

# **A46 Newark Bypass**

**Scheme Number: TR010065**

## **7.43 Comments to Responses to ExQ1**

**8(1)(c)(ii)**

**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[#]**

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## Comments to Responses to ExQ1

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<b>Regulation Number:</b>	8(1)(c)(ii)
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## **Contents**

<b>1</b>	<b>Introduction</b>	<b>4</b>
<b>2</b>	<b>Applicants Responses to ExQ1</b>	
	– REP2-039 - Canal and River Trust	5
	– REP2-042 - Environment Agency	6
	– REP2-046 - Network Rail Infrastructure Limited	19
	– REP2-050 - Newark and Sherwood District Council	20
	– REP2-052 - Nottinghamshire County Council	53
	– REP2-053 - Colin Paterson	65
	– REP2-059 - Lindum Group	66

## **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 ExQ1 issued on 13 November 2024. This document is submitted at Deadline 3 of the Examination.

REP2-039 Canal & River Trust	The Applicants Response
<b>Q5.2.3 Statutory Undertakers Land</b>	
<p>The parties are working together to agree protective provisions. A summer of progress is provided below:</p> <p>The Trust provided draft protective provisions to the Applicant on 4<sup>th</sup> April 2024. On 23<sup>rd</sup> September, the Applicant reported that they wished to discuss the draft protected provisions. The parties met on 17<sup>th</sup> October. Some principles were discussed but no drafting details were provided. At the meeting, the Applicant confirmed that it would be pursuing powers to temporarily suspend navigation on the river (article 58 if the draft DCO). After the meeting, the Trust provided the Applicant with its preferred wording for article 58 alongside updated protected provisions which took account of the article 58 drafting. The parties met again on 7<sup>th</sup> November. The Applicant was not in a position to discuss drafting details. The Applicant provided their comment on the draft protected provisions on 8<sup>th</sup> November at 16.45. These have been reviewed by the Trust but given the limited time before deadline 2, the parties have not had time to reach agreement prior to that deadline.</p>	<p>CRT's draft protective provisions were requested by the Applicant's solicitors on 17 January 2024 with follow up emails on 6 February 2024, 5 March 2024 and 28 March 2024 until the draft protective provisions were provided on 5 April 2024. A meeting between each party's engineers was then planned for 10 May 2024 to discuss Article 58 of the draft Development Consent Order [REP2-002] (relating to powers to temporarily suspend navigation rights on the river). An updated set of protective provisions was then provided by CRT's solicitors to the Applicant's solicitors on 6 September 2024. Following this, the Applicant arranged a number of internal project team meetings to discuss the draft protective provisions and the approach to Article 58 of the draft Development Consent Order [REP2-002]. An update was provided to CRT on 23 September 2024 to advise that the Applicant had been having internal discussions to discuss the CRT protective provisions and Article 58 of the draft Development Consent Order [REP2-002] and requesting availability for a call during the week commencing 30 September 2024. The proposed call did not then occur until 17 October 2024. A further call between CRT and the Applicant then occurred on 7 November 2024 and on 8 November 2024 the Applicant's solicitors confirmed that CRT's requested Article 58 drafting was agreed and provided a mark-up of CRT's protective provisions. A call was then set up between CRT and the Applicant for 19 November 2024 with the intention that CRT would provide a mark-up of the protective provisions ahead of the call for discussion during the call. The Applicant's solicitors received an email from CRT's solicitors on 18 November 2024 to advise that CRT would not be in a position to share its mark-up of the protective provisions ahead of the call on 19 November 2024 and asked that the call be postponed. The parties are therefore working together to agree an alternative meeting date during the week commencing 25 November 2024 and the Applicant awaits the mark-up of the protective provisions from CRT. The Applicant will continue to work with CRT to agree the draft protective provisions as soon as possible and will keep the ExA updated as to progress.</p>

REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
Q1.0.1	All IPs	<p><b>Policy – National</b> Do you consider NPSNN 2024 to be Important and Relevant to the Secretary of State's decision? If yes, how much weight should the decision-maker attach to the Proposed Development's compliance with NPSNN 2024?</p>	<p>We are aware that DCO was accepted for examination on 23 May 2024 and that NPSNN 2024 was designated on 24 May 2024.</p> <p>It is stated that NPSNN 2015 has an effect for applications for development consent accepted for examination prior to 24 May 2024, and NPSNN 2024 has effect for applications for development consent accepted for examination after the designation of the revised NNNPS.</p> <p>Given the above, the issues we raised in our Relevant Representation (RR) [RR-020], are not impacted by the designation NPSNN 2024. As such, we do not have a view on how much weight the decision-maker should attach to the Proposed Development's compliance with NPSNN 2024.</p>	No further comment from the Applicant.
Q3.0.8	The Applicant, the Environment Agency	<p><b>Invasive species – Himalayan Balsam</b> The EA has commented [RR-020] that there is insufficient commitment to addressing spread of the non-native species, Himalayan Balsam, which is identified as impacting the development site as documented in the River Physical Habitat Technical Report [APP- 158].</p> <p>The EA recommend that an Invasive Non- Native Species (INNS) Management Plan for Himalayan Balsam is prepared and included in the First Iteration EMP [APP-184]. This should include the eradication of existing upstream and downstream sections of waterbodies outside the Order limits where possible. Please consider if the existing commitment in Requirement 3 in the dDCO [APP-021] is sufficient to meet this request, and if not, explain why.</p>	<p>The Environment Agency has discussed this issue with the Applicant, and we now consider the issue to be resolved. We accept that catchment-wide control of Himalayan Balsam outside of the Scheme Order Limits is not within the Scheme's scope.</p> <p>Complete eradication of the species on site would be ineffective if stands of Himalayan balsam are not tackled upstream, which would enter the site via the adjacent flowing watercourses.</p> <p>Complete eradication of the species from the watercourse/ Order Limits is not a legal requirement for the developer. However, by doing so would contribute to environmental improvement. This will be reflected in the next iteration of the SOCG.</p> <p>Requirement 3 in the Deadline 1 dDCO has also now been updated to include the Environment Agency as consultee. We are therefore satisfied that the commitment in Requirement 3 is sufficient.</p> <p>Nottingham County Council Green Estates Development Strategy &amp; Plan 2013-2023 Policy GE3: To provide a Green Estate rich in biodiversity and cultural heritage states that we will continue our work to eradicate invasive non-native species across the Green Estate. Therefore, any action the developer can implement regarding Himalayan balsam eradication will support the council's policy. We would defer to the LPA on this aspect.</p> <p>We are therefore satisfied that the commitment in Requirement 3 is sufficient.</p>	No further comment from the Applicant.
Q3.1.1	The Applicant, Natural England, Forestry Commission, the Environment Agency, NSDC	<p><b>Biodiversity Net Gain Approach</b> 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>The Environment Agency has discussed the issues in our RR ([RR-020]) with the Applicant, which relate to this question, and they have been resolved. This is either reflected in the SOCG that was submitted at Deadline 1 [REP1-020] or will be reflected in a subsequent iteration of the SOCG, and we are satisfied with the Applicant's response to these issues (EAFBG-001, EAFBG-002 and EAFBG-003) in 7.11 Applicant's Response to</p>	No further comment from the Applicant.

REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
		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. 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.	Environment Agency Relevant Representations [REP1-010]. As such, we are satisfied that sufficient mitigation/compensation has been provided for within the Order Limits.	
Q3.1.3	The Applicant	<b>Kelham and Averham FCA Ongoing Maintenance</b> ES Chapter 8 [APP-052] sets out that the Kelham and Averham FCA will have a replacement pond enhancing its ecological value. The Environmental Masterplan [AS- 026] shows this area being returned to agricultural use. Can the Applicant provide further detail as to how this area is to be managed in the future and how this would be secured in the dDCO.	The maintenance of the Kelham FCA is essential in the functioning of the compensation area. Currently we are awaiting an detailed maintenance plan. Our main concern going forward will be the upkeep and clearance of the flow routes and culverts conveying flood waters to and from the River Trent to ensure free flow of water. Section 14(3) page 65 of the DCO states that "The scheme must be implemented as approved and subsequently maintained." A key to ensuring the flood storage areas work as designed is ensuring the culverts into them are free from blockage	Please see REP2-043 - Environment Agency Written Representations.
Q4.0.20	The Applicant, NSDC, The Environment Agency (part c)	<b>Effect of the Proposed Development on Proposed Solar Scheme</b> In response to [RR-003]: a) Has application 23/01837/FULM for a solar scheme at Kelham been determined? If not, is it likely to be determined before the close of the Examination? b) Please provide a red line and a general arrangement drawing for 23/01837/FULM. c) Would 23/01837/FULM be deliverable if the land is used as a flood compensation area and if yes do any provisions need to be made in the dDCO to ensure that the delivery of the solar scheme is not prejudiced by the Proposed Development?	(a) N/A (b) N/A (c) Currently, the Environment Agency is not in the position to fully confirm whether the solar farm proposed under 23/01837/FULM is deliverable as we have only been made aware of the proposed development through the examiner's questions and the applicant has not provided details of how the solar farm will interact with the proposed scheme. We have provided a holding objection to NSDC until the applicant has demonstrated that flood storage area of this scheme is able to perform its function without increasing flood risk to the solar development. There is an area of overlap between the land under the control of the applicant for Kelham Solar Farm and the Kelham Flood Compensation Area (FCA). There are concerns for how the solar scheme may affect the operation of the proposed floodplain compensation area and what measures have been put in place to ensure the solar farm development is protected from the increased risk of flooding from to the floodplain compensation scheme. For both developments to advance safety, it is likely conditions and requirements will need to be implemented on both. These may include but are not limited to: • Conditions on ground levels of overlapping areas to ensure floodwater can be stored at the necessary levels. • The FCA flood bund design with respect to the solar farm access track and crossing into the solar farm site from Main Road (A617). This is currently within the solar farm developable area and hence must not impact the solar farm development design • More detailed plans of access and egress routes on the solar farm to guarantee no flood routes are blocked whilst	Please see REP2-043 - Environment Agency Written Representations.



REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
			<p>ensuring these routes are safe during flood events. The proposed tarmac access crossing within the solar farm has the potential to impede flows within the FCA. There is an existing crossing from Main Road (A617) and this access track to the solar farm is not currently incorporated within the hydraulic model for the proposed A46 scheme. For the Kelham FCA to effectively work, the existing crossing would have to be replaced with a clear span bridge structure the soffit level of which should be above the design flood level.</p> <ul style="list-style-type: none"> <li>• More detail as to the heights solar panels are set at in areas which are proposed to store flood waters and solar panels.</li> <li>• Detailed maintenance plans which clearly state who is responsible for the maintenance on land within both developments' boundaries</li> </ul>	
<b>Q5.0.2</b>	The Applicant and all Affected Persons including Statutory Undertakers	<p><b>Land Rights Tracker:</b> The ExA has requested a separate Land Rights Tracker, in its Rule 6 letter, which seeks to focus on the Affected Persons who have objected to Compulsory Acquisition (CA) or Temporary Possession (TP) to enable more focussed attention to be provided in relation to on-going discussions on those objections. There is potential that other uncontested land may be resolved during the Examination, and this can be suitably captured in Annex B without adding additional detail to the Land Rights Tracker. The Land Rights Tracker should be provided as an excel spreadsheet (with a PDF for publication) to enable the ExA to interrogate and sort the information. The Land Rights Tracker is focussed on those who have objected to the CA or TP of their land interest and should be regularly updated at each deadline during the Examination, or where no progress has been made confirmation there is no update required. The ExA are firmly of the view it should be the Applicant's aim to resolve and ensure all objections are addressed and where possible withdrawn before the close of the Examination. Should agreement not be reached by the conclusion of the Examination, the Applicant and any Affected Persons should provide a final position statement, by the final deadline, in relation to the land interest so that the ExA is in a position to arbitrate on the matter and provide a firm recommendation to the Secretary of State (this covers all land interests including Statutory Undertakers).</p>	<p>The Environment Agency has no comments on this matter. We have no land interests affected by the proposals.</p>	No further comment from the Applicant.
<b>Q5.0.10</b>	The Applicant, Peridot Solar, Environment Agency	<p><b>Impact on Solar Farm 23/01837/FULM</b> [RR-058] references a letter of comfort from the Applicant to Peridot Solar to what extent is this an important and relevant matter, to what extent does it affect land interests and:</p> <ul style="list-style-type: none"> <li>• Please provide a copy of the letter rather than information on where it can be located,</li> <li>• To what extent can any commitments/ comfort offered be</li> </ul>	<p>Currently, we cannot agree that there is no significant effect on flood storage capacity. The solar panel development will not impact on available volume within the Kelham FCA as all solar panels and associated infrastructure (apart from the access crossing) fall outside of the FCA. However, we will require additional information on the following:</p> <ul style="list-style-type: none"> <li>• Conditions on ground levels of overlapping areas to ensure floodwater can be stored at the necessary levels.</li> </ul>	Please see REP2-043 - Environment Agency Written Representations.



REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
		<p>secured,</p> <ul style="list-style-type: none"> <li>• Are the Applicant satisfied that the implementation of the use of any overlapping area is compatible with its intended use in the Proposed Development as Flood Storage,</li> <li>• Are Environment Agency in agreement that there is no significant effect on flood storage capacity or conveyancing of flood waters.</li> </ul>	<ul style="list-style-type: none"> <li>• The FCA flood bund design with respect to the solar farm access track and crossing into the solar farm site from Main Road (A617). This is currently within the solar farm developable area and hence must not impact the solar farm development design</li> <li>• More detailed plans of access and egress routes on the solar farm to ensure no flood routes are blocked whilst ensuring these routes are safe during flood events. The proposed tarmac access crossing within the solar farm has the potential to impede flows within the FCA. There is an existing crossing from Main Road (A617) and this access track to the solar farm is not currently included within the hydraulic model for the proposed A46 scheme. For the Kelham FCA to effectively work the existing crossing would have to be replaced with a clear span bridge structure the soffit level of which should be above the design flood level.</li> <li>• More detail as to the heights solar panels are set at in areas which are proposed to store flood waters and solar panels.</li> <li>• Detailed maintenance plans which clearly state who is responsible for the maintenance on land within both developments' boundaries</li> </ul> <p>Without further evidence we cannot provide any surety that there will not be any significant effect on flood storage capacity or conveyancing of flood waters.</p>	
Q6.1.1	All IPs	<p><b>Article 2 – Interpretation ‘Commence/Commencement and Pre-Commencement:</b></p> <p>Is the list of pre-commencement works (a) –(r) acceptable, if not:</p> <p>a) identify those with which you have an issue and explain the reason/ justification for your concern.</p> <p>b) Are the controls secured through Requirement 17 and the pre-commencement plan sufficient or should they be amended, if so, please provide your suggested amendments and justification.</p> <p>In relation to the flexibility to carry out advance works, any “carve out” from the definition of “commencement” should be fully justified and it should be demonstrated that such works are de minimis and do not have environmental impacts which would need to be controlled by requirement. See section 21 of Advice Note 15. Pre-commencement requirements should also be assessed to ensure that the “carve out” from the definition of “commencement” does not allow works which defeat the purpose of the requirement.</p>	<p>We are generally satisfied with the list of pre-commencement works, however we are not in the position agree the list or to approve the Pre-commencement Plan [APP-188], as we are still awaiting details about how the proposed scheme will interact with the solar farm development (planning application ref. 23/01837/FULM - Newark &amp; Sherwood District Council). Until we have assessed these details, we cannot be certain all necessary activities and mitigation measures have been included.</p>	Please see REP2-043 - Environment Agency Written Representations for further information on the solar farm development.
Q6.1.2	All IPs	<p><b>Article 2 – Interpretation ‘Maintain’</b></p> <p>Is the definition of maintenance acceptable, if not please explain your concern and suggest alternative wording to address your concerns including justification.</p>	The Environment Agency is satisfied with Article 2, insofar as it relates to our remit.	No further comment from the Applicant.

REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
Q6.1.4	LLFA, IDB, EA, Owners responsible for drainage	<b>Article 4 – Maintenance of drainage works</b> Confirm that the provisions and responsibilities referenced in Article 4 and which would remain are acceptable. If not, explain and justify your concern.	We consider that this Article is not very clear as presented in the dDCO. Is the Applicant suggesting that we take on responsibility in some way for their works?	Article 4(1) of the draft Development Consent Order [REP2-002] provides as follows: Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise, unless otherwise agreed in writing between the undertaker and the person responsible. The purpose of this article, as explained in the Explanatory Memorandum [REP2-004] is to make it clear that the operation of the Development Consent Order, for example the realignment of drainage works or other works to any drainage works that are carried out as part of the Scheme, does not affect any existing obligations/responsibilities in connection to the maintenance of any drainage works, unless it has been expressly agreed between the Applicant and the person who is currently responsible for the maintenance of those works. The Applicant is of the view that the purpose of Article 4 is clear from its wording and notes that the drafting used has been consented by the Secretary of State for Transport in Article 4 of the A47 Wansford Order and Article 23 of the A428 Black Cat Order.
Q6.1.5	All IPs	<b>Article 10 – Limits of deviation</b> The Applicant confirms the limits of deviation identified in Article 10 have been taken into account in assessing the effects of the Proposed Development in the ES. a) Are there any concerns with the limits of deviation identified, b) If so, please identify which limits and explain and justify your concerns.	The Environment Agency has no concerns insofar as it relates to our remit.	No further comment from the Applicant.
Q6.1.9	EA, IDB, LLFA Owners or other SUs responsible for drainage	<b>Article 23 – Discharge of Water</b> Confirm whether or not you are in agreement with the extent and form of this Article. • If you have concerns please identify the concern and propose alternative wording to address your concern. • Explain and justify any alternative wording proposed	The Environment Agency is in agreement with Article 23 as presented in its current form and extent in the Deadline 1 dDCO.	No further comment from the Applicant.
Q6.1.16	Statutory Undertakers	<b>Articles 42, 43 and 44 in relation to Statutory Undertakers</b> Do these Articles raise any significant concerns, if so: a) Explain the concern. b) Propose any alternative wording c) Comment on whether Protective Provisions are being discussed to address and such issues and detail the state of play with those discussions, and d) Explain and justify any responses.	The Environment Agency has no concerns, insofar as it relates to our remit.	No further comment from the Applicant.

REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
Q6.2.2	The Applicant NSDC, NCC, LCC, NE, EA	<p><b>Requirement 3 – Second Iteration EMP</b></p> <p>a) R3(1) currently refers to the Local Planning Authority. Does this need to be defined?</p> <p>b) R3(1) includes the phrase “substantially in accordance with”. Justify why this is sufficiently certain and precise to ensure essential mitigation is secured.</p> <p>c) R3(2) fourth line ‘...method statements and method statements...’ there is a duplication of words is this a typing error?</p> <p>d) R3(2) states the Second Iteration EMP ‘...must ‘reflect’ the mitigation measures...’ the term ‘reflect’ is imprecise and could lead to watering down of the requirement and the required mitigation, please reconsider the use of this phrase.</p>	<p>(a) No comments.</p> <p>(b) No comments at this stage. We will review the Applicant’s response to this when it is submitted.</p> <p>(c) We note this duplication has been removed in the Deadline 1 dDCO.</p> <p>(d) We would support the use of more precise wording as suggested by the ExA.</p>	As the Applicant explained in its Responses to the Examining Authority’s First Written Questions [REP2-037], it is common for requirements in Development Consent Orders to require that the authorised development ‘reflects’ mitigation measures set out elsewhere. See for example requirements 5(2), 7(1), 11(1), 13(2)-(3) of the recently made A12 Chelmsford to A120 Widening Development Consent Order 2024. The Applicant therefore considers that this is a precedented approach and that the language is appropriate for use in Requirement 3 of the draft Development Consent Order [REP2-002].
Q6.2.3	The Applicant, NSDC, NCC, LCC, NE, EA	<p><b>Requirement 3 – Second Iteration EMP</b></p> <p>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.</p> <p>a) Given the breadth of management plans and method statements, should other consultees not be identified including NCC, EA, NE?</p> <p>b) Are there any other management plans or method statements that should be included in the list in R3(2)?</p>	<p>We have been identified as a consultee and a dewatering management plan has been included in this Requirement in the Deadline 1 update of the dDCO. As such, we are satisfied this matter has been addressed insofar as it relates to our remit.</p> <p>(a) See comment above.</p> <p>(b) We have not requested any other management plans to be included. We are satisfied with the current list in R3(2).</p>	No further comment from the Applicant.
Q6.2.5	The Applicant, NSDC, NCC, LCC, NE, EA	<p><b>Requirement 4 – Third Iteration EMP</b></p> <p>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>	We have been identified as a consultee in this Requirement in the Deadline 1 update of the dDCO. As such, we are satisfied this matter has been addressed insofar as it relates to our remit.	No further comment from the Applicant.
Q6.2.10	The Applicant, NSDC, EA.	<p><b>Requirement 8 – Contaminated Land and Ground Water</b></p> <p>R8(2) appears to leave the decision as to whether remediation is necessary to the Undertaker. There is currently no cross reference to the Risk Assessment undertaken in accordance with consultation with the EA and LPA. Should it not be that the Requirement should state where the risk assessment in (1) determines that remediation is necessary it is required rather than leaving it to the discretion of the undertaker? If not please explain and justify your response.</p>	The wording of this draft Requirement is in line with other DCO requirements approved for existing schemes. The onus is on the developer (undertaker) to conduct a risk assessment in line with the Land Contamination Risk Management guidance. This sets out the procedure for determining whether remediation is required or feasible based on the results of the risk assessment.	No further comment from the Applicant.
Q6.2.11	NSDC, EA	<p><b>Requirement 8</b></p> <p>Is Requirement 8 (Contaminated Land and Groundwater) of the dDCO [APP-021] sufficiently comprehensive? If not, please explain how you think it should be amended.</p>	Revised wording has been agreed with the Applicant to include a request to cease work in the affected area until the contamination has been characterised and a risk assessment produced. The Requirement has been satisfactorily updated in the Deadline 1 dDCO.	No further comment from the Applicant.
Q6.2.13	The Applicant, NSDC, EA, NE	<p><b>Requirement 10 – Protected Species</b></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</p>	The Environment Agency is satisfied with Requirement 10, insofar as it relates to our remit. The Environment Agency is the lead organisation for	No further comment from the Applicant.

REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
		body? If not, explain and justify your response. Are NSDC, EA and NE content that this Requirement provides sufficient protection for protected species?	water vole, otter and white-clawed crayfish. Water vole: No confirmed water vole burrows or latrines have been recorded within the Order Limits. The watercourses were considered mainly unsuitable for supporting water vole. Pre- commencement water vole surveys are in place along the Old Trent Dyke (outside of the Order Limits). This will be undertaken by an ecologist who holds a displacement licence (or is accredited under one). Appropriate measures have been put in place for this species. If a displacement licence is required (if evidence of water vole are found), these are managed by Natural England. Otter: Night works are to be avoided in locations otter are most likely to be present. Precautionary measures are in place. If a holt is discovered, Natural England lead on protected species licencing. White-clawed crayfish are absent from the catchment.	
Q6.2.16	The Applicant, NSDC, EA, IDB, LLFA.	<b>Requirement 13 – Surface and Foul water drainage</b> Consultation requirements in (2) only reference the relevant local authority but does not reference EA as is done in (1), why the difference? Also given that the Requirement is in respect of surface water and foul water drainage should this not include LLFA, IDB or other relevant SUs?	We would agree with the inclusion of the Environment Agency in (2), which aligns with Requirement 8 of the The A47 Blofield to North Burlingham Development Consent Order 2022. This would secure consultation with is in relation to our function.	No further comment from the Applicant.
Q6.2.17	The Applicant, EA	<b>Requirement 14 - Flood Compensatory Storage</b> Does the detailed flood compensation scheme proposed in Requirement 14 supersede the current submission and should this Requirement be reworded to consider the current details given Requirement 15 states the scheme must be carried out as per the FRA of which the FCA forms a part?	We have reviewed the Deadline 1 submission of the updated dDCO. 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. We consider that both Requirements in the dDCO should remain, as Requirement 14 secures that the scheme must be implemented as approved and subsequently maintained.	No further comment from the Applicant.
Q6.2.18	The Applicant, EA LLFA	<b>Requirement 15 – Flood Risk Assessment</b> Should this include consultation with the LLFA?	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. However, whether or not the LLFA is included as consultee is ultimately a matter them.	Please see REP2-043 - Environment Agency Written Representations.
Q6.2.20	All IPs	<b>Requirement 17 – Pre-commencement Works</b> 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.	The list of pre-commencement works in 1.1.1 of the Pre-commencement Plan [APP-188] does not align with the list in the Article 2 Interpretation of the dDCO. Works (p), (q) and (r) as shown in Article 2 are not listed in 1.1.1 of the Pre- commencement Plan. In particular, we are interested in (p) remedial work in respect of any	Please see REP2-043 - Environment Agency Written Representations for further details on the solar farm.



REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
			contamination or other adverse ground conditions. We are generally satisfied with the list of pre-commencement works and mitigation measures proposed, however we are not in the position agree the list or to approve the Pre-commencement Plan [APP-188], as we are still awaiting details about how the proposed scheme will interact with the solar farm development (planning application ref. 23/01837/FULM - Newark & Sherwood District Council). Until we have assessed these details, we cannot be certain all necessary activities and mitigation measures have been included.	
Q6.2.21	The Applicant, NSDC, NCC, EA, NE	<b>Requirement 18 – Highway Lighting</b> 18(1) refers to consultation with the relevant local authority, this isn't defined. Moreover, the lighting is recognised as potentially affecting landscape, visual, biodiversity etc. Wider consultation to include NSDC, NCC, EA, NE would appear to be appropriate. If not, please explain and justify why not.	The Environment Agency is satisfied with Requirement 18, insofar as it relates to our remit. Lighting is most likely to impact nocturnal mammals and fish. Works will avoid taking place at night. Natural England lead on bats as a protected species.	No further comment from the Applicant.
Q7.0.3	The Applicant, EA	<b>Consultation Responses – Environment Agency</b> With reference to paragraph 9.4.3 of ES Chapter 9: Geology and Soils [APP-053], please provide the response of the EA's Groundwater and Contaminated Land officer in respect of the known contamination hotspot and risk to controlled waters.	In relation to the hotspot of contamination identified in the vicinity of WS46, the applicant has agreed to undertake a controlled waters detailed quantitative risk assessment (DQRA), in line with the Land Contamination Risk Management guidance. The completed DQRA will be submitted into the Examination at Deadline 4.	The Applicant confirms that it is undertaking a Detailed Quantitative Risk assessment (DQRA) which will be submitted at Deadline 4 of the Examination.
Q7.0.13	NSDC, NCC, The Environment Agency	<b>Mitigation</b> Are the measures in respect of controlled waters/ groundwater at references GS3, GS4 and GS5 on pages 59-63 (inclusive) of the First Iteration EMP [APP-184] satisfactory?	The Environment Agency has reviewed the mitigations in respect of controlled waters and is satisfied with these measures. GS4 will be updated in the amended First Iteration EMP which is due to be submitted at Deadline 2.	The Applicant confirms that the First Iteration Environmental Management Plan [REP2-101] was updated and submitted at Deadline 2 of the Examination
Q9.0.10	The Applicant	<b>Fish Escape Passage Design</b> NE [RR-044] has commented that the wording within HRA [APP-185] section 5.2.3 states that the EA's recommendations regarding the fish escape passage design would be incorporated "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".	The question seems to have incorrectly referenced EA RR-020 (shown in the highlighted text), as having made comments on this issue. We did not comment on this in our RR. However, we have been involved in discussions with Natural England and the regarding fish escape from floodplain compensation areas.	The Applicant has updated the Habitat Regulations Assessment [APP-185] to address the concerns raised by Natural England [RR-044] in the Applicant's Response to Relevant Representation's [REP1-009]. 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] was submitted at Deadline 3 of the Examination.
Q15.0.6	The Applicant	<b>Ongoing Management of Farndon West FCA</b> ES Chapter 8: Biodiversity [APP-052] sets out that the Farndon FCA is to be turned into coastal and floodplain grazing marsh HPI. Can the Applicant explain what measures they intend to put in place to secure the management of this area and how this would be secured through the dDCO.	The Environment Agency would also like to see commitment of maintenance within the DCO and a detailed scheme for maintenance.	The land is under permanent acquisition and negotiations are ongoing. Until such time as a separate agreement is reached the maintenance will be the responsibility of the Applicant.

REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
Q15.1.1	The Applicant	<p><b>Clarification</b></p> <p>Paragraph 1.3.3 of the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the FRA) [APP-177] sets out that during detailed correspondence with the EA on 20 July 2023, it was proposed that the Farndon East borrow pit area would be utilised as attenuation to offset, by displacement, the exceedance volume for events above the 1 in 30-year storm (+ climate change) up to the 1 in 100 year (+ climate change %) which cannot be managed in the borrow pits or their landscaped area.</p> <p>This additional attenuation has been described within the FRA and has been secured by Requirement 14 of the dDCO [APP-021]. However, this does not appear to match up with the list of agreed design parameters at Section 1.3 of the Drainage Strategy Report (DSR) [APP-179] with paragraph 1.3.1 stating that detention basins would hold the 1 in 30 years (plus 25% climate change) pluvial storm event volumes. Please clarify the position and update the documentation as appropriate.</p>	<p>Although not critical to the design in a fluvial context, we would also like clarity as this may affect the function of the floodplain compensation areas.</p>	<p>As explained in the Applicant's Response to the Examining Authority's First Written Questions [REP2-037], the Applicant confirms that paragraph 1.3.1 of Appendix 13.4 (Drainage Strategy Report) of the Environmental Statement [APP-179] states that it is proposed to attenuate surface water within detention basins for flows up to the 1 in 30-year storm event plus a climate change allowance of 25%. For the difference in volumes of water realised between 1 in 30 and 1 in 100-year plus climate change pluvial (rainfall) events, the stakeholders (the Lead Local Flood Authority, Internal Drainage Board and Environment Agency) are content that the additional runoff can flow into the Old Trent Dyke, provided that land adjacent to it does not flood more frequently or more severely as a result than at present.</p> <p>The Farndon East Flood Compensation area/borrow pit is therefore designed to also alleviate water from the Old Trent Dyke. This provides capacity for the attenuation ponds within the floodplain to outfall into the Old Trent Dyke whilst not causing additional flooding.</p> <p>The Applicant therefore believes that no update is required to the documentation as the information is correct. As explained in the Applicant's Response to the Examining Authority's First Written Questions [REP2-037], the Applicant confirms that paragraph 1.3.1 of Appendix 13.4 (Drainage Strategy Report) of the Environmental Statement [APP-179] states that it is proposed to attenuate surface water within detention basins for flows up to the 1 in 30-year storm event plus a climate change allowance of 25%. For the difference in volumes of water realised between 1 in 30 and 1 in 100-year plus climate change pluvial (rainfall) events, the stakeholders (the Lead Local Flood Authority, Internal Drainage Board and Environment Agency) are content that the additional runoff can flow into the Old Trent Dyke, provided that land adjacent to it does not flood more frequently or more severely as a result than at present.</p> <p>The Farndon East Flood Compensation area/borrow pit is therefore designed to also alleviate water from the Old Trent Dyke. This provides capacity for the attenuation ponds within the floodplain to outfall into the Old Trent Dyke whilst not causing additional flooding.</p> <p>The Applicant therefore believes that no update is required to the documentation as the information is correct.</p>
Q15.1.2	The Applicant, NCC as LLFA	<p><b>Agreement with Stakeholders</b></p> <p>Has the latest proposed drainage strategy, discussed in the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the FRA) [APP-177] been agreed? If not, please set out any outstanding matters.</p>	<p>We would like to enquire if the LLFA has been consulted on this.</p>	<p>The Applicant can confirm that the LLFA have been consulted - please refer to the record of meetings within the Drainage Strategy Report, Table 1 [APP-179]. The design parameters agreed with the LLFA are in Section 1.3 of the report.</p>
Q15.1.3	The Applicant, LLFA	<p><b>Flood Compensation Areas</b></p> <p>The FRA [APP-177] details that maintenance of the FCAs and their features will be ensured by the Applicant for the operational life of the Proposed Development. RDWE10 of the REAC (in the First Iteration EMP) [APP-184] says that maintenance details would be defined at the next stage of design.</p> <ul style="list-style-type: none"> <li>• Please provide further detail and assurances with respect to the maintenance of the FCAs.</li> <li>• Are the LLFA content with the approach adopted?</li> </ul>	<p>We understand that the Applicant has committed to maintaining the proposed floodplain compensation areas (FCAs). However, it is necessary for a detailed maintenance plan to be provided, which confirms who will be taking on the maintenance for the lifetime of the development. This is due to the proposed floodplain compensation using a network of culverts to connect the FCAs to the River Trent, which has additional risk associated with it compared to the traditional free flow of water to compensation areas. Although blockage modelling has been undertaken to understand the risks which may occur if these culverts become blocked, it is necessary to have a plan of how these culverts and compensation areas will be maintained and cleared to ensure they function correctly and to reduce the additional associated risk.</p>	<p>Please see REP2-043 - Environment Agency Written Representations.</p>
Q15.1.4	The Applicant	<p><b>Interaction with Existing Flood Defences</b></p> <p>FRA [APP-177] mentions that the Scheme will "tie-in" with existing EA flood defences (see paragraphs 3.4.2 and 7.7.2), but there is no explanation for how this will occur, or how it will be ensured that there will be no detriment to the defences.</p>	<p>The Applicant has provided some of this information with their response to our RR (7.11 Applicant's Response to Environment Agency Relevant Representations [REP1-010]). However, we still require the following information:</p> <ul style="list-style-type: none"> <li>• More detail about how the proposed scheme will interact and tie in with Environment Agency assets.</li> </ul>	<p>Please see REP2-043 - Environment Agency Written Representations.</p>

REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
		<p>The Applicant should provide further information on:</p> <ul style="list-style-type: none"> <li>the current Standard of Protection (SoP) of the existing defences, their composition, current condition, and inspection regime;</li> <li>detailed plans for areas around the defences, showing tie-in with the Proposed Development;</li> <li>confirm that the lifespan of the defences is commensurate with the Proposed Development; and</li> <li>agreement showing this matter has been resolved with those responsible for the existing defences.</li> </ul>	<ul style="list-style-type: none"> <li>Evidence and/or justification for how the proposed works will not compromise the current condition of assets and standard of protection is required for our reviewal and approval.</li> <li>Detailed cross-sectional drawings of the proposed alteration to statutory main rivers - temporary and permanent.</li> </ul>	
Q15.1.5	The Applicant	<p><b>Extent of Functional Floodplain Land Take</b> Please provide a map showing the extent of the Proposed Development that lies within Flood Zones 3a and 3b.</p>	<p>We would welcome this additional mapping. We would like to highlight that LPA Flood Zone 3b maps (as part of the Strategic Flood Risk Assessment) may need to be updated to include the floodplain compensation areas as functional floodplain.</p>	Please see REP2-043 - Environment Agency Written Representations.
Q15.1.7	The Applicant	<p><b>Omission of Reference to UK Climate Projections 18 (UKCP18)</b> No explicit reference has been made to UKCP18 in the FRA [APP-177]. Please explain this omission, and if it is not relevant, explain why.</p>	<p>To confirm the applicant has used the correct fluvial climate change allowances within the hydraulic modelling. These uplifts are based on UKCP18 and the guidance on application is summarised within Flood Risk Assessments: climate change allowances (Environment Agency, 2022) We are satisfied that the applicant has followed UKCP18 even if not referenced it. We would also support the addition into the FRA.</p>	Please see REP2-043 - Environment Agency Written Representations.
Q15.1.8	The Applicant	<p><b>Exception Test</b> Despite acknowledging the increases in flood risk, the FRA [APP-177] does not consider any additional mitigation measures to offset these increases. The FRA also fails to consider any opportunities presented by the Proposed Development for reducing fluvial flood risk overall as required by paragraphs 5.108 of the 2015 NPSNN and 5.128 of the 2024 NPSNN. The Applicant should demonstrate what opportunities to reduce flood risk overall have been considered and incorporated into the design. Thereafter, the Applicant should provide a clear demonstration that the proposal meets with the Exception Test as outlined NPPF 2023. The Applicant should consider the EA response [RR-020] when replying to this question.</p>	<p>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.</p>	Please see REP2-043 - Environment Agency Written Representations.
Q15.1.9	The Applicant	<p><b>Compensatory flood storage</b> The FRA [APP-177] fails to provide details on the amount and location of the flood storage being displaced, compared to the amount and location of flood storage being provided, demonstrating that any flood storage provided will become effective at the same point in a flood event as the lost storage would have done. Please provide details of where exact volumes of flood storage are being lost, and subsequently compensated for, to demonstrate the proposed compensatory flood storage</p>	<p>Within the most recent Floodplain Compensation Area Technical Note (Document ref. HE551478-SKAG-EGN-CONWI_CONW-RP-CD-00001, Revision P02, dated 15 October 2024), as submitted to us for review outside the Examination process, the Applicant has provided additional detail about where water will be stored during a design flood (inclusive of climate change allowance) and a breakdown of water levels and volumes. This technical note shows the amount of storage available at 0.2 metre slices as well as the design volume and temporary works volumes of storage lost. This technical</p>	Please see REP2-043 - Environment Agency Written Representations.



REP2-042 - Environment Agency				The Applicants Response
<u>Question No.</u>	<u>Question To</u>	<u>Question</u>	<u>Environment Agency comments</u>	
		is sufficient, and where possible can provide additional storage to reduce flood risk to the local area and the Proposed Development overall.	<p>note also describes the impact of increasing overall storage volume by 20% on flood risk. The flood compensation scheme has been tested within the hydraulic model as well as the sensitivity test increasing storage by 20%.</p> <p>However, we still require the Applicant to provide more information about the conveyance of flood water to the storage areas. In particular, we require further information about how the Kelham and Averham Floodplain Compensation Area will interact with a separate solar farm development (planning application ref. 23/01837/FULM - Newark &amp; Sherwood District Council). This relates to ExQ1 questions Q4.0.20 and Q5.0.10 above.</p>	
<b>Q15.1.10</b>	The Applicant	<p><b>Compensatory flood storage – phasing of works</b></p> <p>Please provide details of the locations and exact volumes of flood storage which are being lost in each phase of works, and compensatory arrangements to maintain effective flood storage. Please also explain if additional storage would be provided to overall reduce flood risk to the local area and the Proposed Development</p>	<p>The Applicant has committed to undertaking works to building connections between the River Trent and areas which will become Floodplain Compensation Areas before any other works commence as part of the Pre-commencement Plan ('6.9 Environmental Statement - Pre-Commencement Plan' [APP-188]). However, we require the Applicant to provide clarity that at no point during construction there will be a net loss of floodplain storage and a plan of how phasing of work will be coordinated with the planned solar farm development (planning application ref. 23/01837/FULM - Newark &amp; Sherwood District Council). It will also need to be demonstrated that both developments can be constructed without compromising each other and overall flood storage.</p>	Please see REP2-043 - Environment Agency Written Representations.

REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
Q15.1.11	The Applicant	<p><b>Compensatory flood storage – maintenance</b></p> <p>The FRA [APP-177] should consider the impact on flood risk should the culverts beneath the A617 become blocked and flood water be unable to reach the floodplain compensation area. The assessment should be informed by blockage modelling, a rationale for the culvert sizes chosen, and how the risk of culvert failure or blockage can be mitigated. The latter should be addressed through a maintenance plan, outlining who would be responsible for culvert maintenance and how frequently it will be undertaken. The maintenance plan should be maintained in perpetuity.</p> <p>Similarly, the FRA should consider the maintenance strategy for the carriageway piers proposed within the floodplain, in order to demonstrate that there will not be any debris build up between the piers that could result in a blockage risk and the subsequent in loss of flood storage capacity.</p>	<p>The impact of blockage of the Main Road (A617) culverts on flood risk has been tested within the hydraulic model. The effects of blockage for the culverts into Kelham Flood Compensation Area (FCA) are summarised in Appendix B of the Flood Risk Assessment [APP-177] and show a fairly negligible effect on flood risk. A blockage of 75% was applied to these culverts.</p> <p>We understand that Requirement 14 (in the dDCO) will require the Applicant to provide details of the compensatory flood storage scheme before any works can commence. However, it is necessary for a maintenance plan to be provided and to understand who will be taking on the maintenance for the lifetime of the development. This is due to the proposed floodplain compensation area using a network of culverts to connect the FCAs to the River Trent, which has additional risk associated with it compared to the traditional free flow of water to compensation areas. Although blockage modelling has been undertaken to understand the risks which may occur if these culverts become blocked, it is necessary to have a plan of how these culverts and compensation areas will be maintained and cleared to ensure they function correctly and to reduce the additional associated risk.</p> <p>Additionally, as we have been made aware of the overlapping of land associated with a new solar development (planning application ref. 23/01837/FULM - Newark &amp; 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.</p>	Please see REP2-043 - Environment Agency Written Representations.
Q15.1.12	The Applicant	<p><b>Slough Dyke (main river) Realignment</b> No detailed drawings for the Slough Dyke realignment have been provided and the realignment has also not been represented within the hydraulic modelling undertaken.</p> <p>Detailed drawings should be provided and with-mitigation scheme modelling re-run with the realignment to understand the flood risk impacts</p>	<p>Within the most recent Hydraulic Modelling Technical Note (Document ref. HE551478-SKAG-EGN-CONWI_CONW-RP-CD-00002, Revision P01, dated 22 October 2024), 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.</p> <p>No further action is required by the Applicant with regards to testing the Slough Dyke re-alignment 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</p>	Please see REP2-043 - Environment Agency Written Representations.

REP2-042 - Environment Agency				The Applicants Response
Question No.	Question To	Question	Environment Agency comments	
			above have been submitted as part of the DCO application, we will be able to resolve this issue.	
Q15.1.13	The Applicant	<p><b>Climate change Allowances Sensitivity Test</b></p> <p>The FRA has not assessed a credible maximum peak river flow climate change scenario, in line with UK government guidance on climate change allowances for flood risk assessments.</p> <p>The Applicant should review the EA's RR [RR-020] and provide a detailed comment that should include a sensitivity assessment of the Upper End (62%) climate change allowance for peak river flow.</p>	<p>Within the most recent Hydraulic Modelling Technical Note (Document ref. HE551478-SKAG-EGN-CONWI_CONW-RP-CD-00002, Revision P01, dated 22 October 2024), 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. 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>	Please see REP2-043 - Environment Agency Written Representations.

REP2-046 - Network Rail Infrastructure Limited	The Applicants Response
<p><b>1. Q6.3.6 Network Rail, Applicant</b></p> <p>Schedule 9 – Protective Provisions Part 4 of Schedule 9 is for the benefit of Network Rail. Provide an update on the latest position in respect of the Protective Provisions in Part 4 and what the likelihood of these being agreed and completed prior to the close of the Examination. <u>NR Response:</u> NR has commenced discussions with the Applicant with regards to the inclusion of NR's standard protective provisions and copies of such have been provided to the Applicant. Discussions with the Applicant are ongoing and the parties will confirm the position on the form of Protective Provisions to be placed on the Order in due course.</p>	<p>The Applicant agrees with the response provided by Network Rail and has nothing further to add at this point.</p>
<p><b>2. Q14.0.47 Network Rail</b></p> <p><b>Railway – Newark Flat Crossing</b> Paragraph 7.3.4 of the Transport Assessment Report [APP-193] states that the Applicant worked with the DfT designer to provide confidence that the Proposed Development would not preclude a future grade separated rail scheme from being delivered in the future. Do you consider the Proposed Development to be acceptable in this regard? Do any changes need to be made to the Proposed Development as suggested by [RR-029]? <u>NR Response:</u> NR has confirmed that the impacts of the proposed development on aims to grade the Newark Flat Crossing would not be detrimental on the safe operation of the railway and that it would not preclude a future grade separated rail scheme from being delivered in the future on the basis of the analysis below. Since the A46 highways scheme involves extending an existing road over line bridge as opposed to constructing a new one, it does not introduce a new constraint on future grade separation of the railways at Newark Crossing. Based on current Freight Operating Company (FOC) traffic patterns, the heaviest (3200 tonne) freight trains are loaded in the westbound direction, whereas the constraining gradient would rise from west to east if the grade separation was implemented. This means that these trains would only encounter the constraining gradient if they were required to return loaded to their origin. This scenario is unusual, and slightly extended running times on the rare occasions if it happens would not be of concern. There is a small risk should the grade separation scheme be introduced, that an exceptional event (such as, but not limited to a trespass incident) could cause such a train to be stopped out of course at the crest of the gradient. This scenario has not been modelled and there is a concern that a 3200 tonne train could not restart under those conditions and would require rescue. However, this combination of events is thought to be sufficiently unlikely for it not to be of concern, as in the unlikely event, the train would be recovered following railway operating procedures.</p>	<p>The Applicant agrees with the response provided by Network Rail and has nothing further to add at this point.</p>
<p><b>3. Q6.1.16 – Statutory Undertakers</b></p> <p>Articles 42, 43 and 44 in relation to Statutory Undertakers Do these Articles raise any significant concerns, if so: a) Explain the concern. b) Propose any alternative wording c) Comment on whether Protective Provisions are being discussed to address and such issues and detail the state of play with those discussions, and d) Explain and justify any responses. <u>NR Response:</u> In response to part a) of this question, these Articles raise significant concerns for NR as, NR operates under a Network Licence granted by the Office of Rail and Road (ORR). Under the Network Licence, NR is obliged to ensure compliance with a wide number of standards imposed by the Rail Safety and Standards Board that pertain to maintaining the safe and efficient running of trains on the railway. In order to regulate its ability to comply with such standards, NR must retain stringent restrictions, controls and procedures over any interferences with the railway by third parties, including by reason of persons exercising rights on or over railway land. NR imposes such restrictions through a requirement to obtain its prior consent before rights are compulsorily acquired or railway land is temporarily used and by requiring third parties to enter into an asset protection agreement. In regards to part b) of this question, we would propose that NR's standard Protective Provisions, are included at Part 4 of Schedule 9 to address such concerns set out in Part a). A copy of the protective provisions is attached at Schedule 1 to this Letter. These have been provided to the Promoter, and NR has requested the Promoter agree to the inclusion of NR's standard Protective Provisions in the form attached but continue to discuss the same with the Promoter. In regards to part c), as stated in response 1 above, NR has commenced discussions with the Promoter with regards to the inclusion of NR's standard protective provisions and copies of such have been provided to the Promoter.</p>	<p>The Applicant is continuing to discuss protective provisions with Network Rail, and we note from their response that the inclusion of these provisions should alleviate any concerns they may have regarding Articles 42, 43 and 44 of the draft Development Consent Order [REP2-002].</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
<b>1. Policy</b>				
Q1.0.1	All IPs	<p><b>Policy – National</b></p> <p>Do you consider NPSNN 2024 to be Important and Relevant to the Secretary of State's decision? If yes, how much weight should the decision-maker attach to the Proposed Development's compliance with NPSNN 2024?</p>	<p>The DCO application was accepted on 23<sup>rd</sup> May and the NPSNN 2024 was designated on 24 May 2024. As such, and applying the transitional provisions in paragraph 1.16 of the NPSNN 2024, NSDC accept that the 2015 NPS should continue to have effect in relation to the DCO application. However, and applying paragraph 1.17 of the NPSNN 2024, NSDC consider that the terms of the NPSNN 2024, and the Proposed Development's compliance with its provisions are both important and relevant material considerations. NSDC consider that how much weight should be attached to the provisions of the NPSNN 2024 is a matter for the Examining Authority in its recommendation to the Secretary of State and ultimately for the Secretary of State in its decision on the Application.</p>	No further comment from the Applicant.
Q1.0.3	The Applicant, NSDC, NCC	<p><b>Policy</b></p> <p>The following were published on 30 July 2024: 1. Consultation on "Proposed reforms to the NPPF and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation". 2. The Secretary of State's written ministerial statement entitled "Building the homes we need". Do these have any relevance to the Proposed Development or alter any of the conclusions in the application?</p>	<p>NSDC consider that the 30 July 2024 Ministerial Statement is a material consideration indicating the direction of travel of national policy. The draft NPPF is also a material consideration but the weight to be attached to it is likely to be quite limited as it is subject to consultation and may change.</p>	No further comment from the Applicant.
<b>2. Air Quality</b>				
Q2.0.3	NSDC	<p><b>Policy – Local</b></p> <p>Paragraph 5.3.43 of ES Chapter 5: Air Quality [AS-021] states that NSDC's air quality supplementary planning document (SPD) is currently under review and yet to be adopted as either policy or guidance and, as such, has not been considered in this assessment.</p> <p>a) Should the SPD that is under review be taken into account in determining this Application? If yes, please provide a copy.</p> <p>b) Is the revised SPD likely to become available, whether in draft or adopted, before this Application is determined?</p>	<p>a) The document is technical guidance, not a supplementary planning document. It has not been taken through the statutory plan making process, including being subject to a sustainability appraisal. As such, no significant weight can be given to this document.</p> <p>b) b) No</p>	No further comment from the Applicant.



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
Q2.0.5	The Applicant, NSDC	<b>Air Quality Targets Paragraph 5.3.12 of ES Chapter 5: Air Quality [AS-021]</b> refers to interim targets in the Environmental Improvement Plan 2023 for England, noting that the targets are not legal thresholds but have been included for reference. Does the decision-maker need to take account of these targets or should other targets be referred to in their determination?	<p>Paragraph 5.3.13 of ES Chapter 5 Air Quality (AS-021) indicates:</p> <p>“The targets are to be met at air quality monitoring stations. In the absence of air quality monitoring stations in the vicinity of the Scheme, the date by which the target is to be achieved and the factors noted at paragraph 5.5.21 of this Chapter, it is not relevant to include this target in Table 5-1. Likewise, the interim PM2.5 air quality target mentioned above in paragraph 5.3.12 has also not been included in Table 5-1 either.”</p> <p>NSDC has asked National Highways (see Issue 30 of Table 3.1.1 of the NSDC and NH Statement of Common Ground REP1-029) to install air quality monitoring stations along the A46 to enable ongoing air quality monitoring. The Council would also seek a legal agreement to be in place regarding funding for future air quality monitoring.</p>	<p>NSDC notes that Chapter 5 (Air Quality) of the Environmental Statement [AS-021] has excluded the PM<sub>2.5</sub> 2040 target from Table 5-1 ‘Relevant air quality objectives and limit values for human health receptor’ on the basis that the targets are to be met at air quality monitoring stations. However, whilst the PM<sub>2.5</sub> 2040 target is excluded from Table 5-1, the final bullet point of paragraph 5.5.21 of Chapter 5 (Air Quality) of the Environmental Statement [AS-021] provides detail on why the Scheme would not have a significant effect on the ability to meet the future PM<sub>2.5</sub> target of 10µg/m<sup>3</sup> set out in The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023.</p> <p>Chapter 5 (Air Quality) of the Environmental Statement [AS-021] concludes that there are not predicted to be any exceedances of the NO<sub>2</sub>, PM<sub>10</sub> or PM<sub>2.5</sub> air quality objectives at any of the human health receptors within the study area during operation of the Scheme. Therefore, the Scheme complies with the Air Quality (England) Regulations 2000 and Air Quality Strategy 2023, which set out the air quality objectives. The assessment also confirms that the Scheme does not affect the UK’s reported ability to comply with the limit values set out in the Air Quality Standards Regulations (2010) (as amended). Therefore, in accordance with paragraph 2.90 of the Design Manual for Roads and Bridges LA 105, Chapter 5 (Air Quality) of the Environmental Statement [AS-021] has concluded no likely significant effect for human health. On this basis, no air quality mitigation measures or additional air quality monitoring is required for the operational phase of the Scheme. As such, the Applicant does not propose to install air quality monitoring stations along the A46. This position is recorded in the Statement of Common Ground with NSDC [REP2-026].</p>
Q 2.0.8	The Applicant, NSDC	<b>ES Methodology Does ES Chapter 5: Air Quality [AS-021]</b> make a distinction between nearby receptors which could be impacted and those more sensitive to poor air quality per paragraph 5.13 of NPSNN 2024? If not, should it?	<p>The selection of air quality sensitive receptors as reported in the air quality chapter of the ES has been undertaken in accordance with the National Highways LA105 Air Quality Standard.</p> <p>In air quality assessments, there is no scale of receptor sensitivity and receptors are either sensitive or not sensitive to air quality impacts. This is determined by the likely duration of exposure to the pollutants of concern at any given land use, relative to the averaging periods of the relevant air quality objectives.</p> <p>Individual sensitivity of public exposure to air pollutants was accounted for in the transcribing of the EU Air Quality Directive into UK legislation, as the existing (and amended) air quality objective values. The air quality limit values enforced by the directive and subsequent UK air quality objective values were set at a level at which the most sensitive members of the public were considered not to be at risk of harm from exposure to those pollutants, based on empirical data available at that time.</p> <p>The National Highways LA105 Air Quality Standard method followed by the assessment accounts for receptors that could be considered “more sensitive to poor air quality” when determining if the effect of the scheme is significant or not. A significant adverse effect is more likely where a scheme makes an existing exceedance of an air quality objective value worse, or creates a new exceedance, at a location where there is sensitive exposure.</p>	No further comment from the Applicant.
Q2.0.9	The Applicant, NSDC	<b>ES Methodology ES Chapter 5: Air Quality [AS-021]</b> is based on 2022 air quality data. Is this a robust basis for assessment, or should more recent data be used?	NSDC understand that the assessment will have used the most current data available at the time it was carried out. If updated, it would require full reassessment and the difference is likely to be minimal.	No further comment from the Applicant.

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
Q 2.0.11	The Applicant, NSDC	<p><b>Air Pollution and Dust – Winthorpe Primary School [RR-070] and [RR-077]</b> raise concerns about the effect of dust and air pollution on Winthorpe Primary School during the construction and operational phases. For both the construction and operational phases, and with specific reference to Winthorpe Primary School, please describe:</p> <p>a) whether any changes to air quality as described in the ES would likely affect the operation of the school including the use of outdoor areas;</p> <p>b) with reference to DMRB LA105 whether the approach to be taken to assessing air quality impacts differs where schools are receptors (eg are these 'more sensitive' receptors); and</p> <p>whether, based on the conclusions of the ES, any specific mitigation is needed and, if so, how this would be secured.</p>	<p>Winthorpe Primary School, including its playing field, is located c.500m from the nearest section of the Affected Road Network (ARN) (the A46 NE-bound carriageway). The school grounds are located c.160m from the DCO Limits.</p> <p>a) The nearest receptor to the school considered in the assessment is R29, which is c.80m from the nearest section of the ARN (the A46 NE-bound carriageway). R29 is reported to experience a total annual mean NO2 concentration of 17.2 µg/m3 in the 2028 Do-Something scenario and an impact of 0.0 µg/m3 due to the operation of the proposed scheme. In accordance with the National Highways Air Quality Standard LA105, the assessment reports PM10 concentrations of 25.8 µg/m3 in the 2022 baseline scenario only. The concentrations and impacts reported at R29, which is closer to the ARN than the school, suggests that the operation of the scheme will not affect the school or its outdoor areas.</p> <p>b) The National Highways LA105 Air Quality Standard requires air quality sensitive receptors, including schools, to be selected where they are located within 200m of the ARN. Because the school is over 200m from the nearest section of the ARN, it not being included in the assessment is in accordance with the LA105 Air Quality Standard.</p> <p>c) The assessment of construction dust emissions reported in the chapter identifies a high risk of unmitigated dust impacts occurring. In line with the National Highways LA105 Air Quality Standard, the applicant has prepared an Environmental Management plan (EMP) that was submitted to and will be secured by the DCO. The EMP will include dust control measures that should be capable of mitigating impacts at the school. It should also set out how the effectiveness of the control measures will be secured, monitored and reviewed.</p> <p>The assessment reports no significant effects due to the operation of the proposed scheme and, therefore, no mitigation for this phase was required.</p>	<p>Q2.0.11(a) – No further comment from the Applicant.</p> <p>Q2.0.11(b) – No further comment from the Applicant.</p> <p>Q2.0.11(c) – The Applicant confirms the mitigation measures are set out in the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP2-010]. The First Iteration Environmental Management Plan [REP2-010] will be developed into a Second Iteration Environmental Management Plan to be implemented during construction. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP2-002]. Table 3-2 of the First Iteration Environmental Management Plan [REP2-010] sets out how the effectiveness of the dust control measures will be monitored and section 6.3 and 6.4 of the First Iteration Environmental Management Plan [REP2-010] set out the process for reviewing and monitoring compliance.</p>
Q 2.0.13	The Applicant, NSDC	<p><b>Dust [RR-020]</b> states that health impacts from the construction phase “dustcorridor” have not been modelled.</p> <p>a) Why has an assessment of the potential health impacts from dust not been undertaken?</p> <p>Please describe the measures that would be put in place to manage / mitigate the effects of dust and how those measures would be secured.</p>	<p>The assessment of construction phase dust impacts, as reported in the air quality chapter of the ES, has been undertaken in accordance with the National Highways LA105 Air Quality Standard.</p> <p>a) Dust is typically considered to impact on amenity, rather than human health. Although construction phase activities that have the potential to generate emissions of dust also have the potential to generate emissions of finer particles, which are more associated with an impact on human health. The qualitative method used to assess dust risk is in line with the DMRB methodology and is consistent with other assessments that would</p>	<p>Q2.0.13(a) – The Applicant confirms Chapter 5 (Air Quality) of the Environmental Statement [AS-021] assesses the impact of construction dust on health in accordance with DMRB LA 105, which requires a qualitative assessment of construction dust. This approach is in line with guidance from the Institute of Air Quality Management (IAQM), which also outlines a qualitative risk based approach to assessing construction dust. The usefulness of numerical criteria to determine effects from construction dust is limited, as the perception of loss of amenity or nuisance is affected by a wide range of factors such as character of the locality and sensitivity of receptors. As a result, assessment methodologies that are based on a qualitative approach are advocated, but this does not mean that the potential health impacts from construction dust have not been considered. The finer fractions of particulate matter which may affect human health are also constituent of dust and as such, dust control measures included in the First Iteration Environmental Management Plan [REP2-010] are sufficient to protect against health impacts from both PM<sub>10</sub> and PM<sub>2.5</sub> during construction.</p>



