

A46 Newark Bypass

Scheme Number: TR010065

7.42 Responses to Written Representations

8(1)(c)(i)

Planning Act 2008

**Infrastructure Planning (Examination Procedure)
Rules 2010**

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**The Infrastructure Planning
(Examination Procedure) Rules 2010**

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

Responses to Written Representations

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1 Introduction

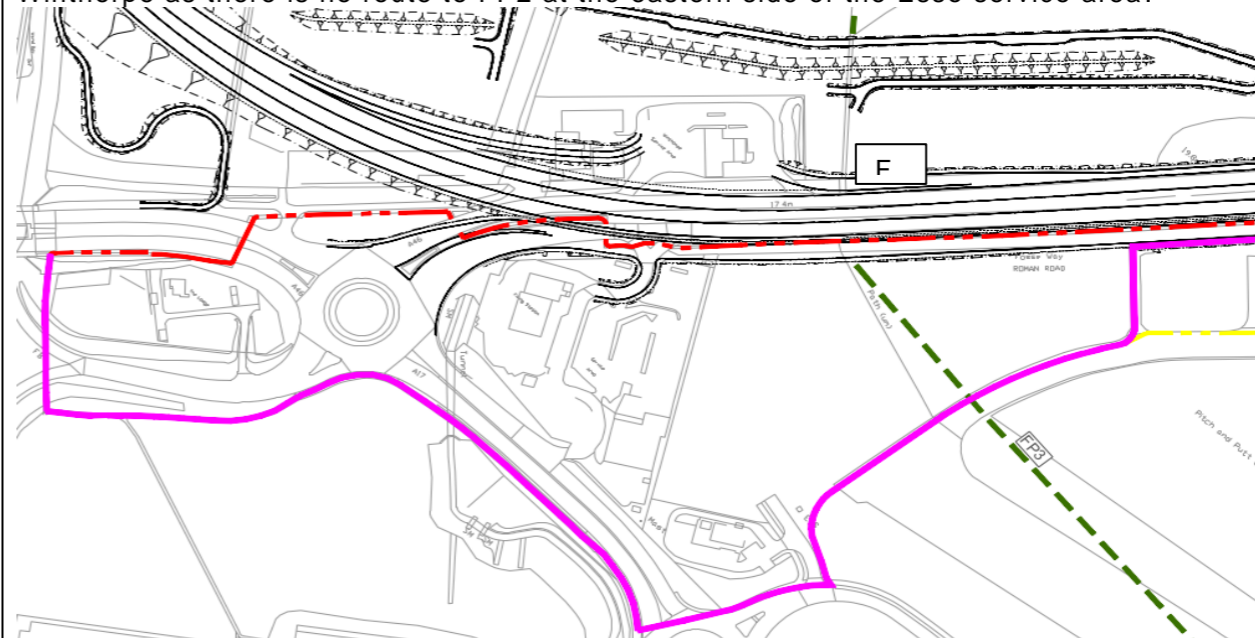
- 1.1.1 The Development Consent Order (DCO) application for the A46 Newark Bypass (the “Scheme”) was submitted by National Highways (the “Applicant”) on 26 April 2024 and accepted for Examination on 23 May 2024.
- 1.1.2 This document has been prepared by the Applicant to set out responses to Written Representations issued on 13 November 2024. This document is submitted at Deadline 3 of the Examination.

REP-041 - Coddington Parish Council

Coddington Parish Council objects to the closure and diversion of Winthorpe Footpath No. 3 that crosses the existing A46 East of the Friendly Farmer A46 / A17 / A1 roundabout, as it is inconsistent with the National Planning Policy Framework (NPPF). Nottinghamshire County Council has confirmed that the Definitive Map of recorded Public Rights of Way (PROW) shows Winthorpe Footpath No. 3 crosses the existing A46 between Coddington and Winthorpe. Public Rights of Way (PROW) are the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network (i.e. all classes of roads including motorways). They form part of the sustainable transport network that has links to healthy living, reducing carbon footprints, safe non-motorised links to local facilities, so it is important to ensure that they are linked to the other networks and are of a good design that encourages safe use. The proposal to sever Footpath No.3 is not compliant with the National Planning Policy Framework (NPPF):

- Para 104 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should protect and enhance PROW and access including taking opportunities to provide better facilities for users.
- Para 116 of NPPF states that development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, The proposed closure and diversion of the public footpath back towards the A17 is unacceptable, as there is no safe pedestrian route available which connects to the rest of the public footpath to Winthorpe. A diversion which provides direct access to cross the A46 to Winthorpe is required, as already exists, supported by a safe pedestrian and cyclist crossing facility from the Coddington side to the Winthorpe side of the road network. This will also support Active Travel of Winthorpe residents to the proposed employment development on the land at Godfrey Drive

The existing FP3 from Coddington was previously stopped up across the existing A46 when it was dualled originally and is currently connected to an existing footway that runs alongside the southern side of the A46, crosses the dual carriageway at grade and then crosses back to the south as shown by the red dotted line within the image below. This route is un-safe, is only available for use by walkers and does not provide a link to Winthorpe as there is no route to FP2 at the eastern side of the Esso service area.



The existing route needed to be amended to provide space for the new Friendly Farmer link road. The Applicant confirms the route of the proposed walking and cycle route was developed in conjunction with Lindum Developments Limited (the developer of the NUA/MU/1 site) and NCC's Public Rights of Way (PROW) officer. The proposed route (shown in magenta above) was selected to provide a replacement to the current footway that runs along the southbound A46. The proposed route provides a link to the existing footpath on the A17 and intercepts FP3. The proposed route followed the proposed footway / cycle track of Lindum Developments Limited's proposed development at that time and did not impact on any development plans for the site. It also provides a link to the new walking / cycling route that links to Hargon Lane into Winthorpe and to the main Showground entrance on Hargon Lane thus removing the existing severance along LTN 1/20 compliant routes. This upgraded route and connectivity accords with Para 104 and 116 of the NPPF.

The Applicant has been continuing discussions with Lindum Developments Limited and the Showground regarding the interaction between the replacement footpath and Lindum Development Limited's proposed development. 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 Developments Limited as part of their Statement of Common Ground [REP2-034] with a separate legal agreement being drafted.

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.

The connection to the A17 at Godfrey Drive around to the A1 slip road crossing bridge is an existing walking and cycling facility that forms part of the diverted route.

REP2-043 - Environment Agency	The Applicants Response
Deadline 2 (12 November 2024) – Written Representations	
<p>We are pleased to provide our Written Representations (WR) in relation to the above DCO application. Essentially, this is an update on our position on the issues we raised in our Relevant Representations (RR) [RR-020]. We have also included comments on our Statement of Common Ground with the Applicant and our comments on documentation submitted at Deadline 1 (22 October 2024)</p> <p>Following our RR, we have engaged positively with the Applicant in relation to addressing the issues we have raised, and many of these are considered to be resolved, or are pending the submission of satisfactorily updated documents at Deadline 2 (12 November 2024), or future deadlines in the Examination process.</p> <p>Appendix 1 provides an overview of the current progress on addressing the issues we raised in our RR in table format with a RAG score for issue status.</p> <p>The key issues of importance which have not yet been resolved are in relation to flood risk. In Table 1 below, we have provided more detailed comments on our position on these issues, which have been informed by two technical notes prepared by the Applicant that we have reviewed outside of the Examination process.</p> <p>We have reviewed the documents submitted at Deadline 1 and our comments are set out below in relation to the following documents:</p>	Noted by the Applicant
3.1 3.1 Draft Development Consent Order [REP1-001 / REP1-002]	
<p>Following the submission of the updated draft Development Consent Order, several of the issues we raised at RR have now been resolved.</p> <p><u>Requirement 3 - Second Iteration Environmental Management Plan</u></p> <p>We are pleased to see that Requirement 3 now identifies the Environment Agency as a consultee in relation to the discharge of this requirement, and that the Environmental Management Plan includes a Dewatering Management Plan.</p> <p>The following issues as raised in our RR are now therefore resolved (insofar as they relate to Requirement 3):</p> <ul style="list-style-type: none"> • EAFBG-003 (Biodiversity net gain – missed opportunity for watercourse improvements) • EAFBG-004 (Biodiversity net gain – improvements to river units) • EAFBG-005 (Invasive species – Himalayan Balsam) • EAGWCL-002 (Dewatering Management Plan) • EAWA-001 (Disposal of waste – British Sugar landfill) • EAWQ-009 and EAREQ-001 (Requirement 3 – Second Iteration Environmental Management Plan). <p><u>Requirement 4 - Third Iteration Environmental Management Plan</u></p> <p>We are pleased to see that Requirement 4 now identifies the Environment Agency as a consultee. RR Issue EAREQ-002 (Requirement 4 – Third Iteration Environmental Management Plan) is now therefore resolved.</p> <p><u>Requirement 6 - Landscaping</u></p> <p>Following engagement with the Applicant on this issue, we have further considered the need for our inclusion as a consultee. We have concluded that we no longer need to be included as a consultee as issues relating to our function will be picked up through other mechanisms, i.e. environmental management plans (as part of Requirement 3) and environmental permitting (e.g. flood risk activities). As such, issue EAREQ-003 (Requirement 6 - Landscaping) is now resolved.</p> <p><u>Requirement 8 - Contaminated land and groundwater</u></p> <p>We are pleased to see that Requirement 8 has been updated to include our suggested wording, to ensure that development stops if previously unidentified contamination is found, only in the identifiable area in which suspected contamination is located. As such, issue EAREQ-004 (Requirement 8 - Contaminated land and groundwater) is now resolved.</p> <p><u>Requirement 14 – Flood compensatory storage</u></p> <p>See comment in the flood risk table (Table 1) below.</p> <p><u>Requirement 15 – Flood risk assessment</u></p> <p>See comment in the flood risk table (Table 1) below.</p> <p><u>Disapplication of Environmental Permitting Regulations for flood risk activities</u> Since our RR, we have engaged with the Applicant on this matter. The Applicant has stated in the Statement of Common Ground with the Environment Agency [REP1-</p>	<p>Response to Documents/Work Packages not yet agreed</p> <p><u>Flood Risk Assessment</u></p> <p>The Applicant is continuing to engage with the Environment Agency. Further details are provided in the responses within this document.</p> <p><u>Contaminated Land Assessment</u></p> <p>Regarding the contaminated land assessment documents/work packages, The Applicant has submitted an updated Environmental Constraints Plan [REP2-009] at Deadline 2 of the Examination, in relation to issue EAGWCL-001 (British Sugar authorised (active) landfill site). The Applicant will submit a Detailed Quantitative Risk Assessment (DQRA) and agreement of a satisfactory approach to addressing the contamination hotspot at WS46 (issue ref. EAGWCL-005) at Deadline 4 of the Examination.</p> <p><u>First Iteration Environmental Management Plan</u></p> <p>The Applicant submitted an updated First Iteration Environmental Management Plan [REP2-010] at Deadline 2 of the Examination.</p> <p><u>Consents and Agreements Position Statement</u></p> <p>The Applicant submitted an updated Consents and Agreements Position Statement [REP2-006] at Deadline 2 of the Examination. The position in relation to the flood risk activity permits reflects the current position as set out in the Statement of Common Ground with the Environment Agency [REP1-020].</p>

REP2-043 - Environment Agency	The Applicants Response
<p>020] that they are: not currently seeking to disapply the Environmental Permitting Regulations for flood risk activities. Therefore, there are no Protective Provisions within the draft Development Consent Order. Should this position change, the Applicant will contact the Environment Agency to agree the terms of the protective provisions.</p> <p>We are satisfied that the latest draft Development Consent Order, as submitted at Deadline 1, does not include an article regarding the disapplication of the Environmental Permitting Regulations, and that there is no protective provision included for our benefit. As such, flood risk activity permits from the Environment Agency will be required for any relevant works which fall under Schedule 25 of the Environmental Permitting Regulations (England and Wales) 2016.</p> <p>7.21 Statement of Common Ground with the Environment Agency [REP1-020]</p> <p>We have reviewed the Deadline 1 submission of the Statement of Common Ground (SOCG) and we consider it captures the relevant issues we have raised, and discussed with the Applicant. While this SOCG reflected the progress on resolving the issues at the time of submission, it is an evolving document and is now out of date. There are also a few amendments that need to be made. We expect an up-to-date iteration of the SOCG will be submitted at Deadline 2. We will continue to engage with the Applicant on this matter as the Examination progresses and we work towards a final SOCG.</p> <p>We also have the following update on other issues we raised at RR:</p> <p>Agreed documents/work packages</p> <p>In addition to the above, after further engagement with the Applicant in relation to the issues we raised regarding water quality, water resources, waste, fisheries, biodiversity and geomorphology, we are now satisfied that following documents/work packages are Agreed:</p> <ul style="list-style-type: none"> • Highways England Water Risk Assessment Tool (HEWRAT) Assessment - issue reference EAWQ-005 (HEWRAT) • Water Framework Directive (WFD) Assessment – issue references EAFBG-002 (WFD – water body mitigation), EAWQ-001 (Water quality – surface water run-off), EAWQ-002 (Water quality – surface water sensitivity), EAWQ-003 (WFD – detailed assessment), EAWQ-004 (WFD – detailed assessment). • Water usage strategy – issue reference EAWR-001 (Water usage – abstraction licencing) • Waste management strategy – issue reference EAWA-001 (Disposal of waste – British Sugar landfill) • Biodiversity net gain strategy – issue references EAFBG-003 (Biodiversity net gain – missed opportunity for watercourse improvements) and EAFBG- 004 (Biodiversity net gain – improvements to river units). <p>Documents/work packages yet to be Agreed</p> <p>The following documents/work packages are not yet Agreed:</p> <ul style="list-style-type: none"> • Flood risk assessment We are still working with the Applicant on this. Further information is required. We have provided detailed comments on flood risk issues in the table set out below. • Contaminated land assessment We are awaiting an updated Environmental Constraints Plan to be submitted at Deadline 2 in relation to issue EAGWCL-001 (British Sugar authorised (active) landfill site), and the submission of a Detailed Quantitative Risk Assessment (DQRA) and agreement of a satisfactory approach to addressing the contamination hotspot at WS46 (issue ref. EAGWCL-005). • First Iteration Environmental Management Plan (EMP) We are currently waiting for an updated document to be submitted at Deadline 2. Once we are satisfied with the First Iteration EMP, issues EAWQ-006 (Surface water quality monitoring – frequency), EAGWCL-002 (Dewatering Management Plan) and EAGWCL-004 (Surface water and groundwater monitoring) will be able to be resolved. • Consents and Agreements Position Statement (CAPS) We are awaiting the submission of a satisfactorily updated CAPS document. This relates to issue EAGCC-001 (Required Environment Agency permits and licences) and the disapplication of flood risk activity permits. 	
<p>Flood risk issues – updated position</p>	
<p>Following our RR, we have had two meetings with the Applicant to discuss our flood risk issues and the Applicant has provided to us for review (outside of the Examination) two flood risk technical notes to address our concerns:</p> <ul style="list-style-type: none"> • Floodplain Compensation Areas Technical Note (Document ref. HE551478- SKAG-EGN-CONWI_CONW-RP-CD-00001, Revision P02, dated 15 October 2024) 	<p>Noted by the Applicant</p>

REP2-043 - Environment Agency		The Applicants Response
<ul style="list-style-type: none"> Hydraulic Modelling Technical Note (Document ref. HE551478-SKAG-EGN- CONWI_CONW-RP-CD-00002, Revision P01, dated 22 October 2024). <p>We have provided more detailed comments to the applicant, but our comments below aim to provide the Examining Authority with sufficient information to understand our current position on these issues.</p>		
Table 1		
Issue/ref.	EA comments	
EAFR-001 Flood risk exception test (part 2) – fluvial/flood	We are not satisfied that the second part of the flood risk exception test (an FRA must demonstrate that the project will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall) has been passed, until the below points about increases in flood risk off-site and information about the compensatory flood storage have been fully addressed. Additionally, the Applicant should provide evidence to show what other opportunities were explored to reduce flood risk and clear justification for why these were not taken forward.	Chapter 3 Assessment of Alternatives (6.1 Environmental Statement) [APP-047] describes the reasonable alternatives studied by the Applicant, the Scheme development process, the alternative corridor options considered and consulted on, and the reasons for the decisions taken. Flood risk factors informed this process throughout, as described in respect of each of the alternatives considered. As recorded in Chapter 2 The Scheme (6.1 Environmental Statement) [APP-046], the existing A46, currently single carriageway, is generally elevated on embankment due to the low-lying floodplain of the River Trent. The widened embankment for the A46 dual carriageway will therefore pass through land that is within the floodplain for the River Trent. Consideration given to reducing flood risk in designing elements of the Scheme is described in Chapter 2 The Scheme (6.1 Environmental Statement) [APP-046]. This includes the location of certain elements, the choice of materials, minimising of cross-sections and the setting of levels. The Applicant confirms the Flood Compensation Areas (FCAs) have been designed to provide the compensatory floodplain volume that is lost due to the Scheme; therefore, there is no net loss of floodplain storage. The compensatory floodplain volume provided by the FCAs is sufficient for the fluvial design flood scenario (1 in 100 year plus climate change allowance), where hydraulic modelling demonstrates no overall change in flood risk compared to the baseline. Hydraulic modelling indicates off-site localised flood depth increases of greater than 10mm at two locations in two low magnitude events (1 in 20 year, 1 in 100 year), with a different location affected in each event. No impacts are observed at either location in lower or higher magnitude events. The increases are attributed to inherent uncertainties in hydraulic model inputs as discussed in the second Flood Risk Meeting with the Environment Agency on 17 October 2024. Modelling uncertainties in these local areas for these specific events are under further investigation, and any additional information will be provided at Deadline 5 of the Examination.
EAFR-002 Increase in fluvial flood risk elsewhere	The Hydraulic Modelling Technical Note (as submitted to us for review outside the Examination process) shows there to be no increases outside of flood model tolerances in the fluvial design flood scenario (1% annual probability / 1 in 100 year plus climate change allowance). We are satisfied that flood depth increases of 10mm are within model tolerance. However, the Applicant has provided more detail (within the Technical Note appendices) which shows there are off- site increases larger than model tolerances with in the smaller flood scenarios, i.e. 1% annual probability / 1 in 100 year (without climate change), the 3.3% annual probability / 1 in 30 year and the 5% annual probability (1 in 20 year) flood scenarios. The Applicant needs to provide additional supporting evidence with regards to these increases, particularly where they are associated with modelling tolerances or uncertainties within the hydraulic modelling, and mitigation where there are observable increases in water level. Additionally, the Applicant needs to provide evidence that they have engaged with affected landowners and made them aware of all increases of risk and flood depths.	The Applicant acknowledges that the flood model tolerance of 10mm has been agreed by the Environment Agency. As per the Hydraulic Modelling Technical Note (TR010065/APP/7.40) and the second Flood Risk Meeting held with the Environment Agency on 17 October 2024, there are no increases outside of this tolerance for the design fluvial flood scenario (1 in 100 year plus climate change allowance). The FCAs have been designed to provide sufficient compensatory storage for the 1 in 100 year plus climate change event. No increases in flood depth outside of the 10mm flood model tolerance are observed for the design event. Outside of the FCA locations, which are designed to fill with water, there are no modelled flood depth increases above the 10mm tolerance during the 1 in 2 year, 1 in 5 year, 1 in 30 year or 1 in 100 year plus climate change event fluvial scenarios. Flood depth increases of greater than 10mm are observed at two locations in two low magnitude events (1 in 20 year, 1 in 100 year), with a different location affected in each event. No impacts are observed at either location in lower or higher magnitude events. The increases are attributed to inherent uncertainties in hydraulic model inputs as discussed in the second Flood Risk Meeting with the Environment Agency on 17 October 2024. Further investigations are being undertaken into modelling uncertainties in these local areas for these specific locations and events. It is proposed to discuss these modelling uncertainties with the Environment Agency with a view to providing an update at Deadline 5 of the Examination.
EAFR-003 Overall reduction in fluvial flood risk	In the FRA, as submitted with the DCO application ('6.3 Environmental Statement - Appendix 13.2 Flood Risk Assessment' [APP-177], the Applicant has shown the screening process for choosing the most affective and appropriate floodplain compensation areas. However, we require evidence to show what other opportunities were explored to reduce flood risk and clear justification for why these were not taken forward.	Please refer to the Applicant's response to EAFR-001. As discussed in Chapter 2 The Scheme (6.1 Environmental Statement) [APP-046] the design has been developed to meet the Scheme objectives whilst also minimising environmental effects wherever practicable. Consequently, the Scheme design adheres to the principles of the design and mitigation hierarchy outlined in DMRB LA 104 Environmental Assessment and Monitoring. The first principle being to avoid potential adverse effects where possible, before seeking to minimise or mitigate any unavoidable impacts. This has formed a well-developed embedded and essential mitigation strategy. Following selection of the preferred route corridor and as part of the Scheme design process, the requirement for floodplain compensation was reduced where possible, for example by implementing steeper embankment slopes that reduced the Scheme's encroachment on the floodplain. The Flood risk and coastal change Planning Practice Guidance (Paragraph 49, ID: 7-049-20220825) states "Where flood storage from any source of flooding is to be lost as a result of development, on-site level-for-level compensatory storage, accounting for the

REP2-043 - Environment Agency	The Applicants Response
	<p><i>predicted impacts of climate change over the lifetime of the development, should be provided</i>". In accordance with the PPG, Section 3.3 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177] sets out floodplain compensation requirements and the methodology undertaken for the FCA site screening and selection.</p> <p>The three proposed FCAs at Farndon West, Farndon East and Kelham & Averham, provide storage volume for flood water displaced by the Scheme in the 1 in 100 year plus climate change event, resulting in no change in flood risk for this event, when compared to the baseline.</p>
<p>EAFR-004 Compensatory flood storage</p>	<p>The Applicant acknowledges that there is a proposed solar farm (planning application ref. 23/01837/FULM - Newark & Sherwood District Council) overlapping the Kelham & Averham FCA footprint. This matter was discussed with the Environment Agency in April 2023 via email correspondence, in which the Environment Agency confirmed that <i>"Solar farms are defined as essential infrastructure... solar farm developments can be built in floodplain compensation areas, subject to passing the Sequential and Exception Tests"</i>, further specifying that <i>"the Environment Agency would treat most purpose-built floodplain compensation as either Flood Zone 3a or 3b"</i>.</p> <p>The email correspondence gave the relevant policy guidance as Paragraph 079 of the PPG on flood risk and coastal change. This states that in Flood Zone 3a, essential infrastructure should be designed and constructed to remain operational and safe in times of flood. In Flood Zone 3b (function floodplain) essential infrastructure that has passed the Exception Test, and water-compatible uses, should be designed and constructed to remain operational and safe for users in times of flood, result in no net loss of floodplain storage, and not impede water flows or increase flood risk elsewhere.</p> <p>With respect to the potential for the solar farm to impede conveyance of flood water to Kelham & Averham FCA, the developer of the solar farm is aware of the FCA purpose and depth requirements. The height of the solar panels can be designed accordingly not to impede FCA storage capacity. Within the FCA the legs of each solar panel will need to suit the depth of the FCA. If the solar farm is constructed first, the panels will be stored during the construction of the Kelham & Averham FCA</p> <p>The area being proposed for solar panels is the northern portion of the Kelham & Averham FCA site, to the north and west of the access track in the design. The solar farm will therefore not impede any flow pathways towards the FCA.</p> <p>The access track has been discussed jointly between solar farm developer and the Applicant, so that it can serve the purposes of both schemes.</p>
<p>EAFR-005 Compensatory flood storage – phasing of works</p>	<p>Temporary works are discussed in Chapter 9 of the FRA (APP-177), which considers the conservative case where temporary works and permanent works are in place at the same time. No significant effects for temporary works plus permanent events are noted for the design event, which for temporary works is the 3.33% AEP.</p> <p>The Applicants response to EARF-004 above discussed how the solar farm scheme can be progressed regardless of the ongoing progress with the A46 Scheme.</p>
<p>EAFR-006 Compensatory flood storage – maintenance</p>	<p>Article 4 (Maintenance of drainage works) in the Development Consent Order [REP2-002] provides that nothing in the order affects the existing responsibility for the maintenance of any works unless otherwise agreed in writing between the Applicant and the person responsible.</p> <p>The Applicant will provide a blockage related maintenance plan for culverts into the Kelham & Averham Flood Compensation Area in the Third Iteration Environmental Management Plan, which is secured by Requirement 4 and on which the Environment Agency will be consulted.</p> <p>In respect of the proposed solar development (planning application ref. 23/01837/FULM - Newark & Sherwood District Council), where assets in the crossover areas require maintenance, responsibility will depend on the detailed designs for each development and which elements are provided for which proposed development. This will be agreed between the relevant parties at the relevant time.</p>

