk to the local area and the Proposed Development</p>	<p>In Section 2.6 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046], the construction methodology of the Scheme is described. In this construction methodology, it is stated that the Kelham and Averham Floodplain Compensation Area (FCA) is to be constructed prior to the rest of the Scheme. It also states that the Farndon FCAs will be constructed in parallel with the main works (delivered as a single phase), ensuring the volume built into the floodplain is always less than the volume excavated from the FCA sites on a level for level basis.</p> <p>Pre-commencement works are to take place prior to the main construction of the Scheme in order to facilitate the construction of the Kelham & Averham FCA, as described in the Pre-Commencement Plan [APP-188].</p> <p>Requirement 14 of the draft Development Consent Order [REP1-001] sets out how the detailed plans for FCAs are to be approved prior to the commencement of works. The detailed plans shall include phasing and timing of the actual construction works including the FCAs, which will also be addressed in the Second Iteration Environmental Management Plan. Adherence with the Second Iteration Environmental Management Plan and associated detailed management plans is secured by Requirement 3 of the draft Development Consent Order [REP1-001], on which the Environment Agency will be a consultee.</p> <p>Further information is provided in the response to EAFR-005 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation (REP1-010).</p>
Q15.1.11	The Applicant	<p>Compensatory flood storage – maintenance The FRA [APP-177] should consider the impact on flood risk should the culverts beneath the A617 become blocked and flood water be unable to reach the floodplain compensation area. The assessment should be informed by blockage modelling, a rationale for the culvert sizes chosen, and how the risk of culvert failure or blockage can be mitigated. The latter should be addressed through a maintenance plan, outlining who would be responsible for culvert maintenance and how frequently it will be undertaken. The maintenance plan should be maintained in perpetuity. Similarly, the FRA should consider the maintenance strategy for the carriageway piers proposed within the floodplain, in order to demonstrate that there will not be any debris build up between the piers that could result in a blockage risk and the subsequent in loss of flood storage capacity.</p>	<p>The Applicant confirms Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177] considers the impact on flood risk should the A617 culverts become blocked in Appendix B of the Hydraulic Modelling Technical Report, (which is Appendix A of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]). This looks at blockage modelling of the culverts and the impacts said blockage would have. The size of the five culverts (arranged in parallel) are the largest that can reasonably fit beneath the A617 based upon the carriageway profile and the connecting ditch profile for draining the Kelham & Averham Flood Compensation Area (FCA) back into the River Trent following a flood event. Requirement 14 of the draft Development Consent Order [REP1-001] sets out how the detailed plans for FCAs are to be approved prior to the commencement of works. A maintenance plan for the culverts and all floodplain compensation areas is required by Requirement 14 of the draft Development Consent Order [REP1-001], which secures the maintenance for the lifetime of the Scheme.</p> <p>Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177] also considers the impact on flood risk should the blockage occur at bridge piers, in Appendix B of the Hydraulic Modelling Technical Report, (which is Appendix A of the Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]). This looks at blockage modelling of carriageway piers. Requirement 14 of the draft Development Consent Order [APP-021] sets out how the detailed plans for FCAs are to be approved prior to the commencement of works. It is proposed that a maintenance plan for the piers shall be included in the Third Iteration Environmental Management Plan. Adherence with the Third Iteration Environmental Management Plan and associated detailed management plans is secured by Requirement 3 of the draft Development Consent Order [REP1-001]."</p>

15. Water Environment and Road Drainage (inc Flooding)			
			Further information is provided in EAFR-006 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].
Q15.1.12	The Applicant	<p>Slough Dyke (main river) Realignment</p> <p>No detailed drawings for the Slough Dyke realignment have been provided and the realignment has also not been represented within the hydraulic modelling undertaken. Detailed drawings should be provided and with-mitigation scheme modelling re-run with the realignment to understand the flood risk impacts</p>	<p>The Applicant confirms the General Arrangement Plans [AS-007] show the proposed realignment, and the cross section is shown in Engineering Plans and Sections Part 6 sheet 12 [APP-14]. As discussed with the Environment Agency in a meeting on the 5 September 2024, it was agreed to perform a simplified model run including the change to the Slough Dyke. The results from this are included in Section 4 of the Hydraulic Modelling Technical Note, which will be submitted into the Examination at Deadline 3.</p> <p>Further information is provided in the response to EAFR-007 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p>
Q15.1.13	The Applicant	<p>Climate change Allowances Sensitivity Test</p> <p>The FRA has not assessed a credible maximum peak river flow climate change scenario, in line with UK government guidance on climate change allowances for flood risk assessments.</p> <p>The Applicant should review the EA's RR [RR-020] and provide a detailed comment that should include a sensitivity assessment of the Upper End (62%) climate change allowance for peak river flow.</p>	<p>The Applicant considered the credible maximum climate change scenario (H++) in Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]. The event assessed was the 0.5% AEP plus the upper end climate change allowance of 62%. As discussed in Section 7.2 of the Flood Risk Assessment [APP-177], this event was selected as the 'check event' required for assessment in Design Manual for Roads and Bridges document CD356. The 0.1% AEP event was used as a proxy event for the 0.5% plus 62% climate change uplift.</p> <p>The suitability of this approach is outlined further in section 5 of the Hydraulic Modelling Technical Note, which has been submitted in draft format to the Environment Agency for comment and will be submitted to the Examining Authority by Deadline 3, if not sooner.</p> <p>Further information is provided in EAFR-009 in Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p>
15.2 Water Framework Directive			
Q15.2.1	The Applicant	<p>Detailed Assessment</p> <p>Table 5-1 of the WFD Compliance Assessment [APP-176] states that upgrades to the existing drainage for the road would prevent contaminated runoff from entering the "Trent from Soar to The Beck" (water body). The detailed assessment has deemed that WFD compliance is achieved in this catchment as a result.</p> <p>The EA [RR-020] considers that this section should not state that contaminated runoff will be prevented. The Applicant should either amend the WFD Compliance Assessment or provide a rebuttal to the EA comment.</p>	<p>Please refer to the response to EAWQ-003 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p> <p>The Applicant has discussed this item with the Environment Agency and has subsequently reached agreement on this point. The Statement of Common Ground with the Environment Agency [REP1-020] will be updated at Deadline 4 of the Examination to reflect this agreement. The Environment Agency has agreed the issue can be closed out as the Applicant clarified the wording which originally caused confusion. The incorporation of mitigation measures within the drainage design area considered to provide an improvement in pollution treatment, and it is considered that the surface water runoff entering the 'Trent from Soar to the Beck' waterbody will not be contaminated. As such, the Environment Agency has agreed the WFD Compliance Assessment does not need amending.</p>
Q15.2.2	The Applicant	<p>Detailed Assessment</p> <p>The WFD Compliance Assessment [APP-176] details in Tables 5-1 to 5-4 do not confirm whether a comparison of the proposed drainage impacts shows an improvement or deterioration from the existing baseline.</p> <p>The EA comments [RR-020] that the detailed assessment should reference the Highways England Water Risk Assessment Tool (HEWRAT) assessment and confirm whether the proposed drainage strategy offers an improvement on the existing baseline. This is particularly pertinent, as transport drainage has been identified as a RNAG status for almost all of the assessed waterbodies. The mitigation must ensure that the proposed development does not increase the contribution from this RNAG.</p> <p>The Applicant should provide a response to this comment.</p>	<p>Please refer to the response to EAWQ-004 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010]</p> <p>The Applicant has discussed this item with the Environment Agency and has subsequently reached agreement on this point. The Statement of Common Ground with the Environment Agency [REP1-020] will be updated at Deadline 4 of the Examination to reflect this agreement. 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.</p>

15. Water Environment and Road Drainage (inc Flooding)			
Q15.2.3	The Applicant	<p>Water Body Mitigation The EA comments [RR-020] that whilst a WFD deterioration from this Proposed Development is unlikely, given the WFD assessment results [APP-176], if the relatively minor impacts that the Proposed Development is introducing are not mitigated, then there is a risk of there being a cumulative impact on the water body when combined with other schemes. Therefore, it would stand to benefit the water body to mitigate all impacts. The EA comments that all works impacting WFD Water Bodies should be mitigated to avoid cumulative impacts. Opportunities for further mitigation should be incorporated into the Proposed Development, such as looking to naturalise areas of artificial banks, so that the Proposed Development does not add to any cumulative pressure on the water body. This could be combined with considerations about BNG concerning the water bodies. The Applicant should provide a response to this comment from the EA.</p>	<p>Please refer to the response to EAFBG-002 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation (REP1-010). Under WFD Regulations, it is not a requirement for a Scheme to mitigate for all potential impacts providing the Scheme does not cause a deterioration in waterbody status. The cumulative impacts assessment is included within Chapter 5 of Appendix 13.1 (WFD Compliance Assessment) of the Environmental Statement [APP-176]. As construction activities would be phased to minimise the in-combination effects on individual water bodies, and appropriate mitigation measures would be implemented during construction, it was determined that in-combination impacts would be localised and temporary. The cumulative effects assessment in Chapter 15 (Assessment of Combined and Cumulative Effects) of the Environmental Statement [APP-059], identified seven developments, however no cumulative effects on WFD waterbodies were identified. The Applicant has undertaken a more recent review of any new or approved developments since those identified in the assessment submitted as part of the application. The review identifies any changes to the developments already included in the list for cumulative assessment, up to 1 October 2024. This is to ensure that the cumulative effects assessment for the Scheme is up to date and reflective of the anticipated cumulative effects associated with the Scheme and other developments. The findings of the updated assessment are outlined in the Cumulative Effects Technical Note [TR010065/APP/7.37] submitted at Deadline 2 of the Examination. This review identified four new developments to progress to the Stage 2 'Assessment of Cumulative Effects' for Road Drainage and the Water Environment. For all of these projects, the residual cumulative effects during construction and operation were assessed as 'Neutral' with no significant cumulative effects predicted, providing mitigation measures specified in the First Iteration EMP [APP-184] are adhered to. The Applicant has discussed this item with the Environment Agency and has subsequently agreed on the approach proposed above. The Statement of Common Ground with the Environment Agency [REP1-020] will be updated at Deadline 4 of the Examination to reflect this agreement.</p>
15.3 Surface Water Drainage			
Q15.3.1	The Applicant	<p>Frequency of Water Quality Monitoring The Surface Water Quality Monitoring Report [APP-180] proposes quarterly monitoring of water quality during the construction phase. The EA comments [RR-020] that quarterly monitoring may be insufficient for identifying significant but short-term impacts. Additionally, it risks impacts to the water environment not being detected for prolonged periods of time. The Applicant should provide a justification for their approach or provide a more regular monitoring method during the construction phase.</p>	<p>Please refer to the response to EAWQ-006 of the Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010]. 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]. An update has been made to the First Iteration Environmental Management Plan [TR010065/APP/6.5] submitted at Deadline 2 of the Examination, to capture the commitments for monthly monitoring of both surface water and groundwater during construction and quarterly post-construction for one year. This has been submitted into the Examination at Deadline 2.</p>
Q15.3.2	The Applicant	<p>Surface Water Quality Monitoring – Ecological Monitoring The Surface Water Quality Monitoring Report [APP-180] does not propose any ecological monitoring. Provide a justification for this approach or amend the document to include ecological monitoring.</p>	<p>Please refer to EAWQ-007 in Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010]. 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].</p>
Q15.3.3	The Applicant	<p>Surface Water Quality Monitoring – Baseline In section 4.1.1, Table 4-1 of document [APP-176] provides the results from the surface water quality monitoring to date. Sampling has been completed on three occasions and has returned some outlier results (ie 62.1 mg/l Biochemical Oxygen Demand). Please respond to the EA's comments that [RR-020] the current level of monitoring is unlikely to provide a representative picture of the baseline environment.</p>	<p>Please refer to the response to EAWQ-008 in Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010]. The Applicant highlights the three sampling occasions reported within Appendix 13.5 (Surface Quality Water Monitoring Report) of the Environmental Statement [APP-180] were to inform the Environmental Statement and establish an initial baseline for Chapter 13 (Road Drainage and Water Environment) of the Environmental Statement [APP-57]. The sampling has continued throughout 2024 and will continue quarterly until construction starts, to provide a sufficient baseline for the construction and post-construction monitoring to be compared to. The Applicant has discussed this item with the Environment Agency, which has subsequently agreed with the approach. The Statement of Common Ground with the Environment Agency [REP1-020] will be updated at Deadline 4 of the Examination to reflect this agreement.</p>