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			<p>generally be undertaken for construction dust assessment.</p> <p>The construction phase dust assessment method set out in National Highways Air Quality Standard LA105 does not explicitly refer to the health impacts of construction dust. However, it should be noted that the dust control measures set out in the chapter and the Environmental Management Plan (EMP) will mitigate the impact of finer particles, as well as the impact of dust. However it is considered that the applicant would be best placed to respond to this matter.</p> <p>The dust control measures are set out in Section 5.10 of the air quality chapter of the ES and also within the EMP. The EMP will be secured by the DCO.</p>	Q2.0.13(b) – No further comment from the Applicant.
Q 2.0.14	The Applicant, NSDC	<b>Effect of Air Quality on NMUs [RR-070]</b> states that every effort should take place to protect NMUs from air pollutants. Are there any locations where air pollution from use of the Proposed Development would give rise to any significant effects on NMUs? If yes, how could such significant effects be mitigated?	<p>NSDC believe this is the incorrect reference and it should be RR-071 Winthorpe Think Again comments re non motorised user (NMU) routes.</p> <p>The air quality assessment has been undertaken in accordance with the National Highways LA105 Air Quality Standard. NMUs are not defined as air quality sensitive receptors within that guidance, nor are they defined as such in Defra's Local Air Quality Management Technical Guidance. As such, there is no requirement for air quality impacts to be predicted for such receptors.</p> <p>From review of the air quality predictions and impacts reported at receptors closest to the roads, annual mean NO2 concentrations are well below 60 µg/m3. An annual mean of 60 µg/m3 is pertinent because research suggests that this annual concentration represents when the hourly mean NO2 air quality objective may be at risk of an exceedance. It is this hourly mean NO2 objective that NMUs would be sensitive to and the results that are available in the assessment suggest that the hourly mean NO2 objective is unlikely to be exceeded.</p>	No further comment from the Applicant.
Q 2.0.16	The Applicant, NSDC	<b>Mitigation Measures – Dust Paragraph 5.13.1 of ES Chapter 5: Air Quality [AS-021]</b> and paragraph 3.2.4 of Statement Relating to Statutory Nuisances [APP-186] state that potential dust impacts would be suitably controlled using the best practice mitigation measures set out in the First Iteration EMP ([APP-184], page 30). Are the proposed mitigation measures satisfactory? If not, please provide suggested changes.	It would be beneficial for an outline air quality and dust management plan to be submitted as part of the DCO Examination to enable Nottinghamshire County Council (NCC), NSDC and relevant parties to undertake a review and provide comments if necessary.	The Applicant confirms an Outline Air Quality and Dust Management Plan as an Appendix to the First Iteration Environmental Management Plan [REP2-010] was submitted at Deadline 3 of the Examination, which will enable all parties to comment on its provisions.
3. Biodiversity, Ecology and Natural Environment				
Q3.0.4	The Applicant, NSDC	<b>Habitat Severance ES Chapter 8: Biodiversity [APP-052]</b> sets out the impact on habitats through paragraphs 8.11.8 to 8.11.12. This concludes a Slight Adverse effect during construction. With specific reference to the Environmental Masterplan [AS-026] please provide further explanation and justification of	<p>NSDC has sought the advice of Nottinghamshire County Council's (NCC) Natural Environment Team on this matter as the Council does not have a capacity at this time to answer this matter.</p> <p>NCC does not agree with the conclusion within the ES for the habitat loss for the lowland mixed woodland (a priority</p>	<p>Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] considers post-construction impacts to be those that arise during operation, as a result of the Scheme. The Scheme will not result in further loss of lowland mixed woodland during operation, above the loss reported as a result of construction activities. The assessment refers to temporary long-term impacts for those that will arise in the three-year construction period. The following examples evidence how a Slight Adverse residual effect during construction has still been concluded despite being subject to Major Adverse impacts to habitats as a result of the Scheme prior to mitigation.</p> <p>The unavoidable permanent partial loss of one lowland mixed deciduous woodland (92%) will result in a major</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		<p>this conclusion and when doing so consider how the habitats currently link together creating green corridors and the impact of the Proposed Development to intrude on these networks resulting in habitat severance. Please also provide further detail on what opportunities have been identified to resolve existing issues of severance and those caused by the Proposed Development. Does the Council agree with this conclusion and if not, why not?</p>	<p>habitat): <i>"slight adverse effect during construction that is not significant"</i> (Para- graph 8.11.9). The loss of the lowland mixed woodland will be a permanent impact post construction not just during the construction period. The assessment prior to the mitigation and compensation measures for the loss of this habitat is "major adverse at county level" and therefore even with the compensation measures proposed, (replacement like for like of a larger area) the proposals will result in a permanent loss of lowland mixed woodland, which cannot be compensated in the short term.</p> <p>The assessment of the impacts appears not to consider the long-term impacts of the loss of habitats (or short term impacts of loss of connectivity), which left in situ will mature providing higher biodiversity value and additional opportunities for species in comparison to new woodland planting which is proposed as compensation. Furthermore, the establishment period for mitigation and compensatory planting provided at the start of section 8 (paragraph 8.11.2) does not adequately take into consideration the creation of low- land mixed deciduous woodland which would require more than the 15 years stated for trees to es- tablish and provide the same habitat quality for which the assessment, compensation and mitigation measures are based on.</p> <p>In relation to habitat severance, we are concerned that an adequate evaluation of the scheme's im- pact on habitat connectivity has not been provided. No assessment of the ecological function to wild- life has been provided and we would expect the proposed mitigation measures to include temporary or new permanent habitats to provide connectivity in place of the habitats to be lost as part of pro- posals, during the construction period.</p> <p>It does not appear that the ecological function and importance of the existing habitats forming a wild- life corridor has been assessed.</p> <p>Paragraph 8.11.16 notes that corridors for commuting and foraging for bats will be lost during construction but reestablished after post-construction, with no alternative provided for commuting and foraging for the construction period. No information on the estimated time for which the construction period will last has been provided and the consideration of the time it will take for the habitats to become of the same value to wildlife as well as provide the same level of opportunities has not been considered.</p>	<p>adverse impact, as the impact will negatively affect the integrity of this resource, and only a small area will be retained along the tributary of The Fleet (detailed on Sheet 5 of 7 of Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]). This severance is considered to result in a Slight Adverse residual effect with mitigation in place. The wording states that the residual effect is 'during construction', which is an error. It should state that 'with mitigation in place there will be a Slight adverse effect over the long term, with the woodland taking 15 years to establish as a functioning woodland and 30 years to meet the expected condition for 'lowland mixed deciduous woodland'. The Applicant details this clarification in Reference Number 6.4.1 of the A46 DCO Table of Errata submitted at Deadline 3 of the Examination. This is because the retained woodland will still provide a green corridor to the parkland to the north (southeast of Winthorpe village) during construction and, following establishment of the compensation planting, will become more resilient (better condition and habitat connectivity). These retained habitats are outside of the Order Limits and are therefore not shown on the Environmental Masterplan [AS-026] and are instead detailed on Sheet 6 of 16 of Appendix 8.1 (Extended Phase 1 Habitat Technical Report Part 2) of the Environmental Statement Appendices [APP-146]. The severance of mixed plantation woodland north of the proposed flyover is of an importance below local level, however it will act as a stepping stone using retained scattered trees to maintain a green corridor to hedgerows along the A1 carriageway during construction, and following establishment of the compensation planting, better connectivity to the north west and adjacent the flyover (detailed on Sheet 5 of 7 of Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]). Bat surveys indicate only low density foraging adjacent to the retained small broadleaved plantation woodland that will become isolated between Friendly Farmer roundabout and the flyover. However, this retained plantation woodland is comparable in height and suitability (for passerine birds only) to the adjacent isolated parcels of woodland, providing opportunities for safe flight heights for passerines over Brownhills roundabout, the A1 carriageway and Friendly Farmer roundabout.</p> <p>The River Trent and associated bankside habitat are considered commuting and foraging routes for bats, which will be maintained during construction following implementation of construction sensitive lighting, as detailed in the First Iteration Environmental Management Plan [APP-184]. In contrast, the River Trent also acts as a barrier to movement for terrestrial wildlife to move south (beyond the Scheme) and northeast of Nether Lock Viaduct. However, the areas south of the river and south of the A46 carriageway north of Nether Lock Viaduct are urbanised and comprise suboptimal habitat for protected species assessed in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. Windmill Viaduct and Nether Lock Viaduct will continue to provide connectivity to retained habitat either side of the A46 carriageway with further access between the Farndon FCAs via a farmer's track, and an underpass (hard standing) between A617 Kelham Road (west of the A46 carriageway) and Kelham Road (east of the A46 carriageway). Habitat adjacent to the railway line will also provide some connectivity for wildlife movement between the Scheme and the wider landscape (outside of the Order Limits). The existing pedestrian underpass under the A1 joining Winthorpe Road and Gainsborough Road and the path parallel to the River Trent will continue to provide connectivity north of the A46 carriageway during construction.</p> <p>Loss of habitat and therefore connectivity along the highways verge as a result of the Scheme predominantly comprises broadleaved plantation woodland, species-poor hedgerows (some defunct), amenity, improved and semi-improved grassland, arable fields and scrub which provide suboptimal green corridors for protected species. The wider landscape provides better optimal habitat than within the Order Limits. The widened carriageway would not sever any key commuting routes and there are no large populations of a single species or frequent routes used by multiple species.</p> <p>As detailed in the Statement of Common Grounds (Statement of Common Grounds with Nottinghamshire County Council [REP2-036], Statement of Common Ground with Natural England [REP1-026], and the Statement of Common Ground with Newark and Sherwood District Council [REP2-026]), the Applicant presented the assessment to interested parties (Nottinghamshire County Council, Natural England and Newark and Sherwood District Council) and agreed a compensation planting design with Natural England. The Scheme design will compensate for habitat losses by providing better quality and better-connected green corridors (for commuting and foraging wildlife) long-term between the northern and southern extents of the Scheme than are currently present, especially along the northwest side of the carriageway. Habitat connectivity is provided through the creation of broadleaved woodland, lowland mixed deciduous woodland, hedgerows, lines of trees, scrub, grassland and wetland habitats, including ponds, reedbeds and Coastal and Floodplain Grazing marsh. In terms of providing habitat connectivity, green corridors will have established fully within 15 years post-</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
				<p>construction, with establishment of habitats considered to be 1-3 years for grassland, 2-4 years for riparian vegetation, 3-5 years for hedgerows and 15 years for trees, as detailed within section 8.11.2 of Chapter 8 (Biodiversity) of the Environmental Statement [APP-052].</p> <p>Though there will be no new severances of commuting routes for any protected species due to connectivity to the wider landscape which would not be restricted during the construction phase, the Applicant explored opportunities to reduce the impact of 'severance' / temporary fragmentation disturbance (redirection) of commuting routes resulting from habitat loss along the existing highways verges during construction. This included early establishment of planting in situ prior to construction to maintain connectivity along the highway verges. However, this is not feasible prior to completion of construction, due to the nature and scale of the Scheme (earthworks for construction of embankments to facilitate widening of the existing A46 carriageway). In areas that do not require earthworks prior to planting, early establishment of habitats would introduce further risk of injuring, killing or entrapping wildlife due to the proximity to construction activities. Though retention of existing habitat has been maximised, the unavoidable loss of habitats within construction areas would also indirectly result in mitigating this risk to protected species by rendering habitat unsuitable and will not leave wildlife isolated, due to retained connectivity to the wider landscape. Due to the 3 year duration of construction, any habitat manipulation to render habitat unsuitable to mitigate risk to protected species during construction would be considered temporary-long term and therefore require planting after construction has been completed, as detailed in the Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026].</p>
Q3.0.6	NSDC	<p><b>Local Wildlife Sites ES Chapter 8 [APP-052]</b> provides a commentary on the impacts on four Local Wildlife Sites – Dairy Farm Railway Strip, Great North Road Grassland, Newark (Beet Factory) Dismantled Railway and Old Trent Dyke. Does the Council agree with the Applicant's assessment and conclusions.</p>	<p>For sites at a higher level in the nature conservation designation hierarchy, guidance is that an effect is significant if it is likely to undermine the conservation objectives for that site (IAQM, 2020. A guide to the assessment of air quality impacts on designated nature conservation sites). Non-statutory Local Wildlife Sites do not have published conservation objectives making assessment of air quality impacts problematic. The methodology used has considered whether increased nitrogen deposition levels would affect the integrity of LWSs that have been designated for their botanical interest. NSDC consider that if a site degraded because of air pollution to the extent that it no longer met the relevant LWS selection criteria, that would clearly be a significant effect as continued qualification as a LWS would invariably be a conservation objective for that site. To have assessed air quality impacts on that basis would have aligned more closely with IAQM guidance. However, this would not have resulted in a conclusion whereby residual effects would have been of a higher level of adversity than has been concluded, so whilst we might have different view regarding the assessment method for air quality impacts on LWS, we agree with the conclusions.</p> <p>1. Dairy Farm Railway Strip: Para. 8.9.4 of ES Chapter 8 [APP-052] notes that loss of habitats includes arable habitats, but when the LWS boundary is viewed with an aerial image backdrop this doesn't appear to encompass any arable habitat. On the assumption that this area is relatively small, NSDC do not consider that clarification is likely to alter the assessment conclusion for this site which we otherwise agree with.</p> <p>2. Great North Road Grassland: NSDC are aware that following the most recent update</p>	<p>The Applicant has assessed that loss of habitats will not affect the integrity of LWS, as detailed in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. The assessment also considered fragmentation in terms of the effects on protected species. Areas connected to the LWS are prioritised for habitat creation, with proposed habitats equivalent to those lost from the LWS, to provide continuity of the site's integrity. The location of compensation planting for the loss of habitats for which each LWS has been designated is detailed in Figure 8.4 (Compensation Planting for Loss of Local Wildlife Site Habitats) of the Environmental Statement Figures [AS-045]. Compensation has been provided as close to the source of loss as possible. Where this cannot be achieved, the equivalent habitat to that being lost from the LWS has been captured Scheme-wide. This detail and the species mixes are provided in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. For example approximately 9,880 square metres of broadleaved woodland will create connectivity extending northwards from Dairy Farm Railway Strip, Newark LWS to Cattle Market Roundabout, parallel to the A46 carriageway (compensation for the total loss of approximately 680 square metres of broadleaved plantation woodland (the habitat which Dairy Farm Railway Strip, Newark LWS has been designated) and 4% of the LWS's total area).</p> <p>Great North Road Grasslands LWS comprises of three isolated fields of grassland, with no connectivity between them at pre-construction baseline, which will not change as a result of the Scheme. A total of approximately 22,260 square metres of Great North Road Grasslands LWS would be lost to carriageway widening and the construction of attenuation basins, which would account for 74% of the LWSs total area. This unavoidable loss to deliver the Scheme includes the permanent loss of habitats which are not the reason for the LWSs designation, such as amenity grassland, standing water and hard standing. Permanent loss includes approximately 60 square metres of one pond, approximately 110 square metres of marginal and inundation vegetation, approximately 670 square metres of broadleaved plantation woodland and approximately 16,800 square metres of unimproved and semi-improved neutral grassland and modified improved grassland (of which approximately 110 square metres is lowland meadow). Approximately 56% of the LWS will be permanently lost (approximately 17,050 square metres) and 17% (approximately 5,220 square metres) will be temporarily lost long-term (during construction). This includes habitats which are not the reason for the LWSs designation (such as grassland and standing water).</p> <p>The Applicant can confirm the Scheme has been designed by implementing the mitigation hierarchy to minimise habitat loss, with a focus on avoiding high value and/or irreplaceable habitat present, including the retention of Great North Road Grasslands LWS (where possible) as detailed in Chapter 2 (The Scheme) of the Environmental Statement [APP-046]. Vicky, The impact on the lowland meadow was minimised by introducing 70 degree steepened slopes to the carriageway embankments, reducing the overall cross section by narrowing the new central reserve and reducing the access track widths adjacent to these. At Cattle Market the working space to widen the gyratory and Smeaton Arches has been reduced to an absolute minimum. Retained lowland meadow and re-created lowland meadow on land subjected to temporary long-term loss, will be returned to the</p>



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			<p>(autumn 2024) of the LWS layers held by Nottinghamshire Biological and Geological Record Centre that the boundary of that part of this LWS that is located south of the A46 has been amended since the desk study was undertaken. We believe that the boundary has been redrawn to exclude hardstanding areas along the southern and eastern part of this section of the LWS. This would alter the assessed impact on the LWS in terms of percent- age of the LWS area as set out in para. 8.9.5 of ES Chapter 8, but on the assumption that this has only affected areas of hardstanding that have no biodiversity value, this should not affect the overall conclusions for this LWS, which NSDC agree with.</p> <p>3. Newark (Beet Factory) Dismantled Railway NSDC agree with the assessment and conclusions for this LWS.</p> <p>4. Old Trent Dyke The assessment of impacts on this LWS have been considered in terms of linear length. Whilst the likely reasons for this (i.e., it is a linear habitat and is treated within the Biodiversity Metric as such), expressing potential effects in terms on linear meterage is considered by NSDC to have the potential to be misleading. The designation includes the full width of the channel, any marginal habitat and associated riparian habitat, so an assessment based on area rather than linear length should be used. However, in this instance, based on the average width of the designated LWS boundary being circa. 3m the total area of LWS that would be lost to the culvert would be 120m<sup>2</sup>, which represents circa. 1% of the total area of the LWS. Therefore, notwithstanding this comment, NSDC agree with the overall conclusions for this site.</p> <p>The areas lost are not considered to be significant enough to adversely impact each LWS and their designated habitats, however no assessment on the connectivity these LWS provide and the impact the fragmentation of these LWS habitats during the construction has been provided.</p> <p>The proposals will result in a loss of 74% of the Great North Road Grasslands LWS and even with the compensation measures proposed will result in a moderate adverse effect significant at the county level. No explanation to why the proposals will impact the majority of this significant area of LWS grassland has been provided. The post development habitats include the creation of lowland meadow grassland and species rich grassland and not the retention and improvement of the existing LWS grasslands. Further justification for the level of habitat loss in this area will need to be provided as not all of the area is required for the proposed SUDS and carriageway widening. It is likely that the LWS status</p>	<p>owner after the completion of construction and habitat creation and the previous management (livestock grazing) would resume. This means that enhancement of retained lowland meadow and re-created areas (subjected to temporary long-term loss) is not feasible. Where habitat loss has been unavoidable, replacement habitats are proposed to be created as detailed on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. Following the mitigation hierarchy, the quantity (area) of each habitat type required to compensate for the unavoidable permanent loss of habitats of ecological value have been informed by the Natural England Biodiversity Metric 3.1, as reported in Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159] and Chapter 8 (Biodiversity) of the Environmental Statement [APP-052].</p> <p>The location of lowland meadow habitat creation is detailed in Sheet 3 of 7 of Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. The soil phosphorous index for these two small fields of poor semi-improved grassland is zero (as detailed in Appendix 9.3 (Agricultural Land Classification Report) of the Environmental Statement Appendices [APP-170]), indicating that existing soils are suitable for habitat creation of lowland meadow (as detailed in Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159]). The BNG metric accounts for the fact there is an inherent risk to all habitat creation and that some habitats are more difficult to create than others. The difficulty of creating different habitat types (including lowland meadow) and the time lag between initial habitat creation and habitats reaching target condition has been accounted for by the post-development habitat multipliers in the Biodiversity Metric 3.1 calculator and is reflected in the overall unit gain scores. Commitment B16 in Table 3-2 (Register of Environmental Actions and Commitments) in the First Iteration Environmental Management Plan [REP2-010] secures implementation of BNG Management and Monitoring Plan and Second Iteration Environmental Management Plan, under legal agreement with the landowner. The principles of habitat creation detailed in Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159]) will inform the production of the Second Iteration Environmental Management Plan, such as application of an herbicide treatment in compensation areas in advance of spreading a green hay cut.</p> <p>It is assessed that the total loss of 74% of the Great North Road Grasslands LWS would result in a less viable LWS, reducing its conservation value and impacting the integrity of the site, as detailed in section 8.11.7 of Chapter 8 (Biodiversity) of the Environmental Statement [APP-052]. However, with proposed compensatory habitat creation in place, as outlined above, it is not considered that the LWS status will be lost.</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			<p>will be lost as part of the proposals.</p> <p>It should also be noted that lowland meadow is not defined as an irreplaceable habitat, but is difficult to create and maintain. Areas proposed for lowland meadow creation may not be feasible due to soil composition and management requirements.</p>	
Q3.1.1	The Applicant, Natural England, Forestry Commission, The Environment Agency, NSDC	<p><b>Biodiversity Net Gain Approach</b> 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. 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. 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>NSDC agrees with Natural England's view that 'trading down' in river units to compensate impacts on 'high distinctiveness' habitat with 'medium distinctiveness' habitats should be avoided. However, within the context of knowing how practically it is difficult to do otherwise for watercourse units, and the fact that mandatory BNG does not apply at the current time to NSIPs, it is our view that the proposed approach is likely to be acceptable if an acceptable justification is given as to why the habitat trading rules cannot be met, we are not aware that such a justification has been provided. In the absence of this justification, it is NSDC's view that potentially, insufficient mitigation and compensation has been provided within the Order Limits for impacts on watercourse units.</p> <p>In respect of the issue regarding fry refuges commented on by the Environment Agency, it is our understanding that the 'missed opportunity' referred to is an opportunity to provide enhancement/improvement rather than required mitigation or compensation. Therefore, whilst we support the Environment Agency's view, and would welcome the creation of fry refuges if possible, in respect of the specific question being asked, we would consider that sufficient mitigation and compensation is being provided for within the Order Limits.</p>	<p>The Applicant notes that while no mandatory requirement for Biodiversity Net Gain (BNG) applies for Nationally Significant Infrastructure Projects (NSIPs) such as this Scheme, increases in biodiversity units including river units have been sought within the parameters of the Scheme wherever possible. These include the creation of new sections of river channel, stream enhancements of The Fleet upstream of Winthorpe and new ditches as part of the highways network and within proposed wetlands.</p> <p>The trading down in compensation for river units can be justified as follows. As there is no mandatory requirement for BNG, habitat enhancements to provide an increase in biodiversity units can only be included in the design as part of other works that are required by the Scheme. There is a lack of opportunity to enhance river habitat as there are limited areas where works will be taking place close to watercourses. The River Trent is located outside of the Order Limits, except where the Scheme passes over the Main River (e.g. bailey bridge during construction and the viaducts) and therefore proposed in-channel works along the River Trent are not within the scope of the Scheme. The River Trent is also highly developed in the Scheme area (e.g. flood bund, sheet piled/canalised, locks, weirs, riprap) and the removal of artificial structures and barriers currently providing function as flood protection would potentially result in erosion of riverbanks, flood events downstream, loss of important fish spawning habitat downstream of Nether Lock weir and loss of a navigable waterway. The specific suggestions in the Environment Agency Representation [RR-020], including reconnecting rivers to their floodplain and removing barriers to fish migration, are not considered feasible. The portion of the Slough Dyke within the Order Limits is directly adjacent to the existing A1 carriageway with sections of proposed highway in close proximity on the opposite bank. This would be a significant constraint to increasing floodplain connectivity at this location. Scope for enhancements to the Slough Dyke are also limited by the maintenance requirements of the Trent Valley Internal Drainage Board. The request that the Scheme removes barriers to fish migration at Pingley / Car Dyke, Staythorpe Road Bridge is not possible. Pingley / Car Dyke, Staythorpe Road Bridge is not a location where any works are required to deliver the Scheme, it cannot be subject to compulsory acquisition, it is outside of the Order Limits and there would not be a justification for extending the limits to include this location. Therefore, there is no opportunity to provide improved fish passage there.</p>
4. Climate and Carbon Emissions				
Q4.0.2	The Applicant, NSDC	<p><b>Policy – National</b></p> <p>a) Is the climate / greenhouse gas / carbon-related policy in NPSNN 2024 materially different to that in NPSNN 2015? If yes, in what way?</p> <p>b) Given that this Application is to be determined pursuant to s104 of PA2008, how much weight should the decision-maker attach to the Proposed Development's compliance with the climate-related policies of NPSNN 2024?</p> <p>c) Does the ES comprehensively address policy in both NPSNN 2015 and NPSNN 2024? If not, please explain the further work that you consider should be undertaken. Does any other policy, guidance, legislation or court judgement indicate that the climate / greenhouse gas / carbon-related effects of the Proposed Development should be assessed in a different way to that set out in the ES, or</p>	<p>a) The climate and carbon emissions policy in NPSNN 2024 is significantly different to that featured in NPSNN 2015. NPSNN 2024 now includes explicit guidance on carbon emissions reduction and alignment with the UK's net zero targets, which were not prioritised in NPSNN 2015. NPSNN 2015 was oriented primarily towards economic growth and development, reflecting a focus on improving infrastructure with limited consideration for climate impacts. NPSNN 2024 emphasises sustainable development and environmental responsibility, particularly concerning carbon emissions and climate resilience. NPSNN 2024 seeks to reduce the risk of litigation by aligning more closely with climate commitments</p>	<p>a) The Applicant agrees with the narrative provided by NSDC but wishes to note that whilst there are differences between the NPSNN 2015 and NPSNN 2024, the approach to decision making is not materially different, as noted in the Applicant's Responses to Examining Authority's First Written Questions [REP2-037].</p> <p>b) No further comment by the Applicant.</p> <p>c) No further comment by the Applicant.</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		that the assessment in the ES needs to be supplemented? If yes, how?	<p>From a carbon/climate perspective the key differences are:</p> <p>Net Zero Alignment: NPSNN 2024 explicitly integrates the UK's commitment to net zero by 2050, which had not yet been legalised in 2015. NPSNN 2024 encourages planners to assess and mitigate carbon emissions from projects in a way that supports national carbon budgets, while allowing projects with residual emissions to proceed under certain conditions.</p> <p>Carbon Emissions Mitigation: NPSNN 2024 introduces clearer criteria for assessing GHG emissions and mitigating climate impacts. NPSNN 2015 policy focused more on economic growth and efficiency whereas NPSNN 2024 includes directives to reduce emissions and mitigate climate risk.</p> <p>Transparency and Accountability: NPSNN 2024 advocates for publishing the National Transport Model to improve transparency on how carbon impacts are forecasted. This level of transparency is aimed at allowing public and legal scrutiny of traffic demand forecasts and emission impacts and was not a feature of NPSNN 2015</p> <p>Biodiversity and Environmental Protection: NPSNN 2024 goes beyond carbon reduction to support wider environmental and biodiversity protection measures which aim to reduce the ecological impacts of new infrastructure projects.</p> <p>Under s.104 of the Planning Act 2008, the Secretary of State must decide the application in accordance with any relevant national policy statement unless the specific circumstances under subsections (4) to (8) apply. The transitional provisions of the NPSNN 2024 state that any applications for development consent accepted for examination before designation of the NPSNN 2024 should be determined in accordance with the 2015 NPSNN. This application was accepted for examination on 23 May 2024, and the NPSNN 2024 was designated on 24 May 2024. As such, the NPSNN 2015 is the relevant national policy statement for the purposes of s.104 Planning Act 2008. The NPSNN 2024 is, however, a material consideration (as is recognised in paragraph 1.17 of the NPSNN 2024), the precise weight to be attached to it is a matter of evaluative judgment for the Secretary of State to determine in the circumstances.</p> <p>c) Chapter 14 (Climate) of the ES states that accordance tables have been published detailing how the scheme complies with NPSNN 2015 (TR010065/APP/7.2) and how the scheme complies with NPSNN 2024 (TR010065/APP/7.3). The NPSNN carbon and climate requirements and associated evidence of compliance have been reviewed and it is agreed that the information contained within Chapter 14 of the ES complies with the carbon and climate</p>	



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			related requirements for both NPSNN 2015 and NPSNN 2024. d) NSDC considers there are no other policies other than those identified by the Applicant and those policies within the Council's LIR (REP1-035)	
Q4.0.9	The Applicant, NSDC	<b>Environmental Statement – Methodology Paragraph 14.7.5 of ES Chapter 14:</b> Climate [APP-058] refers to maintenance, repair and replacement activities. However, Table 14-3 of ES Chapter 14 sets out the PAS 2080 modules which have been included in the operational lifecycle assessment but these do not include B3 (repair), B4 (replacement) and B5 (refurbishment). Please clarify.	NSDC believe this to be a matter for the Applicant to address in its responses to EXQ1.	The Applicant confirms the assessment captures the emission from B2-B5, maintenance, repair, replacement and refurbishment collectively under the category of maintenance. This is to produce a more simplified output where the categorisation of these is similar for the Scheme. The Applicant details this clarification in Reference Number 6.1.11 of the A46 DCO Table of Errata [REP2-022] submitted at Deadline 2 of the Examination.
Q4.0.11	The Applicant, NSDC	<p><b>Environmental Statement – Scope 3 Emissions [RR-020] and [RR-065]</b> state that 'scope 3' emissions do not appear to have been taken into consideration, ie the projected increase in CO2 emissions attributed to increased traffic flow as a result of the Proposed Development. Please explain:</p> <p>a) whether there is any requirement for 'scope 3' emissions to be quantified and assessed for the Proposed Development;</p> <p>b) whether 'scope 3' emissions have been taken into consideration in the assessment of the Proposed Development as set out in the application documentation;</p> <p>c) whether the judgement of the UK Supreme Court in Finch (R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents) [2024] UKSC 20) has raised any new issues which have not been included in the application documentation (bearing in mind that the Application was Accepted before the Finch judgement was handed down); and</p> <p>if the judgement is of relevance to the determination of the Application, what you consider to be the correct approach to addressing the Finch judgement.</p>	<p>a) Clarification may be required as RR-020 and RR-065 do not state that scope 3 emissions do not appear to have been taken into consideration. The increased traffic flow as a result of the Proposed Development, considered as the primary scope 3 elements, has been quantified and assessed as part of the whole life carbon assessment contained within the Climate Chapter 14 of the ES. This assessment is summarised in table 14-19 of chapter 14, showing scope 3 road user emissions to be 523,019 tCO2e over a 60 year assessment period. Table 14-20 also compares the Do-Minimum (not implementing the proposed development) scenario to the Do-Something (implementing the proposed development) scenario and finds that the difference (ie the increase in emissions resulting from increased traffic flow as a result of implementing the scheme) is 7,995 tCO2e in the proposed development's opening year (2028).</p> <p>b) The Applicant has assessed operational emissions in both the Opening Year (2028) and the Design Year (2043), with an uplift in vehicular emissions due to the increase in vehicle kilometres travelled as a result of the Scheme (APP-058 - ES Chapter 14 - paragraph 14.11.9 and Table 14-20).</p> <p>c) The whole life cycle carbon assessment provided in the existing version of Chapter 14 of the ES is sufficient to meet the requirements of the Finch ruling. The Finch ruling was that downstream scope 3 emissions should be taken into account for the environmental impact assessment supporting a planning application to expand an existing onshore oil well site. In the case of the Finch ruling, scope 3 referred to the carbon associated with burning the extracted oil from the well site i.e. the downstream emissions resulting from the use of the product. In the case of the A46 application the equivalent scope 3 emissions would be the emissions associated with</p>	No further comment by the Applicant.