REP2-043 - Environment Agency	The Applicants Response	
	solar development (planning application ref. 23/01837/FULM - Newark & Sherwood District Council), we require clarification from the Applicant regarding who will be responsible for the assets and land within these crossover areas and any agreements which have been put in place to facilitate this.	
EAFR-007 Slough Dyke (main river) realignment	<p>Within the most recent Hydraulic Modelling Technical Note (as submitted to us for review outside the Examination process), the Applicant has shown that the realignment of Slough Dyke has now been tested within the hydraulic model and confirms no impact on flood risk. No further action is required by the Applicant with regards to testing the Slough Dyke realignment within the hydraulic model. The Hydraulic Modelling Technical Note should be included as appendix of an updated FRA to be submitted as part of the DCO application.</p> <p>While the Applicant has provided sufficient evidence to us to demonstrate that the realignment of Slough Dyke will not have an adverse impact of flood risk, we are still awaiting detailed plans of the proposed river channel in situ. The Environment Agency requires satisfactory cross-sectional plans of the channel and drawings of the channel connecting to the existing channel in order to full resolved this issue.</p> <p>Once a satisfactory revised FRA and plans as mentioned above have been submitted as part of the DCO application, we will be able to resolve this issue.</p>	<p>The Applicant welcomes the confirmation that the hydraulic modelling carried out confirms the realignments hydraulic suitability. All additional flood risk related evidence submitted during the DCO examination will be appended to the Flood Risk Assessment [APP-177] as appropriate before the closing of the Examination.</p> <p>The Applicant will complete the detailed design of the Scheme following the grant of a DCO for the Scheme. The Applicant welcomes additional engagement in the form of a meeting with the Environment Agency to discuss what evidence is required to satisfy the Environment Agency's requirements at that time. At this stage, it is suggested that securing the Environment Agency as a consultee on the design of the Slough Dyke realignment is appropriate.</p>
EAFR-008 Interaction with Environment Agency flood defences	<p>In the document, '7.11 Applicant's Response to Environment Agency Relevant Representations' [REP1- 010], as submitted at Deadline 1, in conjunction with the '2.2 Land Plans' document [AS-004], the Applicant has provided more detail about the Environment Agency assets they will interacting with and the standard of protection these assets provided. However, the Environment Agency requires additional evidence that planned alterations will not compromise these assets and more detailed drawings, including cross-sections, of the proposed alterations to Environment Agency assets.</p>	<p>Detailed design for the interface between EA assets and the scheme, including the standard of protection, will be part of the detailed design phase which will be the subject of engagement with the Environment Agency. The Environment Agency will be consulted during the design of these features to ensure that the integrity and efficacy of their assets is not affected.</p>
EAFR-009 Climate change allowances sensitivity test	<p>Within the most recent Hydraulic Modelling Technical Note (as submitted to us for review outside the Examination process), the Applicant has provided evidence that the necessary sensitivity testing has been undertaken to accurately assess the impact of climate change to the scheme.</p> <p>In particular, the Hydraulic Modelling Technical Note satisfactorily demonstrates the impacts of a credible maximum scenario on the development. No further action is required by the Applicant with regards to testing a credible maximum scenario.</p> <p>To fully resolve this issue the Applicant should include the Hydraulic Modelling Technical Note as an appendix of an updated FRA to be submitted as part of the DCO application.</p>	<p>The Applicant is pleased that this matter has been resolved. All additional flood risk related evidence submitted during the DCO examination will be appended to the Flood Risk Assessment [APP-177] before the closing of the Examination.</p>
EAREQ-005 Requirement 14 – Flood compensatory storage	<p>We have reviewed the Deadline 1 submission of the updated Draft Development Consent Order [REP1-001 / REP1-002] and while the Applicant has not adopted our suggested wording, we are satisfied that correct climate change percentage (39%) has been included in (2) of Requirement 14. However, we would advise that either the word "event" is reinstated, or "scenario" is used instead at the end of that sentence, otherwise it appears to not make sense.</p>	<p>The Applicant has corrected this error in the draft Development Consent Order [REP2-002] by adding the words 'fluvial flood event' to the end of paragraph (2) of Requirement 14 which should provide the clarification sought by the Environment Agency.</p>
Requirement 15 – Flood risk assessment	<p>We are satisfied with the wording of Requirement 15, but clarification is required as to whether the 10mm is on top of what is presented in the FRA or compared to baseline levels. We consider that it would be sensible for the Lead Local Flood Authority (LLFA) to be consulted on the FRA, especially in context to surface water as they will have a greater understanding than the Environment Agency.</p> <p>However, whether or not the LLFA is included as consultee is ultimately a matter them.</p>	<p>The Applicant confirms that the agreed 10mm flood model tolerance is in relation to the difference in levels between the baseline and post-scheme hydraulic model results.</p>
Please contact us if you have any queries or require anything further. Yours faithfully, Mr Alex Hazel		

REP2-043 - Environment Agency	The Applicants Response
Planning Specialist – National Infrastructure Team E-mail: NITeam@environment-agency.gov.uk	

Appendix 1 – Environment Agency issues / work package tracker

Appendix 1 – Environment Agency issues / work package tracker								
Issue status key:								
			Agreed / resolved					
			Working on a solution / under discussion					
			Not agreed					
Subject	Topics	Assessment / plan / DCO	Impact	Solution / Mitigation	Requirement agreed / assessment updated to resolve issue	Requirement number(s) in DCO / Protective provision in DCO	Notes	
Biodiversity	Biodiversity net gain (BNG) strategy	BNG – improvements to river units (EAFBG-004)	Agreed	Agreed	Agreed	Agreed	3	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 3 Second Iteration EMP has been updated to include the EA as a consultee.
	Environmental Management Plan (EMP)	Invasive species – Himalayan Balsam (EAFBG-005)	Agreed	Agreed	Agreed	Agreed	3	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 3 Second Iteration EMP has been updated to include the EA as a consultee.
Contaminated land	Contaminated land assessment	British Sugar authorised (active) landfill site (EAGWCL-001)	Agreed	Agreed	Agreed	Working on a solution	N/A	Once the Applicant has satisfactorily updated the Environmental Constraints Plan and submitted it into the Examination at Deadline 2 (12/11/2024), this issue will be resolved/Agreed.
		Contamination hotspot at WS46 (EAGWCL-005)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	N/A	Pending submission of a Detailed Quantitative Risk Assessment (DQRA) – Applicant intends to submit at Deadline 4 (13/12/2024). We are hoping to review the DQRA/have further engagement with the Applicant before Deadline 4.
Fisheries	Use of borrow pits for fry refuge (EAFBG-001)		Agreed	Agreed	Agreed	N/A (Agreed)	N/A	

Appendix 1 – Environment Agency issues / work package tracker

Flood risk	Flood risk assessment / Flood modelling	Flood risk exception test (part 2) – fluvial flood risk (EAFR-001)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Please see detailed flood risk comments above in Table 1.
		Increase in fluvial flood risk elsewhere (EAFR-002)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Please see detailed flood risk comments above in Table 1.
		Overall reduction in fluvial flood risk (EAFR-003)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Please see detailed flood risk comments above in Table 1.
		Compensatory flood storage (EAFR-004)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Please see detailed flood risk comments above in Table 1.
		Compensatory flood storage – phasing of works (EAFR-005)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Please see detailed flood risk comments above in Table 1.
		Compensatory flood storage – maintenance (EAFR-006)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Please see detailed flood risk comments above in Table 1.
		Slough Dyke (main river) realignment (EAFR-007)	Agreed	Working on a solution	Working on a solution	Working on a solution	15	Please see detailed flood risk comments above in Table 1.
		Interaction with Environment Agency flood defences (EAFR-008)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	15	Please see detailed flood risk comments above in Table 1.
		Climate change allowances sensitivity test (EAFR-009)	Agreed	Agreed	Agreed	Working on a solution	15	Please see detailed flood risk comments above in Table 1. We are satisfied that this issue has been adequately addressed in the Applicant's Hydraulic Modelling Technical Note (provided to us outside of the Examination process). Once the FRA has been updated to include the technical note as an appendix, we will be able to consider this issue as resolved.
Geomorphology	Water Framework Directive (WFD) – water body mitigation (EAFBG-002)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A		
	Biodiversity net gain (BNG) – missed opportunity for watercourse improvements (EAFBG-003)	Agreed	Agreed	Agreed	Agreed	3	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 3 Second Iteration EMP has been updated to include the EA as a consultee.	

Appendix 1 – Environment Agency issues / work package tracker

Groundwater protection	Environmental Management Plan (EMP)	Dewatering Management Plan (EAGWCL-002)	Agreed	Agreed	Agreed	Working on a solution	3	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 3 Second Iteration EMP has been updated to include the EA as a consultee. Pending the submission of updated First Iteration EMP at Deadline 2 (22/10/2024).
		Piling method statements and risk assessments (EAGWCL-003, EAREQ-007)	Agreed	Agreed	Agreed	Working on a solution	3, additional requirement for piling	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 3 Second Iteration EMP has been updated to include the EA as a consultee. We are satisfied that there is no longer a need for a specific piling risk assessment DCO Requirement, the resolution of this issue is pending the submission of updated First Iteration EMP at Deadline 2 (12/11/2024), which will update item GS4 in the REAC table.
		Surface water and groundwater monitoring (EAGWCL-004)	Agreed	Agreed	Agreed	Working on a solution	N/A	Resolution pending the submission of updated First Iteration EMP at Deadline 2 (12/11/2024), which will update item RDWE7 in the REAC table. We have already had the opportunity to review the proposed update to item RDWE7, and we are satisfied with it.
Permitting & consents	Required Environment Agency permits and licences (EAGCC-001)		Working on a solution	Working on a solution	Working on a solution	Working on a solution	N/A	Awaiting updated Consents and Agreements Position Statement.
		Disapplication of EPR for flood risk activities	Agreed	Agreed	Agreed	Working on a solution	Protective provision not required therefore not included in the DCO.	The Applicant has indicated verbally (SOCG meeting 18/10/2024), that they are no longer seeking to disapply EPR in respect of flood risk activities. We note there is no article in the DCO in respect of disapplying the Environmental Permitting Regulations 2016, and that there is no protective provision included for our benefit. Awaiting the submission of the updated Consents and Agreements Position Statement.
Waste	Waste management	Disposal of waste – British Sugar landfill (EAWA-001)	Agreed	Agreed	Agreed	Agreed	3	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 3 Second Iteration EMP has been updated to include the EA as a consultee. The Applicant has not approached British Sugar on this matter and is not seeking to dispose of waste at the British Sugar landfill. Should the Applicant's position change, the Environment Agency will be consulted to discuss the use of the landfill.
Water quality	Water Framework Directive (WFD)	Water quality – surface water run-off (EAWQ-001)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Water quality – surface water sensitivity (EAWQ-002)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		WFD – detailed assessment (EAWQ-003)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	

Appendix 1 – Environment Agency issues / work package tracker

		WFD – detailed assessment (EAWQ-004)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
Environmental Management Plan (EMP)		Surface water quality monitoring – frequency (EAWQ-006)	Agreed	Agreed	Agreed	Working on a solution	N/A	Pending the submission of updated First Iteration EMP at Deadline 2 (12/11/2024), which will update item RDWE7 in the REAC table. We have already reviewed the proposed update to item RDWE7, and we are satisfied with it.
		Surface water quality monitoring – ecological monitoring (EAWQ-007)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Surface water quality monitoring – baseline (EAWQ-008)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		DCO Requirement 3 – Second Iteration EMP (EAWQ-009)				Agreed	3	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 3 Second Iteration EMP has been updated to include the EA as a consultee.
	Highways England Water Risk Assessment Tool (HEWRAT)	HEWRAT – baseline (EAWQ-005)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
Water resources		Water usage – abstraction/licensing (EAWR-001)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
Development Consent Order (DCO)		Requirement 3 – Second Iteration Environmental Management Plan (EAREQ-001)				Agreed	3	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 3 Second Iteration EMP has been updated to include the EA as a consultee.
		Requirement 4 – Third Iteration Environmental Management Plan (EAREQ-002)				Agreed	4	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 4 Third Iteration EMP has been updated to include the EA as a consultee.
		Requirement 6 – Landscaping (EAREQ-003)				N/A (Agreed)	6	On further consideration we have determined that we do not
								need to be a named consultee in this DCO Requirement.
		Requirement 8 - Contaminated land and groundwater (EAREQ-004)				Agreed	8	Draft DCO Deadline 1 (22/10/2024) submission - DCO Requirement 8 Contaminated land and groundwater has been updated to include our suggested wording.
		Requirement 14 – Flood compensatory storage (EAREQ-005)				Working on a solution	14	Please see detailed flood risk comments above in Table 1.
		Requirement 15 – Flood risk assessment (EAREQ-006)				Working on a solution	15	Please see detailed flood risk comments above in Table 1.
		Additional requirement – piling				Working on a solution	Additional requirement	Additional piling assessment requirement <u>no</u> longer necessary. Pending the submission of updated First Iteration EMP at Deadline 2 (12/11/2024), which will update item GS4 in the REAC table.

END

REP2-045 - Natural England

The Applicants Response

Part I: Summary and conclusions of Natural England's advice

Summary of Natural England's advice

Overall, Natural England are satisfied that the proposals address the majority of potential impacts to the natural environment. Discussions with the Applicant since submission of Natural England's Relevant Representations (RR-044) have resulted in clarifications which, in some cases, have resolved the concerns raised at the Relevant Representation stage.

The only areas of concern where we consider further information is required to enable the examining authority to make an informed decision are: Internationally Designated Sites and Soils and Best and Most Versatile (BMV) Agricultural Land. We expect these concerns to be resolved through provision of further information in the form of revised or new documentation.

The key concerns we have regarding Internationally Designated Sites are:

- Mitigation to prevent entrapment/ isolation of lamprey during flooding events is not fully developed (NE8)
- Prevention of light spill impact on migrating lamprey during construction should be committed to more strongly (NE7)
- Limited explanation provided regarding 'de minimis' impact of construction piling on key species (lamprey) (NE3)
- HRA in-combination assessment is insufficient and scheme location criteria require review (NE5 and NE6)

The key concerns we have regarding Soils and BMV Agricultural Land are:

- Lack of commitment to reinstate all temporarily lost BMV land to its original classification after construction (NE15)
- Lack of clear commitment to ensure soils are not handled when wet (NE16)
- Soil Management Plan during pre-commencement activities (NE20)

Part I of these Written Representations provides a summary (above) and overall conclusions of Natural England's advice. This advice identifies whether any progress in resolving issues has been made since submission of our Relevant Representations (RR - 044). As mentioned above, several issues that were raised at the Relevant Representations stage are now resolved, following discussions with the Applicant. This is explained in further detail in this document. Any comments still outstanding are detailed in this document.

Our comments are set out against the following sub-headings which represent our key areas of remit as follows:

- International designated sites
- Nationally designated sites
- Protected species
- Biodiversity net gain
- Nationally designated landscapes
- Soils and best and most versatile agricultural land
- Ancient woodland and ancient/veteran trees Connecting people with nature (National Trails, open access land and England Coast Path)
- Other valuable and sensitive habitats and species, landscapes and access routes

Our comments are flagged as red, amber or green:

- **RED** (not applicable in this case) are those where there are fundamental concerns which it may not be possible to overcome in their current form.
- **AMBER** are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- **GREEN** are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured).

Natural England has been working closely with National Highways ('the Applicant') to provide advice and guidance since November 2020. Since submission of our Relevant Representations, a Teams meeting was held (16/09/2024) with National Highways, Natural

Internationally designated sites

The Applicant has updated the Habitat Regulations Assessment [APP-185] to address Natural England's concerns (NE3, NE5, NE6, NE7, NE8). In order to support the update the Applicant has also produced a Fish Escape Passage Technical Note, which will form an appendix of the Habitat Regulations Assessment [APP-185]. The updated Habitat Regulations Assessment [APP-185] has been discussed with Natural England. The updated Habitat Regulations Assessment [APP-185] was submitted at Deadline 3 of the Examination.

Soils and best and most versatile agricultural land

The Applicant has updated the First Iteration Environmental Management Plan [REP2-010] to address Natural England's concerns (NE15, NE16, NE20), including a strengthening of the commitment to return agricultural land to its former condition as determined by the Agricultural Land Classification (ALC) grade, a commitment to handle soils when in a sufficiently dry state during all stages of construction activities and reference to the soil management plan being implemented for all soil handling activities, including pre-commencement activities. This updated First Iteration Environmental Management Plan [REP2-010] has been submitted at Deadline 3 of the Examination.

Part I: Summary and conclusions of Natural England's advice

England and members of the project team to discuss Natural England's Relevant Representations. Each key issue was discussed in detail, with further information and clarifications provided, and meeting minutes were circulated and agreed with the attendees. In some cases, this discussion was sufficient to resolve the concerns raised by Natural England at the Relevant Representation stage. In other cases, further information has been requested to resolve the concerns raised.

A Teams meeting was held (21/10/2024) with Natural England, the Environment Agency and members of the project team to discuss the design of the Farndon Flood Compensation Areas (FCAs) fish escape passages. Natural England has provided comments on the accompanying Technical Note which sets out the proposed design of the fish escape passages. The Applicant has confirmed that Natural England's comments have been taken on board and will be incorporated.

Further information will be provided in the Statement of Common Ground which is currently being reviewed and developed between National Highways and Natural England.

Internationally designated sites

Natural England's position regarding internationally designated sites **has changed** since submission of our Relevant Representations (RR-044). In some cases (NE1, NE2, NE4), clarifications provided by the Applicant have resolved our concerns, and the status of these comments has changed from 'amber' to 'green'. Natural England is satisfied that 'green' issues are unlikely to result in adverse effects on the integrity of the following internationally designated sites, subject always to the appropriate mitigation/ compensation as outlined in the application documents being adequately secured. In one case (NE9), Natural England was satisfied at the Relevant Representations stage that the issue was unlikely to result in adverse effects to integrity, and this remains unchanged in our Written Representations.

In other cases (NE3, NE5, NE6, NE7, NE8) clarifications have been provided by the Applicant and Natural England awaits further information in the form of revised or new documentation, to formalise the outcomes of the discussions. Until the revised or new documentation is provided, the status of these items remains 'amber'. This indicates that Natural England is not yet satisfied that it can be ascertained beyond reasonable scientific doubt that the project would not have an adverse effect on the integrity of the Humber Estuary SAC/ Ramsar.

Further information is provided in Part II of these Written Representations (see Table 1).

Nationally designated sites

Natural England's position regarding nationally designated sites **has not changed** since submission of our Relevant Representations (RR-044). The comments made at the Relevant Representations stage regarding nationally designated sites (NE10) still stand and the status remains 'green'.

Further information is provided in Part II of these Written Representations (see Table 1).

Protected species

Natural England's position regarding European protected species **has not changed** since submission of our Relevant Representations (RR-044). The comments made at the Relevant Representations stage regarding protected species (NE11) still stand and the status remains 'green'.

Further information is provided in Part II of these Written Representations (see Table 1).

Biodiversity Net Gain Provision

Natural England's position regarding provision of biodiversity net gain **has not changed** since submission of our Relevant Representations (RR-044). The comments made at the Relevant Representations stage regarding biodiversity net gain (NE12) still stand and the status is unchanged.

Further information is provided in Part II of these Written Representations (see Table 1).

Nationally designated landscapes

Natural England's position regarding nationally designated landscapes **has not changed** since submission of our Relevant Representations (RR-044). The comments made at the Relevant Representations stage regarding nationally designated landscapes (NE13) still stand and the status remains 'green'.

Further information is provided in Part II of these Written Representations (see Table 1).

Soils and best and most versatile agricultural land

Natural England's position regarding soils and the best and most versatile agricultural land **has changed** since submission of our Relevant Representations (RR-044).

In one case (NE14), clarifications provided by the Applicant have resolved our concerns, and the status has changed from 'amber' to 'green'. In one case (NE17), Natural England was satisfied at the Relevant Representations stage that the permanent loss of BMV agricultural land to be lost falls outside the scope of the Development Management Procedure Order (as amended) consultation

Part I: Summary and conclusions of Natural England's advice

arrangements, and this remains unchanged in our Written Representations.

In two cases (NE15, NE16) clarifications have been provided by the Applicant and further information in the form of revised or new documentation is awaited to formalise the outcomes of the discussions. Until the revised or new documentation is provided, the status of these items remains 'amber'.

One new item (NE20) has been added since submission of our Relevant Representations in response to the Examiner's Questions. This relates to soil management during the pre-commencement phase of the project and has been categorised as 'amber'.

Further information is provided in Part II of these Written Representations (see Table 1).

Ancient woodland and ancient/veteran trees

Natural England's position regarding ancient woodland and ancient/veteran trees **has not changed** since submission of our Relevant Representations (RR-044). The comments made at the Relevant Representations stage regarding ancient woodland and ancient/veteran trees (NE18) still stand and the status remains 'green'.

Further information is provided in Part II of these Written Representations (see Table 1).

Connecting people with nature (National Trails, open access land and England Coast Path)

Natural England's position regarding connecting people with nature **has not changed** since submission of our Relevant Representations (RR-044). The comments made at the Relevant Representations stage regarding connecting people with nature (NE19) still stand and the status remains 'green'.

Further information is provided in Part II of these Written Representations (see Table 1).

Natural England's Written Representations

Part II: Natural England's detailed advice

Part II of these Representations updates and where necessary augments Part II of the Relevant Representations (RR-044). It expands upon the detail of all the significant issues ('red' and 'amber' issues) which, in our view remain outstanding and includes our advice on pathways to their resolution where possible. Part II also shows 'green' issues which either remain unchanged since our Relevant Representations (RR-044) or which have been agreed since our Relevant Representations (RR-044) (subject always to the appropriate requirements being secured adequately).

Natural England will continue engaging with the applicant to seek to resolve these concerns throughout the examination. Natural England advises that the matters indicated as 'red' and 'amber' will require consideration by the Examining Authority during the examination.