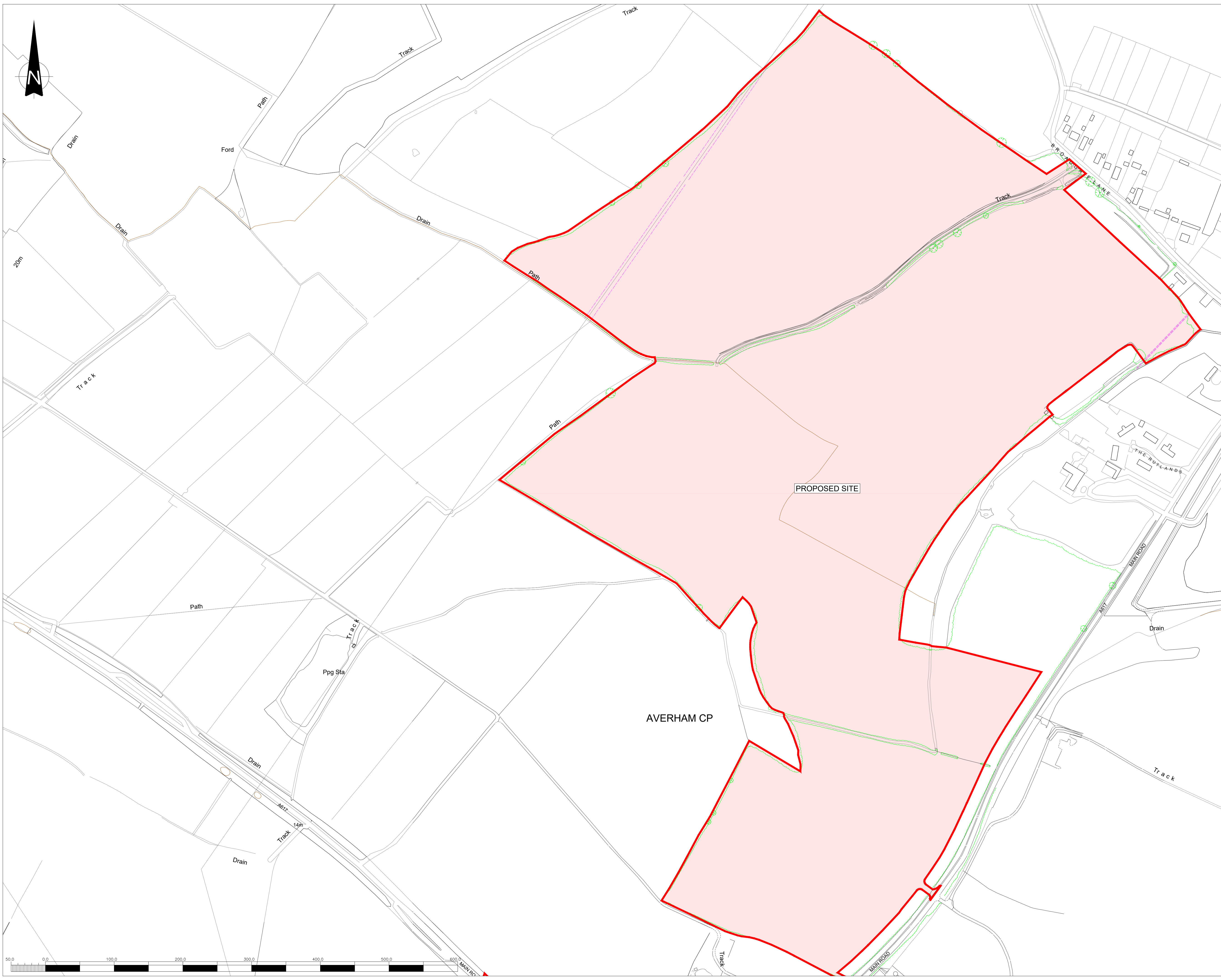
15. Water Environment and Road Drainage (inc Flooding)			
Q15.3.4	The Applicant	<p>Water Quality – Surface Water Run-Off</p> <p>The EA [RR-020] has commented that there is a need to further explore existing surface water flow pathways and existing highways outfalls to better understand existing and cumulative water quality impacts from any increases in surface water runoff. Opportunities should be identified and incorporated to improve existing surface water diffuse highways pathways. This should be combined with the water quality monitoring scheme. Opportunities should also be explored to set back culverts and incorporate with Sustainable Drainage Systems (SuDS) and constructed wetlands. The EA also comment that the SuDS near Farndon roundabout is positive, but it only addresses the proposed construction and not existing and cumulative issues. The Applicant should review this element of the EA response and provide a detailed response. If opportunities to improve the situation are not incorporated, then the Applicant should explain why not.</p>	<p>Please refer to the response to EAWQ-001 Environment Agency's Relevant Representation [RR-020] contained in 7.11 Applicant's Response to Environment Agency's Relevant Representation [REP1-010].</p> <p>The Applicant has discussed this item with the Environment Agency and has subsequently reached agreement on this point. The Statement of Common Ground with the Environment Agency [REP1-020] will be updated at Deadline 4 of the Examination to reflect this agreement. 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 on existing conditions.</p>

Appendix A: Kelham Solar Farm Planning Application Boundary Drawings and Site Plan

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KEY

 PLANNING APPLICATION BOUNDARY (711,826m²)



REV	DESCRIPTION	DATE	BY

CLIENT

**ASSURED ASSET
SOLAR 2 LIMITED**



4246 Park Approach, Thorpe Park, Leeds. LS15 9GB. 0113 264 9960

JOB TITLE

KELHAM SOLAR FARM AND BESS


DRAWING TITLE

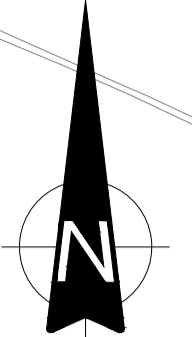
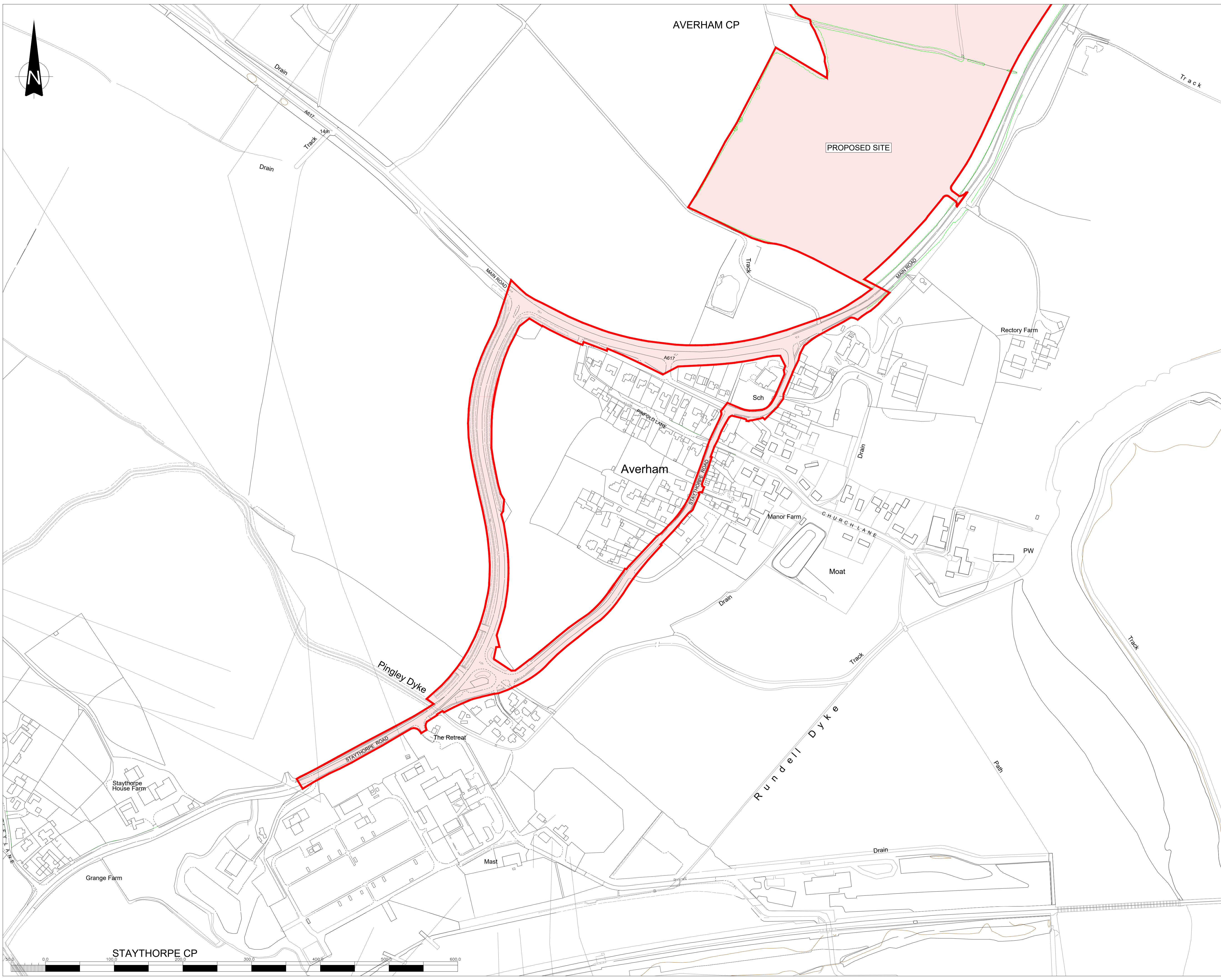
**PLANNING APPLICATION
BOUNDARY - SHEET 1 OF 2**

DRAWN	DATE	APPROVED	DATE
S.T	11/10/2023	J.C	11/10/2023

SCALE	SHEET	DRAWING NUMBER	REVISION
1:2500	A1L	HC1002/05/2B	0

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KEY
 PLANNING APPLICATION BOUNDARY (711,826m²)



