



Planning Inspectorate

Application by National Highways for an Order Granting Development Consent for the A46 Newark Bypass project

Agenda for Issue Specific Hearing 1 (ISH1): Draft Development Consent Order

Hearing	Date and Time	Location
Issue Specific Hearing 1 on Draft Development Consent Order	Tuesday 3 December 2024 Hearing Starts at 2:00pm Registration and seating available at venue from 1:30pm Virtual Registration Process from 1:30pm	The Great Hall, The Renaissance at Kelham Hall, Main Street, Newark. NG23 5QX and By virtual means using Microsoft Teams

Agenda

Item 1	Welcome, introductions and arrangements for the Hearing
Item 2	Purpose of ISH1 and Examining Authority's (ExA) opening remarks
	Articles
Item 3	The ExA will seek clarification, update and latest position on: <ul style="list-style-type: none"> a) Article 2 – Definitions – is the definition of relevant planning authority sufficiently clear in the context of the requirements 3, 4, 5 etc. NCC suggest Applicant need to define Local Highway Authority? answer to Q6.2.21 is this not already in definition in Article 2? b) Article 3 – Disapplication of legislative provisions. 3(4) why is it necessary to disapply NCC permit scheme? NCC say you already use it? To understand whether any changes are proposed to disapply any other legislation including in respect of EA matters and whether this may require Protective Provisions for the EA. c) Article 10 – Limits of deviation NSDC have raised concerns that other approved road schemes have not always specified additional or more generous limits of deviation for certain features, and the Explanatory Memorandum (EM) in this case has not stated reasons for these additional and more generous limits of deviation for these works. Their concern derives from the sensitive landscape and heritage receptors around Cattle Market roundabout and Winthorpe. Applicant position - Are these



	<p>necessary or can they be reviewed restricted. Can further justification be added to the EM?</p> <p>d) Article 52 – Update on Crown rights.</p> <p>e) Article 58 – Update on suspension of navigation and discussions with Canal and River Trust (CRT).</p>
	Requirements
Item 4	<p>The ExA will ask about:</p> <p>a) Requirement 3 – are parts (j) and (t) duplication? Does R3 need to be amended to reflect the request from NE with regard to the SMP being adopted in relation to pre-commencement activities (as there may be possible impacts related to soil handling and soil resources during this phase of works or the pre-commencement works secured through R17 expanded/ reference the SMP).</p> <p>b) Requirement 5 construction work – NSDC’s standard construction hours are 07:30-18:00 Monday to Friday and 08:00-13:00 on Saturdays. Requirement currently identifies construction to take place between 0700 hours and 1800 hours Monday to Friday, and 0700 hours to 1300 hours on Saturdays.</p> <p>c) Requirement 6, including is there sufficient clarity in terms of what is meant by ‘no part’ and ‘that part’ at this point in the scheme? Should there be more clarity Would a phasing plan for landscaping be appropriate?</p> <p>d) Requirement 8, including matters related to unsuspected contamination EA suggested wording amendment. How is required decontamination secured in the DCO as only unexpected contamination is addressed by Requirement 8 and should a verification report be required?</p> <p>e) Requirement 10 – should there be consultation with a third party to agree the written scheme? And if so, who?</p> <p>f) Requirement 14 - secures the production of the Flood Compensation Scheme and includes wording to ensure the Environment Agency are consulted, which NE welcome. Nonetheless, Natural England consider this wording could be strengthened to reference the need for this scheme to include fish escape passages and refuge areas, and/or to require agreement with the Environment Agency and Natural England regarding the detail of the Flood Compensation Scheme.</p> <p>g) Requirement 15 including whether wording needs amending pending resolution of flood risk issues raised by EA. Should this also include consultation with the LLFA and/or Drainage Boards?</p> <p>h) EA request an additional Requirement in relation to Piling risk assessment.</p> <p>i) NE note that currently, the ES documents and DCO make no reference to a specific lighting strategy for construction. Whilst reference is made to construction light spill mitigation measures in REAC ref. B9, Natural England requests that the text is amended within the First Iteration EMP (and duplicated in the Second Iteration EMP). Would this be sufficient to secure matters or would</p>



	<p>an additional Requirement be more appropriate to provide for a construction lighting strategy or should an additional management plan/ method statement be included in R3 for the second iteration EMP?</p> <p>j) Any other issues on Requirements.</p>
	Protective Provisions
Item 5	<p>The ExA will seek an update and latest position on Protective Provisions in relation to:</p> <ul style="list-style-type: none">a) Network Rail,b) Canal and River Trust,c) Cadent Gas, andd) any others the Applicant is progressing.
	Other Schedules and plans
Item 6	<ul style="list-style-type: none">a) Schedule 1 – Authorised Development NR SoCG references agreement to the creation of a passing place on Quibells lane – How is this to be secured. Should Works 69 or 70 be amended to reference a passing place?b) Schedule 10 – Documents to be certified – NCC recommend that the scheme design principles contained within the scheme design report APP-194 should be a separate document and secured through the DCO?c) NCC have identified at Tables 2.6 through to 2.9, and 2.18 -2.20 of its LIR matters related to plans and prohibitions that need to be reviewed/ amended?d) In the SoCG with Lindum in relation to the route of the diverted PRoW across Lindum's land - it seems that this may be secured by way of a side agreement but obviously if not it will remain an issue to be secured addressed elsewhere. What progress is being made on the side agreement and what are the contingency plans if an agreement is not reached. This could also affect the dDCO and Sheet 5 of the Streets plans – ‘Winthorpe CP - A cycle track comprising a highway from point F-5O to point F-5M, a distance of 300 metres.’
	Other Agreements
Item 7	<p>The ExA will seek clarification and update on the Applicant’s position or progress on other agreements to, for example:</p> <ul style="list-style-type: none">a) Secure mitigation or works outside the DCO boundary.b) Address damage cost payments on the highway network.c) Other side/ legal agreements including with NR, other landowners, etc identify what are being worked on, areas being covered, likely conclusion by close of examination?
Item 8	Any other matters



Attendees

The ExA would find it helpful if the following parties could attend this Hearing:

- Applicant,
- Nottinghamshire County Council,
- Newark and Sherwood District Council,
- Natural England,
- Environment Agency, and
- Canal and River Trust.

However, this does not indicate that other parties will not be able to contribute. All Interested Parties (IP) are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the Hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Timing

The ExA will keep to the agenda as much as possible. The hearing is not expected to go beyond 5:00 pm on Tuesday 3 December 2024. Anyone who is not able to provide all their oral submissions by the close of the hearing should follow it up in writing.

Registration Process

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **2:00pm** those attending virtually should join promptly at **1:30pm** to ensure that all virtual attendees can complete the Registration Process in good time.

Procedure at ISH



Planning Inspectorate

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.