No further comment from the Applicant

Natural England's Written Representations, Part II, Table 1

NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?	Internationally designated sites
NE1	International designated sites <ul style="list-style-type: none"> Humber Estuary SAC Humber Estuary Ramsar 	Construction silt management measures are not specified in the Drainage Strategy Report (Construction phase)	In our Relevant Representations, Natural England noted that the Drainage Strategy Report related only to the operational phase of the project and did not include any measures to prevent silt and water quality impacts during construction, despite a statement made in the ES and the First Iteration EMP which stated that temporary drainage and silt management techniques were included in the Drainage Strategy Report. Since submission of the Relevant Representations, the Applicant has confirmed (via Teams meeting, 16/09/2024) that references to temporary drainage and silt management techniques being included in the Drainage Strategy were an error, and that the	Updated DCO requirement 3 ensures the provision of, and consultation with NE on, the final Pollution Prevention Management Plan & Erosion & Sediment Management Plan prior to commencement of any part of the <u>authorised</u> development.	Green	Yes – see text Status changed from amber to green	<p>The Applicant has updated the Habitat Regulations Assessment [APP-185] to address Natural England's concerns (NE3, NE5, NE6, NE7, NE8). In order to support the update the Applicant has also produced a Fish Escape Passages Technical Note, which will form an appendix of the Habitat Regulations Assessment [APP-185]. The updated Habitat Regulations Assessment [APP-185] has been discussed with Natural England. The updated Habitat Regulations Assessment [APP-185] has been submitted at Deadline 3 of the Examination Comments from Natural England on the Fish Escape Passage Technical Note have been responded to within the associated response schedule, which can be found within Appendix I of the updated Habitat Regulations Assessment [APP-185].</p> <p>The status in the "Risk Read/Amber/Green" column remains amber pending Natural England's agreement with the updated Habitat Regulations Assessment submitted at Deadline 3.</p> <p>Soils and best and most versatile agricultural land</p> <p>The Applicant has updated the First Iteration Environmental Management Plan [REP2-010] to address Natural England's concerns (NE15, NE16, NE20), including a strengthening of the commitment to return agricultural land to its former condition as determined by the Agricultural Land Classification (ALC) grade, a commitment to handle soils when in a sufficiently dry state during all stages of construction activities and reference to the soil management plan being implemented for all soil handling activities, including pre-commencement activities. This updated First Iteration Environmental Management Plan has been submitted at Deadline 3 of the Examination.</p> <p>The status in the "Risk Read/Amber/Green" column remains amber pending Natural England's agreement with the updated First Iteration Environmental Management Plan submitted at Deadline 3.</p>

Part I: Summary and conclusions of Natural England's advice						
NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
			<p>Drainage Strategy Report covers the permanent works only. The Applicant also confirmed that standard pollution prevention measures will also be adhered to, and that the project team are in discussion with the EA on management measures for sediments.</p> <p>Through discussions with the Applicant (Teams meeting 16/09/2024), Natural England understands that the outline mitigation measures (silt curtains, cut-off ditches, silt traps, etc.) referenced in the First Iteration EMP will be detailed in the Pollution Prevention Plan and the Erosion and Sediment Management Plan as part of the Second Iteration EMP.</p> <p>The implementation of these plans is considered likely to avoid an impact upon the qualifying features of the Humber Estuary SAC and Ramsar. Nonetheless, sufficient detail must be provided in each of these plans to ensure impacts upon the Humber Estuary SAC and Ramsar are avoided.</p> <p>Natural England requested to be added as a consultee for the Second Iteration EMP (and any individual silt management plans, if applicable) to consider the likely impact of construction works on international designated sites (Humber Estuary SAC and Humber Estuary Ramsar) and their qualifying features. This has been amended in the Draft DCO</p>			
NE2	International designated sites <ul style="list-style-type: none"> Humber Estuary SAC Humber Estuary Ramsar 	HRA screening: Omission of discussion regarding the 'loss of lamprey individuals'	<p>(Rev 2, October 2024) and Natural England thus consider the proposed mitigation has been secured appropriately. NE has changed this item to 'green'.</p> <p>In our Relevant Representations, Natural England queried whether a statement (regarding 'loss of lamprey individuals') was included in error. The Applicant has confirmed (via Teams meeting 16/09/2024) that the potential loss of lamprey individuals mentioned is not an additional impact pathway and relates to the low risk of lamprey entrapment in Farndon FCAs prior to mitigation. Further information was provided by the project team regarding the impact pathway, which was accepted by Natural England.</p> <p>In our Relevant Representations, Natural England noted that the proposed electro-fishing measures were not discussed in the HRA and requested further clarity on the impact pathway. During the Teams meeting (16/09/2024), the Applicant explained that the electro-fishing was not mentioned in the HRA as a specific mitigation measure regarding lamprey as it is a multi-species mitigation and river lamprey are not expected in Slough Dyke. This was accepted by Natural England, though it was suggested that electro-fishing could still be mentioned in the updated HRA as it may have a beneficial effect.</p>	No further information required.	Green	Yes – see text Status changed from amber to green

Part I: Summary and conclusions of Natural England's advice

<p>NE3</p>	<p>International designated sites</p> <ul style="list-style-type: none"> • Humber Estuary SAC • Humber Estuary Ramsar 	<p>HRA Screening: Limited explanation provided regarding 'de minimis' impact of construction piling on key species (lamprey)</p> <p>(Construction phase)</p>	<p>It was noted in Natural England's Relevant Representations that very limited information was provided in the HRA report to explain the potential 'de-minimis level impact upon resting lamprey or larval lamprey (if present)' due to daytime piling works. Further information was requested to rule out potential adverse impacts on resting and larval lamprey.</p> <p>During subsequent discussions with the Applicant and project team (via Teams, 16/09/2024) a detailed explanation was provided. It was explained that a worst-case scenario was assessed in the HRA (assuming that impact piling will be required, whereas it is more likely to be rotary piling). It was also clarified that lamprey are a low hearing sensitivity fish with greater resilience to underwater sound and vibration, and the risk of more significant responses such as startle reactions is low, in part due to the vibration disturbance pathway needing to pass through earth then water. In addition, the northern branch of the River Trent is considered the main lamprey migration route and will likely act as a bypass to the upper reaches during piling works along the river's southern branch, and the works at Kelham and Averham FCA will be completed prior to commencement of the main alignment works.</p> <p>Finally, detailed information was provided by the Applicant (via Teams meeting, 16/09/2024) regarding</p>	<p>Updated HRA required.</p>	<p>Amber</p>	<p>Yes – see text</p> <p>Status remains amber</p>	
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Part I: Summary and conclusions of Natural England's advice						
NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
			the habitat appraisal and suitability assessment for spawning lamprey, which provided explanation for the 'de-minimis' level impact. These explanations were welcomed and accepted by Natural England. It was requested that the HRA is updated to reflect these additional clarifications. Until the HRA is updated, the status remains 'amber'.			
NE4	International designated sites <ul style="list-style-type: none"> Humber Estuary SAC Humber Estuary Ramsar 	HRA Screening – Operational Lighting (Highway Lighting) (Operational Phase)	Natural England's Relevant Representations noted that the HRA does not reference to operational light spill and its possible effects on migrating lamprey. The Applicant has since confirmed (via Teams meeting 16/09/2024) that there is no existing lighting over Nether Lock Viaduct and Windmill Viaduct and the scheme will not introduce any new operational lighting in closer proximity to the River Trent than is currently present. Natural England accepts this explanation.	No further information required.	Green	Yes – see text Status changed from amber to green
NE5	International designated sites <ul style="list-style-type: none"> Humber Estuary SAC Humber Estuary Ramsar 	HRA screening in-combination: Assessment of scheme location criteria (Construction and operational phases)	At the Relevant Representation stage, Natural England requested that the HRA in-combination assessment should consider projects close to the scheme, as well as those close to the SAC/ Ramsar site. The Applicant has since confirmed (via Teams meeting 16/09/2024) that the review of projects for the in-combination assessment included: all relevant onshore NSIPs and proposed NSIPs within the 'Yorkshire and Humber' and 'East Midlands' regions; projects and plans within NSDC located within 2km of the River Trent; and projects or plans within 2km of the Humber Estuary SAC/ Ramsar. The Applicant confirmed an error in the HRA as it suggests that only	Updated HRA required.	Amber	Yes – see text Status remains amber

Part I: Summary and conclusions of Natural England's advice						
			<p>projects within 2km of the Humber Estuary were considered in the in-combination assessment; this is not correct. The Applicant confirmed a further error in the HRA as it states that non-NSIPs have not been detailed in the in-combination assessment table as in-combination effects are unlikely; this statement is also incorrect.</p> <p>Natural England welcomes these clarifications. It is requested that the HRA is updated to reflect these changes. Until the HRA is updated, the status remains 'amber'.</p>			
NE6	<p>International designated sites</p> <ul style="list-style-type: none"> Humber Estuary SAC Humber Estuary Ramsar 	<p>HRA screening in-combination: Assessment lacks sufficient detail</p> <p>(Construction and operational phases)</p>	<p>In our Relevant Representations, Natural England identified that the in-combination assessment in the HRA was too brief and lacked sufficient detail. Based on the information previously provided, it is difficult to rule out the possibility of significant in-combination effects.</p> <p>The Applicant has since acknowledged (via Teams meeting, 16/09/2024) that further clarity is required on the in-combination assessment. The Applicant has confirmed that this clarity will be provided in the form of a Technical Note to accompany the Applicant's response to the Relevant Representations. Natural England welcomes the opportunity to review this additional information, and request that it is incorporated into an updated HRA. Until the Technical</p>	Further information required.	Amber	<p>Yes – see text</p> <p>Status remains amber</p>
			<p>the water for short amounts of time (four 30-minute intervals during a night shift) and this is the reason that the phrase 'where possible' was used.</p> <p>Nonetheless, Natural England requests the First Iteration EMP is amended to include the following commitment (REAC ref. B9):</p> <p><i>"The following measures are also required to minimise effects on lamprey migratory routes:</i></p> <ul style="list-style-type: none"> <i>Night working will be restricted along the majority of the working width along the River Trent to minimise the requirement for artificial lighting to be used where possible, thereby avoiding disturbance effects of artificial lighting on sensitive ecological features.</i> <i>Where this is not possible, static, task lighting with cowls will direct light towards the areas of works and avoid direct illumination of the River Trent. The only exception to this would be during crane slewing, where the lighting on the boom may cast across the water before coming to rest on the beam lift, which would be temporary and short-term (taking place over four 30-minute intervals during a night shift)."</i> <p>In addition, Natural England identified incorrect terminology in the HRA Appropriate Assessment,</p>			

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NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
			Note/ updated HRA is received, no further comment is made and the status remains 'amber'.			
NE7	International designated sites <ul style="list-style-type: none"> Humber Estuary SAC Humber Estuary Ramsar 	HRA Appropriate Assessment: prevention of light spill impact on migrating lamprey does not follow mitigation hierarchy (Construction phase)	<p>At the Relevant Representations stage, Natural England noted that the bridge beam installation was planned during May 2026, which is within the lamprey migration season. 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. It was noted that the mitigation hierarchy (avoid, mitigate, compensate) should be followed and a rationale should be provided as to why avoidance of lamprey migration season is not possible. The Applicant has since explained (via Teams meeting 16/09/2024) that bridge beam installation works will <u>endeavour</u> to avoid the lamprey migration season; however, the works are weather-dependent (i.e. they cannot be undertaken in high winds) and in some locations will be constrained by possession availability.</p> <p>Natural England also commented that imprecise language such as 'where possible' is used in relation to mitigation measures, which should be committed to more strongly. It was noted that the commitment to construction lighting mitigation measures could be in the form of a construction lighting strategy containing details of the light spill measures to be implemented. The Applicant explained (via Teams meeting 16/09/2024) that crane slewing would cast lighting on</p>	Further information required.	Amber	Yes – see text Status remains amber

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NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
			<p>where a statement was made around whether an 'LSE' could be ruled out, when instead the comment should have been about the potential for any 'Adverse Effect <u>On Integrity</u>'. The Applicant has subsequently confirmed this was an error (via Teams meeting, 16/09/2024).</p> <p>Natural England welcomes these clarifications and requests the HRA <u>is</u> updated accordingly. Until the updated HRA report is received, no further comment is <u>made</u> and the status remains 'amber'.</p>			
NE8	International designated sites <ul style="list-style-type: none"> Humber Estuary SAC Humber Estuary Ramsar 	HRA Appropriate Assessment: Mitigation to prevent entrapment/isolation of lamprey during flooding – consideration of climate change and more frequent flooding (Operational phase)	<p>In our Relevant Representations, Natural England noted that the number, location and design of fish escape passages (to prevent entrapment/ isolation of lamprey during flooding of the Farndon FCAs) were to be finalised during detailed design. Natural England noted that the details of design are important for their success and requested that agreement be sought with the Environment Agency regarding the number, location and design of fish escape passages. In addition, Natural England noted the design of these measures must include consideration for changes to flood events caused by climate change.</p> <p>The Applicant and wider project team has since engaged with Natural England and the Environment Agency regarding fish escape passages (Technical Note dated 15/10/2024 and Teams meeting 21/10/2024). The previous design submitted as part of</p>	Further information required.	Amber	Yes – see text Status remains amber

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			<p><u>the</u> DCO application is no longer considered viable, due in part to the topography of Farndon East FCA. Four new options for fish escape passage design have been presented to Natural England and the Environment Agency and advice has been sought. It is understood that the current preferred option comprises provision of two fish escape passages from the north of each FCA, as overspill channels, into Old Trent Dyke.</p> <p>Natural England has provided the following commentary to the Applicant regarding the 'Farndon FCA Fish Escape Passages' Technical Note:</p> <ul style="list-style-type: none"> • The fish escape passages discussed throughout the technical note appear relatively small (0.5 m width and 0.3 m depth). This may cause fish difficulty in actively identifying the escape passage route, given the relatively large flood plain area. Natural England queries whether there is scope to widen and deepen the channels. • Natural England welcomes the approach for the fish passages to be naturalised routes and requests that all future design iterations adopt this approach. • The technical note states that Option 4 (preferred option) includes two fish escape passages as overspill open channels. Natural England assumes the overspills would require 			
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NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
			<p>the use of stop logs to ensure that water only passes through the escape channel at certain depths [project team to confirm].</p> <ul style="list-style-type: none"> Similar to the comment above, fish would need to actively identify the escape channel and actively choose to pass via the spillover, exposing them to predation risk, and thus the fish may not pass downstream into Old Trent Dyke. Natural England queries whether there is scope for the fish escape routes to be fully open (i.e. no stop logs leading to an overflow). Internal Drainage Board (IDB) management of Old Trent Dyke will involve annual dredging to remove debris and vegetation from the channel. There is a risk that any fish still present within Old Trent Dyke could be scooped out in digger buckets and dumped on the banks in the debris pile. Natural England queries whether there is evidence from studies or other sources to support the following statement: "It should be noted that the Old Trent Dyke is the current route that fish re-enter the River Trent, following overtopping of the River Trent embankment in these locations". Natural England queries whether there would be scope to undertake future surveys and analysis of any lamprey carcasses within the flood plain to determine if they have 			

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			<p>spawned or not. This is in relation to the following statement: "It is likely that individual fish (including lamprey) caught in flood water within the Farndon FCAs would have exerted their energy migrating and have already spawned, resulting in a natural cause of death. There is no coarse fish or lamprey mortality data for the River Trent, so it cannot be ascertained during monitoring post-construction of the Scheme whether dead fish observed within the Order Limits or downstream of the Scheme during operation would be a result of the natural lifecycle of the species or other factors".</p> <p>The Applicant has confirmed that Natural England's comments have been taken on board and will be incorporated into the next iteration of the Technical Note. Until the updated document is provided, the status remains 'amber'. Natural England welcomes further discussion with the Applicant and the Environment Agency regarding the design of the fish escape passages, if required.</p>		
NE9	<p>International designated sites</p> <ul style="list-style-type: none"> Humber Estuary SAC 	<p>HRA Screening: Reduction in habitat area, fragmentation, disruption and disturbance of international sites,</p>	<p>Natural England's position remains unchanged since our Relevant Representations: Natural England agrees with the conclusion of no likely significant effects on international designated sites regarding reduction in habitat area, changes to</p>	<p>No further information required.</p>	<p>Green</p>

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NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
	<ul style="list-style-type: none"> Humber Estuary Ramsar 	and changes to key elements of the site (Construction and operational phases)	key elements of the site, and fragmentation, disruption and disturbance of the SAC or the Ramsar sites.			
NE10	National designated sites (biodiversity & geodiversity)	Location of nationally designated sites (Construction and operational phases)	Natural England's position remains unchanged since our Relevant Representations: The site is not located close to any nationally designated sites for biodiversity or geodiversity conservation, nor is it within a Site of Special Scientific Interest (SSSI) Impact Risk Zone. We note that the features of the Humber Estuary SSSI nationally designated site that are affected by this proposal are the same as the internationally designated site features. Please refer to the points in the 'Internationally designated sites' issues above for all 'amber' issues, that also apply to the Humber Estuary SSSI. Natural England has no further comments.	No further information required.	Green	No
NE11	Protected species	Protected species licenses (Construction phase)	Natural England's position remains unchanged since our Relevant Representations: Based on the information provided in ES Chapter 8: Biodiversity, there is a requirement for a protected species licence to be obtained from Natural England for bats (ES 8.9.16).	No further information required.	Green	No

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			<p>Natural England has received a draft bat mitigation licence application from the applicant on 13/03/2024. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'Letter of No Impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.</p> <p>A Letter of No Impediment was provided by Natural England to the applicant on 08/05/2024. As set out in the letter, based on the information and proposals provided, Natural England sees no impediment to a licence being issued, should a DCO be granted. However, Natural England notes the following comments and caveats:</p> <ul style="list-style-type: none"> • Prior to submission of the formal application, the applicant should ensure all necessary consents have been obtained and that all relevant planning conditions relating to wildlife have been discharged. • The current survey levels are deemed sufficient for Natural England to provide the Letter of No Impediment; however, we would expect pre-construction/ top up surveys be conducted to confirm the status of the bat roost 			
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NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
			<p>in question, taking into consideration that suitability for hibernating bats may increase over time.</p> <ul style="list-style-type: none"> For a formal EPS Bat mitigation licence Natural England would expect the licence application to be based on survey data from the current or most recent optimal survey season. <p>Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.</p> <p>If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will</p>			

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			<p>need to be addressed before any <u>licence</u> can be granted.</p> <p>Further information relating to wildlife <u>licencing</u> and NSIPs is provided within the Planning Inspectorate's Advice Note 11, Annex C – Natural England and the Planning Inspectorate. Specifically, at the bottom of page 6 and within Appendix I. See also Natural England's Standing Advice.</p>			
NE12	Biodiversity net gain	Biodiversity net gain	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>Biodiversity Net Gain (BNG) is not mandatory for NSIPs until November 2025, therefore Natural England's comments at this stage should be considered as advisory only.</p> <p>Natural England has reviewed the Biodiversity Net Gain Technical Report (Appendix 8.14 to the ES), and the following is noted:</p> <ul style="list-style-type: none"> The Biodiversity Metric 3.1 has been used. Natural England <u>raise</u> no concern with this and welcome that the version of the metric used throughout the project is consistent. It should be noted that following November 2025, use of the Statutory Biodiversity Metric is expected to be a legal requirement. The mitigation hierarchy appears to have been applied. 	No further information required.	BNG not yet <u>mandat</u> <u>ory</u> for NSIPs	No

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NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
			<ul style="list-style-type: none"> The project demonstrates achievement of measurable net gain (4.99% net gain in habitat units, 8.17% net gain in hedgerow units, 36.93% net gain in river units). Whilst the measurable net gain is noted and welcomed, the project does not achieve the recommended minimum 10% net gain – it is suggested that a commitment could be included within the DCO to achieve a minimum of 10% net gain. This is expected to become mandatory from November 2025. The applicant proposes off-site habitat creation/enhancement at Doddington Hall, although it is noted that a legal agreement for this is yet to be finalised. The scheme includes a 'trading down' in river units, with high distinctiveness habitat being compensated for with habitats of medium distinctiveness, and a reduction in the area of high distinctiveness 'other rivers and streams' (1.62ha lost and 0.86ha provided Biodiversity Net Gain Technical Report, para 5.1.18). Natural England would encourage habitat of high distinctiveness to be avoided or replaced with the same habitat of high distinctiveness. Due to a loss of lowland meadow, a bespoke compensation agreement is stated to be required with Natural England (Biodiversity Net Gain Technical Report, para 5.1.15). It should 			

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			<p>be noted that in the absence of mandatory Biodiversity Net Gain, this is not currently a mandatory requirement. Nonetheless, an outline compensation agreement is included (Appendix A.6). It is noted that 0.1032ha of lowland meadow would be affected, 118m² of which would be permanent loss. Proposals set out in the outline compensation agreement include lowland meadow compensation totalling 0.7505ha. In principle, Natural England considers the compensation proposed to be appropriate, subject to appropriate ongoing management.</p>			
NE13	National designated landscapes	<p>Location of site in relation to nationally designated landscapes</p> <p>(Construction and operational phases)</p>	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>The site is not located within, or within the setting of, any nationally designated landscapes. As a result, Natural England has no specific comments to make on the landscape implications of this development. The examining authority should have regard for the landscape character of the area; we welcome the reference to Natural England's National Character Areas within ES Chapter 7: Landscape and Visual Effects.</p>	No further information required.	Green	No
NE14	Soils and best and most versatile	Agricultural Land Classification (ALC) survey	In our Relevant Representations, Natural England noted that, due to access constraints, no ALC survey had been undertaken in a small area of the site south	No further information required.	Green	Yes – see text

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NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
	agricultural land	(Construction and operational phases)	<p>of Farndon Roundabout. Clarity was requested regarding any plans for post-consent ALC surveying.</p> <p>The Applicant has since confirmed (via Teams meeting 16/09/2024) that the small area of land is now outside of the Scheme Order Limits and therefore no further work is required in this location as part of the scheme.</p> <p>Natural England welcomes and accepts this clarification.</p>			Status changed from amber to green
NE15	Soils and best and most versatile agricultural land	<p>Reinstatement of temporarily lost agricultural land</p> <p>(Construction and operational phases)</p>	<p>At the Relevant Representations stage, Natural England requested that a commitment is added to the DCO that all agricultural land subject to temporary losses will be reinstated to the same ALC grade (as surveyed pre-construction). In the absence of this commitment, Natural England may consider the temporary losses to be permanent.</p> <p>The Applicant has since confirmed (via Teams meeting 16/09/2024) that the assessment of temporary loss of land was based on retention of soil quality and ALC grade after reinstatement. The Applicant confirmed that this is detailed in the Outline Soil Management Plan and in the REAC in the First Iteration EMP. The First Iteration EMP will be developed into a Second Iteration EMP, including a detailed Soils Management Plan. Natural England has not been able to locate this commitment in the Outline</p>	Further information required.	Amber	<p>Yes – see text</p> <p>Status remains amber</p>