REV	DESCRIPTION	DATE	BY

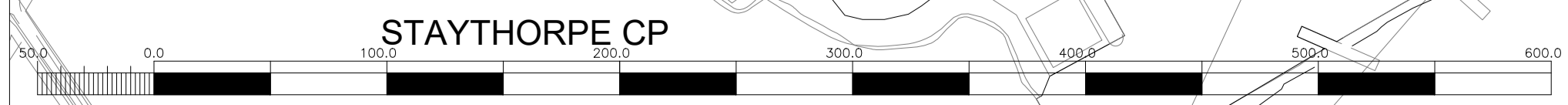
CLIENT
ASSURED ASSET SOLAR 2 LIMITED



JOB TITLE
KELHAM SOLAR FARM AND BESS

DRAWING TITLE
PLANNING APPLICATION BOUNDARY - SHEET 2 OF 2

DRAWN	DATE	APPROVED	DATE
S.T	11/10/2023	J.C	11/10/2023
SCALE	SHEET	DRAWING NUMBER	REVISION
1:2500	A1L	HC1002/05/2A	0



STAYTHORPE CP

AVERHAM CP

PROPOSED SITE

Averham

ASSURED ASSET SOLAR 2 LIMITED









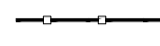
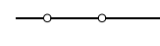



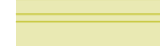



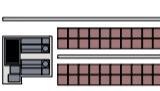
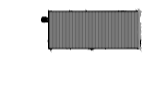



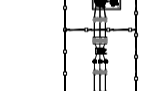



KELHAM SOLAR FARM AND BESS

PLANNING APPLICATION BOUNDARY - SHEET 2 OF 2

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

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

CLIENT

**ASSURED ASSET
SOLAR 2 LIMITED**



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

JOB TITLE

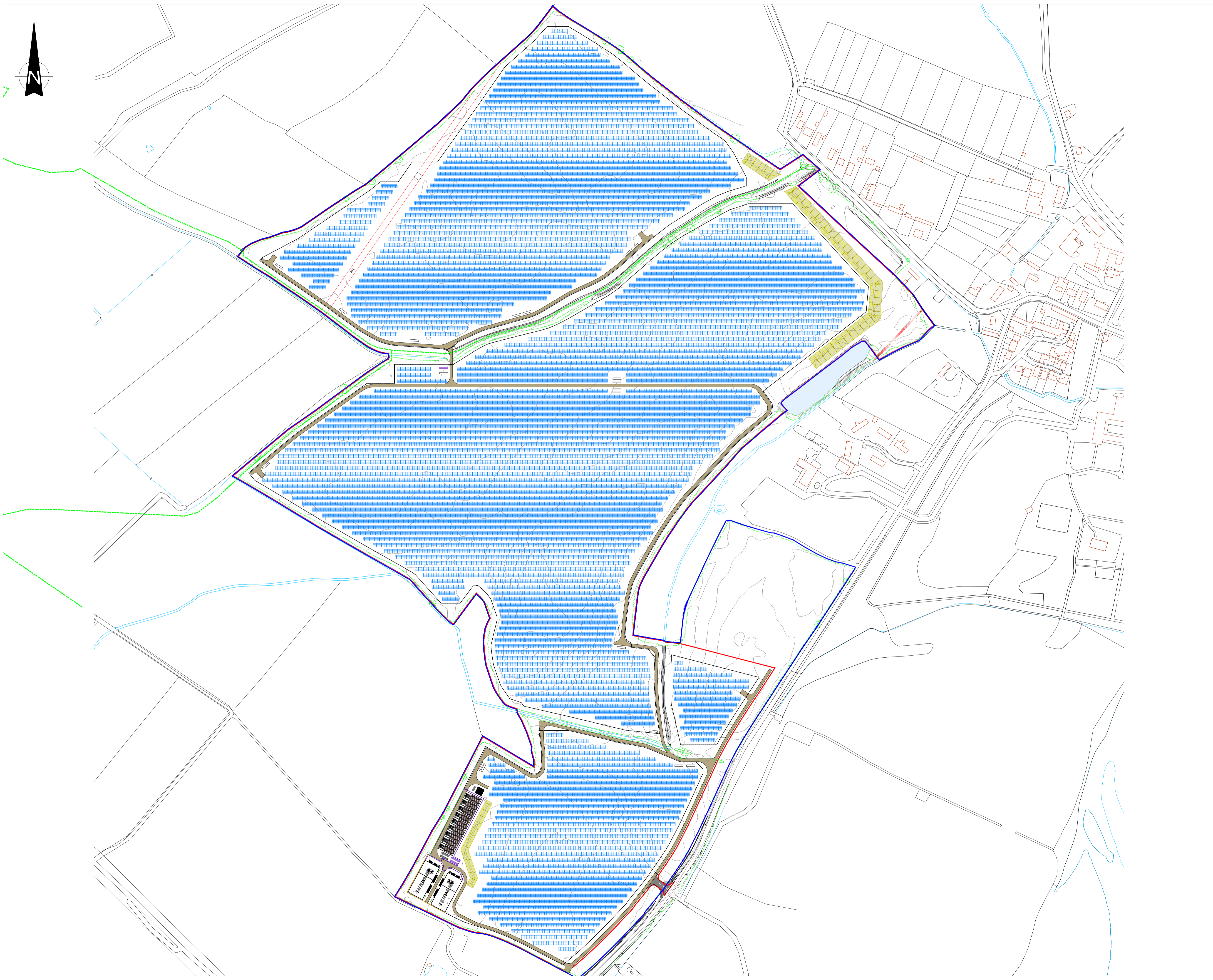
KELHAM SOLAR FARM AND BESS

DRAWING TITLE

SITE LAYOUT

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

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



Appendix B: Letter of Comfort

FAO The Directors
Assured Asset Solar 2 Ltd
Unit 2 & 3 Whiteside Business Park
Station Road
Homes Chapel
Crewe
CW4 8AA

Cc: Adrian Hatton; John Miller; Lucie Muddiman (Email)

Subject: Letter of comfort – Kelham solar farm development – Assured Asset Solar 2 Ltd (AAS2)
Planning Application

Dear Sirs,

In relation to the planning application by Assured Asset Solar 2 Limited (AAS2) for a solar farm, associated battery storage and infrastructure in the vicinity of Kelham and Averham, based on the designs presented in writing / via email to National Highways up to the date of this letter, the National Highways project team responsible for the A46 scheme record no objections at this time to the proposed planning application subject to the proposals complying with:

- a) The A46 technical solution and land boundary requirement recently developed collaboratively in conjunction with AAS2 and the associated landowner (See attached layout drawing ref HE551478 SKAG ELS CONWI_CONW DR LS 03007 P04)
- b) Any accompanying legal agreement (e.g., Land Purchase, Options Agreement, lease and/or Temporary Licence) between the AAS2 and National Highways authorising the purchase and/or use of the land within the Red Line Boundary on the attached drawing ref.
- c) The programme delivery for the planning application being coordinated with the delivery of the A46 Bypass Project to facilitate the installation of the dike/bund/crossings and Redhouse Field element of the proposals in accordance with the A46 Bypass Project after the conclusion of the works to develop the flood compensation facility required by the A46 technical solution if it is ultimately required. It is noted that given the nature of the delivery of the planning application and the dependencies of the planning application with the A46 Bypass Project, definitive dates for the dike/bund/crossings & Redhouse Field works cannot be provided at this time;
- d) The AAS2 solution being developed sympathetically to all design requirements and governance requirements of the Environment Agency and that all necessary licences are sought and secured by AAS2 for the installation of solar & battery energy storage system infrastructure within the Flood Compensation facility in the field to the south of Red House Field.
- e) The maintenance of the two access points and the installation of a service track (including dike crossings / bridges / culverts) along the eastern limit of the solar farm parallel to the A617 be constructed to line and levels required by the technical solution for the A46 Bypass Project. Any works required by National Highways over and above the technical solution required for the solar scheme will be funded by National Highways. The A46 Bypass Project will be responsible for the installation of the dike / Bund (hydraulic link including any

crossings / bridges / culverts) similar to that shown in figure 1 (detailed design under review) below including the stone track, earthworks / landscaping. National Highways and AAS2 will develop and agree a technical design for the track prior to its installation.