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			<p>the traffic using the new road. These emissions have already been taken into account in the whole life carbon assessment contained within Chapter 14 (see R4.011 a)) so no new carbon reporting requirements have arose for this project as a result of the Finch judgement.</p> <p>d) The Finch judgement should not be the main consideration and all material considerations should be taken in to account. The requirements arising as a result of the Finch judgement have already been addressed (see R4.011 a and c).</p>	
Q4.0.12	The Applicant, NSDC	<p><b>Carbon Emissions</b> – Fifth Carbon Budget [RR-001], [RR-016] and [RR-036] have commented on predicted carbon emissions arising from the Proposed Development both during construction and “over its 60 year lifetime”. They also state that these would occur during “the crucial 5th Carbon Budget, when we haveto make the fastest and most significant cuts”.</p> <p>a) What period does the Fifth Carbon Budget cover?</p> <p>b) Is it appropriate to consider construction phase and operational phase carbon emissions against the Fifth Carbon Budget? If not, please explain the approach thatyou consider should be taken.</p> <p>What is the correct approach to addressing the carbon emissions from the Proposed Development against the national carbon budget? If available, please provide examples of where that approach has been followed by the decision-maker in relation to other NSIPs.</p>	<p>RR-036 Lincolnshire County Council reps don't seem to mention Fifth Carbon Budget. Is this a typo?</p> <p>a) To the extent that NSDC can answer, the fifth carbon budget covers the years 2028 to 2032.</p> <p>b) To the extent that NSDC can answer, the fifth carbon budget sets an emissions limit for all emissions from all sectors (except international aviation and shipping) during the relevant period.</p> <p>c) c) This process should be carried out in line with the standard guidance published by the Institute of Environmental Management &amp; Assessment (IEMA) which is entitled Assessing Greenhouse Gas Emissions and Evaluating their Significance (2nd Edition 2022). This is in alignment with the guidance provided in section 3.18 of DMRB LA 114 (Climate) Design Manual for Roads and Bridges. Section 6.4 of the IEMA document stipulates that it is necessary to contextualise an Application's carbon footprint to determine whether it supports or undermines a national trajectory to net zero. The IEMA standard states that the starting point for contextualisation is the percentage contribution to the national carbon budget as advised by the Climate Change Committee (CCC). Where an Application extends over multiple 5 year carbon budgets, the project's carbon emissions should be reported against each carbon budget for every stage as per section 3.19 of DMRB LA 114. Applying this approach requires comparing the relevant stages of the whole lifecycle carbon assessment to their corresponding carbon budget periods and calculating the contributions of the scheme to the UK's carbon budget as a percentage. This has been followed in section 14.11.11 of the Climate Chapter 14 of the ES where it can be seen that emissions from the construction phase fall within the third and fourth carbon budgets and emissions from the operation phase fall into the fourth, fifth and sixth and subsequent budgets. Table 14-21 provides a summary of the net carbon emissions associated with the construction and operation of the</p>	<p>a) No further comment by the Applicant.</p> <p>b) The Applicant considers it is appropriate to consider construction phase and operational phase carbon emissions against the Fifth Carbon Budget as both construction and operation will occur within this period. Whilst NPSNN 2024 focuses upon construction emissions, it remains valid to consider the operation of the Scheme within the comparison to carbon budgets to contextualise the emissions. This gives a reasonable worst-case scenario for consideration within decision making.</p> <p>c) The Applicant confirms the approach NSDC have outlined is the approach followed within the assessment presented in Chapter 14 of the Environmental Statement [APP-058].</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			<p>scheme for the fourth, fifth and sixth carbon budget. Section 14.11.12 surmises that this carbon budget assessment shows that the emissions resulting from the scheme represent less than 0.007% of the total emissions in any 5-year UK carbon budget during which they would arise. Accordingly, the assessment has concluded that the carbon emissions impact of the scheme would not be significant.</p>	
Q4.0.13	NSDC	<p><b>Design</b></p> <p>Do you agree that the Applicant “has sought to minimise carbon emissions as far as possible in order to contribute to the UK’s net reduction in carbon emissions (PRO.02)” (Scheme Design Report [APP-194], section 4.12). If no, what else do you suggest could be done?</p>	<ul style="list-style-type: none"> <li>• NSDC would support the delivery of more opportunities for Active Travel by making routes easy to access for all users, in accordance with national standards LTN 1/20.</li> <li>• The delivery of a signage strategy that will help to reduce the length of vehicle journeys by effectively directing drivers to key destinations i.e. as identified in NSDC’s comments in our Statement of Common Ground with National Highways.</li> </ul>	<p>The Applicant confirms all new walking and cycling routes have been designed in accordance with LTN 1/20. The Applicant will continue to work with NSDC to develop the signage strategy During the detailed design stage.</p>
Q 4.0.19	NSDC	<p><b>Mitigation</b></p> <p>a) Should details of a Carbon Management Plan (reference C1 on pages 85 and 87 of the First Iteration EMP [APP-184]) be provided before a decision on this DCO Application is made per paragraph 5.35 of NPSNN 2024?</p> <p>b) How would the Carbon Opportunities Log (paragraphs 14.10.6 and 14.10.12 of ES Chapter 14: Climate [APP-058]) be secured and monitored?</p> <p>c) How would the mitigation measures detailed at paragraphs 14.10.6 and 14.10.21 of ES Chapter 14: Climate be secured?</p>	<p>a) NSDC would like to see a framework/ draft before a decision on the Application is made by which a final version through the iteration EMP is based. Requirement 3 of the draft DCO states that a second iteration Environmental Management Plan (to include a Carbon Management Plan) must be approved by the Secretary of State in writing (following consultation with the LPA) prior to commencement of the development. That second iteration EMP must be prepared in substantial accordance with the first iteration EMP which has been submitted as part of the application [APP-184], but that document does not include a draft or framework Carbon Management Plan. Chapter 14 of the ES includes many of the components required, such as the whole life carbon assessment, but should seek to now evaluate the extent to which the high-level carbon mitigation measures listed for the construction and operational phases of the project will mitigate the project’s carbon footprint.</p> <p>b) NSDC wishes to review the Carbon Opportunities Log on a regular basis in the way that it might review a travel plan monitoring report. The Carbon Opportunities Log is a document to be kept by the Principal Contractor to record opportunities identified during the design and construction phase for carbon reduction. The intention is that these opportunities will be pursued as part of the third iteration Environmental Management Plan. Requirement 4 of the draft DCO states that this document must be approved by the Secretary of State (following consultation with the LPA) following the completion of construction, and the development must then be operated and maintained in accordance with it.</p> <p>c) NSDC believes that these are for the Highways Authority rather than NSDC to reply to. However within</p>	<p>a) The Applicant confirms as noted in response to Q4.0.2 above, the NPS which has effect for determination of this application is the NPSNN 2015 and not the NPSNN 2024. The production of a Carbon Management Plan for submission with the application is therefore not a requirement that applies to the Scheme. However, a Carbon Management Plan will be produced as part of the Second Iteration Environmental Management Plan and is secured by Requirement 3 of the draft Development Consent Order [REP2-002].</p> <p>b) The Applicant agrees that NSDC review would be possible and this will be undertaken.</p> <p>c) The suggestion to use management and maintenance plans to deliver the mitigation measures outlined within 14.10.21 of Chapter 14 (Climate) of the Environmental Statement [APP-058], is considered a suitable option and aligns with Commitment C3 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan, [REP2-010]</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			para 14.10.21, these matters would be, in our opinion, best dealt with through suitable management and maintenance plans which include a review mechanism to enable periodic review by the appropriate bodies to ensure such plans and works and checks are being carried out and any actions then instigated and completed as acceptable. Road sweeping is generally a task Newark Town Council manage within the Town Centre, outside of this the contractor would need to manage this themselves. The County Council manage the gritting of key vehicle routes when the weather requires it, however if the construction phase increases the number of potholes and subsequent highway damage then this would need to be dealt with through negotiation with the County Council.	
Q4.0.20	The Applicant, NSDC, The Environment Agency (partc)	<p><b>Effect of the Proposed Development on Proposed Solar Scheme in response to[RR-003]:</b></p> <p>a) Has application 23/01837/FULM for a solar scheme at Kelham been determined? If not, is it likely to be determined before the close of the Examination?</p> <p>b) Please provide a red line and a general arrangement drawing for 23/01837/FULM</p> <p>Would 23/01837/FULM be deliverable if the land is used as a flood compensation area and if yes do any provisions need to be made in the DCO to ensure that the delivery of the solar scheme is not prejudiced by the Proposed Development?</p>	<p>a) Application 23/01837/FULM was submitted to NSDC on 17.10.2023 but is yet to be determined. The Council has some outstanding issues which the Applicant for the scheme, Assured Asset Solar 2 Ltd are exploring which relate to comments raised by consultees. It was originally due to be determined at December 2024 Planning Committee, however this maybe pushed back to early 2025.NSDC will inform the ExA when a date is set. The main issue NSDC can see with the two developments being located on the same parcel of land, is the ability for the development to still be able to provide adequate flood mitigation for both the A46 and the solar scheme. Although they are separate schemes, their land take overlaps and they both interact with each other. The solar scheme includes a landscaping belt on the land within the flood alleviation scheme on the boundary between two fields as well as internal access roads/tracks within the field. NSDC question whether this has been taken into account of during any modelling by the applicant and if this has also been taken into account of during the land discussions. It is noted that within the Land Rights Tracker (REP1-015) that both 001 and 008, that the land owner is to retain the land subject to any obligations and management requirements. NSDC would be keen to understand what these would comprise of.</p> <p>b) NSDC will submit the current proposed site plan with our submission but note this may change as discussions are still ongoing.</p> <p>NSDC has declared a climate change emergency so is generally supportive of solar schemes. However we request that suitable provisions are included in the draft DCO in order to ensure that these projects interface properly.</p> <p>The Cumulative Effects Assessment in Chapter 15 of the ES does not seem to refer to this solar development.</p>	<p>a) No comment from the Applicant required.</p> <p>b) The Applicant has acknowledged the NSDC's comments regarding the cumulative effects assessment and developments assessed as part of this in Chapter 15 (Assessment of Combined and Cumulative Effects) of the Environmental Statement [APP-059]. The Applicant understands that the proposed solar park has come forwards after the cut-off date of the original assessment (31 May 2023) contained in Chapter 15 (Assessment of Combined and Cumulative Effects) of the Environmental Statement [APP-059]. The Applicant has undertaken a review of any new or approved developments since those identified in the assessment submitted as part of the application. This review has identified new developments, as well as identifying any changes to the developments already included in the list for cumulative assessment, up to 1 October 2024. This is to ensure that the cumulative effects assessment for the Scheme is up to date and reflective of the anticipated cumulative effects associated with the Scheme and other developments. The Applicant has reviewed the details of the proposed solar park (23/01837/FULM) and has documented the findings of the updated cumulative effects assessment in a Cumulative Effects Technical Note [REP2-021] submitted at Deadline 2 of the Examination. The conclusions of the technical note state that the development is not predicted to cause significant cumulative effects with the Scheme. Therefore, no additional mitigation is required beyond what is included already in the First Iteration Environmental Management Plan [REP2-010].</p> <p>Engagement with the solar farm developer is ongoing, and it has been confirmed by the Applicant in conjunction with the Environment Agency that the FCA in the Scheme will not prejudice the solar farm development.</p>



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
<b>5. Compulsory Land Acquisition, Temporary Possession and Other Land or Rights Considerations</b>				
Q5.0.2	The Applicant and all Affected Persons including Statutory Undertakers	<p><b>Land Rights Tracker:</b></p> <p>The ExA has requested a separate Land Rights Tracker, in its Rule 6 letter, which seeks to focus on the Affected Persons who have objected to Compulsory Acquisition (CA) or Temporary Possession (TP) to enable more focussed attention to be provided in relation to on-going discussions on those objections. There is potential that other uncontested land may be resolved during the Examination and this can be suitably captured in Annex B without adding additional detail to the Land Rights Tracker. The Land Rights Tracker should be provided as an excel spreadsheet (with a PDF for publication) to enable the ExA to interrogate and sort the information. The Land Rights Tracker is focussed on those who have objected to the CA or TP of their land interest and should be regularly updated at each deadline during the Examination, or where no progress has been made confirmation there is no update required. The ExA are firmly of the view it should be the Applicant's aim to resolve and ensure all objections are addressed and where possible withdrawn before the close of the Examination. Should agreement not be reached by the conclusion of the Examination, the Applicant and any Affected Persons should provide a final position statement, by the final deadline, in relation to the land interest so that the ExA is in a position to arbitrate on the matter and provide a firm recommendation to the Secretary of State (this covers all land interests including Statutory Undertakers).</p>	<p>NSDC support the use of a Land Rights Tracker prepared by the Applicant focussed on those who have objected to the compulsory acquisition or temporary possession of their land interest which should be regularly updated at each deadline during the Examination, including to note where no progress has been made or to confirm there is no update required.</p> <p>NSDC share the ExA's view that the Applicant should aim to resolve and ensure all objections are addressed and where possible be withdrawn before the close of the Examination.</p> <p>Discussions between the Council and the Applicant are now taking place and positive progress to prepare a draft Agreement between the parties is being made. This will be reflected in updates to the Statement of Common Ground between the parties and in discussion at CAH2.</p>	The Applicant notes the response from NSDC.
<b>6. Draft Development Consent Order (dDCO)</b>				
Q6.1.1	All IPs	<p>Article 2 – Interpretation 'Commence/Commencement and Pre-Commencement: Is the list of pre-commencement works (a) – (r) acceptable, if not:</p> <p>a) identify those with which you have an issue and explain the reason / justification for your concern.</p> <p>b) Are the controls secured through Requirement 17 and the pre-commencement plan sufficient or should they be amended, if so please provide your suggested amendments</p>	<p>The draft Development Consent Order as submitted at Deadline 1 [REP1-001] provides that the following are permitted pre-commencement.</p> <p>a) archaeological investigations and mitigation works;</p> <p>b) utilities works comprising utilities protection works or fencing and protection slabs or diversions;</p> <p>c) baseline monitoring and investigations for the purpose of assessing and monitoring ground and water conditions and levels;</p> <p>d) construction compound establishment including welfare facilities and temporary buildings;</p> <p>e) construction of the temporary bridge over the River Trent;</p> <p>f) site clearance;</p>	<p>The Applicant notes NSDC's comments on the list of pre-commencement works.</p> <p>In response to NSDC's concern about ensuring that "any clearance works are taken place outside of the bird nesting season (ideally) or under the supervision of a qualified ecologist and in accordance with an up to date ecology plan", the Applicant would point NSDC to paragraph 3.1.33 of the Pre-Commencement Plan [APP-188] which requires:</p> <p>"Where possible, vegetation would be removed outside of bird nesting season (March-August inclusive) and night time hours, under the supervision of the ECoW. If vegetation removal is not possible outside of bird nesting season a nesting bird check / pre-construction check of the vegetation to be removed and immediately adjacent, by a suitably experienced ecologist, no more than 48 hours in advance of proposed clearance works to check for bird nesting activity. The ECoW will provide actions for implementation based on the findings of the survey, which may include species specific buffer zones of no construction or vegetation removal activity, and</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		and justification In relation to the flexibility to carry out advance works, any “carve out” from the definition of “commencement” should be fully justified and it should be demonstrated that such works are de minimis and do not have environmental impacts which would need to be controlled by requirement. See section 21 of Advice Note 15. Pre-commencement requirements should also be assessed to ensure that the “carve out” from the definition of “commencement” does not allow works which defeat the purpose of the requirement.	<p>g) preparation work for flood compensation areas;  h) laying down of haul roads and access works;  i) environmental surveys, mitigation and monitoring;  j) diversion of public rights of way;  k) demolition;  l) erection of temporary fencing;  m) establishment of vehicle recovery areas;  n) installation of temporary CCTV and speed enforcement cameras;  o) vegetation planting;  p) remedial work in respect of any contamination or other adverse ground conditions  q) receipt and erection of construction plant and equipment; and  r) temporary display of site notices, information and advertisements.</p> <p>As per Requirement 17, any of the above works must be carried out in accordance with the ‘pre- commencement plan’, which is provided at APP-188 and will be a certified document under the DCO. NSDC does not generally have any issue with the above list, other than to make sure that any clearance works are taken place outside of the bird nesting season (ideally) or under the supervision of a qualified ecologist and in accordance with an up to date ecology plan.</p> <p>Installation of temporary CCTV – NSDC would request sight of the location of these cameras prior to installation to ensure they do not interfere with the siting of our own CCTV cameras or security cameras within our own land, which are located in the area of the A46 and Newark Urban Area or interrupt visibility from them.</p> <p>b) NSDC are satisfied the controls are sufficient.</p>	<p><i>compensation should any losses of Schedule 1 species nest be required.”</i></p> <p>In response to NSDC’s request to have sight of the locations of CCTV cameras in advance of their installation the Applicant notes that the majority of the CCTV cameras will be located within the verges of the A46 carriageway to monitor traffic during the construction phase. Others will be located within the main compound and satellite compounds for security. The Applicant will liaise with NSDC to obtain the locations of the NSDC CCTV camera locations such that they can be considered in the development of the detailed design solution.</p>
Q6.1.2	All IPs	<p><b>Article 2 – Interpretation ‘Maintain’</b></p> <p>Is the definition of maintenance acceptable, if not please explain your concern and suggest alternative wording to address your concerns including justification.</p>	<p>Maintain is currently defined as:  <i>“in relation to any part of the authorised development to inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish or replace, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, and any derivative of “maintain” is to be construed accordingly”.</i></p> <p>This definition is the same as one which was included in a made DCO on the A428. In another recently approved road DCO scheme it was defined as follows:  <i>“includes inspect, repair, adjust, alter, remove, replace or reconstruct, provided such works do not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, and any derivative of “maintain” is to be construed accordingly”</i>  This definition would be acceptable to NSDC.</p>	<p>The Applicant confirms the maintenance provisions included in the draft Development Consent Order [REP2-002] are consistent with the Applicant’s duties under sections 41 and 329 of the Highways Act 1980 and powers under Part 9 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).</p> <p>The inclusion of the words ‘alter, remove, reconstruct and replace’ cover matters that are considered to be integral elements of the Applicant’s existing maintenance powers. Article 5 supplements the maintenance powers under the Highways Act 1980 and ensures that the Applicant has the necessary powers to maintain the authorised development.</p> <p>The Applicant must have the ability to respond to maintenance issues associated with the strategic highway quickly, to ensure it operates safely and efficiently.</p> <p>The Applicant notes that this formulation of “maintain” has been approved by the Secretary of State in respect of the M42 Junction 6 Development Consent Order 2020, as well as the A428 Development Consent Order referred to by NSDC.</p> <p>It should also be noted that the power to “maintain”, contained in Article 6 (maintenance of the authorised development) of the draft Development Consent Order [REP2-010] , is a power to “maintain the authorised development” and so any such works of maintenance must be within the bounds of what is authorised to be constructed under the Order, and within the scope of Article 10 (limits of deviation).</p> <p>The Applicant considers that the flexibility of this definition is appropriately constrained by reference to the environmental impacts that have been identified in the Environmental Statement to avoid the possibility of the</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
				draft Development Consent Order [REP2-002] giving consent for an environmental impact that has not been assessed.
Q6.1.5	All IPs	<p><b>Article 10 – Limits of deviation</b></p> <p>The Applicant confirms the limits of deviation identified in Article 10 have been taken into account in assessing the effects of the Proposed Development in the ES.</p> <p>a) Are there any concerns with the limits of deviation identified,</p> <p>If so, please identify which limits and explain and justify your concerns</p>	<p>Article 10 states the following limits of deviation: Laterally as shown on the Works Plans (AS-005) and vertically 1m up or down. Works 33 (1.6km of dual carriageway), 34 (455m of slip road), 36 (355m of slip road), 51 (240m of slip road) and 52 (305m of slip road) have more generous vertical limits for downwards deviation (2-2.5m). Other approved road schemes have not always specified additional or more generous limits of deviation for certain features, and the Explanatory Memorandum in this case has not stated reasons for these additional and more generous limits of deviation for these works. This is a concern given the sensitive landscape and heritage receptors around Cattle Market roundabout and Winthorpe which is stated within our LIR (REP1 – 035)</p>	<p>As noted by NSDC, in accordance with Article 10 of the draft Development Consent Order [REP2-002] all works authorised by the draft Development Consent Order [REP2-002] except Work Numbers 33, 34, 36, 51 and 52 have a vertical limit of deviation of 1m upwards and 1m downwards.</p> <p>Work Numbers 33, 34, 36, 51 and 52 each have a limit of deviation restricted to 1m upwards, but the Applicant has sought additional flexibility in relation to the ability to reduce the height of these Works. Each of the Work Numbers listed relate to works at Cattle Market Junction and it is the Applicant's expectation that through detailed design it will be able to reduce the height of these Works which would have the potential to reduce the impact of these structures on local visual receptors, landscape character and nearby heritage assets</p>
Q6.1.17	The Applicant, NSDC, NCC, LCC	<p>Articles 49 and 50 – Statutory Nuisance and Control of Pollution</p> <p>a) Do these Articles create any issues for Local Authorities in relation to the carrying out of their functions and if so explain and justify any concerns and provide alternative wording for the Articles to address your concerns.</p> <p>b) For the Applicant, in respect of Article 50 why is a different procedure to the existing procedures for challenging such decisions under the Control of Pollution Act necessary, and</p> <p>c) The drafting of Article 50 does not appear to limit the power to appeal to notice / consents issued by the Local Authority in relation to works for which consent is granted by the order. The drafting appears to permit the undertaker to appeal any notice / consent issued to them by the Local Authority even if it related to works authorised under a different planning permission in a different location.</p>	<p>a) Article 49 will not impact the LA carrying out its functions; we would use Section 80 of the EPA 90, rather than S82. This would, however, limit the ability of individuals affected to bring their own action against the applicant.</p> <p>b/c) Article 50 enables appeal to the SoS in relation to the LA serving Notice under COPA, or attaching conditions to any consent granted. This introduces uncertainty as to their use to control noise from the development, particularly if this route is proposed to control noise from works outside of normal working hours.</p>	<p>(a) As explained in the Explanatory Memorandum [REP2-004], Section 158 of the Planning Act 2008 confers statutory authority for the purposes of a defence in civil or criminal proceedings for nuisance, which ensures that large infrastructure projects can proceed smoothly once consented. The purpose of Article 49 is to provide a defence to proceedings brought in a magistrates' court under s.82(1) of the Environmental Protection Act 1990 (EPA 1990) in relation to certain nuisances set out in paragraph 79(1) of that Act. The Applicant does not therefore agree with NSDC that this article limits the ability of individuals affected to bring their own action against the Applicant. Any individual affected can still bring a claim under Section 82(1), however where a claim is made under this section, a defence is available to the Applicant if the nuisance relates to:</p> <ul style="list-style-type: none"> <li>a. the use of premises by National Highways for the purposes of or in connection with the construction or maintenance of the authorised development and is attributable to the carrying out of the authorised development in accordance with a notice served, or consent given, under the Control of Pollution Act 1974; or</li> <li>b. the construction, maintenance or use of the Scheme and cannot reasonably be avoided.</li> </ul> <p>The intention behind the Article is to provide a defence to those nuisances which may be of relevance to the authorised development as detailed in the Statement Relating to Statutory Nuisances [APP-186]. The Statement Relating to Statutory Nuisances [APP-186] identifies the following matters prescribed in Section 79(1) of the EPA 1990 that could be potentially engaged as a consequence of the Scheme during construction or operation:</p> <ul style="list-style-type: none"> <li>(d) dust arising on business and residential properties so as to be prejudicial to health or a nuisance;</li> <li>(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;</li> <li>(g) noise emitted from premises so as to be prejudicial to health or a nuisance; or</li> <li>(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in the street.</li> </ul> <p>The Applicant notes that the version of the draft Development Consent Order [REP2-002] submitted at Deadline 2 of the Examination only refers to Section 79(g) of the EPA 1990, however this is an omission and it should also refer to Section 79(d), (FB) and (ga). The Applicant has therefore updated Article 49 of the draft Development Consent Order [REP2-002] to include these sections together with 79 (g) to capture all those nuisances that could potentially be engaged as a consequence of the Scheme and this will be submitted at Deadline 3 of the Examination.</p> <p>The Applicant further notes that this article is widely precedented and the Secretary of State has approved this wording in recently made Development Consent Orders including the M3 Junction 9 Development Consent Order 2024.</p> <p>(b) The power of the local authority to specify the hours of work under Section 60 of the Control of Pollution Act 1974 is included at paragraph (3)(b) of Section 60 and of the Control of Pollution Act 1974. The</p>



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
				Applicant notes that Article 50 of the draft Development Consent Order [REP2-002] does not interfere with NSDC's ability to impose a condition of this nature pursuant to this Section. Under Section 60 and 61, the Applicant has a right to appeal to the magistrates court within 21 days, however there is no prescribed procedure or timescales for the Magistrates Court to hear the appeal. The purpose of Article 50 is therefore to streamline the appeal process and minimise the potential for unnecessary delay to the Scheme. The Applicant respectfully therefore does not agree with NSDC's assertion that Article 50 introduces uncertainty as in terms of the appeal process the Applicant considers that this article provides greater certainty as to what the process will entail.
6.2 Requirements - Schedule 2				
Q6.2.2	The Applicant NSDC, NCC, LCC, NE, EA	<p><b>Requirement 3 – Second Iteration EMP</b></p> <p>a) R3(1) currently refers to the Local Planning Authority. Does this need to be defined?</p> <p>b) R3(1) includes the phrase “substantially in accordance with”. Justify why this insufficiently certain and precise to ensure essential mitigation is secured.</p> <p>c) 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</p>	<p>a) To the extent that NSDC is the relevant LPA, this should be made certain through a definition.</p> <p>b) NSDC believe this to be a matter for the Applicant.</p> <p>c) NSDC believe this to be a matter for the Applicant.</p> <p>NSDC agrees that there should be more certainty in the drafting of the dDCO that the necessary level of mitigation will be delivered and would suggest that it must “accord with” or “comply with” the mitigation measures would be preferable drafting.</p>	<p>a) The Applicant confirms that as a relevant planning authority, NSDC will be consulted on the parts of the Second Iteration Environmental Management Plan which relate to the land within their local authority boundaries in accordance with the definition of “relevant planning authority” at article 2 (interpretation) of the draft Development Consent Order [REP2-002].</p> <p>b) and c) The Applicant notes NSDC's response.</p> <p>c) Please refer to 6.2.2(d) of the Applicant's Responses to the Examining Authority's First Written Questions [REP2-037].</p>
Q6.2.3	The Applicant, NSDC, NCC, LCC, NE, EA	<p><b>Requirement 3 – Second Iteration EMP</b></p> <p>The EA has requested that it is identified as a consultee in relation to the discharge of this requirement and that the EMP includes a Dewatering Plan. a) Given the breadth of management plans and method statements, should other consultees not be identified including NCC, EA, NE? b) Are there any other management plans or method statements that should be included in the list in R3(2)?</p>	<p>The draft requires that the development is not commenced until the second iteration Environmental Management Plan (which is to be “substantially in accordance with the first iteration document” has been approved by the SoS following “consultation with the relevant planning authority”.</p> <p>NSDC wishes to be a consultee on all versions of the EMP.</p> <p>At this point NSDC does not consider there to be any other management plans requires which are not listed in Requirement 3(2)</p>	The Applicant notes NSDC's comments and confirms that NSDC as a relevant planning authority will be consulted on the Second Iteration Environmental Management Plan and Third Iteration Environmental Management Plan in accordance with Requirement 3(1) and Requirement 4(1) of the draft Development Consent Order [REP2-002].
Q6.2.5	The Applicant, NSDC, NCC, LCC, NE, EA	<p><b>Requirement 4 – Third Iteration EMP</b></p> <p>Other consultation bodies should be included given the context of Q6.2.5. If you consider this should not the case, please explain your response. (The EM at paragraph 5.5(c) refers</p>	<p>The drafting requires the third iteration Environmental Management plan to be approved by the SoS following the completion of construction.</p> <p>NSDC wishes to be a consultee on this matter and at this time we do not consider there to be any other management plans expected.</p>	The Applicant notes NSDC's comment and confirms that NSDC will be a consulted on the Third Iteration Environmental Management Plan as a relevant planning authority in accordance with Requirement 4(1) of the draft Development Consent Order [REP2-002].