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			Soil Management Plan and notes the following wording in the First Iteration EMP, REAC Reference GS9: "Unless otherwise agreed with the landowner, where agricultural land is to be returned to the landowner, it should be returned to its previous use as determined by the ALC survey". It is suggested that the caveat of "unless otherwise agreed with the landowner" is removed and the achievement criteria is amended to state the land will be returned to its previous ALC grade.			
NE16	Soils and best and most versatile agricultural land	Handling of wet soils (Construction phase)	<p>In our Relevant Representations, Natural England requested a firm commitment from the Applicant that soil will only be handled when in a sufficiently dry state, and that this practice is followed throughout the entire construction stage. Advice was also provided on soil tests, which should be undertaken by a qualified soil scientist.</p> <p>The Applicant has since agreed (via Teams meeting, 16/09/2024) that it is important that soils are handled only after passing a field test which determines that soils are in a sufficiently dry state. The Applicant directed Natural England to the Outline Soil Management Plan which specifies the conditions under which soil may or may not be handled. Natural England still advises that the commitment could be made more strongly, for example by stating "soils will only be handled" when specific conditions are met</p>	Further information required.	Amber	Yes – see text Status remains amber

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NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
			<p>(rather than the existing wording of "soils <u>should</u> only be handled" when sufficiently dry).</p> <p>It is noted that the First Iteration EMP will be developed into a Second Iteration EMP (including a detailed Soils Management Plan). Natural England requests that a firm commitment is made by the Applicant that soils will only be handled when in a sufficiently dry state, and that this will occur throughout the entire construction phase.</p>			
NE20	Soils and best and most versatile agricultural land	Soil Management Plan during pre-commencement activities	Natural England notes that the outline Soil Management Plan (oSMP) will be developed into a full Soil Management Plan (SMP) prior to construction. It is requested that the SMP is also 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.	Further information required.	Amber	Yes – new item
NE17	Soils and best and most versatile agricultural land	Permanent loss of BMV land <20ha (Operational Phase)	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>It is stated in Table 9-9 of ES Chapter 9: Geology and Soils that permanent loss of best and most versatile (BMV) agricultural land totals up to 15.7ha (>1ha of Grade 2 and 14.7ha of Grade 3a agricultural land). Assuming all temporarily lost BMV land is reinstated to its original condition (see NE15), the total permanent loss of BMV is below 20ha; falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements.</p>	No further information required.	Green	No

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NE key issue ref	Topic	Issue summary and phase (Construction/ Operation/ Decommissioning)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project to enable assessment Further evidence or assessment work required 	Natural England comment on the mechanism for securing mitigation/ compensation measures	Risk Red/ Amber/ Green	Any updates since Relevant Reps?
NE18	Ancient woodland and ancient/veteran trees	Potential air quality impacts on ancient woodland and veteran trees	<p>If there is a change to the amount of BMV agricultural land to be lost, it is requested that Natural England be re-consulted.</p> <p>Natural England's position remains unchanged since our Relevant Representations: As noted in ES Chapter 8: Biodiversity, there is one ancient woodland (also designated Spring Wood, Kelham LWS) located within 200m of the affected road network (para. 8.8.15). There are also several veteran trees located within 200m of the affected road network. Given their proximity, these receptors may experience changes to air quality due to the project.</p> <p>Where Ancient Woodland and Ancient/Veteran Trees do not form part of a SSSI, Natural England will only provide bespoke advice in exceptional circumstances. As a result, our advice in this instance is limited to the Natural England and Forestry Commission 'Standing Advice' for ancient woodland, ancient trees and veteran trees.</p>	No further information required.	Green	No
NE19	Connecting people with nature	Opportunities to connect people with nature	<p>Natural England's position remains unchanged since our Relevant Representations: Transport schemes such as the A46 Newark Bypass have the potential to generate positive impacts regarding connecting people with nature, for example by creating new access routes such as footpaths, cycle paths and bridleways, and reducing route</p>	No further information required.	Green	No
			<p>fragmentation. There is also potential for adverse impacts, for example route severance, closures and diversions during construction works and operational phases.</p> <p>Natural England welcomes the proposals for new walking, cycling and horse-riding provision, including a new combined footway/ cycleway at Winthorpe, and new connections between existing severed routes (ES Chapter 2: The Scheme, para. 2.5.58 to 2.5.65).</p> <p>It is also noted that the applicant proposes a number of diversions and control measures to minimise adverse effects on walking, cycling and horse-riding routes during construction (ES Chapter 2, Table 2-7).</p> <p>Natural England welcomes the measures to improve and increase people's connectivity with nature. The applicant should continue to consider connectivity with nature throughout the planning, construction and operational stages of the project.</p>			

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PART III: Natural England's response to the Examining Authority's (ExA's) first written questions and requests for information (ExQ1) with a deadline of 12 November 2024				
ExA ref.	Addressed to	Question	Natural England Response	
Q3.1.1	The Applicant, Natural England, Forestry Commission, Environment Agency, NSDC	<p><u>Biodiversity Net Gain Approach:</u></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>Biodiversity Net Gain (BNG) is not mandatory for NSIPs until November 2025, therefore Natural England's comments at this stage should be considered as advisory only.</p> <p>Natural England has reviewed the Biodiversity Net Gain Technical Report (Appendix 8.14 to the ES), and our advice is provided in Part II, Table 2 (NE12) of this document. Natural England has no further comments at this stage.</p> <p>the recommended minimum 10% net gain – it is suggested that a commitment could be included within the DCO to achieve a minimum of 10% net gain. This is expected to become mandatory from November 2025.</p> <p>As stated in the National Networks National Policy Statement (para. 4.23-4.26), 'The Environment Act 2021 contains provisions for a mandatory biodiversity net gain requirement for NSIPs. A government Biodiversity Gain Statement will set out the concept and policy requirements for biodiversity net gain for Nationally Significant Infrastructure Projects (NSIPs). When these provisions are commenced, the Secretary of State will need to be satisfied that the biodiversity gain objective in any relevant Biodiversity Gain Statement has been met'.</p> <p>Given that BNG is not mandatory for NSIPs until November 2025, and that there is currently no biodiversity gain objective available to measure BNG against, this falls outside of Natural England's statutory remit for NSIPs (as set out in Nationally Significant Infrastructure Projects - Advice on working with public bodies in the infrastructure planning process, Annex C: Natural England and the Planning Inspectorate - GOV.UK).</p> <p>Therefore, Natural England are unable to comment regarding the weight that should be applied to projects not achieving the non-mandatory target.</p>	No further comment from the Applicant.
Q6.2.2	The Applicant, NSDC, NCC, LCC, NE, EA	<p><u>Requirement 3 – Second Iteration EMP:</u></p> <ul style="list-style-type: none"> R3(1) currently refers to the Local Planning Authority. Does this need to be defined? R3(1) includes the phrase "substantially in accordance 	<p>Natural England considers that there are measures in the First Iteration EMP that must also form part of the Second Iteration EMP. Natural England will be consulted on the Second Iteration EMP and will therefore have confidence that these measures will be appropriately secured.</p>	No further comment from the Applicant.

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		<p>with". Justify why this is sufficiently certain and precise to ensure essential mitigation is secured.</p> <ul style="list-style-type: none"> R3(2) fourth line '...method statements and method statements...' there is a duplication of words is this a typing error? 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 		
Q6.2.3	The Applicant, NSDC, NCC, LCC, NE, EA	<p><u>Requirement 3 – Second Iteration EMP:</u> 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. Given the breadth of management plans and method statements, should other consultees not be identified including NCC, EA, NE? Are there any other management plans or method statements that should be included in the list in R3(2)?</p>	<p>Natural England has been added as a statutory consultee for the Second Iteration EMP in the Draft DCO (Rev 2, October 2024), which is welcomed.</p> <p>Natural England is not aware of any other management plans or method statements that should be included in the list in R3(2).</p>	No further comment from the Applicant.
Q6.2.5	The Applicant, NSDC, NCC, LCC, NE, EA	<p><u>Requirement 4 – Third Iteration EMP:</u> 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).</p>	<p>Natural England has been added as a statutory consultee for the Second Iteration EMP in the Draft DCO (Rev 2, October 2024), which is welcomed, and we note that the Environment Agency have been added as a statutory consultee for the Third Iteration EMP. Natural England consider this is sufficient to ensure the functioning of relevant mitigation measures during the operational phase. The contents of the Third Iteration EMP are otherwise unlikely to be directly related to Natural England's statutory remit.</p>	No further comment from the Applicant.
Q6.2.7	The Applicant	<p><u>Requirement 6 – Landscaping:</u> 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>	<p>Given that BNG is not mandatory for NSIPs until November 2025, and that the landscaping scheme is unlikely to impact nationally or internally designated sites, this falls outside of Natural England's statutory remit for NSIPs (as set out in Nationally Significant Infrastructure Projects - Advice on working with public bodies in the infrastructure planning process, Annex C: Natural England and the Planning Inspectorate - GOV.UK). Therefore, Natural England has no further comments to make. Please</p>	No further comment from the Applicant.

Part I: Summary and conclusions of Natural England's advice				
			refer to our Written Representations regarding BNG (NE12) for more information.	
Q6.2.13	The Applicant, NSDC, EA, NE	<p><u>Requirement 10 – Protected Species:</u></p> <p>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.</p> <p>Are NSDC, EA and NE content that this Requirement provides sufficient protection for protected species?</p>	<p>Natural England are content with the wording of Requirement 10, which includes the need for necessary licences to be obtained. Natural England will engage and advise upon protection and mitigation measures through the licencing process. It is the responsibility of the developer to identify the need for any protected species licences, as required.</p> <p>It should be noted that Natural England are unlikely to have capacity to review all avoidance, protection and mitigation measures proposed where a licence is not required.</p>	No further comment from the Applicant.
Q6.2.20	All Ips	<p><u>Requirement 17 – Pre-commencement Works:</u></p> <p>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>	Natural England notes that the outline Soil Management Plan (oSMP) will be developed into a full Soil Management Plan (SMP) prior to construction. It is requested that the SMP is also 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.	The Applicant confirms that commitment GS1 in the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP2-101] has been updated to state that <i>“The soil management plan will be implemented for all soil handling activities, including pre-commencement activities.”</i> The updated First Iteration Environmental Management Plan [REP2-010] has been submitted at Deadline 3 of the Examination.
Q6.2.21	The Applicant, NSDC, NSS, EA, NE	<p><u>Requirement 18 – Highway Lighting:</u></p> <p>18(1) refers to consultation with the relevant local authority, this isn't defined. Moreover, 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>	As set out in Part II, Table 1 (NE4) of this document, the Applicant has confirmed (via Teams meeting 16/09/2024) that there is no existing lighting over Nether Lock Viaduct and Windmill Viaduct and the scheme will not introduce any new operational lighting in closer proximity to the River Trent than is currently present. Assuming this remains the case, Natural England has no further comment to make regarding operational lighting.	No further comment from the Applicant.
Q9.0.1	The Applicant	<p><u>Drainage Strategy Report (Construction Phase):</u></p> <p>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)</p>	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE1) of this document.	No further comment from the Applicant.

Part I: Summary and conclusions of Natural England's advice				
		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.		
Q9.0.2	The Applicant	<u>Loss of Lamprey Individuals:</u> 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.	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE2) of this document.	No further comment from the Applicant.
Q9.0.3	The Applicant	<u>Loss of Lamprey Individuals:</u> The First Iteration EMP Table 3-2 (REAC) [APP-184] reference B9 states "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)." 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.	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE2) of this document.	No further comment from the Applicant.

Part I: Summary and conclusions of Natural England's advice				
Q9.0.4	The Applicant	<p><u>De Minimis Level Impact:</u></p> <p>NE comments [RR-044] that the HRA report (Stage 1: Screening; p37) [APP-185] refers to a potential "de-minimis level impact upon resting lamprey or larval lamprey (if present)" due to daytime piling works. "De-minimis", as defined in the HRA report glossary, relates to "effects considered to be 'trivial' and those that have no appreciable effect on the site", 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>	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE3) of this document.	The Applicant has updated the Habitat Regulations Assessment [APP-185] to address Natural England's concerns (NE3). The updated Habitat Regulations Assessment [APP-185] has been discussed with Natural England. The updated Habitat Regulations Assessment [APP-185] has been submitted at Deadline 3 of the Examination.
Q9.0.5	The Applicant	<p><u>Effects of Light Spill:</u></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. 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>	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE4) of this document.	No further comment from the Applicant.
Q9.0.6	The Applicant	<p><u>In-combination Effects:</u></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>	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE5, NE6) of this document.	The Applicant has updated the Habitat Regulations Assessment [APP-185] to address Natural England's concerns (NE5, NE6). The updated Habitat Regulations Assessment [APP-185] has been discussed with Natural England. The updated Habitat Regulations Assessment [APP-185] has been submitted at Deadline 3 of the Examination.
Q9.0.7	The Applicant	<p><u>Light Spill Impact on Migrating Lamprey (Construction phase):</u></p> <p>NE comments [RR-044] that the HRA</p>	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE7) of this document.	The Applicant has updated the Habitat Regulations Assessment [APP-185] to address Natural England's concerns (NE7). The updated Habitat Regulations Assessment [APP-185] has been discussed with Natural England. The updated Habitat Regulations Assessment [APP-185] has been submitted at Deadline 3 of the Examination.

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		[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.		
Q9.0.8	The Applicant	<p><u>Terminology:</u></p> <p>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>	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE7) of this document.	The Applicant has updated the Habitat Regulations Assessment [APP-185] to address Natural England's concerns (NE7). The updated Habitat Regulations Assessment [APP-185] has been discussed with Natural England. The updated Habitat Regulations Assessment [APP-185] has been submitted at Deadline 3 of the Examination.
Q9.0.9	The Applicant	<p><u>Mitigation to Prevent Entrapment / Isolation of Lamprey During Flooding:</u></p> <p>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>	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE8) of this document.	<p>The Applicant has updated the Habitat Regulations Assessment [APP-185] to address Natural England's concerns (NE8). In order to support the update the Applicant has also produced a Fish Escape Passage Technical Note, which will form an appendix of the Habitat Regulations Assessment [APP-185]. The updated Habitat Regulations Assessment [APP-185] has been discussed with Natural England and the Environment Agency and they are in agreement that the proposed fish escape passage design provides a viable option to mitigate the risk of entrapment of fish and that with mitigation measures in place there will be no Adverse Effect of the Integrity of the Humber Estuary SAC and Ramsar either alone or in combination with other plans and projects. The updated Habitat Regulations Assessment [APP-185] has been submitted at Deadline 3 of the Examination.</p> <p>The First Iteration Environmental Management Plan [REP2-010] has also been updated to reflect the updated Habitat Regulations Assessment [APP-185]. The updated First Iteration Environmental Management Plan [REP2-010] has been submitted at Deadline 3 of the Examination.</p>
Q9.0.10	The Applicant	<p><u>Fish Escape Passage Design:</u></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</p>	For Natural England's updated position on this topic, please refer to Part II, Table 1 (NE8) of this document.	The Applicant has updated the Habitat Regulations Assessment [APP-185] to address Natural England's concerns (NE8). In order to support the update the Applicant has also produced a Fish Escape Passages Technical Note, which will form an appendix of the Habitat Regulations Assessment [APP-185]. The updated Habitat Regulations Assessment [APP-185] has been discussed with Natural England and the Environment Agency. The updated Habitat Regulations Assessment [APP-185] has been submitted at Deadline 3 of the Examination.


Part I: Summary and conclusions of Natural England's advice				
		incorporated "where possible". The use of imprecise language such as this may introduce uncertainty around the implementation of these mitigation measures. NE also note that the design of these measures must include consideration for changes to flood events caused by climate change. Please provide a detailed response to this comment and an explanation as to why the EA's recommendations [RR-020] will only be incorporated "where possible".		
PART IV: Natural England's detailed comments on the Development Consent Order (DCO) and associated documents				
Part IV of these Representations provides Natural England's detailed comments on the Development Consent Order and detailed comments on issues not addressed in the DCO (omission comments).				
Part IV of these Representations provides Natural England's detailed comments on the Development Consent Order and detailed comments on issues not addressed in the DCO (omission comments).				
61	Requirement 3 – Second Iteration EMP: Register of Environmental Actions and Commitments (REAC)	Natural England notes the inclusion of Table 3-2 within the First Iteration EMP, the REAC (Register of environmental actions and commitments), which sets out all of the required actions and commitments to avoid environmental harm, along with how these have been secured through the DCO. Natural England has been added as a statutory consultee for the Second Iteration EMP in the Draft DCO (Rev 2, October 2024), which is welcomed.	Green	No further comment from the Applicant
61 & 65	Requirement 3 – Second Iteration EMP & Requirement 13 – Surface and Foul Water Drainage: Construction surface water management	Natural England refers to our comments at NE1, regarding the need for construction surface water management to avoid impacts to Lamprey associated with the Humber Estuary SAC/Ramsar. The DCO sets out at requirement 3 the need for production of a Pollution prevention Plan (also committed to within REAC ref RDWE2) and an Erosion & Sediment Management Plan (also committed to within REAC ref RDWE3). Requirement 13 also specifies that no development shall commence until such time as ' <i>...means of pollution control</i> ' have been submitted and approved. Natural England welcomes the commitment to the production of these plans and consider that they have been suitably secured through the DCO. We raise no issue with the wording of the DCO with regard to these plans. Natural England will be consulted on these plans as part of the Second Iteration EMP; therefore, we have no further comments to make at this stage.	Green	No further comment from the Applicant
61	Requirement 3 – Second Iteration EMP: Piling Works Method Statement	The wording of requirement 3 including the need for the piling works method statement is welcomed. Natural England refers to our comments at NE3, regarding the conclusion of no LSE from piling works on Lamprey associated with the Humber Estuary SAC/Ramsar. The HRA relies upon the piling methods as embedded mitigation to avoid this impact; as such it is important that the piling works method statement is secured within the DCO.	Green	No further comment from the Applicant

Part I: Summary and conclusions of Natural England's advice				
		As noted in our comments at NE3, clarity has been sought on the rationale behind the conclusion of no LSE from piling works, and an updated HRA is expected to provide additional details. However, we raise no issue with the wording of the DCO with regard to this method statement.		
61	Requirement 3: Second Iteration EMP: Biodiversity Net Gain	Natural England welcomes the commitment in requirement 3 to produce the Biodiversity Net Gain Management and Monitoring Plan and Biodiversity Net Gain Audit Report. With reference to our comments at NE12, whilst there is not mandatory requirement, Natural England would encourage the commitment to the delivery of a minimum of 10% Biodiversity Net Gain.	As BNG is not yet a mandatory requirement on the project Natural England has not assigned a RAG category and our comments at this stage should be considered as advisory only.	No further comment from the Applicant
61	Requirement 3: Second Iteration EMP Soil Management Plan	Natural England welcomes the commitment in requirement 3 to produce the Soil Management Plan. With reference to our comments at NE15 and NE16, Natural England would welcome further clarity on these points being included within the oSMP, or REAC, to ensure they are reflected in the detailed SMP. It is also requested that the detailed SMP is adopted in relation to pre-commencement activities as well as construction. We are otherwise content that this plan is secured appropriately in the DCO.	Green	No further comment from the Applicant
64	Requirement 10: Protected Species	Natural England welcomes the inclusion of requirement 10. We also welcome the wording specifying that work must cease if any protected species are found beyond those identified in the environmental statement, and work must not recommence until any necessary licences are obtained.	Green	No further comment from the Applicant
65	Requirement 14: Flood Compensation Storage	Natural England references our comments on NE8. Flood Compensation works may have a likely significant effect to Lamprey Associated with the Humber Estuary SAC/Ramsar, and detailed design of the Flood Compensation Areas (FCAs) is key to ensuring this impact is avoided. Natural England is currently engaging with the Applicant, project team and the Environment Agency regarding the design of fish escape passages associated with the Farndon FCAs. Requirement 14 secures the production of the Flood Compensation Scheme and includes wording to ensure the Environment Agency are consulted, which is welcomed. 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 <u>agreement</u> with the Environment Agency and Natural England regarding the detail of the Flood Compensation Scheme.	Amber	The Applicant confirms that Requirement 14 of the draft Development Consent Order (dDCO) [REP2-002] secures the floodplain compensation scheme. The fish escape passage and refuge areas are already secured via commitment B9 within the First Iteration EMP Table 3-2 (REAC) [REP2-010]. 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 [REP2-002]. The fish escape passages are also shown (albeit indicatively) on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. Requirement 12 of the draft Development Consent Order [REP2-002] secures the provision of the mitigation principles set out in the environmental masterplan. The Applicant also confirms that 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 [REP2-002]. However, the Secretary of State is the appropriate discharging authority for requirements given the scheme's national network status and in line with the tested and accepted approach for national network DCOs, which have been approved by the Secretary of State. Further, as the Secretary of State is the decision maker for the application seeking development consent it is appropriate that they are also the decision maker in discharging requirements. The Secretary of State's internal team deals with National Highways schemes across the whole of England and is experienced in dealing

Part I: Summary and conclusions of Natural England's advice				
				<p>with a wide variety of circumstances. The Secretary of State will have the benefit of consultation responses from various parties depending on the requirement. In this way the Statutory Nature Conservation Bodies, including Natural England, are able to input and potentially influence the Secretary of State's decision in the discharge of requirements on matters related to their function.</p> <p>The Environment Agency are in agreement with the wording of the Requirements and therefore we do not propose to make any changes to Requirement 14 of the draft Development Consent Order [REP2-002].</p>
66	Requirement 18: Highway Lighting:	<p>Natural England refers to our comments at NE4. Natural England's Relevant Representations noted that the HRA does not reference to operational light spill and its possible effects on migrating lamprey. The Applicant has since confirmed (via Teams meeting 16/09/2024) that there is no existing lighting over Nether Lock Viaduct and Windmill Viaduct and the scheme will not introduce any new operational lighting in closer proximity to the River Trent than is currently present. Natural England accepts this explanation.</p> <p>Requirement 18 includes the need for the highway lighting scheme to reflect the relevant mitigation measures included in Chapter 8 (Biodiversity), which is welcomed.</p>	Green	No further comment from the Applicant
N/A	Omission: Construction Lighting Strategy	<p>Natural England refer to our comments at NE7. Crane slewing could cast lighting on the water during night shifts during construction.</p> <p>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 as follows within the First Iteration EMP (and duplicated in the Second Iteration EMP):</p> <p><i>"The following measures are also required to minimise effects on lamprey migratory routes:</i></p> <ul style="list-style-type: none"> • Night working will be restricted along the majority of the working width along the River Trent to minimise the requirement for artificial lighting to be used where possible, thereby avoiding disturbance effects of artificial lighting on sensitive ecological features. • Where this is not possible, static, task lighting with cowls will direct light towards the areas of works and avoid direct illumination of the River Trent. The only exception to this would be during crane slewing, where the lighting on the boom may cast across the water before coming to rest on the beam lift, which would be temporary and short-term (taking place over four 30-minute intervals during a night shift)." 	Amber	The Applicant has updated the First Iteration Environmental Management Plan [REP2-010] to address Natural England's concerns about commitment B9 and submitted at Deadline 2 of the Examination. However, this was updated prior to receiving Natural England's preferred wording and therefore commitment B1 and B9 within the First Iteration Environmental Management Plan [REP2-101] have been updated again to include Natural England's suggested wording and submitted at Deadline 3 of the Examination.

