



Hearing Transcript

Project:	A46 Newark Bypass
Hearing:	Issue Specific Hearing 2 (ISH2) - Session 2
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It's 10 past 11, so the hearings resumed. Welcome back, everybody. Can we move to point 3e on the agenda, please, which relates to walking, cycling, horse riding, including public rights of way. And I think this is a the point that Mr. Park House can come in on so I'll come to you, Mr. Park House, at an appropriate time. Thank you for your patience so far. The first point is, is in relation to County Council's response to px q1 14, dot 0.42, which was on page 15 of your response. And it's the point about the route between F 5h and F 5n which is in the friendly farmer area, not meeting one of the key design principles of the LTN 120 which is that the route should be direct and convenient. The applicant came back and explained that that isn't the main commuting route. Do we need to look at that any further. Are you happy with the applicant's response?

Given charmer Nottinghamshire County Council, the whole issue with LTN 120 and some of the details around this. It's a tricky one. Yes, I accept that it's not the main community group and it's, it's something that we, we were looking to try and get added value from the wider issue on LTM 120 is about standards and interpretation of standards. And we had, as a county council, naively assumed that active travel England would be a statutory consultee, and if they were happy, we would be happy as they are the the overarching active travel body, we have adopted their standards. But as I said, the difficulty then, is very much about that the standards are vague at best in terms of how you interpret them. But it is always about the balance and how you achieve that balance.

I suppose one of the questions is, then, what? What could be done as an alternative? Because that's quite a complex junction arrangement, and is there any realistic alternative to provide a more direct and convenient route? I

I think from the the analysis we did, we probably accept with the applicant that it is very difficult to come up with an alternative, and we were just throwing it out there to see whether that there was any other suggestions. But we accept that is there isn't a straightforward alternative.

Thank you. And do you have any other LTN, 120 concerns?

We also had an issue around the a 17 junction and LTM 120 there as well. But the issue is very much the same as we've already discussed in terms of interpretation and whether things can be improved as part of the scheme, or whether we're going to look to get improvements additional in a different way.

What other way would you be looking at

the route that we talked about previously was through designated funds, or such likes to do wider network improvements. But obviously the designated funds aren't yet secured, so it's an unknown, but we're accepting that. We just want to flag up that these are important corridors that we would like to see improvements, if at all possible, as we move forward.

Thank you, and you can share with District Council. I think you made an observation about LTN 120 as well. Is there any comment you'd like to add to that,

Alistair Gregory for Newark and Sherwood. Now we defer to Knox County Council as local highway authority. I think from the council's point of view, we would just like to see the standards of LTM 120 applied wherever it's physically possible to achieve a.

Those requirements.

Thank you. I come over to the applicant for any comments you've got and what you've just heard please.

John BOEs, on behalf of the applicant, so we've been working with both authorities and the pro officer at Nottingham and also other groups in Newark, and we are achieving, we believe LTN 120 standards everywhere, on all of the new routes that we provide, or the replacement routes. And the one that was mentioned on the a 17 is an existing route that we've committed to investigate, looking at alternative funding sources to improve that in terms of the provision in accordance with LTN 120 there was the segregation that was raised as an issue previously by NCC. But within LTN 120 if the walkers are less than 300 per hour with cyclists less than 300 per hour, LTM 120 states that a shared facility is suitable. Also shared facilities are acceptable on areas such as canal tow paths pass through housing estates, parks and other green spaces. And generally, we're in a rural area for everything that we're doing on the scheme. And this is why we believe we're complying to LTN 120 and from

recollection, I don't recall any of the survey results exceeding that threshold. Now

I think that 70 something per day was the worst. So it's really the peaks were in the morning to the schools along Route 64 and that was the busiest route. And then we expect some more journeys from

Winthorpe up to the showground. So that was one of the big improvements we made. Was from Hagen lane as an employment route to get to the show ground entrance from from the center of Winthorpe. And the other directory is already there, which is route six, four to get to Newark itself. And then the route that's beneath the a one allows them to get to the employment sites to the south of the a 17, we think we've provided direct routes in all areas, to be honest, that are reasonable to provide.

Thank you. Could I stay with the applicant for the next point? Point two under E, which is approval of temporary diversions, provisions for communicating and managing diversions and post diversion considerations, such as, example, whether the mounting blocks would be removed to find an underpass. I think we've touched on this through the otmp a little bit. But could you just explain whether there's anything else to add on that

mark, certain on behalf of the applicant, yes. And following the examining authorities questions and those within the local authorities, Li, are we updated the outline traffic management plan, R, E, p3, 026, and I included in there much more detail in regard to the temporary diversion, such that the approval of such temporary diversions could go through in consultation with the local authority and secured within the traffic management plan.