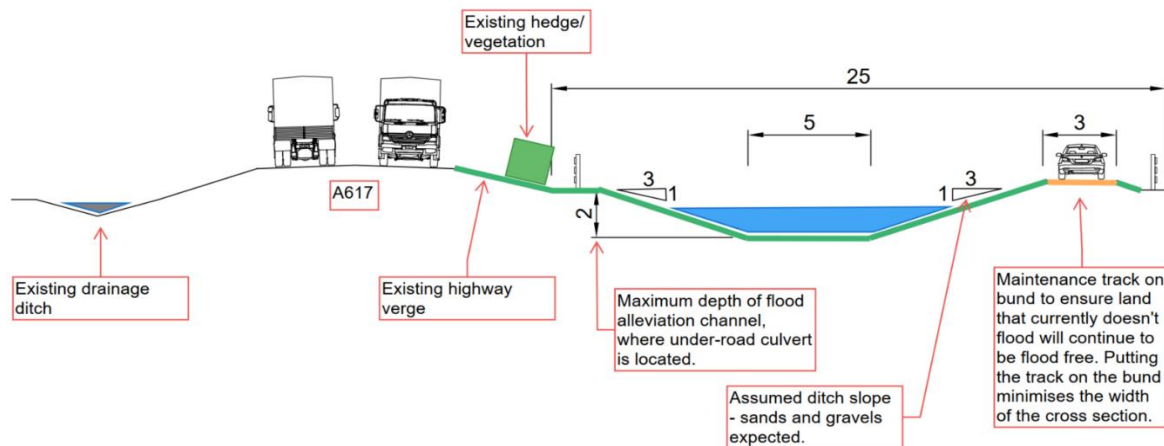


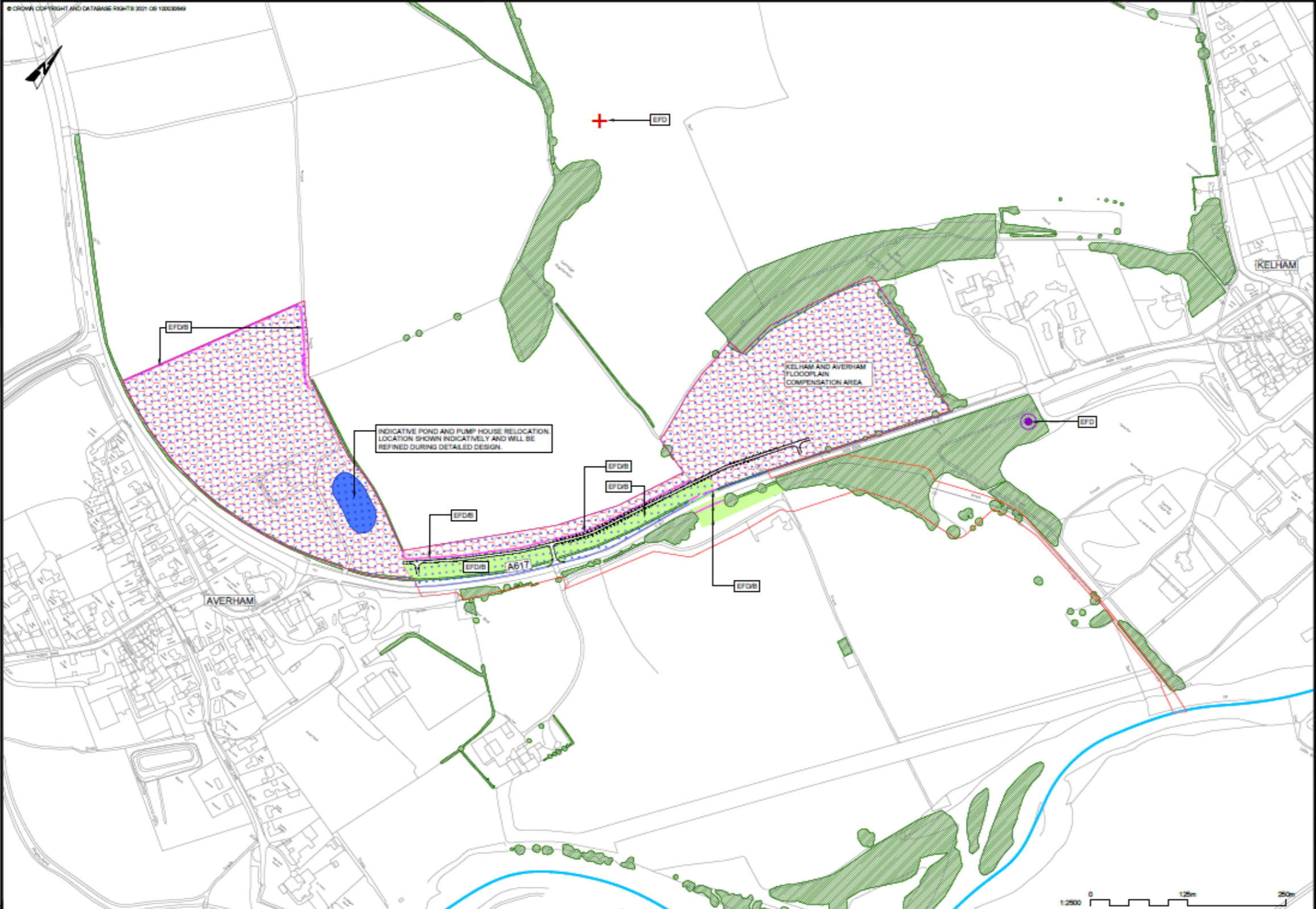
Fig 1

- f) Key contents of this letter to be included in any legal agreement between the landowner, AAS2 and/or National Highways associated with the development of the A46 Bypass Project.
- g) A Glint and Glare assessment be carried out as part of the planning application to ensure no safety hazard arises from the development to users on the Strategic Road network. The assessment must include possible mitigation measures to be agreed with the local planning authority in consultation with National Highways should safety issues be identified.
- h) Construction related traffic associated with the proposed development be assessed and managed during construction by way of a transport assessment and construction traffic management plan to ensure that no more than 30 two-way trips are undertaken during any peak period.

We confirm that nothing in this letter of support negates National Highways' responsibilities or abilities as a Statutory Consultee to the planning application upon submission. Should you have any queries in relation to the above, please don't hesitate to contact myself.

Yours Faithfully
On behalf of National Highways

Philip Boffey
Senior Project Manager



- NOTES**
1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE DRAFT DEVELOPMENT CONSENT ORDER AND ACCOMPANYING APPLICATION DOCUMENTATION (TR010065APP1).
 2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FIRST ITERATION ENVIRONMENTAL MANAGEMENT PLAN (TR010065APP6).
 3. DO NOT SCALE FROM THIS DRAWING. USE ONLY PRINTED DIMENSIONS.
 4. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.
 5. PROPOSED REED BEDS AND WATER BODIES AND ASSOCIATED PLANTS - EXTENTS TO BE REFINED DURING DETAILED DESIGN.
 6. PLANTING AND SEEDING SIZES ARE INDICATIVE ONLY AND WILL BE REFINED DURING DETAILED DESIGN, INCLUDING THE PROVISION OF SUB MIXES REFLECTIVE OF LOCAL CHARACTER, HABITAT AND GROWING CONDITIONS (A. POPULAR AND WILLOW SPECIES ONLY TO BE USED AWAY FROM CARRIAGEWAY).
 7. FOR LANDSCAPE AND ENVIRONMENTAL ELEMENT CODES (A. L&E.1 AND E.1.1) SEE DESIGN MANUAL FOR ROADS AND BRIDGES (DMRB) LD 117 LANDSCAPE DESIGN, TABLES 4.2B AND 4.2C.
 8. PROTECTED SPECIES MITIGATION: TWO BARN OWL BOXES WILL BE INSTALLED AT EACH INDICATIVE LOCATION WITHIN APPROXIMATELY 100m - 150m OF EACH OTHER (I.A. ONE TERRITORY).
 9. PROTECTED SPECIES MITIGATION: TWO KESTREL BOXES WILL BE INSTALLED WITHIN APPROXIMATELY 100m - 150m OF EACH OTHER (I.A. ONE TERRITORY).
 10. PROTECTED SPECIES MITIGATION: PAIRED KESTREL BOXES AND PAIRED BARN OWL BOXES WILL BE LOCATED APPROXIMATELY 500m - 1000m BETWEEN TERRITORIES OF THE SAME SPECIES (NEARER IF CLOSURE OF CONFIRMED NEST SITES ARE CLOSER THAN 500m).
 11. NOISE MITIGATION: WHERE EXISTING ROADS WOULD BE MODIFIED TO CONNECT WITH NEW SECTIONS OF ROAD, OR WHERE IMPROVEMENTS TO ACCOMMODATE FUTURE TRAFFIC GROWTH ARE REQUIRED, A NEW SURFACE COURSE WILL BE APPLIED. LOW NOISE SURFACING (E1.1) WILL BE PROVIDED ALONG THE PROPOSED DUAL CARRIAGEWAY, SLP ROADS AND THE FRIENDLY FARMER LINK, WHERE EXISTING PAVEMENTS ARE RETAINED ALONG THE EXISTING A46 THESE WILL BE RE-SURFACED WITH LOW NOISE SURFACING (E1.1) IF NOT ALREADY PRESENT.

REFERENCE	ENVIRONMENTAL FUNCTION
EFA	VISUAL SCREENING
EFB	LANDSCAPE INTEGRATION
EFB	ENHANCING THE BUILT ENVIRONMENT
EFC	NATURE CONSERVATION AND BIODIVERSITY
EFE	VISUAL AMENITY
EFF	HERITAGE
EFG	AUDITORY AMENITY
EFH	WATER QUALITY

Source: DMRB LD 117 Landscape Design



PO4	30/02/23	DCO APPLICATION	PMDC	OU	-
REV	DATE	AMENDMENT DETAILS	ORIG	CHKD	APPR

CLIENT
 national highways

PURPOSE OF ISSUE
 DCO APPLICATION

DEVELOPMENT CONSENT ORDER NUMBER
 TR010065

PROJECT TITLE
 A46 NEWARK BYPASS

DRAWING TITLE
 FIGURE 2.3 ENVIRONMENTAL MASTERPLAN SHEET 7 OF 7

ORIGINAL SIZE	A1	SCALE	1:2500
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DRAWING NUMBER	HE 551478	ORIGINATOR	SKAG	VOLUME	ELS	PROJECT REF NO.	HE551478
CONTRACTOR	CONWI CONW	DR	LS	03007		REVISION	
LOCATION	1720	1924	116800				P04

KEY:

ORDER LIMITS	REINSTATED TO PREVIOUS LAND USE	PROPOSED NATIVE SPECIES HEDGEROWS (LE4.3)	PROPOSED NOISE BARRIER (E1.2)	INVASIVE NON-NATIVE SPECIES MANAGEMENT - HIMALAYAN BALSAM INDICATIVE LOCATION (E4.1)
LAND NOT INCLUDED IN ORDER LIMITS	PROPOSED SPECIES RICH GRASSLAND (LE1.3)	PROPOSED NATIVE SPECIES HEDGEROWS WITH TREES (LE4.4)	PROPOSED NOISE MITIGATION (E1.2) - SOLID INFILL TO BRIDGE PARAPETS	DIVERSION OF DYKE
RIVER	PROPOSED SPECIES RICH GRASSLAND (LE1.3) - LOWLAND MEADOW CREATION / ENHANCEMENT	PROPOSED INDIVIDUAL TREES (LE5.1)	PROPOSED FISH PASSAGE INDICATIVE LOCATION (E3.2)	PROPOSED LAKE
RAILWAY LINE	PROPOSED WATER BODIES AND ASSOCIATED PLANTS (LE5.1) - SEE NOTE 4	PROPOSED REED BEDS (LE3.2) - SEE NOTE 4	PROPOSED DITCH / SCRAPES INDICATIVE LOCATION - WATER VOLE HABITAT CREATION (LE3.2)	
EXISTING VEGETATION TO BE RETAINED	PROPOSED WOOLAND (LE2.1)	PROPOSED MARSH AND WET GRASSLAND (LE5.4)	PROPOSED BAT BOX INDICATIVE LOCATION (E3.2)	
PROPOSED RETAINING WALL	PROPOSED LINEAR BELTS OF SHRUBS AND TREES (LE2.4)	PROPOSED MARSH AND WET GRASSLAND (LE5.4) - COASTAL FLOODPLAIN GRAZING MARSH REINSTATEMENT	PROPOSED KESTREL BOX INDICATIVE LOCATION (E3.2) - SEE NOTES 9 AND 10	
PROPOSED EMBANKMENT	PROPOSED SHRUBS WITH INTERMITTENT TREES (LE2.5)	PROPOSED MARSH AND WET GRASSLAND (LE5.4) - COASTAL FLOODPLAIN GRAZING MARSH CREATION	PROPOSED REPTILE HIBERNACULA INDICATIVE LOCATION (E3.2)	
PROPOSED CUTTING	PROPOSED SHRUBS (LE2.6)	PROPOSED NATIVE SPECIES HEDGEROWS TO BE GAPPED UP (LE4.3)	PROPOSED BARN OWL BOX INDICATIVE LOCATION (E3.2) - SEE NOTES 8 AND 10	
PROPOSED FLOODPLAIN COMPENSATION AREA				

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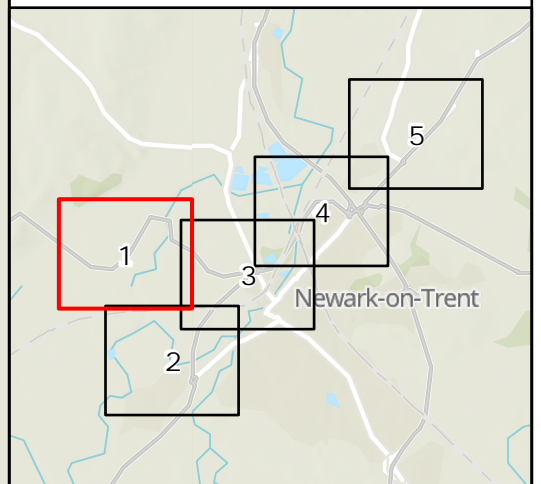
Appendix C: ALC Grade Survey and Agricultural Land Impact Plans



NOTES
 Source
 Soil data collected by Mott MacDonald, 2023.
 Service Layer Credits
 Contains OS data © Crown Copyright and database right 2023
 Contains data from OS Zoomstack
 Extent of Agricultural Land Classification (ALC) survey data shown only within the Order Limits.