REP2-048 - A46 Active Travel Partnership		
1.	This document should be read in conjunction with our October statement (20048929) which is appended.	Noted by the Applicant
2.	In addition Jenni Harding Secretary Newark & Sherwood Active Travel Advisory Group has stated 'The Newark & Sherwood Active Travel Advisory Group (N&SATAG) fully supports the submission made by Stephen Parkhouse on behalf of the Newark Active Travel Group (NATG) regarding the A46 Newark Bypass.'	Noted by the Applicant
Part 1 The requirements for inclusion of Active Travel		
3.	Our concern continues to be both compensatory mitigation for Winthorpe Road and the lack of vision on the replacement of motorised journeys with active travel which requires suitable infrastructure through and around the complex series of junctions. The design team have a road centric view, they see only the road corridor but the NNNSP calls for a more holistic approach.	The Applicant notes NATG's overall position regarding the Scheme's approach to active travel provisions. The Applicant has provided suitable and adequate provisions and facilities for active travel users on Winthorpe Road both during the construction phase and in operation. This has been detailed in the Applicant's response to NATP's Relevant Representation [REP1-010] and the Statement of Common Ground [REP2-035]. The Applicant has produced a design at the eastern end of the Scheme which provides a dedicated footway/cycle track through the new landscaped area between the A46 and Winthorpe. The Scheme also replaces the existing narrow footpath along the southbound A46 with a 3m wide combined footway/cycle track along the new Friendly Farmer Link Road. Signalised crossing points will be introduced at Winthorpe Roundabout and to the west of Friendly Farmer roundabout.
4.	<p>2.6 The Strategic Road Network (SRN) and the delivery of sustainable development circular advocates a vision-led approach to local transport planning that prioritises sustainable transport interventions, alongside pedestrians and other vulnerable road users, in all plans to improve the local transport network.</p> <p>2.8 In turn, the better use of the local road network to improve the environment for active travel, increase accessibility by public transport, and the creation of better connections to the places people want to go, <u>can also reduce pressures on the SRN</u></p> <p>3.31 These projections are not definitive predictions of what will happen in the future and are not a predictor of the level of expansion required on the national road network. They also do not reflect how transport demands may vary by mode or how road space might be distributed to better facilitate mass transit options (such as guided buses, trams, light rail and coaches), and give greater modal choice for journeys. They do, however, demonstrate that continued absolute traffic growth is likely under all scenarios, and therefore enhancements on the national road network will be necessary in order to ensure the national road network operates effectively in the face of growing demand. This NPS does not identify a level of capacity to be provided and does not anticipate that new capacity will match forecasted demand growth under any of the scenarios modelled in the National Road Traffic Projections and instead is focused on addressing the worst constraints on the network. Infrastructure interventions can include measures such as addressing pinch points and improving flow aimed at addressing localised issues to help address reliability, predictability, and capacity issues at specific locations, which can in turn improve overall performance of the wider network of local roads and the SRN in that location. Equally interventions could include measures to improve active travel infrastructure, delivering better integration with the wider transport network, and improving roadside facilities.</p> <p>4.73 The government is committed to creating a more accessible and inclusive transport network that provides a range of opportunities and choices for people to connect with jobs, services and friends and family.</p>	The Applicant notes the extracts from the National Networks National Policy Statement. Please refer to National Policy Statement for National Networks (2024) Accordance Tables [REP2-023] submitted at Deadline 2 of the Examination in which the Applicant has provided details on compliance with this document. Active travel is included in paragraphs 4.57, 4.72, 5.66, 5.281 within Table 2-2 of the National Policy Statement for National Networks (2024) Accordance Tables [REP2-023]
5.	<p>The National Highways publication People, places A guide to good design at National Highways (published 2022) explicitly acknowledges the principles</p> <p>Pg32 B Design for climate change</p> <p>Roads are long in their planning and should be long-lasting in operation. Designers therefore have to anticipate long-term changes to the technological, social and environmental context of the road. Road designs should be resilient to change and anticipate different scenarios under which a road might need to operate to continue to be relevant and maintain high value</p> <ol style="list-style-type: none"> 1. be resilient - integrate measures to ensure the network, including landscape, is designed to adapt and be resilient to future changes in the climate 2. be low carbon – integrate measures to support low carbon construction and maintenance into design at an early stage 3. support users - support travel choice, promote active travel options and the move to zero tailpipe emission vehicles <p>Pg33 Climate change and the 10 principles of good road design</p>	The Applicant has set out in the Scheme Design Report [APP-194] how the National Highways' A Guide to Good Design has been considered in developing the Scheme design including designing for climate change and in accordance with the 10 principles of good road design.

REP2-048 - A46 Active Travel Partnership	
	2. Inclusive roads are designed for both current and future generations, those who will be most impacted by climate change. Good road design also supports choice of travel, including walking and cycling, to help reduce user emissions.
6.	<p><u>Department of Transport Press Release of 10 July 2024 emphasises this point</u></p> <div style="border: 1px solid black; padding: 5px;"> <p><i>Transport Secretary sets out 5 key priorities to deliver the biggest overhaul to transport in a generation</i></p> <p><i>'New Transport Secretary Louise Haigh promised to deliver the biggest overhaul to transport in a generation.</i></p> <p><i>The Secretary of State immediately convened officials to begin work at pace across the department on rail reform, further devolution of bus powers, ensuring infrastructure works for the whole country, and supporting local authorities to fix roads for the long term.</i></p> <p><i>In her first address to Department for Transport (DfT) staff on Monday (8 July 2024), Haigh set out her 5 strategic priorities, putting transport at the heart of mission-driven government.</i></p> <ul style="list-style-type: none"> • <i>improving performance on the railways and driving forward rail reform</i> • <i>improving bus services and growing usage across the country</i> • <i>transforming infrastructure to work for the whole country, promoting social mobility and tackling regional inequality</i> • <i>delivering greener transport</i> • <i>better integrating transport networks</i> </div>
Part 2 General comments	
7.	<p>Most of the proposed scheme is straight forward with active travel routes crossing the A46 corridor. Solutions are easy to put in place and the applicants have dealt with those adequately. As we pointed out at the first consultation stage the complex junction layout at the eastern end needed more than just the road corridor considering. We were concerned that the OL would be set before the needs of NMU were identified and considered, which is what happened.</p>
8.	<p>A great deal of research and modelling on motorised vehicle flows over a very wide area was undertaken to inform the design process. That was a good thing, but NMU needs should have been researched at that stage, albeit in a much simpler way. Especially important was how to substitute active travel for local use of motor vehicles through the SRN junctions as outlined in NNNPS point 2.8 above.</p>
9.	<p>We raised this during the second consultation after submitting objections to the scheme. In response the applicants invited us to be part of a working party. At the first meeting on the 13th Dec 2022 the Design Team Lead (Mark Sutton) appeared to take on board our points about investigation all the possibilities. Regrettably there was none of the promised feedback recorded in the WCHAR so it appears none of the promised research was undertaken. In April 2023 we were called to another meeting where we were told that priority routes would be considered for Designated Funding. We considered this to be a non-starter (see Highways England recent email appendix 1) as we had experience of the futility of spending significant sums on studies before permission is given to open negotiations with landowners, only for landowners to be unwilling to cooperate. The only way to guarantee meeting the NMU needs is a legal agreement with landowners to create the routes. The secure way to do this is inclusion within the OL area.</p>
	<p>The Applicant notes the reference to the press statement which was made following submission and acceptance for examination of the application for development consent for the Scheme. The Scheme has been designed to the relevant and applicable design and planning standards at this time.</p> <p>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>

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<p>10.</p> <p>There has been no attempt at resolving these issues over the last two years as the applicants have now made their position clear. To quote from the applicants initial SOCG statement under Issue 3. 'The Scheme has replaced all existing facilities and added to these, the new route to the show ground entrance and removal of the severance to FP2 are two examples of where new active travel routes have been provided. Safety has also been improved on the Great North Road south of Cattle Market and Cattle Market with the introduction of 3.0m wide walking and cycling facilities with signalised crossings'. In reality the change to Winthorpe FP2 & FP3 is not a new route. It is diversion of the existing footpath on to a much longer route and the scheme designers have provided mitigation to compensate with a link to Winthorpe roundabout. The Great North Road changes have been made because of the extinguishment of Newark FP14 and the schemes impact on the Great North Road NMU route. Neither of these can be counted as mitigation for Winthorpe Road and the connection to the Showground falls a long way short of providing a strategic route towards Lincoln. Without extension further along Drove Lane it is only a link to the Showground.</p>	<p>The Applicant disagrees with this position. The Applicant has further developed the design following Statutory Consultation with NATG and other stakeholders. The Statement of Common Ground [REP2-035] confirms that the area of disagreement between the Applicant and NATG is that NATG believes that the Order Limits need to be extended to incorporate wider Active Travel enhancements whereas the Applicant's position is that the design provides for adequate mitigation and that the enhancements proposed could be explored further through alternative funding for potential delivery outside of the Scheme.</p>
Part 3 Further comments on NMU routes	
<p>3a. Winthorpe Road Active Travel Route (compensatory mitigation required)</p> 	<p>The Applicant confirms no response is required.</p>
<p>11.</p> <p>This remains a very high priority because of the Trent Valley Way, the long distance footpath which now runs from Staffordshire to Alkborough, Lincolnshire where the Trent meets the Humber and NCN 64. The Trent Vale Trail multi-user route, due for completion in 2025, also follows this route. A group of volunteers (Friends of Trent Vale Trail) have been working hard raising funds and gaining landowner support and have just obtained the funding for the last section at South Clifton. The route will then connect to the Dukeries Trail between Lincoln and Shirebrook, Derbyshire. All three routes would be better passing through the riverside green corridor of an extended bridleway 6.</p>	<p>The Applicant notes the comments made.</p>
<p>12.</p> <p>The applicants have admitted detrimental effects in terms of distance travelled describing them as 'significant'. However, despite the plan placing a dual carriageway, slip road and roundabout over Winthorpe Road the effects on amenity are listed as neutral. The problem is that National Highways have created their own scheme of assessment which is biased against a rational judgement of the green space qualities of the existing route. They claim the route is a still a green space despite the insertion of the bridge carrying the dual carriageway and roundabout and slip road.</p>	<p>The Applicant confirms that Works No.80 and 81 as shown on the Works Plans [AS-005] provide a new alignment for the Trent Valley Way and National Cycle Network 64 through the Brownhills Junction. Part of this alignment passes through the landscaping associated with Work No. 82 (as shown on the Works Plans [AS-005]). The existing route includes a section of narrow footpath on the southside of Winthorpe Road which is often obscured by vegetation. The photograph in item 3a confirms this and shows active travel users walking along the road. The Scheme solution provides a segregated 3m wide combined footway and cycle track which removes the current interface between pedestrians and vehicles.</p> <p>The Design Manual for Roads and Bridges (DMRB) provides a consistent approach to Environmental Impact Assessment (EIA) which enables all of the Applicant's projects to be delivered to the same standard. The approach to EIA is legislated through the EIA Directive (which is transposed into UK law). At a high level, the environmental assessment DMRB documents have been</p>

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	structured to ensure that the EIA's that the Applicant undertakes meet the requirements set out in legislation. The assessment methodology set out in DMRB has been prepared by competent experts in line with industry best practice. The DMRB documents are subject to a rigorous approval process, consulted on during preparation and subject to review to ensure that they remain current.
13.	<p>Further they dismiss the increase in noise by referring to the local ambient sound some distance away. In fact users will be expected to walk or cycle close to the slip road under the bridge. This is an enclosed space with hard surfaces so large vehicles accelerating away from the roundabout will generate significant sound. The noise will be reflected by the concrete bridge abutment and road deck above greatly increasing the perceived noise. It is not a question of length of time of exposure as claimed by the applicant but of degrading the sense of wellbeing that the existing route provides to users, a sense of wellbeing that commences at the start of the path at the end of the housing estate. The applicants are merely applying their own criteria for assessing the route. It is no more valid than the users view, in fact it is less valid because it does not identify what has been lost.</p> <p>The Applicant confirms users of the route will cross the slip road via a signalised crossing and then be directed beneath the new Brownhills Underpass. This bridge span is around 10m wider than required (around 21.0m) to accommodate a 7.3m wide highway and a 3.0m wide footway/cycleway in order to provide an open aspect through the structure and the walking / cycling route has been positioned centrally within the western verge to move it away from the carriageway edge. In addition, the carriageway next to the route will be infrequently used as it will only be used by vehicles going to Bridge House farm and the caravan park and by maintenance vehicles. The route from the Brownhills Underpass towards the existing subway beneath the existing A46 will be within landscaped areas which will enhance the route for users.</p> <p>The Applicant refers back to the above comment (at point 12) regarding the consistency and thoroughness of the Design Manual for Roads and Bridges, which the assessments are in accordance with.</p>

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14. Quotes from A46 Newark Bypass ES Volume 6.1 Chapter 12 Population and Human Health
 12.11.16 Amenity effects are identified in this chapter where at least two significant residual (post- mitigation) effects stemming from changes in noise, air quality and/or landscape and visual amenity combine at the same location/receptor.
 12.11.17 As no significant residual noise or air quality impacts were reported with mitigation in place there are no amenity impacts during operation.
Table 12-18: Permanent changes in the provision of green space, recreation and physical activity
 National Cycle Network 64 and Trent Valley Way along Winthorpe Road - Neutral (not significant)
Table 12-19: Summary of significant effects
 National Cycle Network 64 and Trent Valley Way along Winthorpe Road
 Access- New Brownhills junction will lead to 105 metre diversion - Moderate Adverse (significant)
 Below - the alternative route across Winthorpe Rack to Holme Lane level crossing. The field is adjacent to the OL. Bridleway 6 stops just short of the A1.

No response required



15. 3b) Coddington/Beacon Hill NMU route (reducing local motor vehicle use of the SRN)
 The 2018 Options stage site observations (WCHAR table 1) records the following statement for the A17 Overbridge

In response to points 15-19 the Applicant notes the reference to enhancement to the Coddington/Beacon Hill NMU route. The

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	– 'Upgrading of the current connection to Coddington & Beacon Hill'.	
16.	So the design team should have been aware of its relevance at an early stage. It provides another route into the expanding employment complex alongside the A17 and A46 avoiding NMU from the residential areas of Coddington and Beacon Hill having to make a long and complex journey through the Brunel Drive commercial estate and the Brownhills and Happy Farmer roundabouts to reach the employment sites	
17.	The route should be easy to create at the A17 end as diverting the footpath onto Godfrey Drive is included in the plan and could be upgraded at the same time. A further section of cycle route is included in the plans for the warehouse being built on the Newark side of the A17 plus the A17 overbridge is part of the construction site.	
18.	The route would pass under the A1 using the existing underbridge shown on the right which is 1km from both the Brownhills A1 exit and the Coddington A1 exit. This should make this a high priority NMU route. Bridleway status would allow the route to be created with designated funding then dealing with any localised improvements.	
19.	Formalising the Beacon Hill connection will divert journeys from the residential areas southeast of Newark away from the Brownhills and Happy Farmer roundabouts by making it far easier for residents to opt for active travel rather than drive a motor vehicle through the junctions, helping to improve flow for through traffic. Provision of a much shorter NMU route will also be more inclusive by opening up job opportunities to those without motor vehicles and help to meet developers	
	<u>3c. Active travel route towards Lincoln (reducing local motor vehicle use of the SRN)</u>	
20.	Because of the failure to properly consider substituting active travel routes for local motor vehicle use of the SRN this route still needs proper research and evaluation. What we do know is that Nottinghamshire CC have now stated that the strategic route towards Lincoln identified in the D2N2 Local Cycling and Walking Infrastructure Plan 2021	The Applicant has considered the Active Travel provisions for users along the A46 corridor between Farndon and Winthorpe roundabouts and confirms the Scheme's proposals do not conflict with the future aspirations set out within the D2N2 Local Cycling and Walking Infrastructure Plan 2021.

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	might be considered for inclusion in the NCC programme beyond 2036 although it may not be.
21.	<p>In view of this lack of definite commitment we believe that options for connection to the active travel network in the direction of Lincoln should be investigated either as an extension along drive Lane or along the concrete farm road parallel to the A1 which connects Drove Lane to the Foss Road at Brough. About half of the concrete road is already inside the OL. Again, providing an active travel option that replaces local motor vehicle journeys will reduce congestion on the SRN at the junctions</p>
The Applicant confirms the enhancement opportunity identified by NATG has been referenced in the Statement of Common Ground [REP2-035] and will be identified as a future opportunity outside of the Scheme in an update to the WCHAR during the detailed design stage.	
4. Summary	
22.	<p>23. This submission along with our October statement lays out what the applicants should be doing in terms of</p> <ul style="list-style-type: none"> compensatory mitigation for Winthorpe Road across Winthorpe Rack replacing local motor vehicle journeys through the eastern junction complex as per current Government policies, particularly NNNPS 2024. <p>The working group formed to examine options met only once in December 2022 and did not provide the promised feedback. In April 2023 the applicants declared these routes would be referred to designated funding. In the 2 years since there has been no research or progress. The recent email giving National Highways' response to the failed attempt to deal with the very similar active travel problems on the A52 Nottingham Roundabouts scheme confirms the core problem of designated funding – obtaining landowner agreement. Only changing the Order Limit can deliver the routes.</p> <p>The applicants are double counting mitigation measures. Neither the mitigation at the Great North road nor does the mitigation for the significantly increased distance of the diversion of Winthorpe FP3 count as mitigation for NCR64 & Trent Valley Way along Winthorpe Road.</p> <p>Further evidence has been added to the case for</p> <ul style="list-style-type: none"> compensatory mitigation for the Trent Valley Way, NCR64 and the Trent Vale Multi-user routes currently along Winthorpe Road by extending BW6 alongside the River Trent. for recognition of the existing but unregistered Beacon Hill active travel route to the employment sites and wider network as required by NNNPS 2024. Upgrading of the Coddington and Beacon Hill routes was identified in the 2018 scoping of NMU. Further information about the D2N2 strategic active travel route towards Lincoln
The Applicant refers NATG to the updated Statement of Common Ground [REP2-035] submitted at Deadline 2 of the Examination in which the Applicant confirms their position with regard to the active travel solution provided at Winthorpe Road and why the Applicant does not believe that the enhancement opportunities that have been identified are considered essential mitigation that need to be delivered as part of the Scheme. The Applicant will however progress further investigations into enhancement opportunities with NATG and the Local Authority seeking alternative funding streams for potential delivery outside of the Scheme.	
<u>Application Quotes</u>	