Is county happy with the approach that's set out in that and of course, it would be mirrored, would it in the pre commencement plan

mark, certain number, half the applicant that's correct, is to basically take that wording straight across and mirror it through for any any probably right away that would need to be diverted during pre commencement works.

Thank you. County Kevin

Sharman, Nottinghamshire County Council, the approach sounds perfectly feasible. We haven't had a formal response yet, but I don't anticipate again, the being a problem. So

again, you'll wrap that up in your response. Thank you, Mr. Sharman, now a point I'll stay with county on this point, we had your response on the farnd and diversion and the I think the applicant had looked at a couple of options here, and the option that's been illustrated to us is one route for pedestrians and cyclists and A slightly longer route for horse riders. You asked whether the horse rider route, I'm refraining from calling it a bridal way, whether the horse rider route could be used as a bridal way for all parties. Why did you make that comment? Because first of all, the temporary diversion, and second, there is a shorter, shorter diversion for pedestrians and cyclists. Kevin

Sharman, Nottinghamshire County Council, my understanding was that that was a. The preferred or seen as the preferred route. But I think this issue has been resolved anyway. I think the latest statement of common ground has covered this off, so I don't think there's an issue anymore.

Okay, thank you. Could the applicant just update me? Then, on that mark,

said, On the behalf of the applicant, that's correct. There was in part of Bucha County Council's response there was, it raised the query in regard to the under part of fund and which would be part of that diversion. And we checked the height against the standards. On that one, there was a section of the diversion that we're showing through the adjacent to crease lane where there was previously it may have been brought up in statutory consultation of whether that temporary diversion could become a permanent route after the scheme, and maybe that's the comment that we've raised, and we've made it clear we're only looking to utilize it in a temporary basis.

Thank you. Are there any other points on public rights of way that county or the applicant would like to make County? Kevin

Sharman, Nottinghamshire County Council. Now, I think all of the public rights of way issues have been currently resolved and have been addressed at the latest update on the statement of common ground. Thank

you now for the applicant question, point four, could you clarify? This is in document a P, p1, 74 why the, or at least part of the route of Newark with part three is shown as stocked up. We need to pull that up on the screen app 174 from the examination

on behalf of the applicant.

I think it's towards the end of that document there's a drawing. Yeah. There we go, yeah. If we zoom into the finding area towards the bottom,

there we go. That's the point between the 2x Nick, key indicates that that's a stopping up.

So that becomes so John bows on behalf of the applicant, that's currently just the walking route, and that becomes a bridal way effectively, during a temporary bridal way route during the construction phase. So we'll check that on the on that figure and see if that needs to be updated.

But you wouldn't need to stop it up,

would you? We wouldn't know if it does say that it stopped up. That's that's an error.

Well, it's the it's the notation in there, and on the drawing that indicates that that route stopped up,

yeah, on the general arrangement, and on the stopping up plans, it isn't shown as stopped up, so it looks like something's been transferred wrongly to this figure, right? Thank

you. So we'll just take that down as a an action point to check that and also to make sure. So this is document, app 174 to check the indicated stopping up near the fondant roundabout on Newark footpath three. And also, just to double check, I don't think there is an issue in the draft DTO, but just check that they marry up as well. Thank you.

Right now the next point, just like to touch on

with path 14, I think which is it crosses the a current a 46 to the south of the cattle market junction. I think, yeah, that's correct, isn't it? One party says that it was proposed for closure, and another says that it isn't what is the actual situation on that.

John Bose, on behalf of the applicant, the proposal is to stop up FB 14 and to divert that around capital market gyratory.

But I think you've said in your application documents that already proposed for closure by county, and county have said it's not

That's correct. So that was a misunderstanding between teams, and we've discussed that, and we know that it's not closed. And also the assessments that were undertaken did account that the footpath was still in use. So from the which are served. Days that we did, the loss of that facility has been taken account in the in the population, so

it's not closed and it's not proposed for closure. By County, no, okay. Thank you, county. Are you happy with that?

Kevin Sharma, Nottinghamshire County Council, yes, I agree.

Thank you. Now the another source of confusion for me has been the existing route between Winthorpe footpath two and Winthorpe footpath three. Now Coddington parish council have said that the diversion, which provides direct access to cross the a 46 to winthop is required as already exists. Newark active travel partnership have said that footpaths two and three have not been severed, as claimed. That's in their written representation the deadline to Nottinghamshire County Council, and this is their local impact report. Page 25 says that even though there isn't a continuous, definitive line across the a 46 because that's been severed by the road, there is access across the adopted public carriageway to link the two paths together. Then the think again Winthorpe Action Group. This is on page one of their deadline three comments also make a comment about the connection between those paths. Now, when we did our unaccompanied site inspection, we walked around that whole area, and I couldn't find a connection between the two paths that was on public land. I think one had to cross from the Winthorpe route through the petrol filling station. And then there's a an unsigned crossing across the a 46 on the Newark side of the petrol filling station. Are you aware of any formal route on public land that connects with path two and footpath three.