KEY TO SYMBOLS

- Order Limits
- Agricultural land parcel**
 - Land to be permanently acquired (land to be permanently removed from agricultural use)
 - Land to be permanently acquired (land to be temporarily removed from agricultural use)
 - Land to be used temporarily and rights to be permanently acquired
- Agricultural Land Classification (ALC) grade**
 - 2 - Very good
 - 3a - Good
 - 3b - Moderate
 - Other land



CO1	05/11/24	DCO EXAMINATION	DT	NR	HF
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D

CLIENT

PURPOSE OF ISSUE
 DCO EXAMINATION

DEVELOPMENT CONSENT ORDER NUMBER
 TR010065

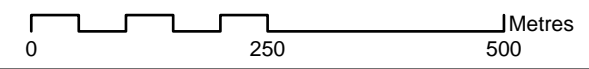
PROJECT TITLE
 A46 NEWARK BYPASS

DRAWING TITLE
 Agricultural Land Classification Grade and Land Plots Anticipated to be Permanently Removed from Agricultural Use
 Sheet 1 of 5

ORIGINAL SIZE A3 SCALE 1:8,000

DRAWING NUMBER HE551478	ORIGINATOR SKAG	VOLUME EGT	PROJECT REF NO. HE551478
LOCATION CONWI_CONW	TYPE DR	ROLE LE	REVISION C01
	NUMBER 00018		

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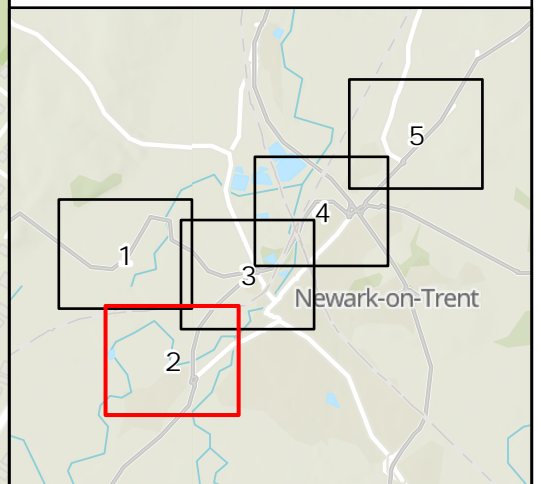




NOTES
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 Extent of Agricultural Land Classification (ALC) survey data shown only within the Order Limits.

KEY TO SYMBOLS

- Order Limits
- Agricultural land parcel**
 - Land to be permanently acquired (land to be permanently removed from agricultural use)
 - Land to be permanently acquired (land to be temporarily removed from agricultural use)
 - Land to be used temporarily
- Agricultural Land Classification (ALC) grade**
 - 3b - Moderate
 - 4 - Poor
 - Other land



C01	05/11/24	DCO EXAMINATION	DT	NR	HF
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D

CLIENT
 national highways

PURPOSE OF ISSUE
 DCO EXAMINATION

DEVELOPMENT CONSENT ORDER NUMBER
 TR010065

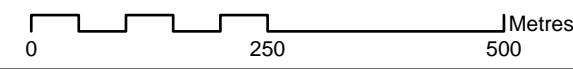
PROJECT TITLE
 A46 NEWARK BYPASS

DRAWING TITLE
 Agricultural Land Classification Grade and Land Plots Anticipated to be Permanently Removed from Agricultural Use
 Sheet 2 of 5

ORIGINAL SIZE A3 SCALE 1:8,000

DRAWING NUMBER HE551478	ORIGINATOR SKAG	VOLUME EGT	PROJECT REF NO. HE551478
LOCATION CONWI_CONW	TYPE DR	ROLE LE	REVISION C01
	NUMBER 00019		

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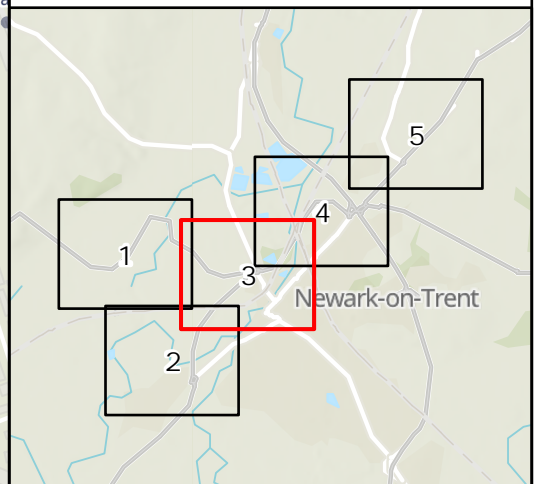




NOTES
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KEY TO SYMBOLS

- Order Limits
- Agricultural land parcel**
- Land to be permanently acquired (land to be permanently removed from agricultural use)
- Land to be permanently acquired (land to be temporarily removed from agricultural use)
- Land to be used temporarily
- Land to be used temporarily and rights to be permanently acquired
- Agricultural Land Classification (ALC) grade**
- 3b - Moderate
- 4 - Poor
- Agricultural Land Classification (ALC) grade extrapolated from survey data**
- 3b - Moderate



C01	05/11/24	DCO EXAMINATION	DT	NR	HF
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D
CLIENT					
PURPOSE OF ISSUE					
DCO EXAMINATION					
DEVELOPMENT CONSENT ORDER NUMBER					
TR010065					
PROJECT TITLE					
A46 NEWARK BYPASS					
DRAWING TITLE					
Agricultural Land Classification Grade and Land Plots Anticipated to be Permanently Removed from Agricultural Use					
Sheet 3 of 5					
ORIGINAL SIZE		SCALE		PROJECT REF NO.	
A3		1:8,000		HE551478	
DRAWING NUMBER		ORIGINATOR		VOLUME	
HE551478		SKAG		EGT	
LOCATION		TYPE		REVISION	
CONWI_CONW		DR LE		C01	
		NUMBER			
		00020			

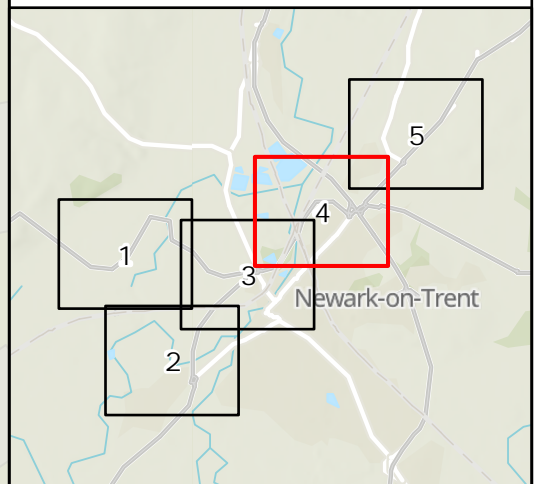
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- KEY TO SYMBOLS**
- Order Limits
 - Agricultural land parcel**
 - Land to be permanently acquired (land to be permanently removed from agricultural use)
 - Land to be permanently acquired (land to be temporarily removed from agricultural use)
 - Land to be used temporarily
 - Land to be used temporarily and rights to be permanently acquired
 - Agricultural Land Classification (ALC) grade**
 - 3a - Good
 - 3b - Moderate
 - Agricultural Land Classification (ALC) grade extrapolated from survey data**
 - 3a - Good
 - 3b - Moderate



C01	05/11/24	DCO EXAMINATION	DT	NR	HF
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D

CLIENT

PURPOSE OF ISSUE
 DCO EXAMINATION

DEVELOPMENT CONSENT ORDER NUMBER
 TR010065

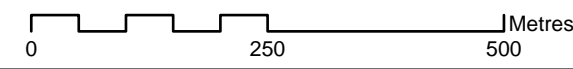
PROJECT TITLE
 A46 NEWARK BYPASS

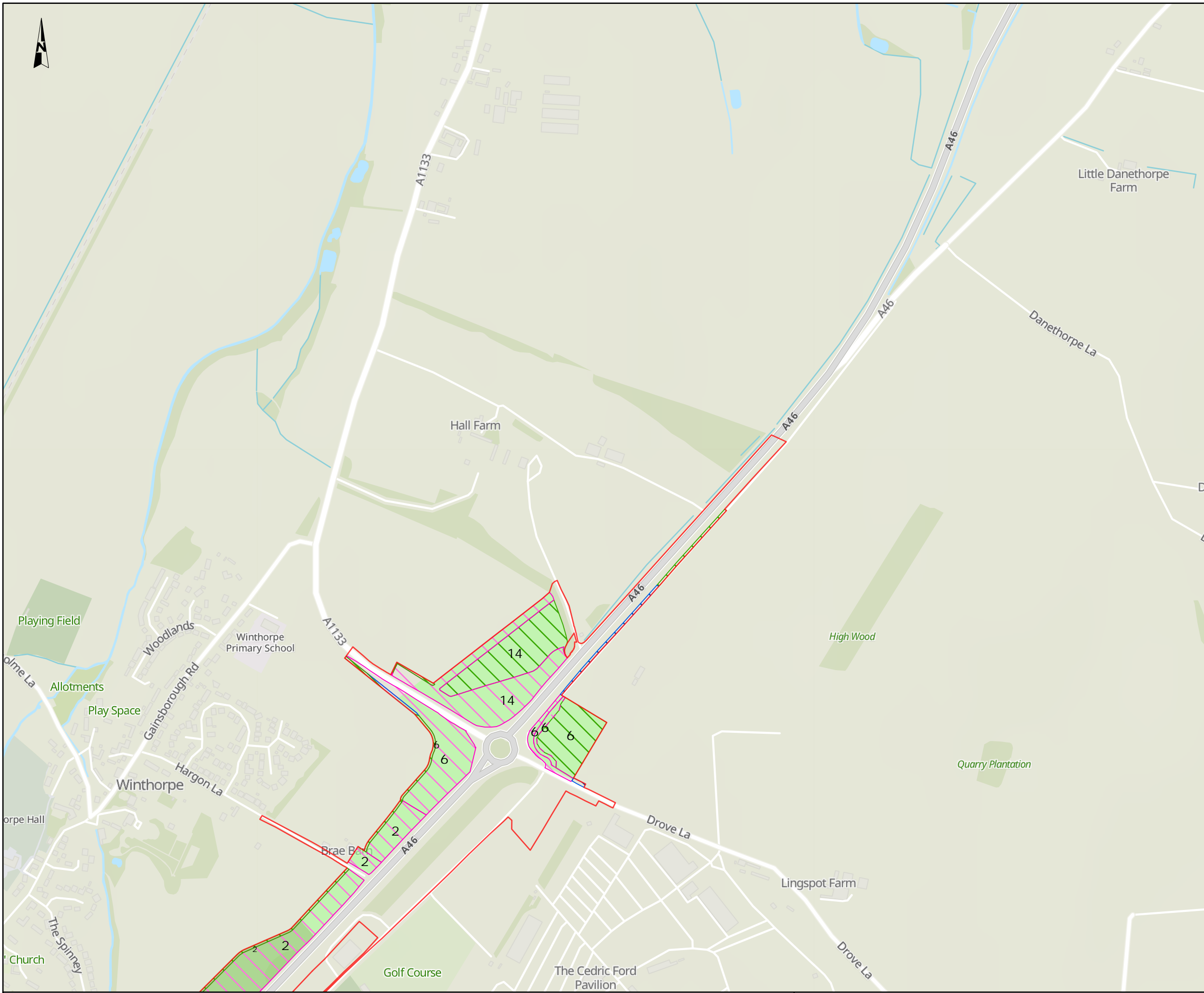
DRAWING TITLE
 Agricultural Land Classification Grade and Land Plots Anticipated to be Permanently Removed from Agricultural Use
 Sheet 4 of 5