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<p>23. 7.4 Transport Assessment table 11 'Build an inclusive Scheme which improves facilities for cyclists, walkers and other vulnerable users where existing routes are affected.' National Planning Policy Framework (2023) The scheme aims to build an inclusive scheme which improves facilities for cyclists, walkers and other vulnerable users where existing routes are affected supporting the key principle of sustainable development in paragraph seven Comment Existing routes will be any route used by NMU as the status is not defined.</p> <ul style="list-style-type: none"> Our concern is with the eastern end of the scheme where NMU have to negotiate ever increasing traffic volumes and complexity through the A1, A46 & A17 junction system that severely impedes NMU. Travel needs of NMU are as important as motorists' and their transport needs should be given due regard. That means at the very least that the Active Travel network will not be degraded and that journey times and distances should not be increased without mitigation. Environmentally in this context mitigation has three meanings - Avoidance, Minimisation and Compensatory Mitigation. Our objection focusses on the latter. In providing compensatory mitigation for the flood plain and bio-diversity areas of land were included in the Order Limit(OL). NMU have not been treated in the same way. Before this scheme started an Active Travel Group had been formed for the National Highways A52 schemes for the Nottingham Knight (65000 vehicles/day) and Wheatcroft (50,000 vehicles/day) roundabouts. The capacity was to be doubled but two bridleways and a footpath crossed the road between the roundabouts. An existing cattle underpass meant grade separation could be achieved at low cost but links to the PROWs were needed. National Highways admitted there was a very serious safety problem but refused to extend the OL. The issue went to designated funding but the landowner was not willing to cooperate. We sought to avoid such problems with the A46 scheme. Our first submission highlighted NMU issues and asked for meaningful discussions that could inform decisions about the OL. Discussions were not offered until the second consultation and we were told the OL was fixed. A working party was formed but this was heavily circumscribed by the OL. It was not until June 2023 that a WCHAR was produced in order to justify the decisions already made. The Government in setting a legal target of zero emissions by 2050 stated that many more local journeys are going to have to be made using Active Travel. Scheme designers are directed to make suitable provision for NMU to replace that which is lost and provide that which is needed. The design team have failed to take on board that good NMU connections will reduce the need for local motorised journeys through the junctions reducing congestion for through traffic thereby improving journey times. Using the DFT figures £1 spent on the road has return of £1.20 whilst the figure for Active Travel is £4.30 so NMU routes are good value for money as well as helping to achieve many Government climate and health targets. The 3 routes affected To the north of the A46 currently there is a very good Active Travel route along Winthorpe Road that goes northeast through the Trent valley. This important green space has the Trent Valley Way Long Distance footpath and Trent Vale Trail passing through it to the Fledborough Viaduct where the Dukeries Trail, which connects Lincoln and Shirebrook, crosses the River Trent. It is an increasingly important corridor with a chain of small villages and nature reserves connected by the two NMU routes. Our assessment based on NMU needs is that the Winthorpe Road link (NCN 64) is currently wide, green and level plus virtually car free making it very suitable for a wide range of users including children going to school. The latter is a major Government target. This connection will suffer significant loss of utility and amenity with increased journey time, worse air quality and increased noise. The diverted section is 80% further than the section it replaces. An adult on foot travelling at 1.3m/s would take just 2mins to traverse the current section but after construction 4mins plus the time at the signalised crossing (DfT recommends max 2mins) so the peak flow gain for motorist is the same as the loss by NMU. Footpaths 2 & 3 have not been severed as claimed. Satellite images show they are still in use. They terminated at the old A46 because highway foot rights across the road already existed and walkers could cross the road anywhere, including the petrol station crossing and Winthorpe roundabout. The application plan has users crossing the A17 on the bridge, crossing back at grade, using the roadside route to the NMU bridge over the A1 slip road and turning east to the signalised crossing. Then northwest to the side of the A1, a pollution hotspot of very poor environmental standard, and climbing back to the connection going east. The route will be downgraded in terms of environmental quality, distance and journey time. The route is 1 km longer =13mins plus SC time. 	<p>The Applicant confirms the eastern end of the Scheme will provide suitable and sufficient alternative routes for active travel users along the Winthorpe Road and through the Brownhills junction. Alternatives to the design in the application for development consent (such as multiple underpasses through the junction) were investigated but created other negative impacts including:</p> <ul style="list-style-type: none"> Increase in earthworks at the Brownhills junction. Larger earthworks footprint, impacting the existing vegetation between the A46 and the properties along Wheatsheaf Avenue and Robert Dukeson Avenue. Long subways under the junction which would not be ideal with regard to potential flooding and anti-social behaviour. <p>The Scheme has mitigated against the full closure of active travel routes through the provision of diversions and/or by providing a means of safely using the existing public rights of way located in proximity to the Scheme. The impact of the Scheme on active travel routes has been assessed in Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056]. The Applicant notes the comments regarding engagement on the A52 schemes, however the Applicant considers this is not relevant to this Scheme. The Applicant has engaged with NATG to develop the WCH proposals for the Scheme. The Applicant has presented to NATG the mitigation and improvement measures to be implemented by the Scheme. The Applicant recognises that NATG wish to see further public investment in Active Travel and sees the Scheme as a means to achieve this. The Applicant continues to state its position that the enhancement opportunities would be subject to alternative funding streams being made available and if secured would be for delivery outside of the Scheme. The Applicant confirms that Works No.80 and 81 as shown on the Works Plans [AS-005] provide a new alignment for the Trent Valley Way and National Cycle Network 64 through the Brownhills Junction. Part of this alignment passes through the landscaping associated with Work No. 82 (as shown on the Works Plans [AS-005]). The existing route along the Winthorpe Road includes a section of narrow footpath on the southside of the Road which is often obscured by vegetation resulting in walkers using the road. The Scheme solution provides a segregated 3m wide combined footway and cycle track which removes the current interface between pedestrians and vehicles. Winthorpe Footpaths 2 and 3 are shown as separate routes on the definitive map and are severed by the A46 dual carriageway. The only designated crossing point is the staggered crossing of the footpath to the east of the Shell service area. There is no designated footway on the north side of the A46 between the Esso service area and Footpath 3. The Scheme will provide a shared footway and cycle track offset from the new Friendly Farmer Link to provide a route which will connect to the existing footway/cycleway provisions at the Brownhills Roundabout to a Newark Showground access from Drove Lane. The Applicant considers that this is suitable provision. The Applicant considers that the Scheme would provide appropriate re-alignments and improvements to the walking and cycling network to mitigate the impacts of the Scheme. The Applicant has not stated that extending Bridleway 6 would be compensatory mitigation for the Winthorpe Road link. It has been identified as an enhancement opportunity for potential delivery outside of the Scheme. Therefore, the Applicant is not proposing to alter the Order Limits nor does it recognise that further requirements are needed. The 3m wide combined footway and cycle track is extended along Drove Lane to the second bellmouth access point to the Showground. Extension of this facility to Langford Moor Lane and subsequently Langford Bridleway 8 are not required as mitigation by the Scheme but could be consider as an enhancement opportunity via separate funding for potential delivery outside of the Scheme. In response to points 15-19 the Applicant notes the reference to enhancement to the Coddington/Beacon Hill NMU route. The Applicant confirms this proposal would be an enhancement opportunity outside of the Order Limits and was not taken forward as part of the Scheme as the Scheme did not impact upon this route. There are also many other opportunities highlighted within the 2018 WCHAR report that were not adopted by the Scheme for the same reason. The Scheme proposals will utilise the existing walking and cycling facilities along Lincoln Road and which cross the A1 between the Brownhills and Friendly Farmer roundabouts. At all road junctions there will be an interaction between vehicular traffic routes and walking and cycling routes that run around or through these junctions. The Applicant will provide signalised crossings in order to balance the demand between vehicular and walking / cycling routes and to provide minimal delay for all users. The signalised crossings at Cattle Market and Brownhills will be prioritised for users and activated on demand, at Winthorpe Roundabout the walking and cycling route follows the phasing of the traffic signals. The Applicant considers it has more than compensated for any identified losses as requested by the Interested Party and has agreed to investigate further enhancements through separate funding for their potential delivery outside of the Scheme. Existing routes will be improved through the Scheme, including:</p> <ol 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 – 3.0m wide walking and cycling route from Hargon Lane with southern connection to Newark and
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- The only access from Newark to the PROW network south of the A46 is through the roundabout complex where a shared use footway/cycleway on the verge gives access to Drove Lane leading to the Danethorpe bridleway and the PROW network and quiet lanes. It also gives access to the Newark Showground and employment sites around the Showground but specific NMU provision stops at Winthorpe roundabout. The amended Development Framework will create many more employment sites served by this route. This NMU route was omitted from stage 2 plans. Avoiding such errors is the purpose of the WCHAR done before designing starts. Importantly between the service station and Drove Lane the route is set back from the road avoiding the danger of NMU being pushed towards large vehicles when too close to vehicles passing them at speed. It is the same effect as lift on a wing. Being a roadside route it suffers less degradation but the above point is relevant.
- Mitigation to replace what has been lost.
The routes above have all suffered significant degradation resulting in loss of utility and amenity so compensatory mitigation should be included in the scheme.
- BW6
The design team have admitted extending Newark BW6 (alongside the Trent) across Winthorpe Rack field would be a compensatory mitigation for the Winthorpe Road link. Discussions with the landowners have convinced us that they would not willingly dedicate the missing section.
This means applying for designated funding is misdirected. Changing the OL and sorting this out should be made a condition of consent so a solution can be reached.
- Drove Lane
It is narrow and application classes it as a 60mph link road between the A46 and A17. Newark Showground's RR asks for the NMU route to be extended to the main entrance. This would greatly improve safety of NMU during events. We have had discussions with trustees and management about extension towards BW8. It appears possible. National Highways should engage now with the Showground. With agreement to create the route designated funding could be sought for construction costs.
- Beacon Hill
Whilst this route is further from the OL it would create another access point to guide NMU away from the roundabout complex. It is already in use but Statutory Declarations starting in the 1980s block a right of way claim. The route would reduce the NMU pressure on the main junctions as it could use the existing bridges under the A1 and over the A17. Rejected as outside OL.
- The scheme designers are wrong to assign signalised crossings(SC) as 100% benefiting NMU. SC are part of the road infrastructure like traffic lights(TL). TL deal with competing motor vehicles(MV) streams in order to maintain smooth flow. For SC one stream is replaced by NMU, who are legitimate users of the Kings Highway and have a right to cross the roads including Strategic Road Network (SRN). Whilst NMU have some benefits from predictable interaction by avoiding becoming victims, drivers gain by the avoidance of congestion as the free flow on the road breaks down after an accident. An example where 100% of the benefit goes to NMU would be installing a SC where the Coddington-Winthorpe FP crosses the A46. This would seriously impede MV flow so NMU must use a much longer route placing NMU below drivers inverting the Highway Code hierarchy of users. Similarly NMU already cross at the Winthorpe roundabout so the design places a SC at the junction. Again it is a traffic control measure that benefits motorists..
- We are not asking for facilities to encourage general NMU use in Newark. We are asking for improvements to compensate for the identified losses and to reduce the NMU going through the main junctions as traffic volumes increase. By swapping local car journeys for Active Travel SRN congestion would be reduced and help meet climate targets.

- existing severed routes to the south of the A46. Also northern route to the A1133 and around Winthorpe Roundabout.
4. Showground entrance – 3.0m wide walking and cycling route between the A17 crossing and Winthorpe Roundabout extended to the first Showground entrance on Drove Lane.

REP2-051 - Newark and Sherwood District Council		The Applicants Response
Submission as the Local Planning Authority		
2. Summary of matters		
2.1	The main matters the Council cannot currently agree relate to heritage and landscape character and the Council is awaiting the requested photomontages from the applicant, which will be submitted to the ExA by deadline 2, which is the same deadline as the written representations. Therefore, this matter is still unresolved. The Council will respond by deadline 3.	The Applicant confirms that additional photomontages in Supporting Historic Environment and Visual Impact Assessment [REP2-020] were submitted at Deadline 2 of the Examination.
2.2	The Council's Relevant Representations stated we would submit Written Representations which includes an assessment on the individual impacts of the DCO. Upon reflection, and following the submission of the Council's LIR, this additional assessment is not considered by us to be necessary. The Council is in the process of carrying out a legal review of the dDCO document with a view to providing further comment on this at the ISH1 on the 3 rd December 2024. The Council has already discussed some matters of the dDCO within the LIR and agrees to the submission of the Landscape and Ecology Management Plan being within the Second Iteration Environmental Management Plan and to the Council being on consultee on this. We would however wish to see the first iteration EMP and the landscape principles set out in the environmental masterplan (Schedule 2 Part 1 Requirements, para 6 Landscaping) amended to include greater landscape mitigation around Winthorpe and Sandhills Park and the alterations to the acoustic fence at Cattle Market Roundabout (see para 9.40 of the Council's LIR REP1 – 035). Additional comments on the dDCO are explored within the Council's responses to the ExQ1 which the Council is submitting to the ExA by Deadline 2 (12 th November 2024) and within points 23 (cultural heritage) and 46 (highways) of the SoCG (REP1-029) and will be a running theme for discussions throughout the examination process.	The Applicant welcomes comments from NSDC on the draft Development Consent Order [REP2-002] and confirms that, where necessary, has provided further information or a response to any drafting points raised by NSDC in other Examination documents. The Applicant can confirm that planting opportunities in respect to screening have been maximised within the design and site constraints present around the Cattle Market junction and south of Winthorpe, including those associated with adherence to design standard LD117 which precludes planting of shrubs and trees in close proximity to the carriageway. Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [AS-026] illustrates that the acoustic fencing will be hidden by trees as planting matures and are screened from key heritage assets and the gateway to the town, by intervening planting and existing development. The position of the acoustic fence in this location is fixed due to engineering design constraints on site such as the ponds, access tracks, walking and cycling routes and the approach taken to minimise land take. The Applicant notes that NSDC has made additional comments in relation to the draft Development Consent Order and has responded directly to those points raised, where required.
2.3	<p>As part of the Council's LIR, we have suggested many points to the applicant which would, in our opinion, help to overcome several matters to which we have raised as a concern. This is explained in paragraph 18.6 of the Council's LIR and reiterated below.</p> <ul style="list-style-type: none"> • Potential conflict between the (delayed) A46T Roundabout improvement works and the proposed development should be assessed in the application (southern link road). • The applicant has not identified all key designations that contribute to Landscape Character or visual matters which include nature conservation sites. These designations haven't been listed in Table 7.6. though they have been identified on the Constraints Plan Figure 2.2 Environmental Constraints Plan. These should be included within Chapter 7 Landscape and Visual Effects assessment; • There may be scope for additional planting particularly within Trent Washlands LCA (focussed on Cattle Market Junction) and within Winthorpe Village and Farmlands the latter being where the residual impact is still significant at year 15. Refer to Table 1 for recommendations; • Mitigation at viewpoints as shown in Table 1 of the LIR; • Chapter 2 describes the extent of proposed lighting (p. 2.5.88) but does not explicitly show on a drawing where there is an introduction of lighting into the landscape which was previously unlit as opposed to an upgrade to existing lighting already present. This should be included in the descriptions within the LVA with an estimate as to the height of the columns; • The landscape proposals shown on the Environmental Masterplan generally mitigate the majority of adverse impacts to surrounding receptors. Key points to note are: <ul style="list-style-type: none"> ▪ Existing mature vegetation (embedded mitigation) that filters the route corridor should be retained and enhanced so that it is still able to provide a visual screen beyond Year 15. ▪ Where there is scope to provide additional planting that reinforces landscape character, and reduces visual impacts, particularly those viewpoints where there are still residual effects that are significant this should be re considered. Refer to Table 1; • We would welcome further discussion and consultation on the Scheme delivering more green corridors and other ecological benefits such as animal crossings; • All veteran trees within the Order Limits should be retained in perpetuity; The environmental masterplan (Schedule 2 Part 1 Requirements, para 6 Landscaping) should be amended to include greater landscaping in areas, and re- siting of the acoustic fence; 	The Applicant notes NSDC's concerns. The Applicant has responded on each of these matters within the Applicant's Comments on NSDC's Local Impact Report [REP2-018]. Several of the points below are already covered in the Statement of Common Ground with NSDC. Where outstanding issues remain the Applicant will continue to engage with NSDC and update the Statement of Common Ground where relevant.

REP2-051 - Newark and Sherwood District Council		The Applicants Response
	<ul style="list-style-type: none"> • In line with comments from the EA, the applicant should prepare an acceptable site-specific FRA with appropriate drainage mitigation; • The applicant should demonstrate that delivery of the proposed development will not impact delivery of the Tolney Lane flood storage scheme; • The applicant should assess the impact of the proposed development on both Newark Castle the Church of St. Mary Magdalene (mainly through the requested montages); • Additional photomontages should be provided to demonstrate the impact of the proposed development on the Winthorpe Conservation Area and other heritage assets; • Measures that ensure the appropriate recording of the structure at Smeaton's Arches should be included in the Construction Environmental Management Plan (CEMP) and that appropriate mitigation is sought for surveying the buildings which could be impacted by vibration; • Further details should be provided on the impact of the acoustic barriers at the Cattle Market roundabout and how this will interact with the character of the roundabout; • Full surveys and field evaluations including geoarchaeological evaluation, metal detector surveys, field walking, monitoring of GI and trial trench evaluation should be included as appendices to ES Chapter 6; • The applicant should submit a detailed Outline Mitigation Strategy for Examination, which the Council would wish to be consulted on, based on all the archaeological work to date; • Impact on agricultural holdings and compensation should be addressed in the Population and Human Health section of the ES; • The applicant should ensure information is provided on all noise sensitive receptors in the study area such as educational, medical and community facilities; • An outline air quality and dust management plan to be submitted as part of the DCO Examination to enable Nottinghamshire County Council (NCC), NSDC and relevant parties to undertake a review and provide comments if necessary.; • Potential combined air quality effects associated with construction vehicle flows and traffic management measures during the construction phase should be assessed; • The applicant should provide further information on how air quality damage costs are being addressed locally; • The CSM could account for unknown contamination and hotspots in unexplored areas of the site and the potential for construction workers to come into contact with these. The assessment could also include consideration for other sources of ground gases; The baseline data used in Chapter 9 of the ES is generally old and should be updated; • The applicant should provide more detail as to the diversion of the footway at Brownhills and the existing underpasses at the A46 and A1; and • The visual impact from Sandhills Park should be addressed, whilst consideration should be given to the visual impact of the Scheme upon the residents of Winthorpe and Newark due to the use of lighting. 	
2.4	Again the Council wishes to reiterate our support for the scheme and the benefits it is understood to deliver to the area and the wider links outside of our District and does not wish to be a barrier to stifle this opportunity which has been long in discussion, noting still the need to ensure all impacts are fully understood and reasonably mitigated.	No further comment from the Applicant
SUBMISSION AS THE LANDOWNER		
2. Council's Position		
2.1	The Council's concerns as landowner remain the same as those set out in their relevant representations dated 22 October 2024, save to confirm that the Applicant is now positively engaging with the Council and discussions are moving forward.	The Applicant can confirm that the parties are positively engaging, and discussions are progressing with a draft agreement being proposed to address the Council's key concerns and requirements around the lorry park and access.
2.2	The affected land remains the same as that described within the Council's relevant representations dated 22 October 2024.	Discussions have progressed based on mitigating the impact on the lorry park and matters are proposed to be progressed on a by agreement basis without the use of compulsory acquisition powers.

REP2-051 - Newark and Sherwood District Council		The Applicants Response
2.3	The impact of the Proposed Order remains the same as that described within the Council's relevant representations dated 22 October 2024, but discussions are on-going between the Council and the Applicant to determine how the parties can work together to facilitate appropriate reconfiguration of the lorry park sequentially with the proposed works coming forward.	The Applicant remains committed to working with the Council to facilitate an appropriate reconfiguration of the lorry park and to minimise the impacts. The points detailed in the Council's outline agreement and agreed between the parties in the meeting 11 November 2024 will form the basis of a draft agreement between the Applicant and the Council which is being progressed.
2.4	Similarly, the extent of land subject to temporary possession and compulsory acquisition is subject to on-going discussion between the Applicant and the Council and whilst the Council's previous relevant representations still stand, some positive progress is being made in this regard with discussions taking place between parties on 11 November 2024.	Discussions regarding the extent of the land subject to temporary possession and compulsory acquisition continue. The most recent on-site meeting between the parties took place on 20 November 2024 to progress the acquisition of land and rights by agreement and any related matters, please refer to Land Negotiations Tracker [REP2-016] for an up to date position on all land negotiation matters.
2.5	The Council confirmed in their relevant representations dated 22 October 2024 that it is well established that an authority seeking compulsory acquisition powers should seek to acquire the land required for its scheme by agreement where possible. Furthermore, the Council outlined that it would be to the benefit of both parties if an agreement were reached between the Applicant and the Council which would allow for the voluntary transfer/leasing of land to the Applicant and for the Council to be consulted on detailed design of the proposed facility and allow for the reconfiguration of the lorry park in advance of the exercise of powers. As part of this agreement the Council also needs to ensure continued unimpeded access to their main Council offices at Castle House.	The Applicant has confirmed that they are willing to deal with matters by agreement and has committed to the exchange of information around detailed design and timescales that would enable the reconfiguration of the lorry park to take place ahead of the main works, to minimise any operational impacts, including maintaining a suitable access to the site.
2.6	As noted in earlier relevant representations the Council took the initiative to send an outline agreement to the Applicant on 27 September, in advance of the first Open Floor Hearing and CAH1 taking place. A positive meeting was held between the Applicant and the Council on 11 November 2024 and a further meeting has been scheduled for late November to continue dialogue with a view to updating the Examining Authority ("ExA") on progress at the second Compulsory Acquisition Hearing ("CAH2") scheduled for 3 December 2024.	A further meeting will take place between the parties in late November to ensure that matters progress in a timely manner and the Applicant will update at CAH2.

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1.	<p>I have a further comment to make on the Statement of Reasons or Case for the Scheme over my previous Relevant Representation submission on the 14th of July 2024.</p> <p>The Applicant mentions, in the Response to Relevant Representations, that "Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047] provides information on an Alternative Modes Assessment". However, this primarily refers to local transport within the Newark area. Yet a justification for the Newark By-pass is that it is the last section of the A46 that has not been upgraded to dual carriageway, forming a link between the M1 at Leicester and the A1 at Newark and part of the National Network.</p> <p>I do not see an assessment of regional transport alternatives, where railway transport could contribute, such as flows between Lincoln, Nottingham, Leicester and Birmingham, nor whether the re-construction of the Newark By-pass would lead to an abstraction of ridership from the existing train services.</p> <p>The assertion by the Applicant of capacity limits on the Nottingham to Lincoln Railway due to the flat crossing with the East Coast Main Line and level crossing issues (presumably primarily, with the Great North Road at Newark Castle Station) should raise the question as to whether the removal of these constraints would allow more competitive train services, to ease the burden on the A46.</p>	<p>The Applicant recognises that non-highway modes of transport play a role in accommodating some demand for travel at both local and regional levels. In this regard the Scheme has been developed in consultation with Network Rail specifically to not preclude the introduction of improvements to the local rail network, particularly around the Newark flat crossing.</p> <p>While non-highway modes will always be an important factor in the overall provision of local and regional transport, it is notable that the aims of the Scheme are not limited to just a single goal. The need for the Scheme is described in Chapter 3 of the Case for the Scheme [APP-190] where the key issues that the Scheme aims to address are set out.</p> <p>In particular, paragraph 3.3.2 of the Case for the Scheme [APP-190] states that "<i>The operational performance of the A46 single carriageway around Newark is at odds with other sections, where the road is a dual carriageway. This manifests itself in a bottleneck with higher levels of congestion and lower average speeds (typically between 22 and 45 mph in contrast to 60 mph elsewhere). The key issues are:</i></p> <ul style="list-style-type: none"> • <i>Poor time reliability – with variances expected to increase in the future.</i> • <i>High level of low-speed shunts – which impact on turning lanes at junctions.</i> • <i>High traffic flows, which exceed the design capacity.</i> • <i>Congestion on the A1/A46 junction which results in mainline queuing on the A1.</i> • <i>The lack of a grade separated junction at Cattle Market junction, which is being compounded by queuing on the main B-road because of frequent rail level crossing downtimes.</i> • <i>It forms part of a major freight route, and an alternative to the M1 corridor particularly to / from the Humber ports"</i> <p>Section 3.9 of the Case for the Scheme [APP-190] subsequently sets out the specific Scheme aims and objectives as follows:</p> <ul style="list-style-type: none"> • Safety - Improving safety through Scheme design to reduce collisions for all users of the Scheme. • Congestion - Improve journey time and journey time reliability along the A46 and its junctions between Farndon and Winthorpe, including all approaches and A1 slip roads. • Connectivity - Accommodate economic growth in Newark-on-Trent and the wider area by improving its strategic and local connectivity. • Environment - Deliver better environmental outcomes by achieving a net gain in biodiversity and improve noise levels at Noise Important Areas along the A46 between Farndon and Winthorpe junctions. • Customer - Build an inclusive Scheme which improves facilities for cyclists, walkers and other vulnerable users where existing routes are affected. <p>While it is recognised that improvements to non-highway transport modes could contribute in some part to the alleviation of the demand for highway travel, it is also clear that non-highway interventions would not meet the stated Scheme objectives. It is also notable that while the future grade separation of the Nottingham to Lincoln Railway Line is aspirational, there is currently no committed scheme for this work.</p>
2.	<p>The Applicant refers to the Statement of Common Ground between National Highways and Network Rail [APP-7.29]. In Part 2 (Accessibility and Integration) of the SoGC; "Items not agreed" include the Applicants position on "Headroom and OCS [Overhead Contact System] proposals have been captured within the scheme SOR's and OCS Options Report and the associated 4no Network Rail's DRN's. Any derogations against Network Rail standards will be based on the information accepted within the DRN's."</p> <p>The Applicant refers to the road deck height of the A46 as being agreed in the SoGC. It is not clear if this refers to the road surface height or the soffit height. For the railway the primary issue is headroom, measured by the height of the running rail A.O.D. and the distance between the top of the running rail and the soffit (deck underside) of the bridge.</p> <p>This issue of headroom is important for the railway scheme to provide a grade separation of the Nottingham to Lincoln railway and the ECML. To this end I have examined the relevant reports, thus:</p> <p>I have received under a F.O.I. request the relevant report from the Department for Transport: - Newark Rail Flyover, Compatibility with A46 Dualling Project, Department for Transport 19/08/2022, Report 203847-ATK-REP-GEN-000001 Rev. 1. (Atkins 2022 Report)</p> <p>I have received under a F.O.I. request an earlier report from Network Rail: - Network Rail LNE Programme 03/02/2016, Newark - Grade Separation Feasibility Report,</p>	<p>Response to parts 2 and 3</p> <p>The Applicant has developed the Scheme design with Network Rail at the key interface locations.</p> <p>The Updated Statement of Common Ground between the Applicant and Network Rail [REP2-047] submitted at Deadline 2 of the Examination addresses the grade separation of the Nottingham to Lincoln Railway Line over the East Coast Main Line at the Newark Flat Crossing (item 1).</p> <p>The Applicant notes that item 1, the grade separation of the Newark Flat Crossing, has now been agreed. Further details are included within Network Rail's written response to the Examining Authority's First Round of Written Questions [REP2-046].</p> <p>Whilst the interested Party has undertaken a great deal of work within their Written Representation, it is based on information from 2016 and 2022 reports. The design has progressed since this period, in close engagement with Network Rail, to ensure that a future grade separation scheme can be achieved, if and when such a scheme is promoted by Network Rail.</p>

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140365-JAC-NWK-0-RP-EM-000001 Rev. P04.

(Jacobs 2016 Report)

The Jacobs 2016 Report is a continuation of development work first undertaken by Mott MacDonald, I have received this report under a F.O.I. request from Network Rail: -

Mott MacDonald Drawing Newark Dyke Feasibility Study Grade Separation Option for the ECML and Lincoln to Nottingham Line Scheme,

2 - 43073/BRG/0004 Rev P1 – November 1999.

(Mott MacDonald 1999 Report)

My comments on these reports are shown hereunder:

A key issue from a transport perspective is to ensure that railway freight services are not disadvantaged by the imposition of steep gradients on the Nottingham to Lincoln railway.

The Nottingham to Lincoln railway (Engineer's Line Reference:- NOB1) generally has a ruling gradient of 1:302 (3.311‰) in the Down direction towards Lincoln and -1:285 (3.509‰) in the Up direction towards Nottingham.