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		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)		
Q6.2.6	NSDC, NCC	<b>Requirement 5 – Construction Hours</b> Is the LPA happy with the hours specified in R5(1) and with the excluded works in R5(2), (3) and (4)?	<p>NSDC consider that 07:00 is too early, particularly on Saturdays. We would normally specify 07:30/ 08:00 for Mon- Fri and Saturday.</p> <p>We appreciate that the works in (2) will require working outside of the specified hours. However, a number of the categories are broad in nature (h), or could lead to works outside of normal hours arising from poor scheduling, etc (k). There are also no details regarding notification (to NSDC/ residents) of these works, nor mitigation measures to be put in place prior to works commencing. (3) and (4) have different wordings- 'consult' vs 'prior written consent'. NSDC suggest that we need to give consent for any such works.</p>	<p>The Applicant notes NSDC's standard construction hours and confirms that the Scheme's construction hours secured via Requirement 5 of the draft Development Consent Order [REP2-002] ( of 07:00-18:00 Monday to Friday and 07:00-13:00 on Saturdays) include a 30-minute preparation time at the beginning of shifts. Furthermore, Requirement 5 of the draft Development Consent Order [REP2-002] secures an obligation to consult the relevant planning authority prior to carrying out certain operations outside of these hours.</p> <p>Requirement 5(2)(h) of the draft Development Consent Order [REP2-002] allows emergency works or operations required for safe working to be carried out outside of the hours stated in Requirement 5(1) and this is necessary and reasonable due to the unexpected nature of such works which would be outside of the control of the Applicant and their contractor.</p> <p>The Applicant confirms that the purpose of including Requirement 5(2)(k) of the draft Development Consent Order [REP2-002] is to allow for operations to continue over a long period and has precedent in other made Development Consent Orders such as the A428 Black Cat to Caxton Gibbet Development Consent Order. The works covered by Requirement 5(2)(k) will be planned works and will therefore be subject to consultation with NDSC as part of the Section 61 process. This process would include agreement as to any communication and mitigation required as a result of the works.</p> <p>The Applicant also confirms that a commitment to agree the use of Section 61 applications with NSDC will be added in the NV1 entry of the First Iteration Environmental Management Plan [REP2-010].</p>
Q6.2.10	The Applicant, NSDC, EA.	<b>Requirement 8 – Contaminated Land and Ground Water</b> R8(2) appears to leave the decision as to whether remediation is necessary to the Undertaker. There is currently no cross reference to the Risk Assessment undertaken in accordance with consultation with the EA and LPA. Should it not be that the Requirement should state where the risk assessment in (1) determines that remediation is necessary it is required rather than leaving it to the discretion of the undertaker? If not please explain and justify your response.	NSDC considers this may have been mis-interpreted, our understanding is that this requirement (8) is akin to the standard 'watching brief' during development so that if the developer should identify, during the course of site works, unexpected contamination, they will then carry out additional risk assessment and remediation for the unexpected contamination, this should not replace the investigation required in the first instance and is merely a standard contaminant watching brief.	The Applicant refers NDSC to the Applicant's Responses to the Examining Authority's First Written Questions [REP2-037] which explains that the Applicant has updated the draft Development Consent Order [REP2-002] and submitted at Deadline 2 of the Examination.
Q6.2.11	NSDC, EA	<b>Requirement 8</b> Is Requirement 8 ( <b>Contaminated Land and Groundwater</b> ) of the dDCO [APP-021] sufficiently comprehensive? If not, please explain how you think it should be amended.	Investigation and dealing with contaminated land is a four phased process under EA LCRM guidance, requirement 8 is missing stage 4 verification of remedial works. The wording of the whole requirement 8 section is (as mentioned Q6.2.10) is phrased as a watching brief for contamination would be. It should require all of the 4 phases of LCRM as is the normal approach with land contamination and planning. Whilst the watching brief is encouraged as an addition to the standard approach, it is not sufficient to use it in the absence of the standard phased approach. It was noted during the review of the ground investigation works that verification of remedial works was not proposed by either consultant or applicant.	<p>The Applicant confirms that existing agricultural land soils will be reinstated back to their existing condition as detailed in commitments GS1 and GS9 in Table 3-2 Register of Environmental Actions and Commitments in the First Iteration Environmental Management Plan [REP2-010]. As detailed in commitment GS6 in Table 3-2 Register of Environmental Actions and Commitments in the First Iteration Environmental Management Plan [REP2-010], a verification report is required to be produced on completion of the earthworks and landscaping, in particular to confirm no excavation works have taken place at the location of the contamination hotspot at WS46, and to confirm the presence of hardcover at the location of BH11. The First Iteration Environmental Management Plan [REP2-010] will be developed into a Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the Development Consent Order [REP2-002].</p> <p>The contaminated land risk assessment conclusions (Appendix 9.2 of the Environmental Statement Appendices [APP-164]) does not propose remediation measures hence no remediation strategy has been proposed. The Applicant notes that it is in discussions with the Environment Agency regarding further controlled waters quantitative assessment of contaminated material at the WS46 hotspot location. Should there be changes in</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
				<p>the proposed works at the WS46 hotspot location, The Applicant will review the requirement to produce a remediation strategy and consult with NSDC.</p> <p>The Applicant confirms that construction excavation works will be undertaken under the supervision of an experienced site manager and construction-phase works will be monitored sitewide by the Principal Contractor Environmental Manager to ensure the protection of human health and controlled waters for the duration of the works, as stated in commitment [GS7] In Table 3-2 Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [REP2-010]. Requirement 8 of the draft Development Consent Order [REP2-002] has been updated to include wording, to ensure that development stops if previously unidentified contamination is found, only in the identifiable area in which suspected contamination is located.</p>
Q6.2.12	The Applicant, NSDC, County Archaeologist, District Archaeologist.	<p><b>Requirement 9 – Archaeology and built heritage</b></p> <p>Please address the following issues:</p> <p>a) In 9(1) 'reflecting' is imprecise and adds a degree of ambiguity more appropriate to 'secure' the mitigation measures.</p> <p>b) 9(6) third line a space is missing after the (4) – Typing error.</p> <p>c) In 9(7) why is the district archaeologist not referenced as in other subsections eg(4).</p> <p>What is the justification for 14 days stated in 9(8) given that once 'identified' must be subject to appropriate mitigation as set out in any relevant mitigation strategy and agreed. The timescale seems unreasonably tight. Furthermore, as drafted 9(8) refers to 9(6) – surely this is referencing not previously- identified remains which would be 9(7)</p>	<p>a) NSDC agreed with the Examining Authority's suggestion as to how the drafting in 9(1) can be tightened up.</p> <p>b) NSDC believe this to be a matter for the applicant.</p> <p>c) NSDC agrees with the Examining Authority's observation in relation to 9(7).</p> <p>NSDC agrees that 14 days is insufficient and would suggest that there are no specific timescales here and that, in essence, unless otherwise agreed in writing by the Secretary of State that no construction operations are to take place within 10 metres of the remains referred to in 9(7) unless and until an appropriate mitigation strategy has been agreed with the County Archaeologist and District Archaeologist.</p>	<p>The Applicant has updated Requirement 9 of the draft Development Consent Order [REP2-002] and submitted at Deadline 2 of the Examination. The changes reflect the fact that the detailed archaeological mitigation strategy has now been prepared and can be viewed in Chapter 6 of the Archaeological Management Plan [REP2-012]. The updates to Requirement 9 of the draft Development Consent Order [REP2-002] address the Examining Authority's and NSDC's comments including the removal of the 14 days' time period in Requirement 9(8) as this is no longer required. Section 6.10 in Chapter 6 of the Archaeological Management Plan [REP2-012] provides that an "unexpected finds procedure" shall be produced by the Archaeological Contractor prior to the start of any pre-commencement works or authorised development and will ensure that any discoveries outside of the previously identified areas will be suitably recorded.</p> <p>For further explanation, please also refer to the Applicant's Responses to the Examining Authority's Written Questions [REP2-037].</p>
Q6.2.13	The Applicant, NSDC, EA, NE	<p><b>Requirement 10 – Protected Species</b></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. Are NSDC, EA and NE content that this Requirement provides sufficient protection for protected species?</p>	<p>The current requirement states that any previously unidentified protected species or nesting birds must be reported to the Ecological Clerk of Works (appointed by the undertaker) who must prepare a written scheme of protection and mitigation measures. This drafting is identical to other National Highways made DCOs.</p> <p>NSDC would propose that the written scheme should be submitted for approval by the Secretary of State after consultation with Natural England and that the relevant works then should be carried out in accordance with the approved scheme or with any amended scheme which may be approved by the Secretary of State in consultation with Natural England and in accordance with the terms of any necessary licences</p>	<p>The Applicant notes that Natural England has confirmed in its response to this written question as follows [REP2-045]:</p> <p><i>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.</i></p> <p>The Applicant is therefore of the view that no amendments to Requirement 10 of the draft Development Consent Order [REP2-002] are required.</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
Q6.2.14	The Applicant, NCC, NSDC	<b>Requirement 11 – Traffic Management</b> a) How is the 'part' of the of the authorised development defined or identified? Should consultees not also include NSDC as the TMP potentially has implications beyond the effect on the local highway network?	a) NSDC believe this to be a matter for the Applicant.  Given the TMP is to be "substantially in accordance with the outline traffic management plan", which is a document to be certified by the SoS as part of making the DCO, NSDC would not wish to be consulted on it but would wish to make sure that NCC as the Highway Authority are.	The Applicant notes NSDC's comments and confirms that NCC as local highway authority will be consulted on the traffic management plan in accordance with Requirement 11(1) of the draft Development Consent Order [REP2-002].
Q6.2.16	The Applicant, NSDC, EA, IDB, LLFA.	Requirement 13 – Surface and Foul water drainage Consultation requirements in (2) only reference the relevant local authority but does not reference EA as is done in (1), why the difference? Also given that the Requirement is in respect of surface water and foul water drainage should this not include LLFA, IDB or other relevant SUs?	NSDC agree with the Examining Authority's suggestion that the EA should be consulted on matters in relation to its functions in 13(2) as in the case of 13(1) and would further agree, for the avoidance of doubt that NSDC .	The Applicant confirms that the Environment Agency should be referenced as a consultee in Requirement 13(2) in addition to Requirement 13(1) of the draft Development Consent Order [REP2- 002]. In addition, the Applicant notes that this requirement should refer to "relevant planning authority" as defined in Article 2(1) of the draft Development Consent Order [REP2-002] and not "relevant local authority". These amendments have been made in the version of the draft Development Consent Order [REP2-002] submitted at Deadline 2 of the Examination
Q6.2.19	The Applicant, NSDC	<b>Requirement 16 – Noise Mitigation a) (2)</b>  (a) 'reflect' is imprecise and introduces ambiguity, should this not be 'include'?  b) Does (3) mean retained in perpetuity thereafter?	a) NSDC agrees with the Examining Authority's observation.  NSDC agrees with the Examining Authority that for the avoidance of doubt that it should be stated that this is to be retained for the lifetime of the Proposed Development.	Q6.2.19(a) – Please see the Applicant's response to Q6.2.2(d). The wording at Requirement 16(2)(a) of the draft Development Consent Order [REP2-002] is the same as that in Requirement (13)(3)(a) in the A12 Chelmsford to A120 Widening Development Consent Order 2024 made by the Secretary of State earlier this year. Q6.2.19(b) – That is correct, unless modified by a later Order or planning permission.
Q6.2.20	All IPs	<b>Requirement 17 – Pre-commencement Works</b> 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.	Section 1.2 states that the scope and methods described in this plan are indicative only. The list of general mitigations in section 3, however, looks substantial. 2.2.20 & 2.4.16 & 2.4.44 & 2.4.59 states activity construction hours, however see our response to Q6.2.6 in response to Requirement 5 whereby NSDC consider that 07:00 is too early, particularly on Saturdays. We would normally specify 07:30/ 08:00 for Mon- Fri and Saturday. We don't recall seeing details of acoustic barriers to cover 2.2.21 & 2.4.18 & 2.4.60, although these are only temporary, given the length of the construction period it would still have an impact on local character and heritage impact to the structures. 2.3.4, NSDC would need to be a consultee on the design and specific siting of the bridge for this purpose due to the local heritage impact. Removal of the bridge should be controlled through the dDCO 2.3.10 the River Trent is a navigable river used frequently by boats accessing Newark. Temporarily closing the access may have a detrimental impact on local tourism and this impact should be to a minimal degree and well advertised and in consultation with the Canal and River Trust. 3.1.67 if structures are proposed then compensation should be provided in close proximity due to	The Applicant confirms section 1.2, paragraph 1.2.1 of the Pre-Commencement Plan [APP-188] sets out that the scope and methods described are provided on an indicative basis only as detailed design of the Scheme has not yet occurred. However, paragraph 1.2.1 goes on to state that the "scope and methods described have therefore been determined as a best estimation using all information available at the time of preparing the pre-commencement plan and are considered to be representative of the worst case. This means that while the specific details of each method may change, the overarching tasks would not." This text confirms that the Pre-Commencement Plan [APP-188] has been prepared on a worst-case basis and therefore NSDC can be assured that all required mitigation and control measures have been secured within in. The Applicant refers to its response to Q2.6.2 above in relation to construction working hours. Temporary acoustic barriers, comprising of 2m high fencing with acoustic quilting will be erected at the following areas: <ul style="list-style-type: none"> <li>- Along the northern and eastern boundary of the Windmill Viaduct satellite compound to the north side of the viaduct (Work No.127 as shown on the Works Plans [AS-005]).</li> <li>- Along the southern boundary of the southern section of the Windmill Viaduct satellite compound (Work No.128 as shown on the Works Plans [AS-005]).</li> <li>- Along the west boundary of the main compound (Work No. 53 as shown on the Works Plans [AS-005]).</li> <li>- Along the boundary between the Nether Lock satellite compound (Work No.62 as shown on the Works Plans [AS-005) and Bridleway 6.</li> <li>- Along the eastern and south-west boundaries of the Kelham and Averham Flood Compensation Area (Work No. 125 as shown on the Works Plans [AS-005]).</li> <li>- Along the east and south sides of the works area during the demolition of the maintenance building in the main site compound (Work No. 53 as shown on the Works Plans [AS-005]).</li> </ul> Each of the above works have been assessed in relation to their impact on heritage and the local character and the Applicant confirms that the presence of temporary noise barriers in these locations will not change the outcome of the assessment already carried out.



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			mitigating the local need. There is no need in providing mitigation in another field/location as this would not provide adequate mitigation for the harm caused in the immediate area. Unless the applicant can justify this is the most appropriate location for the mitigation and agreed with the Environment Agency.	Given the temporary nature of the bridge referred to in paragraph 2.3.4 of the Pre-Commencement Plan [APP-188], the Applicant does not propose to consult on its design which the Applicant has confirmed will be a Bailey Bridge style. Further the location of the temporary bridge will be in the location shown on the Works Plans [AS-005] for Work No. 63 (subject to detailed design) and given it's intended purpose there is limited flexibility in where it can be sited. The Applicant is currently in discussion with CRT in relation to proposed amendments to Article 58 of the draft Development Consent Order [REP2-002] which will deal with the temporary closure of the River Trent to ensure a minimal amount of disruption to its use. Paragraph 3.1.67 of the Pre-Commencement Plan [APP-188] makes it clear that above ground structures within Flood Zones 2 and 3 can only be constructed where equivalent volume for volume floodplain compensation has been provided within the three Floodplain Compensation Area sites, on a level for level basis. This means that where the Applicant is proposing to carry out any works that would reduce the floodplain compensation available replacement compensation area will be provided before these works commence. As the intention of this commitment is to ensure there is no net loss of floodplain compensation where the works are being carried out, the replacement floodplain compensation will be provided in the relevant location within one of the three Floodplain Compensation Area sites. This ensures that the works do not create a deficit in floodplain compensation.
Q6.2.21	The Applicant, NSDC, NCC, EA, NE	<b>Requirement 18 – Highway Lighting</b> 18(1) refers to consultation with the relevant local authority, this isn't defined. Moreover, the lighting is recognised as potentially affecting landscape, visual, biodiversity etc. Wider consultation to include NSDC, NCC, EA, NE would appear to be appropriate. If not, please explain and justify why not.	NSDC agrees with the Examining Authority's observation.  Highway lighting should be kept to a minimum and that which is necessary for the reasons of highway safety. Lighting, especially on the raised sections could be detrimental to the landscape character, especially around Winthorpe which is referenced in our LIR.	The Applicant can confirm lighting has been kept to a minimum whilst meeting the necessary highway safety standards. The introduction of new lighting in previously unlit areas is only proposed for Friendly Farmer link, located immediately adjacent to the A46 which is already lit in this location, and also at Brownhills Junction. In other locations lighting levels will remain as per the existing condition, with unlit sections remaining unlit and lit sections remaining lit, albeit modification of existing lighting columns may be required, these will not exceed the height of the existing. Proposed lighting column heights have been minimised as far as possible in order to lessen potential adverse impacts upon the existing landscape character and visibility from nearby properties and dwellings after dark; as well as the setting of features associated with the historic environment (for example listed buildings). Lighting will be at grade only and will not be placed on elevated sections of the Scheme other than the first 50m of the A46 north of Farndon roundabout and the entry slip road to the Esso service area. Lighting will also be directional to minimise backward lightspill into the surrounding landscape.
<b>7. Geology and Soils</b>				
Q7.0.2	The Applicant, NSDC	<b>Policy – Local</b>  On the webpage for which a link ( <a href="https://www.newark-sherwooddc.gov.uk/landpollution/">https://www.newark-sherwooddc.gov.uk/landpollution/</a> ) is provided at footnote 33 of ES Chapter 9: Geology and Soils [APP-053], reference is made to a previous version of the NSDC's contaminated land strategy. Is that document relevant to the consideration of this Application?	Yes. The revised version is out for consultation and is expected to go to committee for approval in December and NSDC will inform the ExA on its progression.	Please see the Applicant's response to Q7.0.2. NSDC's updated contaminated land strategy's regulatory context and overarching legislation in relation to geology and soils is consistent with that applied in Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053]. On that basis, the Applicant does not consider that the previous version of NSDC's contaminated land strategy is relevant to the consideration of the application.
Q7.0.4	NSDC	Consultation Responses – Contaminated Land a) Paragraph 9.4.2 of ES Chapter 9: Geology and Soils [APP-053] states that NSDC's Environmental Health Technical Officer was in agreement with the Contaminated Land Risk Assessment conclusions and agreed with the proposal to leave the identified hotspot area of contamination in situ. Please confirm your position, including by reference to the Applicant's proposals as outlined at paragraph 9.11.7 of ES Chapter 9.	a) the position remains the same, hotspot WS46 to remain at depth and BH11 placed beneath hardstanding. b) Yes c) Remedial strategy and full verification report should be provided. I am not clear how the DCO process can secure this. d) 9.11.8 refers to the risk to ground workers from elevated soil contamination. This is not a matter for the	a) The Applicant agrees with NSDC that the contamination hotspot at WS46 is left in situ. The Applicant notes that it is in discussions with the Environment Agency regarding further controlled waters quantitative assessment of contaminated material at the WS46 hotspot location. Should there be changes in the proposed works at the WS46 hotspot, NSDC will be consulted. The Applicant will submit a controlled waters Detailed Quantitative Risk Assessment (DQRA) and agree with the Environment Agency a satisfactory approach to addressing the contamination hotspot at WS46 (issue ref. EAGWCL-005) at Deadline 4 of the Examination. The Applicant is grateful for NSDC's confirmation that it is in agreement with the contaminated land risk assessment conclusions (Appendix 9.2 of the Environmental Statement Appendices [APP-164]). b) Noted. c) The Applicant confirms that existing agricultural land soils will be reinstated back to their existing condition



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		<p>b) Are you satisfied that the Applicant's approach is consistent with the EA's Land contamination risk management (LCRM) guidance?</p> <p>c) NSDC [RR-048] expresses an expectation that full details of mitigation would be confirmed prior to the commencement of works. What details should be provided, which Works Number(s) should the details relate to, and how should this be secured by the dDCO?</p> <p>d) Are you satisfied with the proposed measures in relation to non-hotspot areas as outlined at paragraph 9.11.8 of ES Chapter 9: Geology and Soils [APP-053]?</p> <p>e) Should construction-phase monitoring for contamination be added to Table 16.2: Summary of monitoring requirements of ES Chapter 16: Summary [APP-060]?</p>	<p>land contamination regime and is controlled by health and safety and construction design and management regulations. 9.11.10 refers to non-hotspot areas and the risk to surface water receptors, this is a matter for the EA not NSDC.</p> <p>e) Environmental health expect a contamination watching brief to be in place as is routine for any development phase.</p>	<p>as detailed in commitments GS1 and GS9 in Table 3-2 Register of Environmental Actions and Commitments in the First Iteration Environmental Management Plan [REP2-010]. As detailed in commitment GS6 in Table 3-2 Register of Environmental Actions and Commitments in the First Iteration Environmental Management Plan [REP2-010], a verification report is required to be produced on completion of the earthworks and landscaping, in particular to confirm no excavation works have taken place at the location of the contamination hotspot at WS46, and to confirm the presence of hardcover at the location of BH11. The First Iteration Environmental Management Plan [REP2-010] will be developed into a Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP2-002]. The contaminated land risk assessment (Appendix 9.2 of the Environmental Statement Appendices [APP-164]) concludes that, based on the proposed works and the findings of the GI, the risks to identified receptors from non-asbestos contamination are not significant and therefore no specific remediation measures are proposed. Consequently, no remediation strategy has been proposed. The Applicant notes that it is in discussions with the Environment Agency regarding further controlled waters quantitative assessment of contaminated material at the WS46 hotspot location. Should there be changes in the proposed works at the WS46 hotspot location the Applicant will review the requirement to produce a remediation strategy and consult with NSDC.</p> <p>d) Regarding non-hotspot areas as outlined at paragraph 9.11.8 Chapter 9: Geology and Soils of the Environmental Statement [APP-053], the management of contamination risks to ground workers is captured in commitment [GS7] In Table 3-2 Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [REP2-010]. The First Iteration Environmental Management Plan [REP2-010] will be developed into a Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP2-002].</p> <p>e) The Applicant confirms that construction excavation works will be undertaken under the supervision of an experienced site manager and construction-phase works will be monitored sitewide by the Principal Contractor Environmental Manager to ensure the protection of human health and controlled waters for the duration of the works, as stated in commitment GS7 In Table 3-2 Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [REP2-010]. If previously unidentified contamination is found, Requirement 8(1) of Schedule 2 of the draft Development Consent Order [REP2-002] ensures that no further development (unless otherwise approved in writing by the relevant authorities) shall be carried out within the identifiable perimeters of the area in which the suspected contamination is located.</p>
Q7.0.10	The Applicant, NSDC, NCC	<b>Ground Gas</b> Paragraph 9.8.55 of ES Chapter 9: Geology and Soils [APP-053] states that elevated carbon dioxide emissions were encountered during monitoring. Would any mitigation or safety measures be needed, or would any risks be controlled by another regime?	Mitigation measures are not required for the very low risk end use proposed in terms of human health. The risk mainly lies with site workers during construction phase and this is controlled by health and safety and construction design and management regulations.	The Applicant confirms as noted in paragraph 9.9.5 of Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053] that the Scheme does not include structures with confined spaces therefore the potential risks from ground gases are associated with construction and maintenance workers only. The Principal Contractor is required under the Construction Design and Management (CDM) Regulations 2015 to undertake their own risk assessments with respect to their employees. Therefore, the potential risk from ground gases to construction and maintenance workers working in excavations and other confined spaces will be dealt with by the Principal Contractor, in accordance with the Confined Spaces Regulations 1997. This is stipulated in paragraph 9.10.8 of Chapter 9 (Geology and Soils) of the Environmental Statement [APP-053] and in commitment GS7 In Table 3-2 Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [REP2-010]. The First Iteration Environmental Management Plan [REP2-010] will be developed into a Second Iteration Environmental Management Plan to be implemented during construction of the Scheme. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 of the draft Development Consent Order [REP2-002].
Q7.0.11	NSDC, NCC	<b>Mitigation</b> Is the Outline Soil Management Plan (OSMP) at Appendix B.3 of the First Iteration EMP [APP-184] in line with the ambition set out in the Government's Environmental Improvement Plan in relation to the sustainable management of agricultural soils (per 5.190 of NPSNN 2024)?	Agricultural soils is beyond the remit of NSDC responsibility under the contaminated land regime. Refer to AECOM.	No comment needed from the Applicant.

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
Q7.0.12	NSDC, NCC	<b>Mitigation</b> Would the Outline Materials Management Plan (OMMP) at Appendix B.2 of the First Iteration EMP [APP184] satisfactorily maximise the re-use of suitable site-won geological resources while minimising waste generated for disposal off site and the importation of virgin materials?	Agricultural soils is beyond the remit of NSDC responsibility under the contaminated land regime. Refer to AECOM.	No comment needed from the Applicant.
Q7.0.13	NSDC, NCC, The Environment Agency	<b>Mitigation</b> Are the measures in respect of controlled waters/ groundwater at references GS3, GS4 and GS5 on pages 59-63 (inclusive) of the First Iteration EMP [APP-184] satisfactory?	Groundwater is beyond the remit of NSDC responsibility under the contaminated land regime for planning and should be referred to the EA.	No comment needed from the Applicant.
<b>8. Cultural Heritage</b>				
Q8.0.1	The Applicant, NSDC	<b>Winthorpe Conservation Area ES Chapter 6: Cultural Heritage [APP-050]</b> refers to the potential installation of triple glazed windows in a property affected by noise in the conservation area. However, ES Chapter 11: Noise and Vibration [APP-055] makes no reference to this as a possible mitigation measure. Is the installation of triple glazed windows at this property necessary to make the Proposed Development acceptable at this location? If so, please provide details on what discussions have been had in this regard with the property owner and the Local Planning Authority (LPA). • NSDC please confirm, without prejudice to any potential application, if this would be acceptable?	<ul style="list-style-type: none"> <li>It is accepted that noise mitigation will be needed for properties within a vicinity of the A46 improvements to make the proposed development acceptable. However, the conservation team would question if triple glazing is the most effective method to mitigate noise. This potentially could be achieved through alternative methods, such as double-glazed secondary glazing, while minimising the loss of historic fabric. The conservation team have had discussions with the owners of Lowwood about upgrading secondary glazing with double-glazed secondary glazing.</li> <li>Although each proposal would be assessed on its own merits, the conservation team do not believe there are circumstances where triple glazing would be supported. Replacement joinery with triple glazing due to its thickness, is unlikely to replicate authentic 18<sup>th</sup> and 19<sup>th</sup> century joinery. It is likely to result in a chunkier window detail that will be unacceptable.</li> </ul>	The Applicant has acknowledged NSDC's comments and confirms that responses to this question have been provided within the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] that was submitted at Deadline 2 of the Examination
<b>11. Materials, Assets and Waste</b>				
Q11.0.13	NSDC, NCC	<b>Mitigation – Outline Materials Management Plan (OMMP)</b> Do you consider that the OMMP at Appendix B.2 of the First Iteration Environmental Management Plan [APP-184] to be satisfactory?	NSDC consider this is one for NCC to respond to but NSDC consider this to be acceptable.	No comment needed from the Applicant.
Q11.0.14	NSDC, NCC	<b>Mitigation – Outline Soil Management Plan (OSMP)</b> Paragraph 10.10.7 of ES Chapter 10: Material Assets and Waste [APP-054] states that the OSMP would be developed into a full Soil Management Plan (SMP) prior to construction.  a) Are you satisfied with this arrangement?	NSDC consider this is one for NCC to respond to but NSDC consider this to be acceptable.	No comment needed from the Applicant.