ORIGINAL SIZE A3 SCALE 1:8,000

DRAWING NUMBER HE551478	ORIGINATOR SKAG	VOLUME EGT	PROJECT REF NO. HE551478
LOCATION CONWI_CONW	TYPE DR	ROLE LE	REVISION C01
	NUMBER 00021		

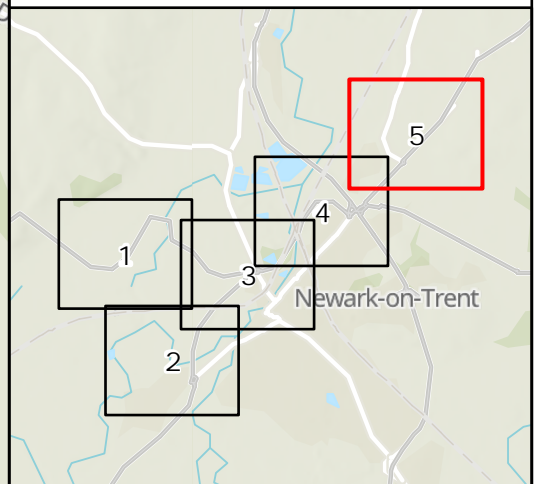
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 Extent of Agricultural Land Classification (ALC) survey data shown only within the Order Limits.

- KEY TO SYMBOLS**
- Order Limits
 - Agricultural land parcel**
 - Land to be permanently acquired (land to be permanently removed from agricultural use)
 - Land to be permanently acquired (land to be temporarily removed from agricultural use)
 - Land to be used temporarily
 - Land to be used temporarily and rights to be permanently acquired
 - Agricultural Land Classification (ALC) grade**
 - 3a - Good
 - 3b - Moderate



C01	05/11/24	DCO EXAMINATION	DT	NR	HF
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D

CLIENT

PURPOSE OF ISSUE
 DCO EXAMINATION

DEVELOPMENT CONSENT ORDER NUMBER
 TR010065

PROJECT TITLE
 A46 NEWARK BYPASS

DRAWING TITLE
 Agricultural Land Classification Grade and Land Plots Anticipated to be Permanently Removed from Agricultural Use
 Sheet 5 of 5

ORIGINAL SIZE A3 SCALE 1:8,000

DRAWING NUMBER HE551478	ORIGINATOR SKAG	VOLUME EGT	PROJECT REF NO. HE551478
LOCATION CONWI_CONW	TYPE DR	ROLE LE	REVISION C01
	NUMBER 00022		

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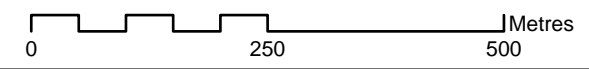
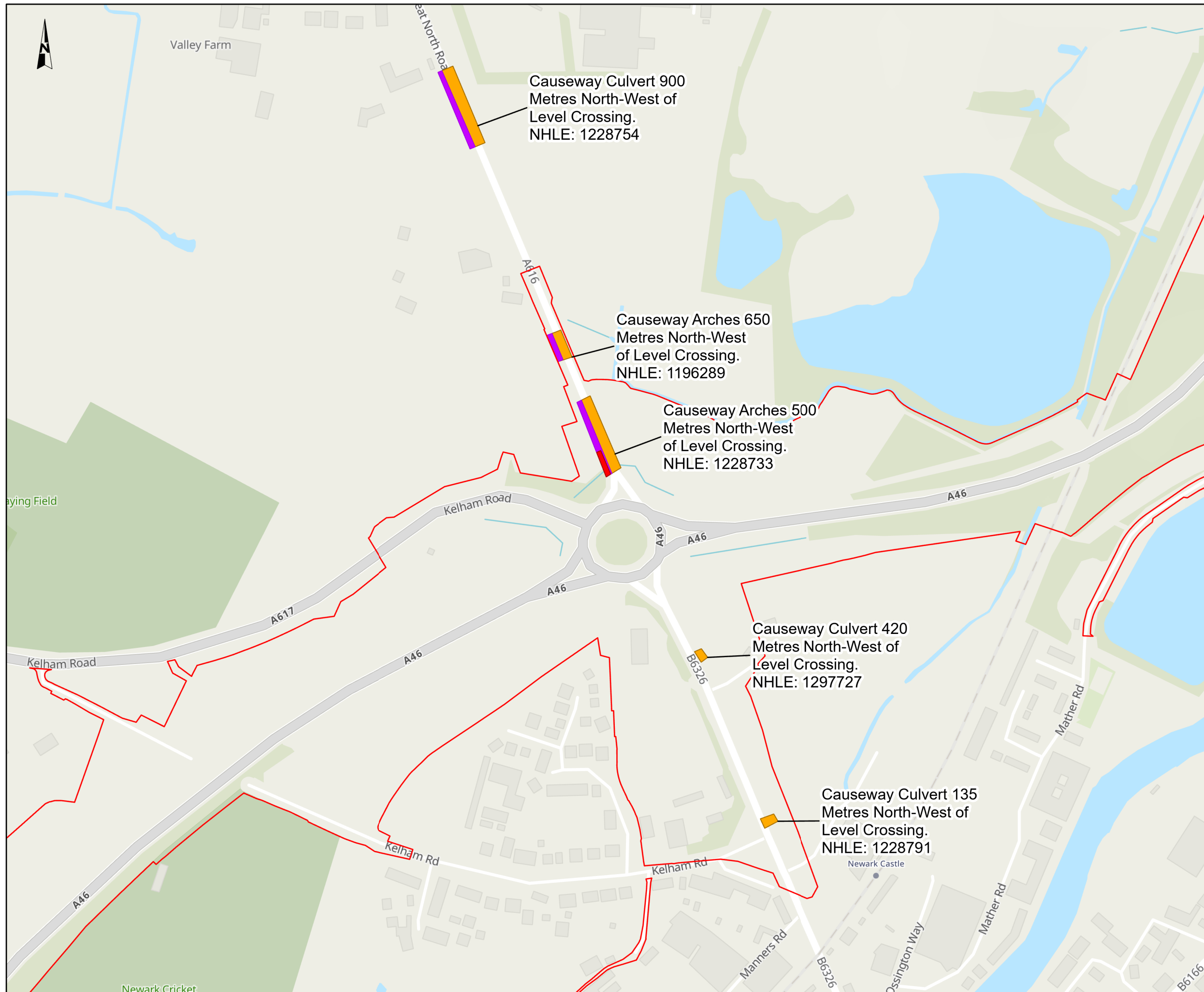


Table 1. Breakdown of ALC grade per agricultural land holding allocated for permanent land take

Farm ID	ALC Grade	Permanent acquisition of agricultural land to be permanently removed from agricultural use (hectares)	Permanent acquisition of agricultural land to be temporarily removed from agricultural use (hectares)	Land to be used temporarily (hectares)	Land to be used temporarily and rights to be permanently acquired (hectares)	Total agricultural land on holding (hectares)
1	3b	40.16	-	-	-	45.43
	4	5.27	-	-	-	
2	3a	9.51	-	0.29	-	14.93
	3b	4.96	-	0.17	-	
3	3a	4.93	13.22	-	-	18.15
4	2	0.13	4.75	-	-	
	3a	0.14	0.76	-	-	5.78
6	3b	2.09	0.18	1.56	0.03	4.76
7	2	0.13	-	-	0.91	6.8
	3a	0.98	1.43	-	0.1	
	3b	0.04	3.21	-	-	
8	3b	0.4	0.09	0.07	-	1.01
	4	-	0.45	-	-	
9	3b	5	-	0.06	0.03	5.09
10	3b	1.65	-	-	-	1.65
11	3b	1.14	-	-	-	1.14
14	3b	2.51	-	2.2	-	4.71
16	3b	1.75	-	-	-	1.75

This table is to be read in conjunction with the map series 'Agricultural Land Classification Grade and Land Plots Anticipated to be Permanently Removed from Agricultural Use' (TR010065).

Appendix D: Smeaton's Arches Plans



NOTES
Data Sources:
 Order Limits, Mott MacDonald, 2023.
 Heritage Data, Mott MacDonald, 2024.
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 Contains data from OS Zoomstack

- KEY TO SYMBOLS**
- Order Limits
 - Area of Impact
 - Causeway Arches (known as Smeaton's Arches)
 - 20th Century Extension



C01	08/11/24	DCO EXAMINATION	JB	VN	HF
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D

CLIENT

PURPOSE OF ISSUE
 DCO EXAMINATION

DEVELOPMENT CONSENT ORDER NUMBER
 TR010065

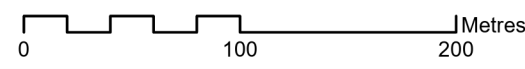
PROJECT TITLE
 A46 NEWARK BYPASS

DRAWING TITLE
 Causeway Arches (known as Smeaton's Arches)
 Sheet 1 of 2

ORIGINAL SIZE A3 SCALE 1:3,500

DRAWING NUMBER HE551478	ORIGINATOR SKAG	VOLUME EHR	PROJECT REF NO. HE551478
LOCATION CONWI_CONW	TYPE DR	ROLE LH	REVISION C01
		NUMBER 00081	

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NOTES
Data Sources:
 Order Limits, Mott MacDonald, 2023.
 Heritage Data, Mott MacDonald, 2024.
Service Layer Credits
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 Contains data from OS Zoomstack

- KEY TO SYMBOLS
- Order Limits
 - Area of Impact
 - Causeway Arches (known as Smeaton's Arches)
 - 20th Century Extension



The south-west elevation was wholly rebuilt during the widening of the Great North Road in 1922. It is built of reinforced concrete with an upper brick-built parapet wall of 6 courses with coping stones.



On the north-east elevation, internally, each archway leads to a barrel-vaulted passageway of original construction. On the south-west elevation, the arches were widened by approximately 4.25 meters in concrete construction.



The north-east elevation has original brickwork. Three semi-circular arches have been repaired and replaced. Two central sections have been repaired with modern brickwork following a series of road traffic accidents.