There is a short section of -1:100 (-10.00‰) of 144.84 metres followed by another short section of -1:132 (-7.60‰) of 241.40 metres in the Up direction towards Nottingham on the adjoining NOB2 railway between West

Holmes Junction and Boultham in Lincoln. At 386.24 metres total gradient length with a rise of 2 metres, this is less than the 550 metre to 750 metre train length. Otherwise there are no adverse gradients between Immingham, Nottingham and the Midlands. This permits some of the heaviest freight trains in the U.K. of 3,200 tonnes trailing load in the Nottingham direction and 2,400 tonnes trailing load in the Lincoln direction to operate.

The Jacobs 2016 Report acknowledges this need to reduce the gradients on any new flyover line:

"The vertical alignment has been developed to achieve a 1 in 100 curve compensated vertical grade rising from under the existing A46 to the proposed new structure at the ECML."

The relative shortness of the western side ramp (circa 700 metres) and the difference in railway height of circa 7.5 metres gives an approximate gradient of 1:93 (10.75‰), however this has not been achieved in the Atkins 2022 Report.

The physical constraints are:-

a) Rail to soffit height of the A46 East bridge:

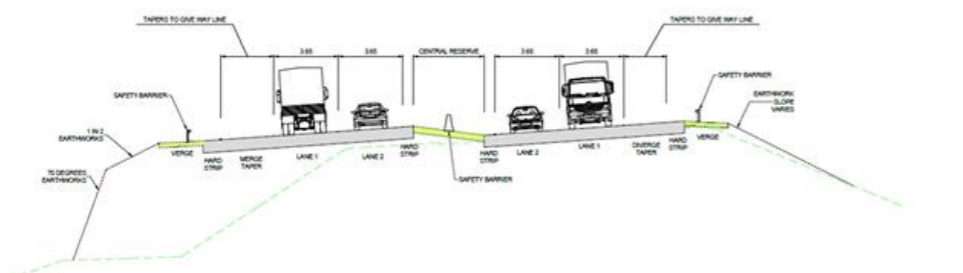
The existing rail height A.O.D. beneath the A46 East overline railway bridge on NOB1 is given as 12.3m in Elevation 1 in the D.C.O. submission documents. The Jacobs 2016 Report, Newark Flyover Permanent Way GRIP 2 Sketch 4 gives the existing soffit height at the Nottingham end of the bridge as 17.620m A.O.D. from survey with a proviso that the whole soffit width of the overline bridge needs to be surveyed. This produces a rail to soffit height of 5.32 metres.

With a nominal 4.8 metres required rail to soffit height this gives an intended provision in the Jacobs 2016 Report to raise the railway height under the bridge by 0.52 metres and lengthen and hence lessen the otherwise severe gradient.

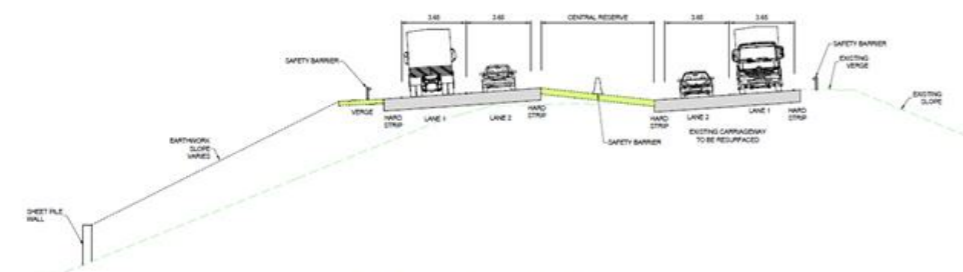
However as the Jacobs 2016 report cautions; the soffit measurement is at the higher side of the superelevation of the existing A46, this may produce a lower side measurement considerably less, in effect negating the intended provision.

Cross-sections from the D.C.O. drawings show the effect of superelevation:

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CROSS SECTION H
DUAL CARRIAGEWAY TO THE SOUTH OF THE NOTTINGHAM TO LINCOLN RAILWAY LINE
EAST CROSSING



CROSS SECTION I
DUAL CARRIAGEWAY TO THE NORTH OF THE NOTTINGHAM TO LINCOLN RAILWAY LINE
EAST CROSSING

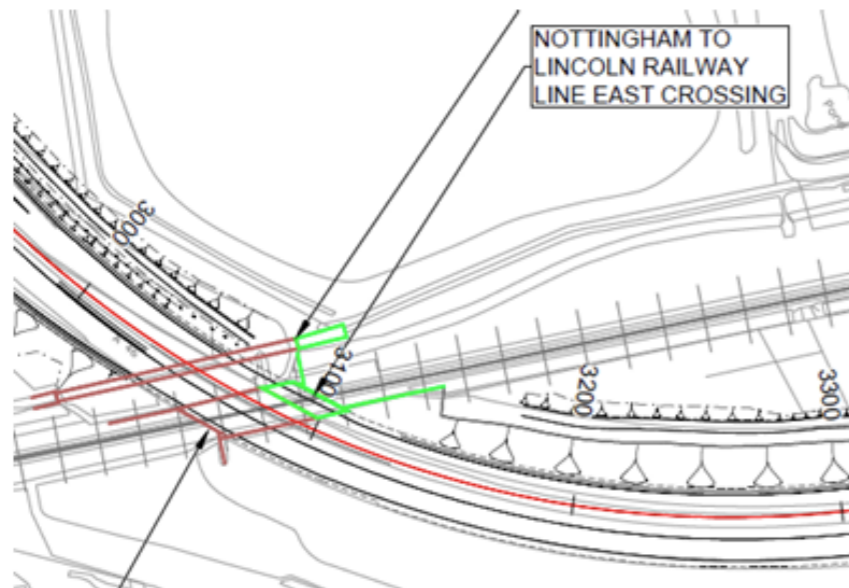
It should be noted that these cross-sections show staggered carriageways, whereas the Applicant's response to the Relevant Representation states that:

"The Scheme is proposing to retain the existing levels of the A46 and not fully reconstruct the existing carriageway in order to raise the level of the existing bridge over the Lincoln line railway and instead this bridge is being widened online to the north."

The arrangements on the cross-sections H & I above do not seem to co-incide with the plan view shown on the D.C.O. and the Applicant's response that both seem to imply a co-planar arrangement of the new soffit with the old soffit rather than staggered separate carriageway soffits.

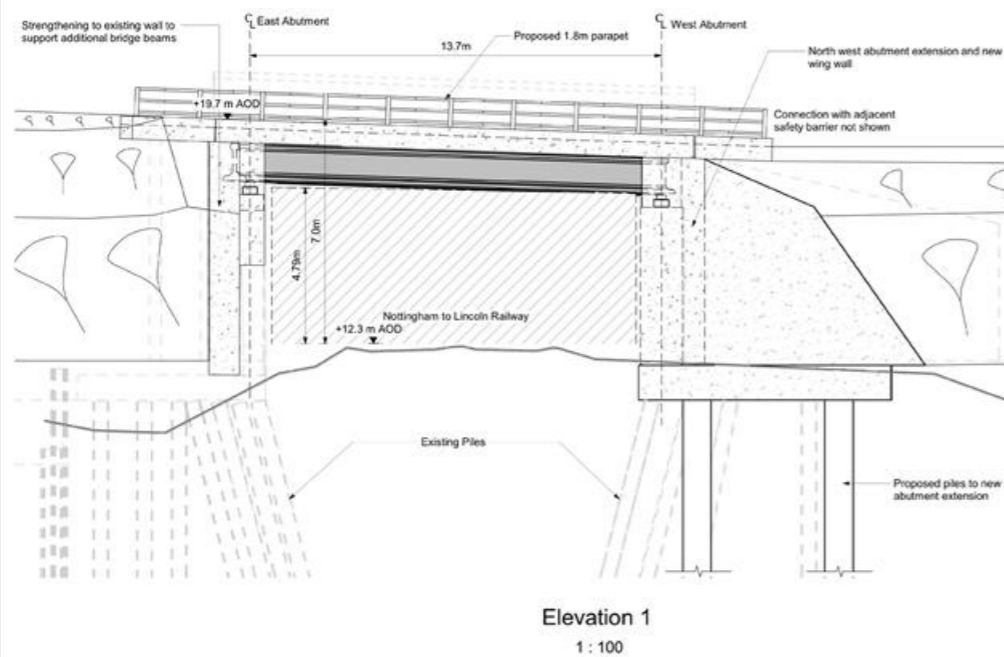
The concern here is that the additional bridge span in a co-planar arrangement lowers the effective soffit height when the need is to raise the soffit height to allow the railway grade to commence as early as possible on the exit from the original bridge.

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ENGINEERING PLANS AND SECTIONS
Plan and profiles – Sheet 3 of 37 Mainline Northbound

Also in the D.C.O. documents is Elevation 1 showing the additional span:



- This shows: -
- a rail height of 12.3m A.O.D.;
 - a maximum rail to soffit height of 4.79m: &
 - a rail to road surface height of 7m.

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This gives a construction depth of 2.21m.

It also gives an additional headroom of only 0.01m over the desirable minimum soffit height of 4.780m for the standard structure gauge.

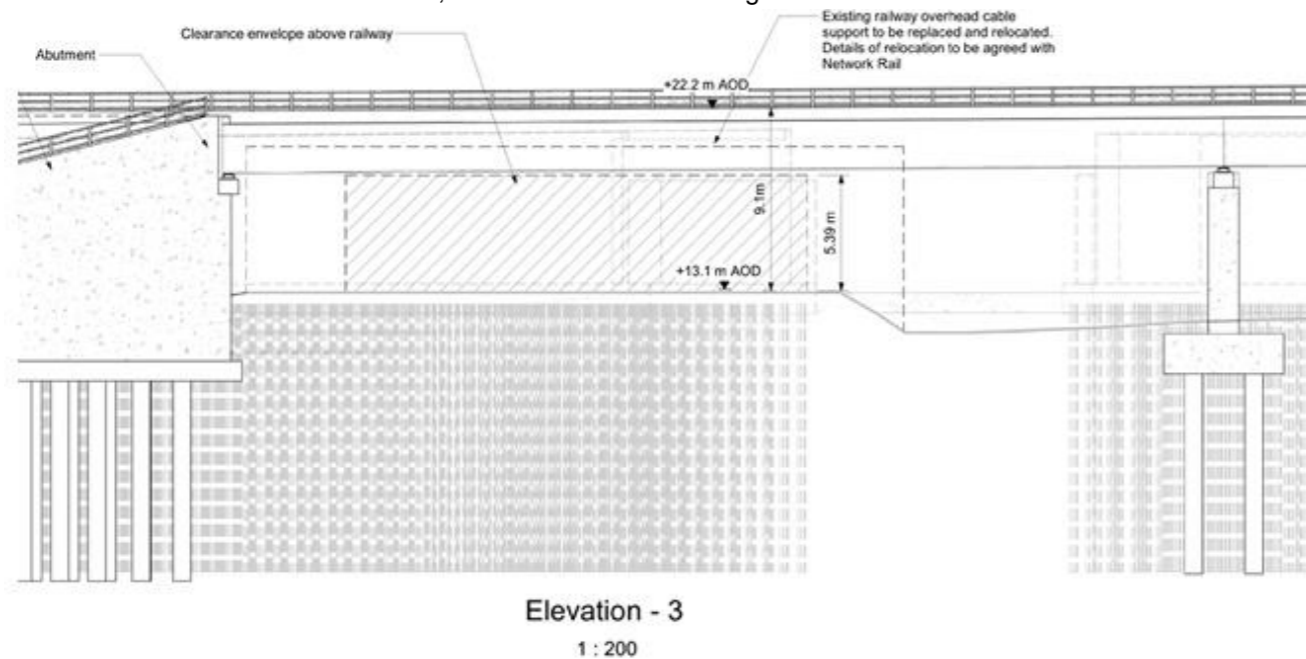
In effect the D.C.O. Elevation 1 shows the soffit height at the new widened northern side of the bridge and the Jacobs 2016 Report shows the soffit height at the original southern side of the bridge. The difference in soffit height might be explained by the co-planar arrangement of carriageways due to the super-elevation of the road.

Thus there appears to be some incompleteness in the basic information supplied in the D.C.O. documents and also in the Atkins 2022 report with regard to the A46 East bridge over the railway.

The provision of a General Arrangement drawing of the complete bridge with the headroom and soffit heights at the existing side and the widened side shown would answer these concerns.

b) The height of the grade separated bridge over the East Coast Main Line:

The existing ECML rail height above A.O.D. is given as 13.1m in Elevation 3 in the D.C.O. documents, however the Profile drawing in the D.C.O. documents shows the height at chainage 3,850m as being 13.326m. This measurement needs to be confirmed; what is the actual rail height?



The ECML rail height above A.O.D. given in the Jacobs 2016 Report is 13.460m A.O.D. In the Atkins 2022 Report no specific height is given.

There is a level gradient on the ECML at this point, so the A.O.D. reading under the A46 viaduct span should be identical to that under the proposed railway viaduct span.

Gradient modelling:

I have modelled the railway gradients in Excel, a summary is presented in these notes, the excel files are sent separately.

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		Length m.	Gradient ratio	Gradient ‰
Jacobs 2016 Newark Flyover Report Calculations re-examined - H. Pack Southern Grade from A46 northwards to west end of ECML viaduct span				
Chainage measured from start of gradient and to bridge ends		730.000		
Grade height		6.999		
Primary uncompensated gradient			104	9.59
Final straight track gradient			100	10.01
Iterated curved track grade height		5.547		
Final uncompensated track gradient on curves			105	9.48
Iterated compensated track gradient on curves			100	10.01
Final Equivalent Track Gradient			100	10.01
NB Jacobs show the equivalent track gradient as the curve compensated gradient.				

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	Length m.	Gradient ratio	Gradient ‰
Jacobs 2016 Newark Flyover Report Calculations re-examined - H. Pack Northern Grade from east end of vertical curve on ECML viaduct span northwards towards A1 overline bridge			
Chainage measured from east end of ECML viaduct to end of down grade	1197.296		
Grade height	8.394		
Primary uncompensated gradient		143	7.01
Initial compensated gradient on curves		139	7.19
Final straight track gradient		142	7.05
Final uncompensated track gradient on curves		145	6.87
Iterated compensated track gradient on curves		142	7.05
Final Equivalent Track Gradient		142	7.05
NB Jacobs do not show an equivalent track gradient, only a curve compensated gradient			
Atkins 2022 Newark Flyover Report Calculations re-examined - H. Pack Southern grade from A46 northwards to west end of ECML viaduct span			
Chainage measured from start of gradient and to bridge end (adjusted to start of main grade)	696.076		
Grade height	8.077		
Primary uncompensated gradient		86	11.60
Initial compensated gradient on curves		82	12.19
Final straight track gradient		84	11.96
Final uncompensated track gradient on curves		88	11.38
Iterated compensated track gradient on curves		84	11.96
Final Equivalent Track Gradient		84	11.96
Atkins 2022 Newark Flyover Report Calculations re-examined - H. Pack Northern Grade from east end of vertical curve on ECML viaduct span northwards towards A1 overline bridge			
Chainage measured from east end of vertical curve on ECML viaduct to end of down grade	1168.872		
Grade height	9.003		
Primary uncompensated gradient		130	7.70
Initial compensated gradient on curves		127	7.88
Final straight track gradient		129	7.78
Final uncompensated track gradient on curves		132	7.60
Iterated compensated track gradient on curves		129	7.78
Final Equivalent Track Gradient		129	7.78

I was able to replicate the gradient profile of the Jacobs 2016 report from the information given. However the rail to soffit heights need to be understood at the A46 Eastern bridge, it is probable that the raised rail level under the

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bridge is unachievable.

I was unable to fully replicate the gradient profile of the Atkins 2022 report from the information given.

I have assumed that the rail height of the ECML of 13.460m A.O.D. from the Jacobs 2016 report was used in the Atkins 2022 Report modelling. This produces a grade height of 8.077m from the Nottingham direction. This is considerably lower than the 8.7m mentioned in the RailSys modelling in the Atkins 2022 Report. I have used the values given in the Atkins 2022 Report for construction depth, ballast & track depth and the rail to soffit height of 5.4m.

The Jacobs 2016 Report uses the “Dynamis” software to produce single train runs on the proposed 1:100 10.00‰) curve compensated gradient.

The methodology is described in Appendix C of the Jacobs 2016 Report as a sub-report: “Tata Steel Projects Report B90906-REP-OPS0001 Rev P02 Newark Grade Separation Gradient modelling Study dated August 2015. Dynamis can model single train runs with great accuracy including the ability to stop, restart and accelerate with the whole train on the gradient, it also measures degraded conditions such as poor adhesion and restricted locomotive power.

It essentially measures the operability of individual trains. It is able too, to measure the energy consumption of trains over different options for the grades.

The sister RailSys v11 programme used in the Atkins 2022 Report has a range of functions incorporated from the Dynamis programme. RailSys is primarily designed for the production of wide area timetables.

Missing from the RailSys analysis in the Atkins 2022 Report is restarting with a freight train completely on the 1:78 (12.82‰) gradient.

It would be sensible to replicate the Dynamis runs in the Jacobs 2016 Report with the proposed infrastructure in the Atkins 2022 Report and any improved infrastructure that may be proposed. The runs would need to test both normal and degraded conditions and stopping and restarting on the gradient.

3. a) With regards to the steepness of the gradients, the Jacobs 2016 Report is centred around reducing the gradients to a more acceptable 1:100 (10.00‰) or better. In contrast the Atkins 2022 Report concentrates on buildability, there is no emphasis on improving gradients in their remit. In consequence the Atkins 2022 Report gradients are substantially more severe than those achieved in the Jacobs 2016 Report.
- The gradients in the Atkins 2022 Report need further consideration. The proposed gradient of 1:78 (12.82‰) would be considered excessive for a freight train. The grade is similar in length to that of a maximum length 750m freight train, so re-starting a heavy train on that grade with poor adhesion may be problematic.
- Given the constraint imposed by the existing A46 East bridge, how then can the gradient be improved?
- Lengthen the grade at the southern end under the A46 East Bridge. Move the 40m vertical curve at the southern end of the grade to underneath the existing A46 bridge, starting to the west of the A46 bridge towards the existing crossover at the 12.00m level and terminating at the northern end of the existing A46 bridge.
- The existing railway is on a rising gradient of 1:362 (2.76‰) between Newark Castle Station at 17miles 422 yards (27,740m) and the River Devon Trent Viaduct at 17miles 1267 yards (28,520m) and the 40m vertical curve under the bridge can begin on this gradient from Newark Castle Station to the east of the existing crossover.
- The horizontal transition of 50m can then commence underneath the new A46 bridge span. The effect of this will be to start the grade at 27,910m instead of 27,992m, thereby lessening the gradient.
- To allow this the new span will need to be wide enough to accommodate the horizontal transition and raised high enough to accommodate the proposed grade. At 1:100 (10.00‰), for example, an additional span width of circa 10m with the skew bridge, that would equate to the soffit level of the new span being raised 0.1m.
- b) Reduce the separation distance between the new railway and the new northbound carriageway of the A46 from the 11m to 7m from the running rail to the hard strip of the road. The respective distance requirements are: -
- Design Manual for Roads & Bridges (DMRB):
1. 1m Hard Strip;
 2. 2.5m Verge including VRS;
- Track Design Handbook (TDH):
3. 1625mm clearance from running rail;
 4. 300mm cess walkway.
- Plus allowance for a combined track and highway drainage scheme.
- This would substantially reduce the earthworks' cost and enable the new railway to avoid passing over the

See response above in part 2

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Hydro-Electric Plant, thereby allowing the overall height of the railway viaduct to be reduced. It would also enable the railway to cross the River Devon Trent and the ECML and NSE railways at narrower points thereby reducing the bridge spans and potentially allowing simpler, less obtrusive bridge designs to be employed.

- c) Both measures (a & b) combined could facilitate an increase in the curve radii on the western grade from the Atkins 2022 Report of 900m to closer to the Jacobs 2016 Report of 1000m. An improvement to 950m is postulated. This would reduce the curve resistances and compensated gradients.



View of Liverpool & Manchester Railway in close proximity to M602
Distance from running rail to motorway hard shoulder is circa 7m.



River Devon Trent showing the weir and Hydro-Electric Power station

- d) Reduce the height of the railway viaduct and hence grade height This depends on avoiding the Hydro-Electric Power station, on electrical clearances for the Overhead Line and construction and track depth.
In the Jacobs 2016 Report the railway viaduct soffit height above the running rails was set at 5.1m in accordance with the Track Design Handbook, Minimum Soffit Heights for Standard Structure Gauge, Primary InterCity main routes, Desired Height for OLE Normal Clearance with full tolerance.
In the Atkins 2022 Report the railway viaduct soffit height above the running rails was set at 5.4m at a similar height to the existing A46 viaduct. This was to clear the Hydro-Electric Power station and to reduce OLE alterations on the ECML. This consequent increase in the severity of the gradients was not addressed in the Atkins 2022 Report.
Whilst a reduction in soffit height to 5.1m would be good, it would be better if the OLE alterations were undertaken to reduce the height further to 4.780m, in accordance with the Track Design Handbook, Minimum

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Soffit Heights for Standard Structure Gauge, Primary InterCity main routes, Minimum Height for OLE Normal Clearance with full tolerance.

The limiting factor for OLE clearances in the Newark A46 viaduct area at chainage 120 miles 1258 yards (194.27km) is not necessarily Newark Northgate Station, but Newark Lincoln Road overline bridge 620m distant at chainage 120 miles 574 yards (193.65km). This bridge as seen in the Geograph photograph shows an overbridge apparently with normal clearances with reduced tolerances, or reduced clearances. This may indicate a soffit height of 4.640m or less. If confirmed, this may enable an acceptable OLE wire gradient for a soffit level of 4.780m for the new railway viaduct.



Newark Lincoln Road overline bridge © Ashley Dace, Geograph

e) Construction and Track Depth

The various types of bridge available for the viaduct over the ECML have an effect on the overall grade height. Various bridge types have been discussed in the reports. For the purposes of reducing the grade height, the deck types need to be assessed for construction depth.

In the Jacobs 2016 Report the construction depth for a widened Box Girder structure (presumed composite deck) is deduced after allowances for ballast, sleepers and rails as 0.594m.

In the Atkins 2022 Report the construction depth for a Warren Truss structure with cross-girders & concrete deck is given as 0.900m. This is a substantial increase on the Jacobs 2016 Report.

It is also possible to postulate the use of a widened "E" Type bridge such as it is believed were installed as a pair of 50m spans over the River Trent at Gainsborough.

For examining an alternative solution, the deck construction depth is assumed to be 0.800m. The ballast depth is normally 0.300m, with the use of shallow depth 5EF36 sleepers & CEN56 rail this gives a reduced track depth of 0.630m compared with using 5F41 sleepers & CEN56 rail that gives a track depth of 0.665m. The combined construction and track depth is then 1.430m. The ECML rail to soffit height is proposed at 4.8m.