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		b) Do you consider that any amendments need to be made to the OSMP (Appendix B.3 of First Iteration Environmental Management Plan [APP-184])?		
<b>12. Noise and Vibration</b>				
Q12.0.1	The Applicant, NSDC	<p><b>Tolney Lane Traveller Site Environmental Statement Chapter 11: Noise and Vibration [APP-055]</b> makes note that the gypsy and traveller community at Tolney Lane is recognised as a “Noise Sensitive Receptor” and “it is acknowledged mobilehouses may provide a lesser degree of sound insulation; context will be considered as part of the standard DMRB LA 111 methodology”. DMRB 111 makes reference to “Determining Significance” with several examples of those noise sensitive receptors that might be more sensitive to noise than others. Can the Applicant confirm what allowances have been made to the methodology to account for Tolney Lane gypsy and traveller site, if any, as per the “Determining Significance” on page 21 of the DMRB LA 111.</p> <p>Do both parties confirm that this has been considered and do both agree with the applied methodology?</p>	<p>The Environmental Statement Chapter 11: Noise and Vibration [App-055] does not provide any specific information on the approach taken by the Applicant in determining the significance of the effect of the scheme at Tolney Lane Traveller Site during either construction or operation. Therefore, without the additional information from the Applicant, as has been requested within this question, NSDC cannot confirm what allowances have been made in the methodology for the Traveller site or if they agree with the applied methodology.</p>	<p>Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] presents the outcomes of the construction noise and vibration, and operational noise assessments for the relevant study areas, which include the gypsy and traveller community site off Tolney Lane. Figure 11.9 (Short-term Noise Change) of the Environmental Statement Figures [AS-063] and Figure 11.10 (Long-term Noise Change) of the Environmental Statement Figures [AS-064] present the impact of the Scheme in the short-term and long-term respectively, indicating the noise level change at this location is up to Minor in the short-term and up to Negligible in the long-term.</p> <p>Noise impacts with the Scheme in the short term where noise levels increase by 3 dB or more (Moderate/Major impact) for receptors above the Lowest Observable Adverse Effect Level (LOAEL) or at least by 1 dB (Minor impact) for receptors at or above the Significant Observable Adverse Effect Level (SOAEL) would be considered to be potentially significant, subject to review of additional factors (which include the magnitude of change with respect to minor and moderate boundaries, the magnitude of impact in the long-term and short-term, the consideration of absolute noise levels with respect to the LOAEL and SOAEL, the location of noise sensitive parts of the receptor, the acoustic context, and the perception of change).</p> <p>Noise impacts at the gypsy and traveller community site, which are predicted to be up to Minor in the short-term (and Negligible in the long-term) relate to absolute noise levels well below SOAEL. Accordingly, any additional allowances for receptor characteristics e.g. potentially lower sound insulation performance by mobile houses, have not been considered further as a significant effect as a result of the Scheme is not considered to arise at this location.</p> <p>The assessment methodology and outcomes have been presented to Newark &amp; Sherwood District Council Environmental Health Officers (EHOs) in the context of two consultation meetings (14 September 2022 and 21 June 2023). No objections to the assessment methodology and associated results have been raised.</p>
<b>13. Population and Human Health</b>				
Q13.0.3	The Applicant, NSDC	<p><b>Policy – Local Plan Allocations</b></p> <p>Paragraph 12.8.12 of ES Chapter 12: Population and Human Health [APP-056] refers to three employment sites with planning permission, four housing sites with planning permission and two mixed-use allocations. What are these sites, and are there any other employment or housing allocations which do not have planning permission but which should be taken into account in the assessment?</p>	<p>NSDC has listed all site allocations to be taken into consideration in the NSDC Local Impact Report. Those applications the applicant has taken in to account in their cumulative impact for the applicant to state. However NSDC would wish to make the ExA aware of the following applications:</p> <p>Pending planning applications to be taken into consideration adjacent to Friendly Farmer roundabout and Newark Showground:</p> <p>23/02281/OUTM Outline Planning Permission (all matters reserved) for up to 41,806sqm of Employment land (use class B2, B8 and E(g) (i), (ii) and (iii) with associated internal access roads, landscaping and drainage. Diversion of existing footpath and creation of new access into Newark Showground. Still pending consideration</p> <p>23/01283/OUTM Outline Planning Permission for up to 12,008sqm employment development (use class B2, B8 and E(g) i, ii and iii) with associated internal access roads,</p>	<p>The Applicant has acknowledged NSDC’s comments regarding the cumulative effects assessment and developments assessed as part of this in Chapter 15 (Assessment of Combined and Cumulative Effects) of the Environmental Statement [APP-059].</p> <p>The individual planning applications 23/02281/OUTM and 23/01283/OUTM were not assessed. However, the wider proposed development NUA/MU/1 assessed as part of the Sustainability Appraisal captured in the Local Development Plan was included in the assessment and has already been assessed as part of ID-6 in Chapter 15 (Assessment of Combined and Cumulative Effects) of the Environmental Statement [APP-059]. While the purpose for the remaining 3.91 hectares of development was not clear when carrying out the assessment in Chapter 15 (Assessment of Combined and Cumulative Effects) of the Environmental Statement [APP-059], the developments which were completed on the land already were employment developments, which is of a similar nature to planning applications 23/02281/OUTM and 23/01283/OUTM. The detailed submission for individual planning applications 23/02281/OUTM and 23/01283/OUTM does not include any information that would change the original assessment undertaken for NUA/MU/1. The size and scale of the whole development with the Scheme would give rise to likely significant temporary cumulative effects. These likely significant cumulative effects include:</p> <ul style="list-style-type: none"> <li>• Temporary Moderate Adverse cumulative landscape and visual effect on landscape receptor LCA 2 Winthorpe Village and Farmlands during construction.</li> <li>• Temporary Moderate Adverse cumulative landscape and visual effect on landscape receptor LCA 2 Winthorpe Village and Farmlands during Year 1 of operation.</li> <li>• Temporary Large Adverse cumulative landscape and visual effect on visual receptor R40 during</li> </ul>



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			<p>landscaping and drainage (all matters reserved). Still pending consideration</p> <p>24/00548/FUL Change of use of land to residential Gypsy/Traveller caravan site comprising 6 pitches each providing 1 static and 1 touring caravan and dayroom. Still pending consideration 24/SCO/00004 further big box development off the A17 Sleaford Road, Coddington. Determined awaiting the planning application.</p>	<p>construction.</p> <ul style="list-style-type: none"> <li>• Temporary Moderate Adverse cumulative landscape and visual effect on visual receptors R41, R43 and R48 during construction.</li> <li>• Temporary Moderate Adverse cumulative landscape and visual effect on visual receptors R40 and R41 during Year 1 of operation.</li> <li>• Temporary Moderate Adverse cumulative geology and soils effect on receptor ALC Grade 3a land during construction.</li> </ul> <p>However, this has been captured already under ID-6 (NUA/MU/1) in the original assessment.</p> <p>24/00548/FUL was reviewed when identifying the long list of new and approved developments as part of Chapter 15 (Assessment of Combined and Cumulative Effects) of the Environmental Statement [APP-059] and Cumulative Effects Technical Note [REP2-021] submitted at Deadline 2 of the Examination. However, the development did not fit into the inclusion/exclusion criteria to be added to the Long List. This is because the nature of the 24/00548/FUL, proposal which is expected to result in a land use change to a residential caravan site, is not anticipated to result in any cumulative effects due to the scale and scope of the application.</p> <p>The Applicant understands that the Tritax Big Box development (24/SCO/00004) has come forward after the cut-off date of the original assessment (31 May 2023) contained in Chapter 15 (Assessment of Combined and Cumulative Effects) of the Environmental Statement [APP-059]. The Applicant has undertaken a review of any new or approved developments since those identified in the assessment submitted as part of the application. This review has identified new developments, as well as identifying any changes to the developments already included in the list for cumulative assessment, up to 1 October 2024. This is to ensure that the cumulative effects assessment for the Scheme is up to date and reflective of the anticipated cumulative effects associated with the Scheme and other developments. The Applicant has reviewed the Tritax Big Box development and has documented the findings of the updated cumulative effects assessment in a Cumulative Effects Technical Note [REP2-021] submitted at Deadline 2 of the Examination.</p>
Q13.0.7	The Applicant, NSDC, NCC, Emergency Services	<p><b>Managing Disruption During Construction – Communications</b></p> <p>a) Paragraph 12.10.2 of ES Chapter 12: Population and Human Health [APP-056] refers to a Construction Communications Management Plan and a Construction Communications Plan. What is the difference between these documents?</p> <p>b) It is also indicated at paragraph 12.10.2 that these documents would be prepared as part of a Second Iteration Environmental Management Plan prior to the commencement of construction. Should an outline of the proposed commitments and details of parties who would be consulted be provided before a decision is made on this Application?</p> <p>c) How would changes to the road network be communicated to the emergency services? Do the emergency services have any specific requirements?</p>	N/A to NSDC	The Applicant confirms that responses to queries a) to d) have been provided within the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] submitted at Deadline 2 of the Examination.
Q13.0.8	NSDC, NCC	<p><b>Inclusion Action Plan</b></p> <p>Paragraph 12.10.2 of ES Chapter 12: Population and Human Health [APP-056] refers to an Inclusion Action Plan (IAP) and indicates that this would be prepared as part of a Second Iteration Environmental</p>		<p>a) The Applicant confirms the aim of the Inclusion Action Plan (IAP) is to ensure that the Scheme is accessible and beneficial to all stakeholders, regardless of their background or abilities. Key objectives of the IAP are to promote diversity and equality; remove physical, social and economic barriers; engage underrepresented groups; foster inclusive design; and enhance community benefits. Creating a more inclusive and equitable environment and ensuring opportunities and benefits of the Scheme are shared fairly will enhance health outcomes associated with the delivery of the Scheme. The IAP is referenced as an enhancement in Section</p>



REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		<p>Management Plan prior to the commencement of construction.</p> <p>a) What is the relationship between this document and the Population and Human Health topic – it does not appear to be discussed anywhere else in Chapter 12?</p> <p>b) Should an outline of the proposed commitments and details of parties who would be subject of the IAP be provided before the decision on this Application? If no, can the Public Sector Equality Duty be discharged in determining this Application (NPSNN 2015 paragraph 3.21)?</p>	<p>a) Question for applicant.</p> <p>b) Yes</p> <p>N/A</p>	<p>12.10.7 within Chapter 12 (Population and Human Health) of the Environment Statement [APP-056] submitted at Deadline 3 of the Examination. Measures within the IAP will further enhance positive benefits identified within Chapter 12 – in particular those related to employment.</p> <p>b) The Applicant acknowledges NSDC's response. The intent of IAP is to improve inclusion and diversity, leading to improved experiences of the workforce, customers and communities. The IAP is a National Highways Collaborative Performance Framework (CPF) metric and requires engagement with the contractor, suppliers and wider supply chain in order to gather intelligence and evidence for the IAP. As many of the suppliers and wider supply chain have not been appointed at this stage, it is considered that it would be a more effective product if adequate time for consultation and the consideration by these parties was available. The Applicant confirms that the IAP will be provided in the Second Iteration Environmental Management Plan secured under Requirement 3 of the draft Development Consent Order [REP2-002].</p>
Q13.0.9	NSDC	<p><b>Employment</b> On page 34 of ES Chapter 12: Population and Human Health [APP-056] it is noted that land designated as employment land in the Newark &amp; Sherwood Development Plan would be used as the Main Construction Compound for 48 months. Would this be a cause of concern in relation to the supply of employment land in the District?</p>	<p>No, NSDC acknowledges that this use will be temporary. The land is within the ownership of Nottinghamshire County Council and there are no planning applications on this land at present.</p>	<p>No further comment from the Applicant</p>
Q13.0.11	NSDC	<p><b>Employment and Skills</b> Are the arrangements in relation to employment and skills set out under references PHH4 and PHH5 on pages 77 and 78 of the First Iteration EMP [APP-184] satisfactory?</p>	<p>Both PHH4 and PHH5 are acceptable in principle but NSDC would like to see the detail of these proposals to ensure they effectively address these matters.</p>	<p>The Applicant considers the level of detail provided for PHH4 in the First Iteration Environmental Management Plan [REP2-010] is well defined. It sets out the type of employment opportunities that will be monitored, as well as proposed monitoring methodologies. The Education, Employment and Skills Plan and the Inclusion Action Plan (referenced in PHH5) will be provided in the Second Iteration Environmental Management Plan as set out in Requirement 3(2)(q) and 3(2)(r) of the draft Development Consent Order [REP2-002].</p>
Q13.0.14	The Applicant, NSDC, NCC	<p><b>Health Effects - indirect</b> – Indirect Paragraph 4.80 of NPSNN 2015 and paragraph 4.71 of NPSNN 2024 state that national road networks may have indirect health impacts eg if they affect access to key public services, local transport, opportunities for walking, cycling and wheeling, or the use of open space for recreation and physical activity. Would the Proposed Development have indirect health effects and, if yes, what weight do you consider should be given to them by the decision-maker?</p>	<p>NSDC consider that this question is best responded to by NCC</p>	<p>No further comment from the Applicant.</p>
Q13.0.18	NSDC, NCC	<p><b>Walking, Cycling and Horse riding – Temporary Diversions</b> – Temporary Diversions Are the arrangements in relation to WCH diversions, which are set out under reference PHH3 on page 77 of the First Iteration Environmental Management Plan [APP-184], satisfactory?</p>	<p>NSDC is concerned that the route between Newark and Winthorpe using the underpass routes would be restricted or due to the temporary route would not be suitable for all abilities. Early notification of the diversions would be of benefit to local communities.</p>	<p>The Applicant confirms that routes via the underpass will remain open, without long diversion, during construction of the Scheme. Section 2.3.20 to 2.3.22 and Appendix A.2.2 of the Outline Traffic Management Plan [REP2-014] describes the construction phasing for the Brownhills Junction such that a walking and cycling route would be maintained during the construction phase.</p> <p>The Applicant confirms that local people and businesses will be informed of diversions, with details set out in a Construction Communications Management Plan. The Construction Communications Management Plan will be an accompanying plan to the Second Iteration Environmental Management Plan, to be developed from the First Iteration Environmental Management Plan [REP2-010] (as secured by Requirement 3 of the draft Development Consent Order [REP2-002]). An Outline Construction Communications Management Plan as an appendix to the First Iteration Environmental Management Plan [REP2-010] has been submitted at Deadline 3 of the Examination.</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
Q13.0.22	The Applicant, NSDC, NCC	<p><b>Walking, Cycling and Horse riding – Friendly Farmer Area</b></p> <p>– Friendly Farmer Area</p> <p>a) In respect of the 'Footway / Cycle Track' between F-5M and F-5D on Sheet 5 of Streets, Rights of Way and Access Plans [AS-006]:</p> <p>(i) Could this route prejudice the delivery of NSDC Local Plan allocation NUA/MU/1?</p> <p>(ii) Could the route be lost as a consequence of the development of NUA/MU/1? If yes, how would an alternative route be secured?</p> <p>(iii) Given that this section of the footway / cycle track does not run parallel with the A46, is there any risk arising from the formation and use of an 'informal' route / desire line between F-5M, FX-5E and the Shell Service station? (iv) If yes, how would this be addressed?</p> <p>b) What is the purpose of retaining the part of Winthorpe FP3 that crosses the area shaded in yellow on Sheet 5?</p> <p>c) How would users of Winthorpe FP2 access the Esso Service Station and associated convenience store (noted on page 44 of Walking, Cycling &amp; Horse-Riding Assessment and Review Report [APP-193])?</p> <p>d) Where proposed footways / cycle tracks (illustrated in pink on [AS-006]) join an existing route, eg at point F-5C on Sheet 5, would those existing routes be suitable for cycles as well as pedestrians? If no, would facilities be created to enable cyclists to safely change route / transition to the highway without dismounting?</p>	<p>a)</p> <p>i) It has potential to prejudice the delivery of NSDC Local Plan allocation NUA/MU/1. There is currently a pending planning application for this site 23/01283/OUTM (phase 1) and 23/02281/OUTM (phase 2). The proposed footpath would cut through the centre of the site:</p> <p>23/02281/OUTM Outline Planning Permission (all matters reserved) for up to 41,806sqm of Employment land (use class B2, B8 and E(g) (i), (ii) and (iii) with associated internal access roads, landscaping and drainage. Diversion of existing footpath and creation of new access into Newark Showground.</p> <p>However this application includes the diversion of this footpath along its current route and the new route as proposed F-MD – F-5D is not compatible with this allocation as proposed.</p> <p>ii) There is potential for the footpath to be lost. However, it could be addressed by diverting the new footpath around the edge of the site.</p> <p>iii) Question for applicant</p> <p>(iv) Question for applicant</p> <p>b) Question for applicant</p> <p>c) Question for applicant</p> <p>Question for applicant. NSDC and NCC need to be reassured that the route meets LTN 1/20 standards.</p>	<p>The Applicant confirms that responses to queries a) have been provided within the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] that was submitted as part of Deadline 2 (Q13.0.22).</p> <p>All new walking and cycling routes comply with the requirements of LTN 1/20.</p>
Q13.0.24	The Applicant, NSDC, NCC	<p><b>Walking, Cycling and Horse riding - Enhancements</b></p> <p>– Enhancements NPSNN 2015 notes at paragraph 3.22 that applicants should seek to deliver improvements that reduce community severance and improve accessibility. NPSNN 2024 notes at paragraph 4.72 that enhancement opportunities should be identified and that this includes potential impacts on vulnerable groups.</p> <p>a) Which aspects of the Proposed Development do you consider to be 'enhancements' in terms of WCH?</p> <p>b) Would the Proposed Development result in a worsening of conditions for active travel and / or vulnerable groups in any locations?</p> <p>c) Has the Applicant addressed new or</p>	<p>a) Question for applicant, however the upgrade to the pedestrian link from the Friendly Farmer to the Winthorpe roundabout is more appealing for users and will hope to encourage greater use. The use of signalised junctions at Brownhills will also be safer for users in this area.</p> <p>b) Question for applicant. It is expected that there is an improvement to accord with LTN 1/20 requirements such as step free access, safety barriers etc. and the plans seem to indicate that there will be an improvement.</p> <p>For the applicant and NCC to answer.</p>	<p>a) No response required</p> <p>b) No response required</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		existing severance issues and/ or safety concerns that act as a barrier to non-motorised users (NPSNN 2015 paragraph 5.205 and NPSNN 2024 paragraph 5.274)?		
<b>14. Transportation and Traffic</b>				
Q14.0.3	The Applicant, NSDC, NCC	<p><b>Policy – National</b></p> <p>NPSNN 2015 states at paragraph 5.205 that applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. Paragraph 5.270 of NPSNN 2024 says that the Government is committed to sustainable development through facilitating a modal shift to active travel and public transport and that the needs of pedestrian and other vulnerable road users should be considered, where appropriate (paragraph 5.273). Has the Applicant taken available opportunities to contribute towards this aim? If no, what else do you consider could be done?</p>	<p>NSDC needs to be reassured that all footpaths/cycleways will meet LTN 1/20 standards which sets out five core principles - networks and routes should be:</p> <ol style="list-style-type: none"> <li>1. Coherent;</li> <li>2. Direct;</li> <li>3. Safe;</li> <li>4. Comfortable; and</li> <li>5. Attractive.</li> </ol> <p>The Equality Act 2010 requires public sector authorities to comply with the Public Sector Equality Duty in carrying out their functions. This includes making reasonable adjustments to the existing built environment to ensure the design of infrastructure is accessible to all.</p> <p>NSDC considers there are always improvements to be made to encourage people out of their cars but unfortunately the arrangements at Winthorpe have made it convoluted for people to cross the A46 and the route has become a barrier.</p>	All new walking and cycling routes comply with LTN1/20. All existing walking and cycling routes within the Order Limits are accessible to all.
Q14.0.4	NSDC	<p><b>Policy – Local Plan</b></p> <p>a) The Newark and Sherwood Amended Core Strategy adopted March 2019 refers to:</p> <ul style="list-style-type: none"> <li>• A46 Link Capacity, Newark-on-Trent Bypass (Policy NAP1); and</li> <li>• A46 Newark Bypass – Upgrade(s) – Upgrade to ‘expressway standard’ (page 140). Would these aspirations be addressed by the Proposed Development?</li> </ul> <p>b) Core Strategy page 141 refers to: “A46(T)/A113 Drove Lane (A46 Winthorpe Roundabout) Winthorpe – Grade Separated Junctions”. The Winthorpe Roundabout would not be grade separated. Does the Proposed Development conflict with this policy, therefore?</p>	<p>a) Yes</p> <p>b) No, Appendix D of the Amended Core Strategy gives an indication of likely infrastructure requirements at the time the plan was produced when the type of junction improvement required at the A46 Winthorpe Roundabout was unknown and it was assumed that a grade-separated junction would be required. The relevant policy NAP1 refers simply to improvements which this proposed development addresses appropriately. The fact that Appendix D is referenced in the policy does not mean the proposal is in conflict.</p>	No response required.
Q14.0.5	The Applicant, NSDC, NCC	<p><b>Policy</b></p> <p>– Local Plan Paragraph 3.8 of NPSNN 2024 states that transport infrastructure is a catalyst and key driver of growth, and it is important that the planning and development of infrastructure fully considers the role it can play in delivering sustainable growth, how it can support local and regional development plans and the growth aspirations of local authority areas. On page 7 of the Transport Assessment Report [APP-193] it is stated that Newark</p>	<p>a) Traffic congestion and delays on the A46 Newark Bypass currently act as a barrier to vehicular movement to/from Newark-on-Trent town, particularly at the following junctions where regular queuing and delays occur throughout the day:</p> <p>A46 / A616 / A617 ‘Cattle Market’ roundabout A46 / A1 / B6166 ‘Brownhills’ roundabout A46 / A1 / A17 ‘Friendly Farmer’ roundabout The A46 Improvement Scheme will address these</p>	No response required.

REP2-050 Newark & Sherwood District Council																																		
Question No.	Question To	Question	NSDC Response	The Applicants Response																														
		<p>Business Park represents a significant part of Newark-on-Trent's planned growth but development is currently limited by the lack of capacity at Brownhills roundabout. It also refers to "a number of housing development sites identified within the Newark and Sherwood District Allocations and Development Management Development Plan Document, which rely on the Scheme to achieve their full completion as detailed within Section 3.12 of the CftS".</p> <p>a) Please detail the allocated sites and the amount of development that would be directly facilitated by the Proposed Development.</p> <p>What weight should be given to this aspect of the Proposed Development?</p>	<p>congestion hotspots, reduce journey times and improve journey time reliability, thereby facilitating easier access to and from the town in general, benefiting residents, employees and businesses in the Newark Urban Area. All Local Plan allocation sites within the Newark Urban Area will therefore benefit either directly or indirectly from the Proposed Development.</p> <p>The Newark &amp; Sherwood Amended Core Strategy identifies the Newark Urban Area as the location for the majority of employment land provision and planned new housing to support Newark's role as a sub-regional centre, deliver employment growth and benefit local regeneration aims. To help meet these objectives the Core Strategy identifies three strategic sites within the Newark Urban Area, these are listed as follows.</p> <p>Land South of Newark (NAP 2A) – 3,150 homes and 50 hectares of employment land Land East of Newark (NAP 2B) – 1,000 homes Land around Fernwood (NAP 2C) – 3,200 homes and 15 hectares of employment land</p> <p>Whilst none of these strategic sites are accessed directly from the A46 they will benefit indirectly from the Proposed Development because without the A46 Improvement Scheme the existing congestion and delays on the A46 will act as a barrier to vehicular movement between these sites and the west. Full build-out of these strategic sites will also put additional traffic pressure on the A46 which, without improvement will further delay and impede vehicular movements to/from Newark-on-Trent town generally.</p> <p>Employment allocations that will directly benefit from the Proposed Development are summarised in Table 1 below and discussed in the following paragraphs.</p> <p><b>Table 1 – Employment Allocations Directly Facilitated by the Proposed Development</b></p> <table border="1"> <thead> <tr> <th>Allocation Reference</th> <th>Description</th> <th>Area (Ha)</th> <th>Location</th> <th>A46 Junction Accessed via</th> </tr> </thead> <tbody> <tr> <td>NUA/E/2</td> <td>Land off Stephenson Way</td> <td>6.20</td> <td>Newark Industrial Estate</td> <td>Brownhills</td> </tr> <tr> <td>NUA/E/3</td> <td>Land off Telford Drive</td> <td>0.88</td> <td>Newark Industrial Estate</td> <td>Brownhills</td> </tr> <tr> <td>NUA/E/4</td> <td>Former NCC Highways Depot</td> <td>2.07</td> <td>Great North Road</td> <td>Cattle Market</td> </tr> <tr> <td>NUA/MU/1</td> <td>Land off Godfrey Dive</td> <td>3.47</td> <td>Newark Business Park</td> <td>Friendly Farmer</td> </tr> <tr> <td colspan="2"><b>Total Employment Area</b></td> <td><b>12.62</b></td> <td><b>Hectares</b></td> <td></td> </tr> </tbody> </table> <p>The Newark Industrial Estate is located at the northern edge of the Newark Urban Area and is situated south of Lincoln Road between the Midland Mainline railway line and the A1(T). Brunel Drive serves as the main access road through the Industrial Estate and joins Lincoln Road at its northern end and Beacon Hill Road, at its southern end (via Northern Road). There are numerous side roads off Brunel Drive providing access to industrial plots within the estate, including Telford Drive and Stephenson Way. The junction of Brunel Drive with the B6166 Lincoln Road</p>	Allocation Reference	Description	Area (Ha)	Location	A46 Junction Accessed via	NUA/E/2	Land off Stephenson Way	6.20	Newark Industrial Estate	Brownhills	NUA/E/3	Land off Telford Drive	0.88	Newark Industrial Estate	Brownhills	NUA/E/4	Former NCC Highways Depot	2.07	Great North Road	Cattle Market	NUA/MU/1	Land off Godfrey Dive	3.47	Newark Business Park	Friendly Farmer	<b>Total Employment Area</b>		<b>12.62</b>	<b>Hectares</b>		
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REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			<p>is located approximately 150m to the south of the A46 / A1 / B6166 'Brownhills' roundabout. In peak periods traffic queues at the Brownhills roundabout extend back along Lincoln Road to the Brunel Drive junction interfering with the junction operation and creating delays for vehicle movements out of the Industrial Estate. By addressing congestion at the A46 / A1 / B6166 'Brownhills' roundabout the Proposed Development will therefore directly facilitate development of employment allocations 'NUA/E/2 Land off Stephenson Way' and 'NUA/E/3 Land off Telford Drive' which combined total 7.08 hectares.</p> <p>The Former Nottinghamshire County Council Highway Depot site is located to the west of Great North Road immediately south of the A46 Cattle Market roundabout. This site is allocated as 'NUA/E/4 Former NCC Highways Depot' for employment uses with an area of 2.07 hectares. The Cattle Market roundabout experiences severe congestion and delays throughout the day, with queues on all arms of the junction. Without improvement the operation of the A46 / A616 / A617 Cattle Market roundabout will impede vehicular access to/from the Former NCC Highways Depot site, which is likely to make the site unattractive for redevelopment. By addressing congestion at the A46 / A616 / A617 Cattle Market roundabout, the Proposed Development will therefore directly facilitate development of this employment allocation.</p> <p>The Newark Business Park is situated within the Newark Showground Policy Area north of the A17 and south of the A46(T). The site is allocated as 'NUA/MU/1 Land North of the A17' which is a mixed-use allocation for employment, hotel/conference, restaurant and wider showground uses. The site is accessed off Godfrey Drive which joins the A17 at a roundabout approximately 250m to the east of the A46 / A1 / A17 'Friendly Farmer' roundabout. The roundabout connecting Godfrey Drive to the A17 also serves a national Currys distribution centre located to the south of the A17. The Friendly Farmer roundabout regularly experiences queuing and delays which impede movements to/from the A17. Policy NUA/SPA/1 which relates to allocation NUA/MU/1 specifically acknowledges these issues and states "The need to address access constraints relating to the A1/A46/A17 junctions, including the A46 Newark Northern Bypass dualling identified in the Road Investment Strategy 2". By addressing congestion at the A46 / A1 / A17 'Friendly Farmer' roundabout, the Proposed Development will therefore directly facilitate development of allocation NUA/MU/1 which has an area of 3.47 hectares, as well as facilitating easier and more reliable access to the existing distribution and employment uses located off the A17 in the Newark Showground Policy Area.</p>	