Causeway Arches 650
 Metres North-West
 of Level Crossing.
 NHLE: 1196289

Causeway Arches 500
 Metres North-West
 of Level Crossing.
 NHLE: 1228733



The potential impacts to the Causeway Arches were accepted by the Newark & Sherwood District Council Conservation Officer and the modern repair work from vehicle crashes on the western parapet were noted. It was advised that impacts should be restricted to the western side where possible.



The south-west elevation has been repaired several times since due to road traffic accidents. About 30% of the south-western elevation brick-built parapet wall has been replaced during these repairs.

Causeway Culvert 420
 Metres North-West
 of Level Crossing.
 NHLE: 1297727



REV.	08/11/24	DCO EXAMINATION	JB	VN	HF
		AMENDMENT DETAILS	ORIG	CHK'D	APP'D

CLIENT

PURPOSE OF ISSUE
 DCO EXAMINATION

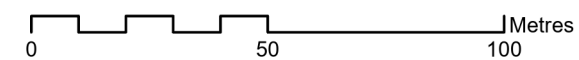
DEVELOPMENT CONSENT ORDER NUMBER
 TR010065

PROJECT TITLE
 A46 NEWARK BYPASS

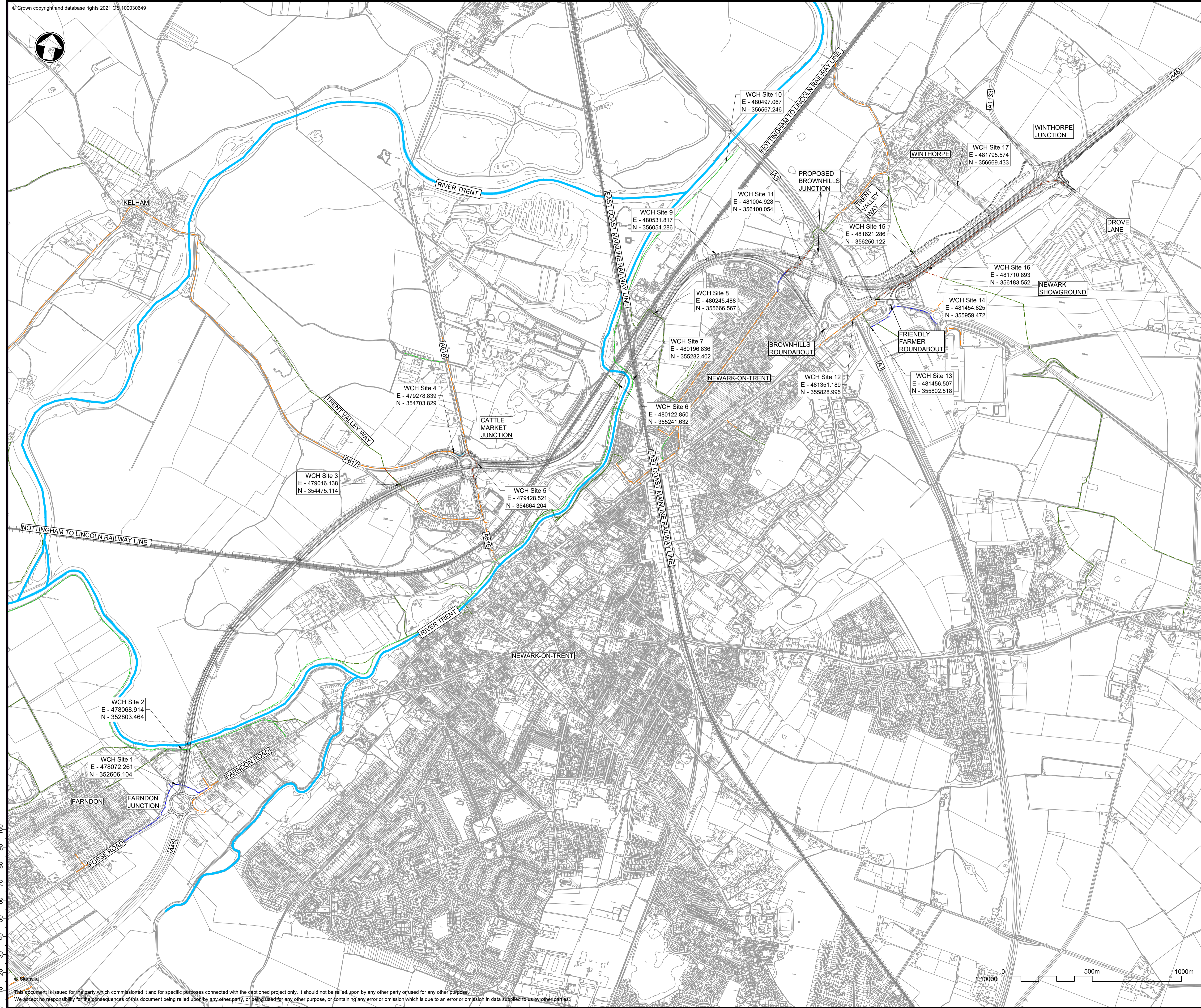
DRAWING TITLE
 Causeway Arches (known as Smeaton's Arches)
 Sheet 2 of 2

ORIGINAL SIZE A3 SCALE 1:1,600

DRAWING NUMBER HE 551478	ORIGINATOR SKAG	VOLUME EHR	PROJECT REF NO. HE551478
LOCATION CONWI_CONW	TYPE DR	ROLE LH	NUMBER 00082
			REVISION C01



Appendix E: Walking, Cycling and Horse-riding Survey Location Plan



Notes

- All dimensions are in metres unless otherwise stated.
- This plan shows a draft of the preliminary design. Therefore this layout is subject to change.
- This Walking, Cycling and Horse-Riding (WCH) plan is an appendix to the WCH survey specification: HE551478-SKAG-HGN-CONWI_CONW-SP-CH-00100

- Key:**
- Proposed Design Alignment
 - Proposed Earthworks
 - Existing Railway
 - River
 - Existing Footpath / Trail
 - Existing Bridleway
 - Existing Footway / Cycleway
 - Stopped-up Footway / Cycleway
 - Indicative Environmental Landscape Bund

REV.	DATE	AMENDMENT DETAILS	ORIG	CHKD	APP'D
P01	13/12/22	First Issue	MH	JS	---

<p>1 Hercules Way Leavesden Watford WD25 7GS</p> <p>Tel : +44 (0)19 2377 6666 www.skanska.co.uk</p>	<p>MOUNTBATTEN HOUSE GROSVENOR SQUARE SOUTHAMPTON SO15 2JU</p> <p>Tel : +44 (0)23 8062 8800 www.mottmac.com</p>
---	---

Client

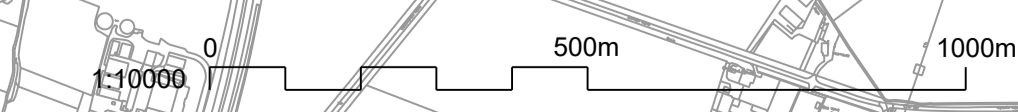
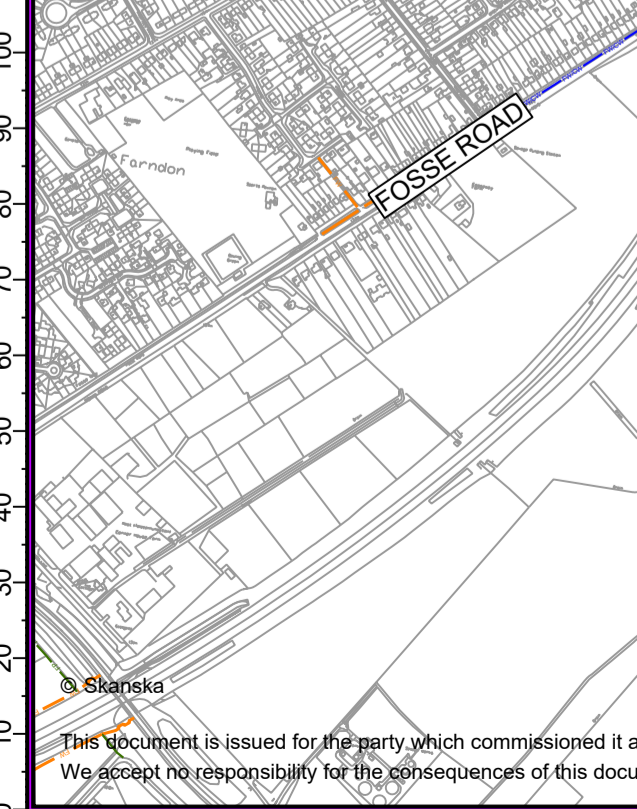
Drawing Status	Suitable for Information	Status	S2
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Project Title: **A46 Newark Bypass**

Drawing Title: **Walking, Cycling and Horse-Riding Survey Locations Plan**

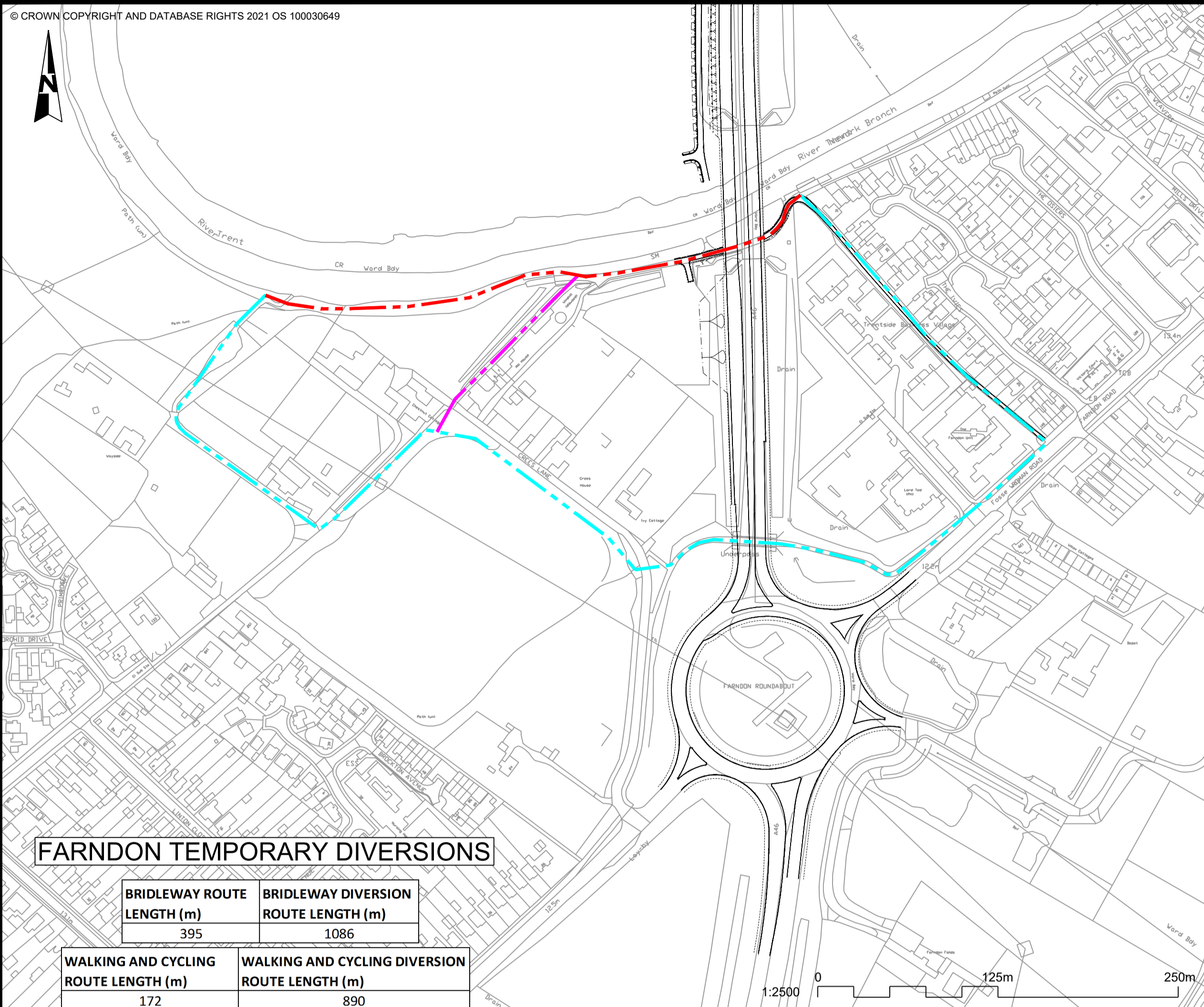
Scale	Designed	Drawn	Checked	Approved
1:10000	M. Hardiman	M. Hardiman	J. Sarjant	---
Original Size	Date	Date	Date	Date
A1	13/12/22	13/12/22	13/12/22	---