REP2-055 - Howard Pack

Newark Flyover Report Calculations re-examined - H. Pack

Most measures to lower grade height included	Length	Gradient ratio	Gradient ‰
Southern Grade from A46 northwards to west end of ECML viaduct span			
Chainage measured from start of gradient and to bridge ends (adjusted to start at north end of existing A46)	760.076		
Grade height	7.339		
Primary uncompensated gradient		104	9.66
Curve radius R	950.000		
Initial compensated gradient on curves		98	10.21
Final straight track gradient		100	9.97
Final uncompensated track gradient on curves		106	9.41
Iterated compensated track gradient on curves		100	9.96
Final Equivalent Track Gradient		100	9.96

Northern Grade from east end of vertical curve on ECML viaduct span northwards towards A1 overline bridge			
Chainage measured from east end of vertical curve on ECML viaduct to end of down grade	1197.296		
Grade height	8.394		
Primary uncompensated gradient		143	7.01
Curve radius R	3000.000		
Initial compensated gradient on curves		139	7.19
Final straight track gradient		142	7.05
Final uncompensated track gradient on curves		145	6.88
Iterated compensated track gradient on curves		142	7.05
Final Equivalent Track Gradient		142	7.05

If the ECML rail height of 13.1m A.O.D. in the D.C.O. Elevation 3 is found to be accurate, then a further reduction in the Final Equivalent Track Gradient to 1:105 (9.49‰) is possible on the western grade. An additional reduction in deck construction depth from 0.8m to 0.6m would enable a Final Equivalent Track Gradient of 1:108 (9.23‰) on the western grade. These small alterations to the grade height could have a significant effect on the operability and acceptability (under the railway Network Change process) of the proposed changes to the Nottingham to Lincoln railway and on the energy consumption of trains traversing the proposed grade separated railway. A more detailed focus on these options for viaduct types, construction depth and track depth is needed than is given in the Atkins 2022 Report.

f) Survey data

The D.C.O. documents show a rail height of 13.1m A.O.D. underneath the A46 viaduct over the ECML. This contrasts with Jacobs 2016 Report height of 13.460m A.O.D. If verified that this is actually the current rail height, not the sleeper height, then an additional reduction in the viaduct height of 0.360m is possible. This highlights the issue of reliable data needed for rail levels A.O.D. and soffit heights for both the current A46 viaduct span over the ECML and the A46 overline bridge East over the Nottingham to Lincoln railway.

REP2-055 - Howard Pack

	Length	Gradient ratio	Gradient ‰
Newark Flyover Report Calculations re-examined - H. Pack			
All measures to lower grade height included, plus ECML lower track height as per D.C.O. Elevation 3			
Southern Grade from A46 northwards to west end of ECML viaduct span			
Chainage measured from start of gradient and to bridge ends (adjusted to start at north end of existing A46 bridge)	760.076		
Grade height	6.979		
Primary uncompensated gradient		109	9.18
Curve radius R	950.000		
Initial compensated gradient on curves		103	9.73
Final straight track gradient		105	9.50
Final uncompensated track gradient on curves		112	8.93
Iterated compensated track gradient on curves		105	9.48
Final Equivalent Track Gradient		105	9.48
Northern Grade from east end of vertical curve on ECML viaduct span northwards towards A1 overline bridge			
Chainage measured from east end of vertical curve on ECML viaduct to end of down grade	1197.296		
Grade height	8.394		
Primary uncompensated gradient		143	7.01
Straight track length (no horizontal transitions shown because of curve radii of 3,000m)	933.921		
Initial straight track grade height	6.548		
Curved track length (no horizontal transitions shown because of curve radii of 3,000m)	262.875		
Initial curved track grade height	1.843		
Curve radius R	3000.000		
Initial compensated gradient on curves		139	7.19
Final straight track gradient		142	7.05
Final uncompensated track gradient on curves		145	6.88
Iterated compensated track gradient on curves		142	7.05
Final Equivalent Track Gradient		142	7.05
I note that the Applicant has stated in the Response to Relevant Representations that the feasibility designs for grade separation have been examined and agreed with the relevant parties. However there appears to be several unresolved issues with the work undertaken to date.			

4.	<p>With all the reservations raised above about the relationship between the A46 widening scheme and the Nottingham to Lincoln Railway Grade Separation scheme, the lack of a consistent multimodal approach is detrimental to both schemes. I understand from the Atkins 2022 Report that an earlier Atkins 2021 Report considered such an approach, but that it failed because of D.C.O. consent issues and the lack of advancement of the railway scheme. However the Atkins 2022 report does state that if the earthworks could be done together then the 11m gap between the two alignments could be substantially reduced and overall costs reduced. Secondly the level of disruption to the A46 would also be substantially reduced.</p> <p>It is my contention that a more multimodal approach would involve:-</p> <ul style="list-style-type: none"> Constructing the earthworks for both projects together, under the D.C.O. process, excluding the earthworks involving the tie-ins to the existing Nottingham to Lincoln Railway; Marginally raising the soffit height of the new Northbound carriageway of the A46 East Bridge and broadening the bridge span as necessary without a major alteration to the A46 profile; <p>Thus: -</p> <ul style="list-style-type: none"> Reducing the cost to both projects and the public purse for the subsequent full construction of the 	<p>The Applicant confirms that the Scheme does not prevent the future grade separation of the Newark Flat Crossing from being undertaken and this is agreed within the Statement of Common Ground with Network Rail [REP2-047].</p> <p>The Applicant would note that the grade separation of the Newark Flat Crossing is not a committed scheme, nor does it have funding or a programme in place. The Interested Party is requesting that considerable earthworks and alterations to the A46 alignment are undertaken despite there being no committed scheme nor a mature design. The Applicant considers this is not appropriate, given that the Applicant and Network Rail agree that a future grade separation scheme could be developed and delivered with the design proposed for the Scheme</p>
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REP2-055 - Howard Pack	
	<p>Nottingham to Lincoln Railway Grade Separation scheme;</p> <ul style="list-style-type: none">• Enabling a closer physical alignment of the the new grade separated railway and the new northbound carriageway of the A46;• Substantially reducing the disruption to the A46 and the general public in the Newark area from the subsequent construction of a new grade separated railway; &• Enabling the enhancement of the freight and passenger services of both the Nottingham to Lincoln and East Coast Main Line railways, bearing in mind that the cancellation of the HS2 project will put increased pressure on the capacity of the ECML. <p>Yours faithfully, Howard Pack 12th November 2024</p>

REP2-057 - James Sumsion

The Applicants Response

• Summary of Impact

National Highways (referred to as 'NH' or 'The Applicant' below) seeks to permanently acquire part of our client's land for the purposes of the project and to temporarily occupy certain other parts of our client's land for the purposes of carrying out works to construct the project. The Applicant proposes to close the existing access point to our client's private drive from the A46 eastbound carriageway and, in its place, provide a new access and drive from the realigned A1133.

With reference to the Sheet 6 of 7 of the Applicant's submitted *Regulation 5(2)(i) Land Plans* (APP-005), the plot numbers affecting our client's land are 6/6a, 6/6a1, 6/6b, 6/6c, 6/6c1, 6/6d, 6/6d1 and 6/6e. The plots underlined are identified as to be permanently acquired (i.e. coloured pink); the remaining plots are to be used temporarily for the purposes of the works (i.e. coloured green).

The relevant works are Work Nos. 109 to 113, as shown on Sheet 6 of 7 of the Applicant's submitted *Works Plans* (APP-006):

- Work No. 109: realigned A1133
- Work No. 110: new "access track" to our client's property from the realigned A1133,
- proposed to replace the existing driveway which provides access from the A46
- Work No. 111: temporary area for material lay-down and soil stockpiling
- Work No. 112A: construction of an embankment north-west of the new Winthorpe Roundabout (Work No. 108)
- Work No. 112B: construction of an embankment north of the realigned A1133 (Work No. 109)
- Work No. 113: construction of attenuation basins, access track and associated drainage infrastructure, north of the new Winthorpe Roundabout (Work No. 108)

The Applicant's proposals will have a detrimental impact on our client's interests. Land would be lost as a consequence of the proposed permanent acquisition. There would be disruption and inconvenience due to the temporary occupation of land for the purposes of the works. The closure of the access to the existing historic drive, and the creation of the new access and drive, would modify the historic grounds at Langford Hall, which the Applicant recognises as a key non-designated historic landscape asset (MM829) impacted by the Scheme (APP-132, 6.3 Environmental Statement - Appendix 6.1 Cultural Heritage Desk Based Assessment).

The Applicant notes that the Written Representation of this Interested Party is the same as that of their earlier Relevant Representation [RR-032]. As such the Applicant refers the Interested Party to its response to the Interested Party's Relevant Representation contained in the Applicant's Response to Relevant Representations [REP1-009].

• Engagement With Applicant

Since the publication of the initial options and subsequent revisions for the proposed bypass, our client has engaged with NH and their consultants, Skanska, in respect of the proposals for this project and the impacts on our client's property.

Without prejudice to these representations, we confirm that discussions with NH and Skanska on a proposed agreement to address our client's concerns and requirements for mitigation are continuing.

In that respect, draft Heads of Terms were prepared and submitted to NH in November 2022, the last revision of which was dated 30 November 2023. On our client's behalf, our discussions have now been referred to the Valuation Office Agency ('VOA') acting on behalf of NH and at the time of submitting these representations, we await a formal response from the VOA.

It is our client's view that agreement with the Applicant is possible but until such time as agreement has been reached, our client reserves their right to make further submissions in respect of the Applicant's DCO application and throughout the DCO Examination (including attendance at a relevant hearing).

To assist the Examination, we are content to enter into a Statement of Common Ground with the Applicant, to record the Applicant's response to the issues raised in our client's consultation submissions and this summary representation including but not limited to the necessary accommodation works to mitigate the impact of the scheme on the historic landscape and setting of Langford Hall.

Notwithstanding our client's intention to seek agreement with NH, we would request that, in so far as necessary and appropriate, any undertakings to deal with the matters raised in this representation and any other undertakings in respect of our client's property are secured within the DCO to ensure there is a legal 'backstop' in respect of NH's obligations to our client.

The Applicant notes that the Written Representation of this Interested Party is the same as that of their earlier Relevant Representation [RR-032]. As such the Applicant refers the Interested Party to its response to the Interested Party's Relevant Representation contained in the Applicant's Response to Relevant Representations [REP1-009].

REP2-057 - James Sumsion	The Applicants Response
<p>3. Extent Of Compulsory Acquisition</p> <p>As shown on the Applicant's submitted Regulation 5(2)(o) General Arrangement Plan Sheet 6 of 7, a new access drive (Work No. 110) to our client's property has been proposed from a new access point on the realigned A1133 (Work No. 109) to mitigate the closure of the existing access to the Hall from the A46 eastbound carriageway. To the south of this new access drive, the Applicant seeks to permanently acquire part of our client's land for the purposes of the project and to temporarily occupy certain other parts of our client's land for the purposes of carrying out works to construct the project. Our client objects to the extent of compulsory acquisition of land for the purposes</p> <p>It is well-established law and policy that the compulsory acquisition of land should not be made or confirmed unless there is a compelling case in the public interest to do so. There must be clear evidence that the public benefit of a compulsory acquisition will outweigh the private loss. The onus of proof is on the acquiring authority – in this case the Applicant – to demonstrate that a compelling public interest case exists. That is the case irrespective of which power of compulsory acquisition is used, and extends to all land which is the subject of the Order, whether the land itself, or rights over the land, are to be acquired compulsorily. That compelling case cannot be made out if the acquiring authority cannot demonstrate that compulsory acquisition is necessary, such as if the land/rights which are sought to be acquired can be secured voluntarily, or exceed those required for the scheme.</p> <p>In this case, while our client does not oppose the Scheme in principle, it does object to the extent of compulsory acquisition of land proposed on the basis that there is no compelling public interest case to justify the acquisition of all land included within the DCO as applied for.</p> <p>Specifically, our client objects to the proposed compulsory acquisition of Plot 6/6a, Plot 6/6d1 and certain parts of Plot 6/6b to enable to the Applicant to (a) construct the new access track across our client's property (Work No. 110); and (b) construct two landscape bunds (Work Nos. 112A and 112B) on our client's property.</p> <p>The compulsory acquisition of this land is not justified, first, because in respect of the new access (Work No. 110), it is being provided for our client's benefit in mitigation for the closure of the existing access, and is intended to be a private access for our client across its own land. Given that, the permanent acquisition of this land by the Applicant is not appropriate or justified. Second, our client is willing (in principle and without prejudice to the particular terms), by means of an agreement, to—</p> <ul style="list-style-type: none"> • provide the Applicant with the land and rights required temporarily for the purposes of conducting these works (in so far as they lie within our client's ownership); • undertake, following construction, the landscaping establishment and maintenance of the landscape bunds, and the ongoing maintenance etc of the new access drive,; and • grant to the Applicant (or third parties) such permanent rights as may be reasonably required across its land in connection with the constructed works, e.g. access to the attenuation basin (Work No. 113) for maintenance or inspection purposes, rights for utility apparatus. <p>In any event, our client submits that so much of Plots 6/6a, 6/6b and Plot 6/6d1 as are required for the purposes of Work Nos. 110, 112A and 112B should be reclassified from permanent acquisition (i.e. shown coloured pink) to temporary land (i.e. shown coloured green). For the reasons set out above, the permanent acquisition of this land is not justified.</p>	<p>The Applicant notes that the Written Representation of this Interested Party is the same as that of their earlier Relevant Representation [RR-032]. As such the Applicant refers the Interested Party to its response to the Interested Party's Relevant Representation contained in the Applicant's Response to Relevant Representations [REP1-009].</p>
<p>4. Implementation of New Access Drive to Langford Hall</p> <p>Our client is in agreement to the general location of the new access drive (Work No. 110) but in principle points remain to be agreed in relation to the layout and design of the new access and implementation of those works, including but not limited to agreement on:</p> <ol style="list-style-type: none"> (i) a standard and design which is consistent with historic and architectural significance of the Grade II* listing of Langford Hall, the Grade II listing of associated buildings and the historic landscape of the estate, including landscaping, gating, estate fencing to all new boundaries, and avenue tree planting which is consistent with the existing access drive and estate fencing; (ii) utilities and service media connections along the new drive to provide for an equivalent electric gate, intercom and security arrangements as existing; (iii) full land remediation to include topsoil and re-seeding following construction of the new drive (Work No. 110) and all other proposed temporary use of our client's land (including Work No. 111 and, we submit, Work Nos. 112A and 112B); (iv) as set out above, retention of the land proposed for the landscape bunds (Work Nos. 112A and 112B) within our client's freehold ownership (these are currently shown as permanent acquisition (pink)) and the basis of 	<p>The Applicant notes that the Written Representation of this Interested Party is the same as that of their earlier Relevant Representation [RR-032]. As such the Applicant refers the Interested Party to its response to the Interested Party's Relevant Representation contained in the Applicant's Response to Relevant Representations [REP1-009].</p>

REP2-057 - James Sumsion	The Applicants Response
<p>landscaping establishment and future maintenance obligations;</p> <p>(v) a drainage scheme design – both during and post construction - given the modifications proposed to, and adjacent to, our client’s land; and</p> <p>(vi) remodelling of the Lodge area prior to closure of the Lodge’s current entrance, to allow for continuous resident access and service vehicles notwithstanding the changes proposed.</p> <p>Our client also seeks agreement with the Applicant on the future ownership of land between our client’s current freehold boundary and the realigned A1133. Our client considers that, as a minimum, it should own all land comprised in the new access drive (Work No. 110), including any of that land which lies within Plots 6/3c, 6/4c and 6/2a.</p>	
<p>5. Landscape And Historic Advice</p>	
<p>In April 2023, our clients submitted to NH proposals to instruct their own landscape/architectural/heritage consultants to prepare and agree those relevant parts of the Schedule of Works with NH; the cost of which we consider should be met by NH. To date NH have failed to undertake to meet these costs and despite many requests, this unwillingness to meet the costs was only shared on 10th May 2024, some 13 months after the original request.</p> <p>It is our client’s view that with NH undertaking to meet these costs, our client and NH together with the local authority/Historic England could seek an agreement on an appropriate Schedule of Works, appropriately taking into account the impact of the works and the proposed new access on the listed buildings and historic grounds, which would potentially avoid the need to raise issues in the Examination and the additional cost of doing so.</p> <p>Our client maintains that this remains possible but this requires an undertaking from NH to meet these costs.</p>	<p>The Applicant notes that the Written Representation of this Interested Party is the same as that of their earlier Relevant Representation [RR-032]. As such the Applicant refers the Interested Party to its response to the Interested Party’s Relevant Representation contained in the Applicant’s Response to Relevant Representations [REP1-009].</p>
<p>6. Other General Issues</p>	
<p>Below is an outline of other issues, on which our client may wish to make further representations to the Inspectorate during examination:</p> <p>(vii) Provisions for dealing with any viable sand and gravel deposits arising from the project works on their land.</p> <p>(viii) Appropriate light and noise attenuation and mitigation measures in respect of Langford Hall and The Lodge.</p> <p>(ix) Continuity of access to the Hall and its properties during the construction phase of the Scheme, including the implementation of the proposed new access drive from the A1133 in advance of the main A1133 and A46 works being carried out in order to minimise the impact of those main works on our client.</p> <p>(x) The proposed A1133 speed limit zones of 50mph and National Speed limit (<i>Permanent Speed Limit Plans Regulation 5(2)(o) Sheet 6 of 7</i>) should be revised so that a 40mph zone is introduced from the Winthorpe roundabout to the entrance to the current 40mph limit at the entrance to Langford village. This would ensure safe and convenient access to and egress from the new private means of access proposed.</p> <p>(xi) Footway F-6C to F6-E (as shown on APP-007 Streets, Rights of Way and Access Plans – Sheet 6) should be extended to meet with the proposed new access drive entrance point to enable access/egress on foot.</p>	<p>The Applicant notes that the Written Representation of this Interested Party is the same as that of their earlier Relevant Representation [RR-032]. As such the Applicant refers the Interested Party to its response to the Interested Party’s Relevant Representation contained in the Applicant’s Response to Relevant Representations [REP1-009].</p>

REP2-058 - Judith Griffiths

I write with regard to the impact of increased flooding in the area in which the construction work is to take place. At a recent meeting by Newark and Sherwood Planning Committee several members raised their concerns about the impact of building on floodplains will have to the surrounding properties and land. They also raised concerns regarding the viability of the mitigation processes, how useful will they be, will they be in place from the very beginning of the construction work and will they be maintained on a regular basis? The gullies and culverts that were created around the cattlemarket roundabout when the original A46 bypass was constructed are not fit for purpose as they are not maintained and are completely overgrown, will the same thing happen with the proposed mitigation structures proposed for this next stage of the Bypass. Flooding in the area has in recent years become much more prevalent with extensive flooding most years, this proposed construction work will inevitably only create an even bigger problem for the surrounding area. I have attached an aerial photo taken from the roof of Newark Sugar Factory showing the extent of flooding in the area, that takesplace most winters.

One last point, very often the cause of heavy traffic on the A46 is often due to issues on the A1, this is clearly a verydangerous stretch of road and I feel that this should be the priority for Newark and surrounding area.



The Applicants Response

The Applicant refers the Interested Party to the response to [RR-035] set out in the Applicant's Response to Relevant Representations [REP1-009]:

The Applicant confirms it has undertaken a flood risk assessment which can be found at Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]. Table 11.1 of the Flood Risk Assessment of the Environmental Statement [APP-177] shows that the baseline (existing) fluvial flood risk is high in the vicinity of the Scheme, as evidenced by recent flooding events. The Scheme however incorporates three Flood Compensation Areas (FCAs) at Kelham and Averham, Farndon East and Farndon West. The purpose of the FCAs is to provide an equivalent volume of floodplain storage by excavating land at similar elevations to that which would be displaced by the Scheme, including during the Scheme's construction. The Flood Risk Assessment also describes measures the Applicant will undertake to manage flood risk during construction. The infrastructure associated with the FCAs will be maintained to the requirements detailed in the Third Iteration of the Environmental Management Plan secured under Requirement 4 of the Draft DCO [REP2-002].

The Applicant confirms that the A1 lies outside the scope of the Scheme but it has assessed the queueing on the slip roads at the A1/A46 junction. In this regard, changes to the existing A1 slip roads were considered during the options development stage of the Scheme, as set out in the Case for the Scheme [APP-190]. However, due to the reduction in A46 through traffic at the A1/A46 junction that is forecast to result from the Scheme, it is considered that current slip road queueing will be alleviated without alteration to the existing A1 slip roads.

The current queues on the A1 slip roads are caused by traffic congestion at the existing Brownhills and Friendly Farmer roundabouts. Traffic modelling, completed as part of the Transport Assessment Report [APP-193], forecasts that the proposed A1/A46 Crossing will result in the removal of A46 through traffic from Brownhills Roundabout and Friendly Farmer Roundabout, freeing up capacity for other movements. In particular, the traffic coming from the A1 slip roads would be expected to experience less opposing traffic at the roundabouts and consequently, levels of queueing on the slip roads would reduce with the Scheme.

REP2-061 - Phillip Freer

The Applicants Response

In addition to our previously submitted comments on the scheme Phil Freer, Marita Rodgers and Sarah Ceriati of Bridge House Farm / Bridge House Boarding Kennels NG24 2AA would like to include for consideration the following:

- There has not been an acoustic receptor placed or used to record current noise levels at Bridge House Farm where there is to be the development of the Brownhills junction to include a roundabout, slip road and 4 lanes of 10m high A46 new road. The nearest receptor was placed on the opposite side of the A1 to where these new constructions are being built. We would request an acoustic receptor at our location to monitor current noise levels before the development and that the results are made known to us.
- Following a site visit at Bridge House Farm with [Redacted] from Skanska Mott McDonald on 23.10.24 there were verbal agreements made with regards mitigation works for reducing the impact on the quality of life of the residents at Bridge House Farm and also to protect the business at Bridge House Boarding Kennels. We would like these agreements putting in writing to include time scales of when these will take place as this will put our minds at rest that these will be complete before any road development works begin so that we can cope better with what is to come. These included:
 - A permanent 8ft/2.4m acoustic fencing along the front and right side (as you look at it) of the property with an electric gate for security.
 - A newly designed inner compound to secure the kennel dogs from danger of the construction and new road once built when the main gates are opened and closed.
 - Planting of the exterior of the front fence for softer visual effect for the clients of the boarding kennels.
 - Opening up of the underpass of the A1 to allow emergency access to and from Bridge House Farm/ Bridge House Boarding Kennels and allow alternative customer access if needed. This currently floods so changes either via a pump system or by raising the road level would be needed.

The Applicant confirms noise monitoring locations represent distinct wider areas in the vicinity of new road alignment changes to better understand the local noise environment. The noise assessment is nonetheless predominantly based on forecast traffic flows and simulated noise levels for all address base data points. All relevant locations are thus included in the assessment and no additional noise monitoring is required to facilitate the assessment.

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 Interested Party 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]. Receptor 127039 is slightly closer to the works compared to the Interested Party; thus calculation results are considered somewhat conservative in the context of the Interested Party. 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.

The Applicant agrees that the following items will be provided as accommodation works:

- Installation of a new 2.4m high closed board timber fence along the highway boundary of Bridge House Farm.
- Planting to the front of the new fence.
- Construction of an inner compound area, via means of an internal fence and gate, to provide a secure drop off area for customers.
- Installation of a pump or positive drainage solution at the A1 underpass to provide an alternative access to the property in the event of a situation during the operation of the new Brownhills junction that impedes access or egress to the property.

Details will be agreed with the property owner as part of the detailed design.