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
			<p>b) Significant weight should be given to this aspect of the Proposed Development. The Newark &amp; Sherwood Amended Core Strategy identifies the Newark Urban Area as the location for the majority of employment land provision and planned new housing to support Newark's role as a sub-regional centre, deliver employment growth and benefit local regeneration aims. Without improvement the forecast congestion and delays on the A46 will impede vehicular access to the town as well as delaying longer distance through movements. This will have a detrimental effect on existing residents and employees in the Newark Urban Area as well as restricting the quantum of new employment and residential development that can be achieved.</p>	
Q14.0.6	The Applicant, NSDC	<p><b>Major Development Sites</b> In respect of Table 3-5 'Major development sites within Newark-upon-Trent' of Case for the Scheme [APP190]:</p> <p>a) This appears to include sites that are not within Newark-upon-Trent – please clarify.</p> <p>b) Why does Newark Showground have 8,000 free parking spaces if it caters for upto 3,000 people?</p> <p>c) Are there any proposals for the relocation of Newark Lorry Park? When would it be relocated and where to?</p> <p>d) Is the "William St Hughs Development" at Witham St Hughs?</p> <p>e) Where is the St Modwen Business Park?</p> <p>f) What is the Middlebeck scheme?</p> <p>Does this list include all of the major sites noted in Appendix 15.2 Assessment of Cumulative Effects for Construction and Operation [APP-182]?</p>	<p>a) Question for applicant</p> <p>b) Question for Newark Showground</p> <p>c) There are currently no plans for the relocation of Newark Lorry Park. NSDC is currently in discussions with National Highways regarding compensation for the proposed reduction in parking spaces caused by land acquisition for the A46 scheme.</p> <p>d) This site is not in Newark and Sherwood District and is located within North Kesteven District Council.</p> <p>e) This site is not in Newark and Sherwood District and is located at Witham St Hughes within North Kesteven District Council area.</p> <p>f) Middlebeck is site allocation NAP 2A Land South of Newark – see pages 87 – 91 of the Amended Core Strategy. It is located to the south of Newark and is a strategic allocation of housing, employment, leisure, educational and infrastructure development. It was approved under 14/01978/OUTM and includes the Southern Link Road which connects the A1 to the A46 with a new roundabout to be constructed on the A46T. The development has commenced with Phase 1 of the scheme underway (consented 927 dwellings) and the Southern Link Road phase 1 complete from the A1 to Bowbridge Road and the realigned Hawton Road complete to Hawton and the link inbetween. The remaining section is the A46 roundabout to Hawton Road. This entire link is due to open in autumn 2026.</p> <p>Question for applicant. NSDC has provided the applicant a list of applications and developments in the initial consultation which has been included in the table.</p>	<p>The Applicant confirms that responses to queries a) to f) have been provided within the Applicant's response to Q14.0.6 in the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] submitted at Deadline 2 of the Examination.</p>
Q14.0.7	NSDC, NCC	<p><b>Assessment – Regard to Local Policies</b> – Regard to Local Policies</p> <p>a) Has the Applicant consulted the relevant highway authority, and local planning authority,</p>	<p>a) Yes, NSDC has had ongoing discussions with National Highways throughout the development of the A46 Newark Bypass scheme.</p>	<p>No response required.</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		<p>as appropriate, on the assessment of transport impacts per NSPNN 2015 paragraph 5.204?</p> <p>Has the Applicant paid appropriate regard to policies outlined in existing or emerging local plans, Local Transport Plans, Local Cycling and Walking Infrastructure Plans and Rights of Way Improvement Plans where appropriate, per NPSNN 2024 paragraph 5.271?</p>	<p>b) To a large extent, yes. Again, NSDC would like reassurance that new footpaths and cycle lanes will accommodate the needs of all users and meet national standards.</p>	
Q14.0.16	The Applicant, NCC, NSDC	<p><b>Construction Phase – Construction Traffic</b></p> <p>Paragraph 8.2.16 of the TAR [APP-193] states that there is no set route for construction vehicles but where practicable they would primarily travel on the A46 and A1, and limit travel on local or side roads when travelling to work sites and compounds, as set out in the OTMP. Paragraph 2.6.59 of ES Chapter 2: The Scheme [APP-046] states that: “HGV movements will be banned through the centre of Farndon and Newark, and they will also be prohibited from using the railway level crossing at Newark Castle”.</p> <p>a) Are any roads unsuitable for construction traffic, and should use of any such roads be restricted by the dDCO? Alternatively, should construction routes be defined in the dDCO?</p> <p>b) How would any ‘ban’ on construction traffic moving through the centres of Farndon and Newark be monitored and enforced?</p> <p>c) Could on-street parking, eg on (but not limited to) Wolsey Road, impede construction traffic? If yes, would on-street parking controls need to be provided for in the dDCO?</p> <p>d) Would the Proposed Development require the movement of Abnormal Indivisible Loads (AIL) on the highway network? If yes, has route testing been undertaken and should there be any controls in the dDCO in relation to AIL routing?</p> <p>What are the restrictions noted in Table 8-3 of the TAR [APP-193] eg where it is noted that construction traffic would be permitted to use Fosse Road or Mather Road “with restrictions”. Please provide details for each of the roads listed</p>	<p>a) NSDC will rely on the advice of Nottinghamshire County Council as the local Highway Authority for this question however we are supportive of the construction routes being defined within the dDCO and we would wish to see this route as part of the examination process or being a consultee on this matter prior to its approval.</p> <p>b) Question for applicant and NCC.</p> <p>c) Question for applicant and NCC, however NSDC is unclear how Wolsey Road would be impacted when it is assumed traffic would use Winthorpe Road and Quibells Lane. We would not advocate the use of Wheatsheaf Ave for construction traffic due to the congestion already experienced at the junction with Lincoln Road.</p> <p>d) Question for applicant and NCC.</p> <p>Question for applicant and NCC.</p>	<p>The Applicant has included a list of prohibited and restricted construction traffic routes within table 2-3 of the Outline Traffic Management Plan [REP2-014]. This is secured within Requirement 11 of the draft DCO [REP2-002].</p>
Q14.0.19	The Applicant, NSDC	<p><b>Construction Phase – Newark Lorry Park</b></p> <p>– Newark Lorry Park NSDC [RR-048] notes that there could be an impact on Newark Lorry Park during construction.</p>	<p>Clause... 5.289 of the NPSNN 2024 states <i>Infrastructure development should recognise the importance of providing adequate lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper</i></p>	<p>No response required</p>

REP2-050 Newark & Sherwood District Council				
Question No.	Question To	Question	NSDC Response	The Applicants Response
		<p>a) Would a reduction in the Lorry Park's capacity necessitate replacement capacity elsewhere to ensure that adequate facilities are provided per NPSNN 2024 paragraph 5.289?</p> <p>b) If yes, how would this be secured?</p>	<p><i>facilities or could cause a nuisance. For strategic rail freight interchanges, facilities should serve those drivers using the site.</i></p> <p>The council are reconfiguring the lorry park to mitigate the number of spaces lost within the reduceddemise of the existing lorry park. The reconfigured lorry park will still result in a loss of capacity of around 30% but there are no options available to us to provide this off site due to the confined nature of the site.</p>	
Q14.0.26	NSDC, NCC	<p><b>Construction Phase – Mitigation – CWTAP</b> Paragraph 8.3.16 of the TAR [APP-193] says that a Construction Worker Travel and Accommodation Plan (CWTAP) would be developed by the Principal Contractor as the Proposed Development progresses through the detailed design phase. Is it appropriate for these details be reserved until after a decision is made on the Proposed Development?</p>	Question for Nottinghamshire County Council.	No response required



REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
Q1.0.1	All IPs	<b>Policy – National</b> Do you consider NPSNN 2024 to be Important and Relevant to the Secretary of State's decision? If yes, how much weight should the decision-maker attach to the Proposed Development's compliance with NPSNN 2024?	NCC accepts that the 2015 NPS has effect for any application for development consent accepted for examination prior to 24 May 2024. However, NCC consider that the terms of the NPSNN 2024 is of importance and is of relevant material consideration for the proposed development. The county has considered relevant matters in relation to the NPSNN 2024 within its Local Impact Report [REP1-038].	No response from the Applicant required.
Q6.1.3	NCC	<b>Article 3 – Disapplication of legislative provisions</b> Article 3(4) seeks the disapplication of the Nottinghamshire County Council Permit Scheme Order 2020. Is the County Council in agreement and if not please explain and justify your response, including why the usual notice provisions of the New Roads and Street Works Act 1991 would not be sufficient.	From the Nottinghamshire County Council Permit Scheme Order 2020 All Works Promoters must obtain a permit from the Permit Authority (4.1.1 – page 10) This is to comply with the TMA network management duty. (2.1 – page 6) The mechanism for submitting permits is through the Department of Transport (DfT) Street Manager software. Works for Road purposes are not chargeable (10.3 – page 26) The DfT require all authorities to use permits for works on the highway. National Highways already submit permits to Nottinghamshire for works on the Nottinghamshire network. Therefore, Permits are required for any works that affect Nottinghamshire County Councils network. (i.e. Diversionary works, S278 works, etc)	The disapplication of the Nottinghamshire County Council Permit Scheme Order 2020 means that the Applicant would revert to the usual notice provisions of the New Roads and Street Works Act 1991.  In their response NCC have indicated that the permitting regime will ensure that NCC can comply with its network management duty under the Traffic Management Act 2004. However, it is the Applicant's submission that as the New Roads and Streets Works Act 1991 notice provisions will apply, NCC will still be able to comply with its duty. The network management duty requires local authorities to ensure that traffic moves freely and quickly on their roads and the roads of nearby authorities, which would not be hindered if the process is managed in accordance with the New Roads and Street Works Act 1991 instead of Nottinghamshire County Council Permit Scheme Order 2020.
Q6.1.7	NCC	<b>Articles 13 - 22 (Part 3 – Streets)</b> As local highway authority, are the provisions set out in Articles 13-22 acceptable. If not, identify which are not and provide suggested alternative wording to correct/ address any concerns with reasoned justification	Where the local authority is required to maintain highway infrastructure does this cover for commuted sums?	The draft Development Consent Order [REP2-002] does not set out any provisions in relation to commuted sums for infrastructure that is to be maintained by the local highway authority after completion of the authorised development. In any event, the Applicant notes that the infrastructure to be maintained by NCC in its role as local highway authority relates to new infrastructure and therefore the costs of maintenance would be very low initially and any future maintenance obligations could form part of an application to the Department for Transport for funds to maintain the local highway network. Therefore, funds for maintenance of the new infrastructure will ultimately be provided via that route and the Applicant is not proposing to provide commuted sums at this stage.
Q6.2.12	The Applicant, NSDC, County Archaeologist, District Archaeologist.	<b>Requirement 9 – Archaeology and built heritage</b> Please address the following issues: a) In 9(1) 'reflecting' is imprecise and adds a degree of ambiguity more appropriate to 'secure' the mitigation measures. b) 9(6) third line a space is missing after the (4) – Typing error. c) In 9(7) why is the district archaeologist not referenced as in other subsections eg (4). d) What is the justification for 14 days stated in 9(8) given that once 'identified' must be subject to appropriate mitigation as set out in any relevant mitigation strategy and agreed. The timescale	a) The mitigation measures set out in the REAC are too broad and the AMS is intended to provide the necessary detail, however It's certainly agreed that the word 'reflecting' is not precise enough. Alternative wording is suggested along the lines of – <i>9.—(1) Prior to the start of any pre-commencement works an archaeological mitigation strategy, securing the detailed mitigation measures as outlined in the REAC, will be prepared in consultation with the relevant planning authority and Historic England, agreed with the County Archaeologist and District Archaeologist and submitted to and approved in writing by the Secretary of State.</i> The word 'reflecting' is used in subsequent	The Applicant has updated Requirement 9 of the draft Development Consent Order [REP2-002] at Deadline 2 of the Examination. The changes reflect the fact that the detailed archaeological mitigation strategy has now been prepared and can be viewed in Chapter 6 of the Archaeological Management Plan [REP2-012].The updates to Requirement 9 of the draft Development Consent Order [REP2-002] addresses the Examining Authority's and NSDC's comments including the removal of the 14 days' time period in Requirement 9(8) as this is no longer required. Section 6.10 in Chapter 6 of the Archaeological Management Plan [REP2-012] provides that an "unexpected finds procedure" shall be produced by the Archaeological Contractor prior to the start of any pre-commencement works or authorised development and will ensure that any discoveries outside of the previously identified areas will be suitably recorded.  For further explanation, please also refer to the Applicant's Responses to the Examining Authority's Written Questions [REP2-037].

REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
		seems unreasonably tight. Furthermore, as drafted 9(8) refers to 9(6) – surely this is referencing not- previously- identified remains which would be 9(7).	<p>paragraphs and NCC thinks these should also be replaced with 'securing' as suggested in the Examiner's questions;</p> <p>b) Seems to have been corrected already in the October 2024 version.</p> <p>c) The District Archaeologist should also be included here;</p> <p>d) Certainly agree that 14 days is an arbitrary and tight deadline to agree a revised strategy for any unexpected archaeological remains encountered. NCC would recommend removing the time limit and revised wording along the lines of:                      No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (7) until the implementation of a revised and agreed programme of archaeological mitigation work, unless otherwise agreed in writing by the Secretary of State. On point d), in practice the Council will do everything it can to address any unexpected remains as quickly as possible and avoid any construction delays as far as possible, but it does necessarily depend on what those remains are. Placing a limited time frame that we have to rush to fulfil is not really workable.</p>	
Q6.2.21	The Applicant, NSDC, NCC, EA, NE	<b>Requirement 18 – Highway Lighting</b> 18(1) refers to consultation with the relevant local authority, this isn't defined. Moreover, the lighting is recognised as potentially affecting landscape, visual, biodiversity etc. Wider consultation to include NSDC, NCC, EA, NE would appear to be appropriate. If not, please explain and justify why not.	Applicant to define 'Local highway authority'.	The Applicant confirms Article 2 (Interpretation) of the draft Development Consent Order [REP2-002] defines local highway authority as Nottinghamshire County Council. However, the Applicant acknowledges that Requirement 18 of the draft Development Consent Order [REP2-002] could be clearer by specifically referring to the 'local highway authority' as a consultee in relation to the highway lighting scheme. This amendment has been made to the draft Development Consent Order [REP2-002] submitted Deadline 3 of the Examination.
Q8.1.1	The Applicant NCC	<b>Non-Designated Heritage Assets (NDHAs)</b> In the ES Chapter 6: Cultural Heritage [APP-050] the Applicant provides details of NDHAs. Can the Applicant and NCC confirm that this list is up to date?	The NDHA list is based on HER data from a 2022 when the Desk-Based Assessment was undertaken and would benefit from an up to date HER Search. Numerous NDHAs have also been identified during field work for the scheme and while many have been included on the list from the non-intrusive surveys, there should be more detail and additional sites resulting from the evaluation trenching work which have not yet been included.	<p>The Applicant confirms Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and 6.3 Appendix 6.1 Cultural Heritage Desk Based Assessment of the Environmental Statement Appendices [AS-099] are considered point in time documents and as such have all the relevant information available at the point they were produced. Both documents were informed by the results of the preliminary surveys undertaken by the Applicant, including fieldwalking, metal detecting, geophysical survey and geoarchaeological coring and monitoring.</p> <p>The results of the archaeological evaluation comprising archaeological trial trenching and geoarchaeological test pitting and paleoenvironmental analysis were not available prior to submission of the Environmental Statement, and in agreement with the Interested Party as set out within Section 6.4 of Chapter 6 (Cultural Heritage) of the Environmental Statement, the results of the archaeological evaluation have formed part of the preparation of Chapter 6 (Archaeological Mitigation Strategy) of the updated Archaeological Management Plan [REP2-012], submitted at Deadline 2 of the Examination.</p> <p>As such the assessment of the potential for unknown archaeological remains within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] was based on available information and the assessment of effects presented the most likely worst-case scenario in the event that buried archaeology were unearthed. It should be noted that the results of the archaeological evaluation have not negatively altered the effects predicted within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. As such the Applicant does not agree with the NCC's recommendation for an update to 6.3 Appendix 6.1 Cultural Heritage Desk Based Assessment of the Environmental Statement Appendices [AS-099].</p>

REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
Q8.1.2	NCC	<p><b>Newark Flat Crossing</b></p> <p>In Section 7.3 of the Applicant's Transport Assessment Report [APP-193] there is reference to the "last remaining flat railway crossing in the UK" (paragraph 7.3.3). Does this have any heritage value, and if so, should it be considered a NDHA and assessed as such?</p>		<p>The Applicant has acknowledged the NCC's comments and confirms that the Newark Flat Crossing or 'Newark Crossing (MM814)' has been considered as a non-designated heritage asset within 6.3 Appendix 6.1 Cultural Heritage Desk Based Assessment of the Environmental Statement Appendices [AS-099] and Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].</p> <p>An assessment of the potential effects on Newark Crossing as a result of the Scheme are considered within Table 1-2 of Appendix 6.3 Assessment of Cultural Heritage Effects During Construction of the Scheme [APP-134] and Table 1-2 of Appendix 6.3 Assessment of Cultural Heritage Effects During Operation of the Scheme [APP-135] of the Environmental Statement Appendices. The assessment predicts no change to Newark Crossing as a result of the construction and operation of the Scheme, resulting in a neutral significance of effect.</p>
Q11.0.3	The Applicant, NCC	<p><b>Policy – Local</b></p> <p>Please explain the relevancy of the following policies, noted on pages 16 and 17 of ES Chapter 10: Material Assets and Waste [APP-054], to the determination of this Application? Nottinghamshire and Nottingham County Council Waste Core Strategy (Adopted 2013):</p> <ul style="list-style-type: none"> <li>• WCS3 Future waste management provision</li> <li>• WCS5 Disposal sites for hazardous, non-hazardous and inert waste</li> <li>• WCS8 Extensions to existing waste management facilities</li> <li>• WCS10 Safeguarding waste management sites Emerging Nottinghamshire County Council draft Waste Local Plan (2022):</li> <li>• SP2 Future Waste Management Provision</li> </ul>	<p>The County Council note the policies referenced in Table 10-1 and Table 10-2 of ES Chapter 10. Whilst we acknowledge that the application could potentially lead to waste arisings which would impact the need for future waste management provision, including for that of disposal sites, the application itself is not for a waste facility and so we would consider Policies WCS3, WCS5, WCS8 and SP2 to have limited, if any at all, relevance to the determination of this application. In terms of WCS10, the policy seeks to ensure the safeguarding of operational and permitted waste facilities. Considering that the proposal does not appear to raise any issues in terms of safeguarding waste facilities, the County Council would consider this policy satisfied.</p>	No response required
Q11.0.4	NCC	<p><b>Policy – Local</b></p> <p>a) Please provide a clear extract from the Nottinghamshire Minerals Local Plan (adopted March 2021) showing the area within which the Proposed Development would be located.</p> <p>b) Subject Area Plan C on page 160 of the Nottinghamshire Minerals Local Plan shows an area covered by yellow cross-hatching in a south-west to north-east direction. However, yellow cross-hatching in a south-west to north-east direction does not appear on the key. Please clarify.</p>	<p>a) Please find an extract of the Nottinghamshire Minerals Local Plan showing the proposed development area in Appendix A page 17.</p> <p>b) Unfortunately there is an error within the key for the mineral safeguarding and consultation area for sand and gravel, which should reflect the yellow cross-hatching in a south-west to north-east direction seen within Plan C. The County Council can confirm the yellow cross-hatching in Plan C is the mineral safeguarding and consultation area for sand and gravel.</p>	No response required
Q11.0.5	The Applicant, NCC	<p><b>Policy – Local</b></p> <p>Paragraph 10.3.58 of ES Chapter 10: Material Assets and Waste [APP-054] (dated April 2024) states that:</p> <p>"The new waste management plan is expected to be adopted by July 2023."</p> <p>a) Is the "new waste management plan" a replacement Waste Local Plan? If no, please provide a reference to the "new waste management plan".</p> <p>b) When was it, or when is it expected to be, adopted?</p>	<p>This appears to be an error within paragraph 10.3.58, which mainly refers to the new Waste Local Plan other than the final sentence. In term of the new Waste Local Plan, once adopted this will replace the existing Waste Local Plan (2002) and Waste Core Strategy (2013). Following this issuing of the Inspectors post hearings note, it is expected to be adopted in late Spring/ early Summer of 2025.</p>	<p>The Applicant has corrected this error as noted in the Applicant's Response to the Examining Authority's First Round of Written Questions [REP2-037] The Applicant has detailed the amendment in Reference number 6.1.5 of the A46 DCO Table of Errata [REP2-022] submitted at Deadline 2 of the Examination.</p>



REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
Q11.0.7	The Applicant, NCC	<p><b>Minerals</b> Do you consider that the Proposed Development complies with:</p> <p>a) Policies SP7, DM13 and DM15 of the Nottinghamshire Minerals Local Plan and the related paragraphs 3.84 and 3.87; and</p> <p>b) Paragraph 5.191 of NPSNN 2024?</p>	<p>a) In relation to Policy SP7, the County Council considers the proposed development is compliant. The applicant details the need for the development in this location, thus addressing clause 3 of Policy SP7. In terms of potential prior extraction, the applicant also details the overriding need for the development meets the criteria outlined in paragraph 3.87 and so that prior extraction is not appropriate. The County Council agree that the overriding need has been demonstrated and so the paragraph and Policy SP7 has been satisfied.</p> <p>The County Council consider that the proposed development complies with Policy DM13, with Policy DM15 bearing more relevance to the proposed scheme.</p> <p>For Policy DM15: Borrow Pits, the County Council note the scheme will make use of three borrow pits. It is noted that the borrow pits are close to the A46 project and are time limited, with two of the proposed borrow pits intending to be backfilled and the Farndon East borrow pit left to be filled by water overtime as there may not be sufficient surplus material to backfill it. Overall, the proposed development appears to comply with Policy DM15 providing it can meet the specific terms of this policy. In particular clause e) which requires proposals must provide for appropriate restoration measures which include full use of surplus spoil from the project.</p> <p>It is understood that the final form of restoration for these pits is emerging and likely to be influenced by flood alleviation requirements as well as the quantities of materials that will ultimately arise in the project that require recovery. The DCO should make provision to secure appropriate restoration schemes for the borrow pits with such schemes to be agreed by NCC as the minerals planning authority. The County Council has overseen the development and restoration of sand and gravel quarries in the local area which are now providing regionally significant scale and quality of wetland habitats in the Trent Valley. Restoration of the borrow pits should aim to build upon this and be biodiversity led if possible/subject to flood alleviation needs- as per the strategic objectives of the Minerals Local Plan. Large areas of open water (as envisaged with the Farndon East pit) are not a priority habitat and if the borrow pit or pits are not likely to be fully reclaimed then materials should be employed in a smarter way to create priority habitats such as Marsh and Swamp, Reedbed, shallows, islands, wetland margins, Floodplain Grazing Marsh, Lowland Neutral Grassland, ponds and scrapes so as to increase the overall resource and in doing so contribute to aspirations for this habitat, as per the Trent Valley Biodiversity Opportunity Mapping Project.</p>	<p>The Applicant confirms that the proposed Farndon East Floodplain Compensation Area, at the location of the borrow pit, has aimed to maximise gains for biodiversity within the landscape design, with creation of marsh, wet grassland and tree planting surrounding the proposed lake, as shown in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. The depth of the borrow pit will mean that it permanently holds water and as such the conditions would not support creation of wetland habitats. Although not a priority habitat, the proposed lake at Farndon East Floodplain Compensation Area will provide mitigation and enhancement for protected and notable species. Creation of this habitat will mitigate habitat loss for foraging bats, foraging and spawning fish and for otter, as detailed in Chapter 8 Biodiversity [APP-052] of the Environmental Statement. It will also provide habitat for species such as water voles, invertebrates, reptiles and wintering and breeding birds.</p> <p>Within Farndon West FCA, the proposed borrow pit will be infilled to create approximately 20ha of high-quality wetland habitat, comprising a mosaic of reedbeds, ponds, grazing marshes, new ditch habitats and species rich grassland (refer to Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]). Habitat creation at Farndon West Borrow Pits contributes to a numerical increase in biodiversity units demonstrated by Environmental Statement - Appendix 8.14 Biodiversity Net Gain Technical Report [APP-159].</p> <p>The Applicant confirms that it will discuss appropriate restoration schemes for borrow pits with NCC and this will be addressed in the Statement of Common Ground [REP2-036].</p> <p>The restoration of the borrow pits is shown on the Works Plans [AS-005] as Work Nos. 12b, 12c and 77b and is secured through Requirement 12 of the Draft DCO [REP2-002]. The restoration for Work Nos. 12b and 12c coincides with the Flood Compensation Areas. Works No 77b is reinstated to existing. The restoration and landscaping is shown on the Environmental Master Plan [AS-026] and the General Arrangement Plans [AS-007]. The landscaping design is secured under Requirement 6.</p>
Q11.0.9	The Applicant, NCC	<p><b>Site-won Material</b> Paragraph 10.10.14 of ES Chapter 10: Material Assets and Waste [APP-054] says that site-won materials, including sand and gravel, would be re-used within the Proposed Development and, if</p>	<p>b) The re-use of any site-won minerals that are not used in the proposed development would be preferable as minerals are a finite resource and this would prevent the mineral being treated as waste material and so also would be preferable in terms of the waste hierarchy.</p>	<p>The Applicant confirms that materials excavated within the works will be re-used on site.</p> <p>[REP2-002]</p>



REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
		<p>required, further opportunities would be explored. However, paragraph 10.11.11 anticipates that not all site-won material would be re-used due to the potential poor quality of the material and its unsuitability for use as structural fill.</p> <p>a) (Applicant): What would happen to any unused site- won material, including any site-won minerals deposits?</p> <p>b) Does the dDCO need to include any provisions in relation to the use of any site-won minerals, including minerals that are not used in the Proposed Development (eg to avoid minerals going to waste)?</p>		
Q11.0.12	NSDC, NCC	<p><b>Mitigation – Outline Site Waste Management Plan(OSWMP)</b> Do you consider that the OSWMP at Appendix B.1 of the First Iteration Environmental Management Plan [APP-184] would satisfactorily address paragraph 5.76 of NPSNN 2024? Is the Applicant’s approach consistent with Nottinghamshire and Nottingham County Council Waste Core Strategy policies WCS1 and WCS2?</p>	<p>The County Council consider that the OSWMP at Appendix B.1 is consistent with Nottinghamshire and Nottingham Waste Core Strategy Policies WCS1 and WCS2, with the OSWMP outlining how waste will be managed as high up in the waste hierarchy as possible, with a focus on preventing the generation of waste in the first place. There is clear scope for a more ambitious target for utilising recycled aggregate content - the minimum target for 14% (para 1.4.2) is too low and 25% should be the minimum aim, reflecting the England average. A range of recycled and secondary materials are locally available such as PFA or IBA. There is also potential to recycle asphalt materials into cold mix surfaces and remove or reduce a need for the disposal of this material. This should be explored at the next iteration of the OSWMP. The Council supports the use of regular waste audits throughout the project which can inform improvements to the management of materials and waste with resulting reduced environmental impacts. Please note that Table 3-3 should include an asterisk like that in Table 10- 12 of Chapter 10: Material Assets and Waste [App-054] that Borrow Pits, Bole Ings and Cottam Ash Lagoons are restricted users sites, meaning they cannot accept waste externally.</p> <p>Additionally, it should be noted that Cromwell Quarry waste recovery site (listed in table 3-2) no longer benefits from planning permission.</p>	No response required.
Q11.0.13	NSDC, NCC	<p><b>Mitigation – Outline Materials Management Plan(OMMP)</b> Do you consider that the OMMP at Appendix B.2 of the First Iteration Environmental Management Plan [APP-184] to be satisfactory?</p>	<p>The contents of the OMMP are considered appropriate for this stage of the DCO process and will need to be further developed following DCO approval and detailed design. The final MMP will need to submitted to CL:AIRE, administrator of the Definition of Waste: Code of Practice, a minimum of 6 weeks before site works begin.</p>	No response required.
Q11.0.14	NSDC, NCC	<p><b>Mitigation – Outline Soil Management Plan (OSMP)</b> Paragraph 10.10.7 of ES Chapter 10: Material Assets and Waste [APP-054] states that the OSMP would be developed into a full Soil Management Plan (SMP) prior to construction.</p> <p>a) Are you satisfied with this arrangement?</p>	<p>The contents of the OSMP are considered appropriate for this stage of the DCO process and will need to be further developed following DCO approval and detailed design. It is noted that the OSMP refers to the Ministry of Agriculture, Fisheries and Food (MAFF) (2000), Good Practice Guide for Handling Soils, as the source for Figure 4.1: Topsoil stripping with bulldozer, 3600 excavator and articulated</p>	No response required.

REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
		b) Do you consider that any amendments need to be made to the OSMP (Appendix B.3 of First Iteration Environmental Management Plan [APP-184])?	dump-truck. This has been superseded by guidance set out in The Institute of Quarrying's, Good Practice Guide for Handling Soils in Mineral Workings (2021).	
Q13.0.14	The Applicant, NSDC, NCC	<b>Health Effects – Indirect</b> Paragraph 4.80 of NPSNN 2015 and paragraph 4.71 of NPSNN 2024 state that national road networks may have indirect health impacts eg if they affect access to key public services, local transport, opportunities for walking, cycling and wheeling, or the use of open space for recreation and physical activity. Would the Proposed Development have indirect health effects and, if yes, what weight do you consider should be given to them by the decision-maker?	Whilst there would be some temporary disruption to the local transport network and walking and cycling routes during construction, once operational the scheme would generally have beneficial and/or neutral effects on walking and cycling routes. In addition, the scheme will provide a journey time reduction along the A46, which will provide a minor benefit for residents in accessing open space and community assets by private car. Therefore, any indirect effects on health are likely to be minor. The effect of the scheme on health and access to open space generally should be considered against the policy set out in the NPSNN (2024), specifically paragraphs 5.200 to 5.203.	The Applicant confirms that a response has been provided within the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] submitted at Deadline 2 of the Examination. No further comment from the Applicant.
Q13.0.17	The Applicant, NCC	<b>Walking, Cycling and Horse riding – Temporary Diversions</b> On pages 58 and 59 of ES Chapter 12: Population and Human Health [APP-056] it is stated that Newark BW2 is well-used and that users would be temporarily diverted via Newark FP3 and it is stated on page 35 of the Scheme Design Report [APP- 194] the Order limits were altered to enable an alternative route to be used as a temporary bridleway diversion during construction. Is all of the diversionary route, including Newark FP3 and the A46 underpass, suitable for cyclists and horseriders in addition to walkers?	The request from NCC is that the diversionary ' bridleway' route is available to all bridleway users. Not sure how other users could be physically stopped from using it?	The Applicant confirms that a response has been provided within the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] submitted at Deadline 2 of the Examination. No further comment from the Applicant.
Q13.0.18	NSDC, NCC	<b>Walking, Cycling and Horse riding – Temporary Diversions</b> Are the arrangements in relation to WCH diversions, which are set out under reference PHH3 on page 77 of the First Iteration Environmental Management Plan [APP-184], satisfactory?	Ensure temp diversions are clear on site, user groups and other stakeholders are informed, information on stakeholder websites.	The Applicant confirms that local people and businesses will be informed of diversions, with details set out in a Construction Communications Management Plan. The Construction Communications Management Plan will be an accompanying plan to the Second Iteration Environmental Management Plan, to be developed from the First Iteration Environmental Management Plan [REP2-010] (as secured by Requirement 3 of the draft Development Consent Order [REP2-002]). An Outline Construction Communications Management Plan has been appended as Appendix B.5 to the updated First Iteration Environmental Management Plan [REP2-010] submitted at Deadline 3 of the Examination.
Q13.0.19	The Applicant, NCC	<b>Walking, Cycling and Horse riding – PRoW Newark FP14</b> Paragraph 12.8.21 of ES Chapter 12: Population and Human Health [APP-056] says that the existing A46 is considered to cause a severance effect on this Newark FP14 and that due to safety concerns, Newark FP14 has been proposed for closure by NCC. However, ES Appendix 12.2: Population and human health supplementary information [APP-175] states that the Newark FP14 crossing is not currently used due to safety hazards and that foot traffic is diverted along Kelham Road and Great North Road.	Yes, Newark Public Footpath No.14 is currently open and available. However, the definitive line of the Row crosses the A46 at grade, therefore footpath users have to attempt cross the busy A46 with out any safety measures being in place. Because of this the footpath receives little use. NCC's Countryside Access Manager is not aware of any proposed formal closures aside from the proposals as part of the A46 Newark Bypass. NCC request that the proposed diversion is signposted.	The Applicant will include temporary signage during the construction phase as stated in the Outline Traffic Management Plan [REP2-014]. Permanent signage for the public rights of way, footways and cycleways will be included in the detailed design.

REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
		<p>a) Is Newark FP14 currently in use? If no, how long has it been out of use?</p> <p>b) Please provide details of NCC's proposed closure.</p> <p>c) Is the diversion via Kelham Road and Great North Road signposted?</p>		
Q13.0.22	The Applicant, NSDC, NCC	<p><b>Walking, Cycling and Horse riding – Friendly Farmer Area</b></p> <p>a) In respect of the 'Footway / Cycle Track' between F- 5M and F-5D on Sheet 5 of Streets, Rights of Way and Access Plans [AS-006]:</p> <p>(i) Could this route prejudice the delivery of NSDC Local Plan allocation NUA/MU/1?</p> <p>(ii) Could the route be lost as a consequence of the development of NUA/MU/1? If yes, how would an alternative route be secured?</p> <p>(iii) Given that this section of the footway / cycle track does not run parallel with the A46, is there any risk arising from the formation and use of an 'informal' route / desire line between F-5M, FX-5E and the Shell Service Station?</p> <p>(iv) If yes, how would this be addressed?</p> <p>b) What is the purpose of retaining the part of Winthorpe FP3 that crosses the area shaded in yellow on Sheet 5?</p> <p>c) How would users of Winthorpe FP2 access the Esso Service Station and associated convenience store (noted on page 44 of Walking, Cycling &amp; Horse-Riding Assessment and Review Report [APP-193])?</p> <p>d) Where proposed footways / cycle tracks (illustrated in pink on [AS-006]) join an existing route, eg at point F-5C on Sheet 5, would those existing routes be suitable for cycles as well as pedestrians? If no, would facilities be created to enable cyclists to safely change route / transition to the highway without dismounting?</p>	<p>a) (iii &amp; iv) Yes. By providing a link from F-5M to the Shell Station.</p> <p>c) No link proposed but of course a desire line would be created.</p> <p>d) NCC request that they are suitable for cycles. Sheet 3 Rev C02</p> <p>The proposed footway/cycle track that begins/ends at F-3A does not connect to an existing cycle route on the A617.</p> <p>The proposed shared use footway on B6326 that terminates at F-3J does connect to an existing cycle route on that road which, itself, terminates at roughly H-3K. Sheet 5 Rev C02</p> <p>The proposed route that begins/ends at F-5A and F-5B connects at both points to the National Cycle Network. However, this is not county highway nor is it a public right of way.</p> <p>The route shown between F-5H and F-5N on sheet five does not meet one of the key design principles set out in LTN 1/20; that is, that it should be direct and convenient. It takes a highly circuitous route that will not encourage cycle or pedestrian activity. The proposals do not include for a new crossing point over the A17 at F-5D which is required to connect it to the existing shared use footway on the western side of the A17. Failure to deliver this as part of the present scheme is likely to require NCC to fund the construction of said facility at some future date. Sheet 6 Rev C02</p> <p>The route that begins/ends at F-6C does not connect to an existing cycle route on the A1133. There is no footway on the A1133 either.</p> <p>The route that begins/ends at F-6A does not connect to an existing cycle route on Drove Lane. There is no footway on Drove Lane either.</p> <p>Due to likely prevailing vehicle speeds and flows, ALL crossing points will need to be signalised to be LTN 1/20 compliant</p>	<p>a) The Applicant confirms that responses to question a) has been provided within the Applicant's Responses to Examining Authority's First Written Questions (Q13.0.22) [REP2-037] submitted at Deadline 2 of the Examination</p> <p>b) No response required</p> <p>c) The Applicant has confirmed that a connection would be investigated during detailed design stage.</p> <p>d) Where a combined walking / cycling route joins an existing footway next to an existing highway there would be a detail agreed with NCC to provide a transition for cyclists to rejoin the carriageway safely. This would be at point F-3A and F6-A Sheet 5 – The route between F-5H and F5-N is not a direct commuter route and acts as part of the leisure route in the area. The direct route for active travel users to the Showground entrance is between F5-C and F6-A to the south of the Scheme. At F5-D the route joins an existing walking and cycling route that is and existing unsignalised crossing of the A17. Sheet 6 – F6-C connects to the new route down to Hargon Lane from Winthorpe roundabout. F6-A provides a new length of footway/cycle track along Drove Lane to get to the main Showground entrance.</p> <p>The Applicant will signalise all crossings that it deems necessary based upon anticipated use in accordance with the Design Manual for Roads and Bridges. The existing A17 has not been signalised as this is an existing walking / cycling crossing point. The crossing of Drove Lane and the A1133 are expected to be very low use and utilise inter-green times on the roundabout which create gaps in the traffic for users to cross safely and are not signalised.</p> <p>No response required for other points</p>
Q13.0.24	The Applicant, NSDC, NCC	<p><b>Walking, Cycling and Horse riding – Enhancements</b></p> <p>NPSNN 2015 notes at paragraph 3.22 that applicants should seek to deliver improvements that reduce community severance and improve accessibility. NPSNN 2024 notes at paragraph 4.72 that enhancement opportunities should be identified and that this includes potential impacts</p>	<p>A) links either side of the A46 adjacent to the A46.</p> <p>B) Current proposals linking Winthorpe and Newark along the National Cycle Network route mean that users have to use the occupation slip road, another underpass and a longer route than the existing facility.</p> <p>C) Further work could be achieved by looking at the wider network feeding into the A46 Relief Road proposals such as a light controlled junction over the A17 near the Friendly</p>	<p>A) No response required</p> <p>B) The underpass under the A1 (between Newark and Winthorpe) forms part of National Cycle Route 64 and the Trent Valley Way and it is acknowledged that the route is used daily for recreational and commuting purposes. As such, the route has been assessed as a receptor with a very high sensitivity. As set out in Table 12-12 Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056], there will be temporary alignment changes to the route throughout the construction phase, resulting in a slight adverse effect. However, as access will be maintained throughout the construction period and would not require the use of lengthy diversions, the effect is not expected to be significant. In conclusion, the existing route will be retained whilst the new Brownhills Underbridge is constructed,</p>



REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
		<p>on vulnerable groups.</p> <p>a) Which aspects of the Proposed Development do you consider to be 'enhancements' in terms of WCH?</p> <p>b) Would the Proposed Development result in a worsening of conditions for active travel and / or vulnerable groups in any locations?</p> <p>c) Has the Applicant addressed new or existing severance issues and/ or safety concerns that act as a barrier to non-motorised users (NPSNN 2015 paragraph 5.205 and NPSNN 2024 paragraph 5.274)?</p>	Farmer and an extension of existing Newark Public Bridleway No.6 from the A1 bridge to Holme Lane.	<p>it will then be moved onto its permanent alignment thus avoiding closures and long diversions. Once operational, the permanent realignment of the route will increase the distance of the route by 105 metres (as set out in Table 12-16 Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056]). The assessment concludes that the realignment would result in a moderate adverse effect due to the daily use of the route. However, the realignment will result in an upgraded, segregated route for walkers and cyclists, which is anticipated to be safer to use for users. The new route will also include a signalised crossing which will further improve safety.</p> <p>C) The Applicant has committed to investigating the use of alternative sources of funding in conjunction with NCC for potential delivery as a separate scheme outside the delivery of this Scheme.</p>
Q14.0.8	The Applicant, NCC	<p><b>Assessment – Transport Assessment Report – Surveys</b></p> <p>[RR-015] suggests that the traffic surveys are now out-of-date, should be repeated and should cover a period of 24 hours to evidence how many minutes per day conditions are congested and how many hours per day traffic flow is unhindered on the current system. Do you agree? If no, please explain why you consider the submitted information to be robust.</p>	<p>For the applicant to justify otherwise.</p> <p>The permanent counters do collect data over a 24-hour period.</p>	The Applicant confirms that a response has been provided within the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] submitted at Deadline 2 of the Examination. No further comment from the Applicant.
Q14.0.9	The Applicant, NCC	<p><b>Assessment – Transport Assessment Report – Junctions</b></p> <p>[RR-057] states that the submitted documents do not provide sufficient details in order to adequately appraise the impacts on junctions. It notes that further information has been requested from the Applicant around flow difference plots and individual junction modelling.</p> <p>a) Which junctions are a cause for concern?</p> <p>b) Please provide to the Examination details of the concerns raised with the Applicant and any information subsequently provided by the Applicant.</p> <p>c) The Stage 1 Road Safety Audit (RSA) [APP-193] notes that it does not include a full assessment at this stage. When would a full assessment be undertaken, and could this affect the design of the junctions?</p>	<p>NCC request to see AM and PM hour peak junction modelling (ARCADY) for the following junctions:</p> <ul style="list-style-type: none"> <li>• Great North Road/Bar Gate</li> <li>• Great North Road/Ossington Way (Waitrose junction).</li> <li>• A17/Stapleton Lane/Beckingham Road and;</li> <li>• A17/Long Holloway/Godfrey Drive.</li> </ul> <p>The junctions are anticipated to experience significant increases in traffic volumes with the A46 upgrade so NCC are keen to understand whether capacity will be impacted. NCC understand that the junction modelling for the four locations is currently being prepared by the applicants modelling consultant and NCC will review the findings once in receipt of the modelling files. NCC now have access to the flow difference plots for the two peak hours.</p>	No response required.



REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
Q14.0.15	The Applicant, NCC	<p><b>Assessment – Combined Modelling and Appraisal Report – Modelling Data</b></p> <p>Paragraph 1.1.3 of the CMAR [APP-193] states that further details of all of the areas of model development and scheme appraisal can be found in the following:</p> <ul style="list-style-type: none"> <li>• Transport Data Package (HE551478-SKAG-GEN- CONWI_CONW-RPTR-00013);</li> <li>• Transport Model Package (HE551478-SKAG-GEN- CONWI_CONW-RPTR-00019);</li> <li>• Transport Forecasting Package (HE551478-SKAG- GENCONWI_CONW-RP-TR-00022);</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• Economic Appraisal Package (HE551478-SKAG-GEN- CONWI_CONWRP-TR-00032).</li> </ul> <p>The ExA has been unable to locate these documents. Do they need to be submitted to the Examination and made available to IPs such as the local highway authority?</p>	<p>For the applicant to provide documents. NCC are in receipt of Transport Forecasting Package (HE551478-SKAG-GENCONWI_CONW-RP-TR-00022</p>	<p>The Applicant confirms that a response has been provided within the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] submitted at Deadline 2 of the Examination. No further comment from the Applicant.</p>
Q14.0.22	The Applicant, NCC	<p><b>Construction Phase – Walking and Cycling</b></p> <p>a) How would the consultation noted at paragraph 7.2.27 of the TAR [APP-193] be secured?</p> <p>b) How would the measures in Table 7-1 of the TAR be agreed (where alternatives are noted), secured and monitored?</p> <p>c) How would temporary / phased diversions of PRow and cycle routes be communicated?</p> <p>d) Should channels of communication be established with specific parties / groups?</p>	<p>NCC request (and will assist) with communication.</p> <p>C) Notices and signs on the ground, internet, social media, NCC Website - Row News.</p> <p>D) Yes, communication with user groups and NCC's 'usual' consultees on legal Orders need to be communicated with.</p>	<p>The temporary diversions would be communicated via on site notices in advance of diversions, temporary signage and updates in the traffic management schedule. Details will be included in Appendix B.4 of the of the First Iteration Environmental Management Plan [REP2-010], which is the Construction Communications Management Plan and which has been submitted at Deadline 3 of the Examination. This will include details of the parties/groups with whom communication will be made.</p>

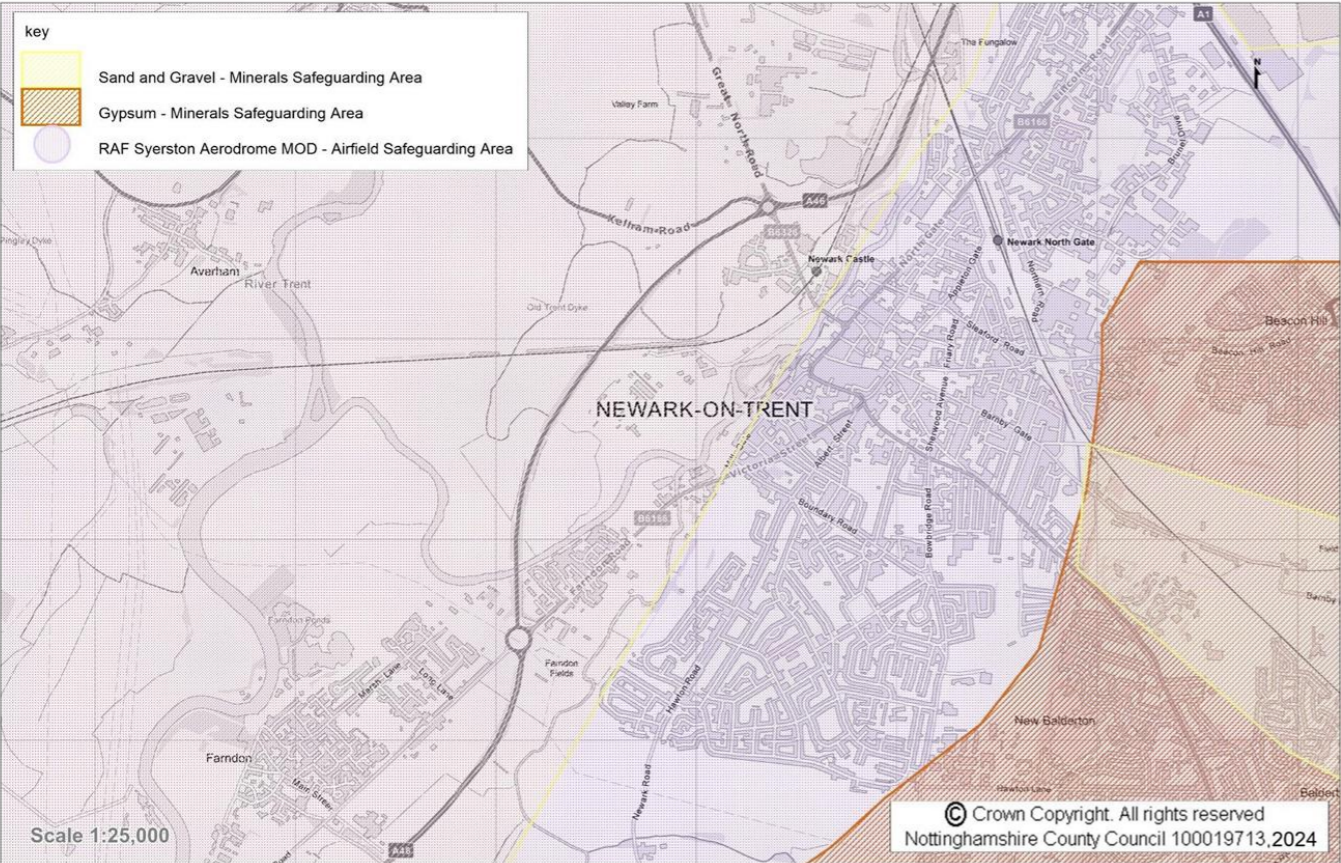
REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
Q14.0.27	The Applicant, NCC, LCC	<p><b>Construction Phase – Mitigation – Outline Traffic Management Plan</b></p> <p>a) Are diversionary routes at Appendix A1 of the OTMP [APP-196] acceptable? Do any other parties need to be consulted in relation to these?</p> <p>b) Would the measures in the OTMP allow for the effects of the simultaneous implementation of other schemes (such as the Southern Link Road and the North Hykeham Relief Road) to be suitably managed?</p> <p>c) Do any other stakeholders need to be included in the Outline Traffic Management Plan [APP-196], eg the owner / operator of the power station [RR-063]?</p> <p>d) At paragraph 2.3.20 and on page 13 reference is made to a “caravan site” at Bridge House Farm. To ensure that full regard is paid to the Public Sector Equality Duty, should this be referred to as a Gypsy, Roma and Traveller (GRT) site?</p> <p>e) Should specific reference to the GRT site at Tolney Lane also be included in the OTMP?</p> <p>f) Please explain how the matters raised in [RR-010] and [RR-078] in relation to NMUs and vehicular access would be addressed.</p> <p>g) [RR-036] refers to attendance of monthly traffic management workshops and consultation on the Traffic Management Plan which is to be approved under Schedule 2 Requirement 11 of the draft DCO. How would these arrangements be secured?</p> <p>h) Would the emergency services be consulted on the OTMP and road closures / diversions?</p> <p>i) Would the Royal Mail be consulted on the OTMP and road closures / diversions?</p>	<p>The applicant needs to consider Abnormal Loads in the design, especially carriageway width. These roads take a lot of Abnormal Loads. Diversion routes on pages 36 to 38 are on NHs network and are considered okay.</p> <p>The County’s Highway Network Manager is concerned about additional loads on the County Network and therefore would consider the following unacceptable.</p> <ul style="list-style-type: none"> <li>• A.1.4 Fosse Road and Farndon Road (Page 39)</li> <li>• A.1.5 Kelham Road (Page 40)</li> <li>• A.1.6 A1133 (Page 41)</li> <li>• A.1.7 Drove Lane (Page 42)</li> </ul> <p>b) The County’s Highway Network Manager recommends that the Southern Link Road must be completed before this scheme begins.</p> <p>C) Possibly British Sugar, Newark Showground, Network Rail and Newark level crossings.</p>	<p>Table 2-3 of the Outline Traffic Management Plan ‘OTMP’ [REP2-014] includes Fosse Road, Kelham Road, A1133 and Drove Lane as restricted routes. Farndon Road will be included in the next update to the Outline Traffic Management Plan at Deadline 3.</p> <p>The Southern Link Road, the North Hykeham Relief Road and other schemes are identified and have been considered in section 2.9 and table 27 of the OTMP. The OTMP offers proposals for the management of any interface between the schemes, ie discussion and coordination with specific stakeholders through monthly traffic management meetings. The Southern Link Road is scheduled to be completed in the first quarter of 2026, therefore there would be a small overlap in time while the two schemes were in construction. The proposed traffic management on the A46 could be a continuation of the traffic management for the Southern Link Road roundabout construction through interface management between the two schemes.</p> <p>Staythorpe Power Station, British Sugar, Newark showground and Network Rail have all been identified in table 2-1, Customer requirements log, of the Outline Traffic Management Plan [REP2-014].</p>
Q14.0.29	NCC	<p><b>Scheme Design – Great North Road / Kelham Road Junction</b></p> <p>Please elaborate on your concerns in [RR-057] regarding the dedicated right turn lane from Great North Road into Kelham Road. How could these concerns be addressed?</p>	<p>The provision of a dedicated right turn lane from Great North Road into Kelham Road for southbound traffic needs to be discussed further with the Applicant. The Applicant has no safety concerns over the current design alignment but has committed to providing a dedicated right turn lane into Kelham Road. The proposed layout was submitted to Nottinghamshire County Council and comments were provided where it was agreed that these could be closed out at detailed design stage.</p>	<p>The Applicant agrees and has nothing further to add at this stage.</p>
Q14.0.32	The Applicant, NCC	<p><b>Operational Phase – Congestion in Newark</b></p> <p>[RR-007] notes that they are experiencing direct environmental impacts (including noise, air quality, visual detriment) from traffic diverting through the Town Centre due to capacity issues on the existing A46 around Newark. They also</p>	<p>The A46 forecasting report shows a large increase on Pelham Street during the AM and PM peaks. NCC would require a commitment from the applicant that they would monitor this issue once the schemes complete and if the projected traffic increase does materialise then they would need to come up with a mitigation measure.</p>	<p>The Applicant has responded to this in the Comments on Nottinghamshire County Council Local Impact Report [REP2-019].The Applicant notes that issues with regard to the forecast increases in modelled traffic flows on Pelham Street have previously been the subject of discussions with officers from NCC and NSDC. The outcome of these discussions was an agreement to adopt a monitor and mitigate approach. The Applicant will abide by this and will consult NCC as the highway authority when the results of this monitoring are available about the next steps.</p>

REP2-052 - Nottinghamshire County Council				
Question No.	Question To	Question	Nottinghamshire County Council Comments	The Applicants Response
		note severe disruption to access / egress to and from their property / the town centre and circulation around the town from displaced congestion. Would the Proposed Development result in any changes to traffic in Newark?		The schedule of monitoring activities will take place during the detailed design phase.
Q14.0.37	The Applicant, NCC	<p><b>Operational Phase – Speed Limits</b> Please respond to the following:</p> <ul style="list-style-type: none"> <li>• [RR-079] which says that the speed limit from Winthorpe Roundabout along the (modified) A1133 towards Langford should be reduced.</li> <li>• [RR-032] which says that a 40 miles per hour (mph) zone should be introduced from the Winthorpe roundabout to the entrance to the current 40mph limit at the entrance to Langford village and that this would ensure safe and convenient access to and egress from the new private means of access that is proposed to their property.</li> </ul>	All speeds limits should be assessed in line with DfT Circular 1/2013 (revised 2024).	The Applicant has consulted with NCC previously on speed limits and have agreed those presented within the Permanent Speed Order Limit Plans [APP-016].
Q14.0.42	The Applicant, NCC	<p><b>Walking, Cycling and Horse riding – Cycling Facilities</b> [RR-040] suggests that the Proposed Development would make it more difficult for cyclists to travel from Newark to Lincoln. Do you agree? If no, please explain why.</p>	The route shown between F-5H and F-5N on sheet five does not meet one of the key design principles set out in LTN 1/20; that is, that it should be direct and convenient. It takes a highly circuitous route that will not encourage cycle or pedestrian activity. The proposals do not include for a new crossing point over the A17 at F-5D which is required to connect it to the existing shared use footway on the western side of the A17. NCC Countryside Access believe that further opportunities need to be undertaken to improve access for NMU users. It has been suggested that the HE will assist through their 'designated funding' to look at / improve wider routes in the area.	<p>The route between F-5H and F5-N is not a direct commuter route and acts as part of the leisure route in the area. The direct route for active travel users to the Showground entrance is between F5-C and F6-A to the south of the Scheme. At F5-D the route joins an existing walking and cycling route that is and existing unsignalised crossing of the A17.</p> <p>The Applicant has committed to investigating the use of alternative sources of funding in conjunction with NCC for potential delivery as a separate scheme outside the delivery of this Scheme</p>
Q15.1.2	The Applicant, NCC as LLFA	<p><b>Agreement with Stakeholders</b> Has the latest proposed drainage strategy, discussed in the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the FRA) [APP-177] been agreed? If not, please set out any outstanding matters.</p>	NCC agreed broad principals with the applicant at early stages however the county acknowledges concerns raised by the EA [RR-020] and would like further time to consider the matter. The council will engage with the applicant through the Statement of Common Ground process.	No response required



Appendix A

Extract of the Nottinghamshire Minerals Local Plan





REP2-053 Colin Paterson	The Applicants Response
<p>In response to Applicant's Response to Relevant Representations: RR-013</p>	
<p><b>RE: REQUEST FOR ADDITIONAL VISUAL RECEPTOR AT LOWWOOD</b></p> <p>Despite the applicant's comments I still do not believe that the visual impact on Lowwood- Grade II listed building of historical interest- is covered sufficiently in the applicant's reports. <b>Visual receptor number 42</b> is not suitable for assessing the impact on this property due to its location behind houses on The Spinney. An <b>additional receptor</b> is required further to the South West in the area between Lowwood itself and the Mint Leaf site, or thereabouts. <b>This grade II listed building is the view of the south side of the Winthorpe conservation area and this has not been properly documented.</b> An acknowledgement of the hazard to this location is needed, together with some proposals for mitigation. I welcome the visit from the examination authority now planned on Friday December 6th 2024.</p> <p>REFERENCES            Tables 6-7 and 6-8 within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] -            Figure 2.3 (Environmental Masterplan) of the Environmental Statement [AS-023]            Figure 7.4 (Visual Receptor Plan) of the Environmental Statement Figures [AS-040]            Appendix 7.3 (Key Visual Receptor Photographs and Photomontages Part 1) of the Environmental Statement Appendices [APP-138]            Appendix 7.2 (Visual Baseline and Visual Impact Schedules) of the Environmental Statement Appendices [APP-137] draft Development Consent Order [APP-021]</p>	<p>The Applicant can confirm that potential visual impacts and resulting effects upon the residence of the interested party, has been captured as part of the assessment of receptor number 42, as shown on Figure 7.4 (Visual Receptor Plan) of the Environmental Statement Figures [AS-040], and a description of existing baseline and future views during construction and operation presented within Appendix 7.2 (Visual Baseline and Visual Impact Schedules) of the Environmental Statement Appendices [APP-137].</p> <p>Further description of the likely change in view purely from the perspective of the residence of Lowwood is provided below.</p> <p>Views west from Lowwood would be heavily filtered by mature intervening vegetation which would be maintained along the trackway adjacent to the property boundary. During construction, interrupted and heavily filtered views afforded through the retained vegetation towards the A1 and associated traffic movements would continue to be glimpsed, with distance views to the construction of Brownhills Junction on the far side of the A1 beyond. Planting of proposed woodland species may be seen in the middle ground of the view to the east of the A1, but again would be through intervening vegetation. Views southwest towards the construction of the A1 flyover would again be highly interrupted by mature vegetation along the edge of the track adjacent to the boundary of the residence, heavily filtering views towards the scheme from this location during construction.</p> <p>During operation, the existing retained vegetation would continue to heavily filter views towards both the A1 and Brownhills Junction beyond in the west, and towards the A1 crossing to the south of the property. Extensive proposed woodland planting located between the A1 and the property would establish over time, which in addition to existing mature screening planting, would further aid screening of the existing A1 to the west and A1 crossing to the south of the property. Furthermore, the addition of woodland planting to the south adjacent to the A46 along with landscape bunds, would provide further screening of the embankments and elevated section of the A46 from this viewpoint as planting matures.</p> <p>The Applicant confirms that the likely significant effects to the property and its setting during construction and operation of the Scheme are included within the assessment of cultural heritage impacts within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. The assessment states that the presence of construction machinery has the potential to increase the level of noise, dust and lighting experienced within the setting of the heritage asset, thereby affecting the ability to appreciate its heritage value. As stated in Table 6-7: Summary of likely significant effects and mitigation requirements during the Scheme within Chapter 6 Cultural Heritage of the Environmental Statement [APP-050] we conclude that embedded mitigation, including limited working hours are not considered sufficient to counteract the unavoidable temporary construction impacts of noise, dust, light,etc. to such a degree that the effects could be considered as non-significant. During operation (when the road construction is completed and in use) the perception of increased noise experienced within the setting of the heritage asset may impact the ability to appreciate the heritage value of the asset. However, the noise assessment states that any change in noise effects will in fact be negligible beneficial in both the short-term and long-term.</p> <p>Mitigation measures which will be adopted to reduce impacts to the Interested Party's property are set out in Tables 6-7 and 6-8 within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. These mitigation measures were agreed in consultation with Cultural Heritage Stakeholders. Mitigation that will benefit the property of this Interested Party (amongst others) includes low noise road surfacing, earthwork design and noise barriers. The additional planting proposed as part of the Scheme, including the location of landscape bunds is presented on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026].</p>

REP2-059 Lindum Group		The Applicants Response
Q13.0.22 a)i and ii	<p>a. i) The proposed route would prejudice the delivery of allocation NUA/MU/1. Site NUA/MU/1 is allocated for mixed-use non-residential purposes and is an important site for delivering economic growth in the area. Lindum Developments Limited own the allocated site and have submitted a planning application 23/02281/OUTM to Newark and Sherwood District Council to deliver important economic activity and employment as part of the NSDC local plan allocation NUA/MU/1. The proposed route of FP03 severely prejudices the development should it be allowed to go ahead in it's current location as it dissects the middle of the site and will prevent development from occurring. We have engaged fully with NH to seek a resolution to this and all told have been in discussions for over 2 years. A solution has been agreed in Principle and Lindum await a draft agreement from NH's Lawyers. In the absence of the completion of an agreement to resolve this issue the Order should not be granted due to its prejudicial effect on the delivery of economic growth on allocated site NUA/MU/1.</p>	<p>The Applicant commenced engagement with Lindum Developments Limited in advance of the Statutory Consultation period to develop a solution for the Friendly Farmer Link and the proposed combined footway/cycleway that would not impede the future development in site NUA/MU/1. The subsequent design development of the Lindum Development Proposal, which was submitted for Outline Planning Approval in December 2023, included changes to the design on which the Applicant had engaged upon. The Applicant has stated in the Statement of Common Ground with Lindum Developments Limited [REP2-034] that they wish to seek a third-party legal agreement such that the requirements of the Scheme in providing a 3m wide combined footway/cycleway between Friendly Frammer Link Road and Godfrey Drive and the design solution proposed in the Outline Planning Application can be realised. The Applicant has drafted draft terms for the agreement and continues to engage with Lindum Developments Limited to reach a satisfactory conclusion. Both parties are engaged and believe that the agreement can be reached before the end of the Examination.</p>
Q5.0.2	<p>Lindum Developments Limited notes that it is the ExA view that that the applicant should aim to resolve all objections. Lindum Developments Limited have engaged with the Applicant regarding the fact that the Order as proposed will prejudice the delivery of an important allocated economic development site NUA/MUA/1 and understand a resolution is agreed in principle but have yet to receive a draft agreement from the applicant</p>	