Drawing Number	Originator	Volume	Project Ref. No.
HE551478 - SKAG - HGN -			HE551478
CONWI_CONW - DR - CH -		00164	Revision
			P01



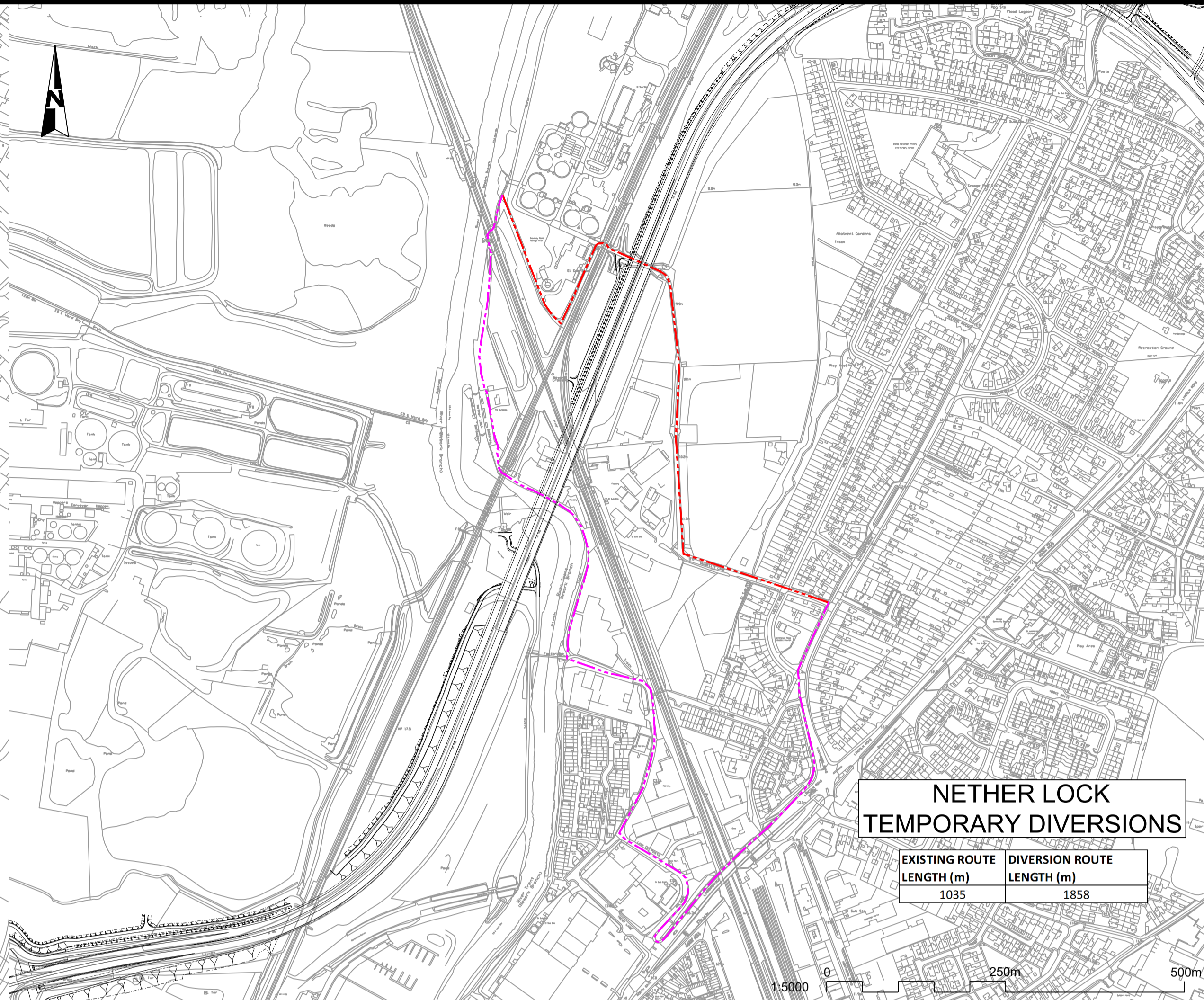
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Appendix F: Temporary Footway, Cycleway and Bridleway Diversion Routes



FARNDON TEMPORARY DIVERSIONS

BRIDLEWAY ROUTE LENGTH (m)	BRIDLEWAY DIVERSION ROUTE LENGTH (m)
395	1086
WALKING AND CYCLING ROUTE LENGTH (m)	WALKING AND CYCLING DIVERSION ROUTE LENGTH (m)
172	890



NETHER LOCK TEMPORARY DIVERSIONS

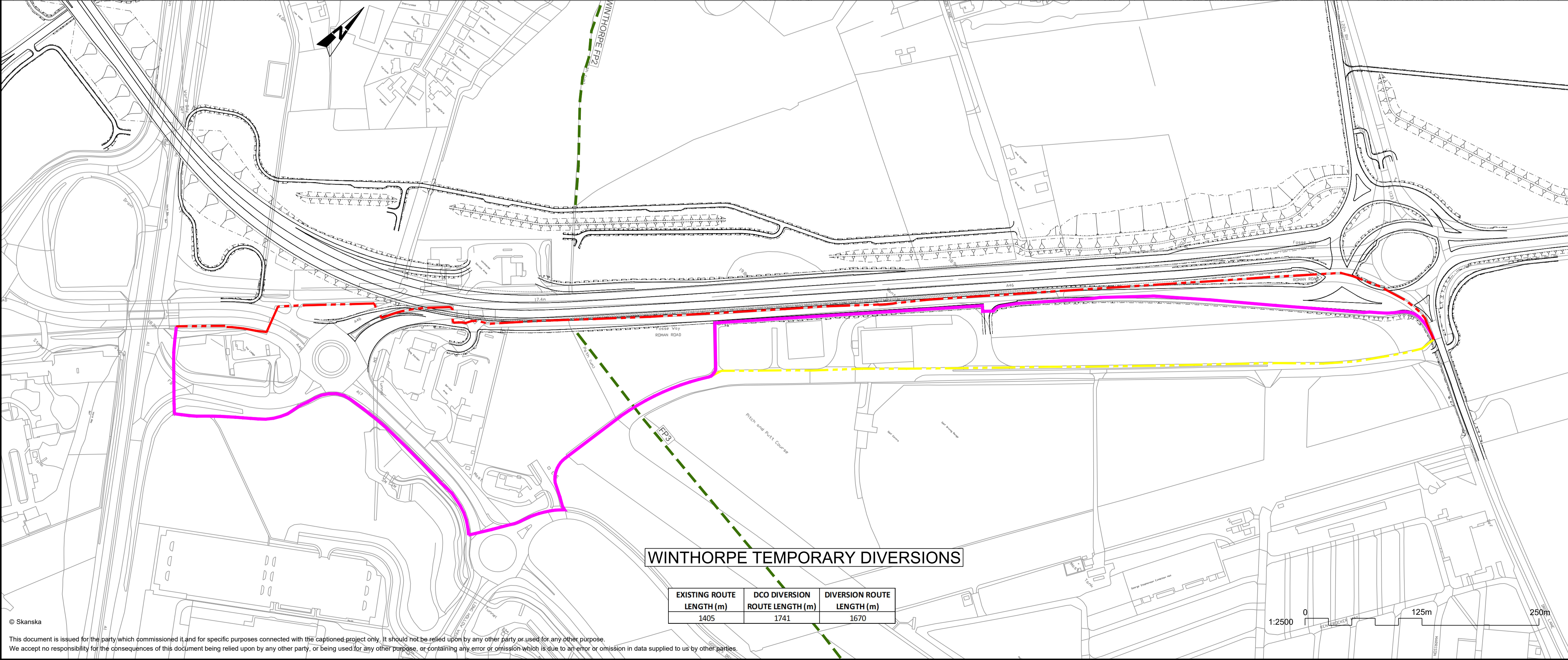
EXISTING ROUTE LENGTH (m)	DIVERSION ROUTE LENGTH (m)
1035	1858

NOTES

- ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.
- DO NOT SCALE FROM THIS DRAWING. USE ONLY PRINTED DIMENSIONS.

KEY:

- ORDER LIMITS
- SCHEME DESIGN
- CURRENT ROUTE
- TEMPORARY WALKING AND CYCLING DIVERSION
- TEMPORARY BIRDLEWAY DIVERSION
- TEMPORARY WALKING ROUTE
- DCO PROPOSED PERMANENT DIVERTED WALKING AND CYCLING ROUTE
- EXISTING FOOTPATH



WINTHORPE TEMPORARY DIVERSIONS

EXISTING ROUTE LENGTH (m)	DCO DIVERSION ROUTE LENGTH (m)	DIVERSION ROUTE LENGTH (m)
1405	1741	1670

P03	08/11/24	ROUTES UPDATED	MH	JB	---
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D
CLIENT					
national highways					
PURPOSE OF ISSUE					
DCO APPLICATION					
DEVELOPMENT CONSENT ORDER NUMBER					
TR010065					
PROJECT TITLE					
A46 NEWARK BYPASS					
DRAWING TITLE					
A46 TEMPORARY DIVERSION ROUTES					
ORIGINAL SIZE	A1	SCALE	AS SHOWN		
DRAWING NUMBER	ORIGINATOR	VOLUME	PROJECT REF NO.		
HE551478	SKAG	HKF	HE551478		
CONWI_CONW	DR	CH	24110	REVISION	
LOCATION	TYPE	ROLE	NUMBER	P03	