John bow is on behalf of the applicant. There is no formal route that goes straight across from footpath path three and footpath two, and that that route is severed on the on the formal maps online and the maps that held in County Hall. But there is a a highway route that enables people to cross the a 46 very unsafely from through the northern side of friendly farmer roundabout that involves crossing the dual carriageway from the south of the a 46 between friendly farmer and brown hills. You cross to the other side of the road. You then walk around part of the 846, on the northern side. You cross back across the dual carriageway just to the east of the friendly farm, around about walk down the center of the central reserve, cross across to the shell garage, and then walk up the highway, foot way alongside the a 46 to get back to FP three, but there is no connection from the northern side of the a 46 at friendly farmer to the eastern side of the so garage you can officially walk on the highway, but that is obviously a very dangerous place to walk or or to cycle. So what we're saying is that that route is effectively severed, and that what we're providing as the applicant is a connection using Hagen lane and the footpaths that we've provided that run down the northern side of the existing a 46 beneath the a 46 and then up onto the across the a 46 where we've provided a safe, signalized crossing to then get on what we call the the a one slip road crossing point, which then provides a safe route around to the a 17 and to the south routes in to Coddington, etc. And we've replied to all people in the in the same way,

thank you. So there's no dedicated or segregated pedestrian facilities between the southern end of the path two and I suppose traveling in a south westerly direction towards Newark. Okay, county, could I come to you on this point please? Because your comment was that there was a route. Let me just go back to it so I don't it says, even though there isn't a continuous, definitive line across the a 46 there is access across the adopted Public. Average way to link the two parts together.

Kevin Sherman, Nottinghamshire County Council, I can't disagree with what the applicant has stated. It is very much an informal route which we understand people do use, but it's not a route that, personally I would recommend.

But it's not, you know, the county is not advocating that that is a route that we should be taking into account.

I think the county has accepted that the alternative would be a better route.

Okay? Thank you. I

could we move on now to Newark active travel partnerships, comments please, and we have Mr. Park House online morning. Mr. Park House, you

can you see me? We

can hear you. Thank you. Would you for the purposes of everybody here, you summarize what your current concerns are, please, and what your current position is in terms of discussions with national highways

Right, right back at the beginning of the scheme, we wrote into the applicants, highlighting the need for a route from Beacon Hill to under under the a one under bridge and then over the a 17 over bridge, Right to link. But the residents of South East Newark to the expanding employment sites and retail commercial sites, etc, and to produce access that didn't rely or didn't need them to go all the way down through the Byron to the industrial estate, round to the brown hills, round about, round the roundabout, over the bridge, on the on the A one slip road, and right, right round to the a 17. Again, that's where we started, right once we got to phase two, of course, main concern was that, but also it was actually trumped. It was actually become more important to sort out what was happening to Winthrop road, because that is such an important route for getting out into the right of way network. One of our members belongs to the Friends of Trent Vale Trail, which is the 64 route, right? And they've been

working for about 15 years on this route to link it up to the Ducas trailer for viaduct, and they've just obtained the final tranche of finance, having negotiated with various landowners along the way to put the the northern Lincoln at South Clifton. And of course, without seeing the southern end, we've now seen the southern end actually suffering degradation in terms of journey time, in terms of the the quality of the route, in terms of green space. So we've been pressing since the second stage for the alternative route down the side of the river Trent, across the field known as Winthorpe rack, to link the existing right away, which stops at day one with the route as it is at the the whole main level crossing. But we've also continued to press what's happening on the southern side back at the December 2022 the the applicants offered us a working party to examine all the different possibilities south of day 46 you've got to bear in mind that two of us were very experienced on this and we explained at that stage that you couldn't just do a route across there. It was a matter of identifying opportunities and seeing what could be put in place as part of this scheme. Unfortunately, the working group didn't do anything. And then in March 2023, we were informed that they were going to go down the designated finance, designated funding route, which we'd have experience of elsewhere, which showed that it was not a route that would work. And then next thing would happen, of course, we had the wheelchair finally, which should have been done at the beginning, along with the studies on the road and the road traffic. And. Um, but it wasn't. And we found the retail very unsatisfactory. We got, we got the national employed British Royal Society access officer for the East and West Midlands working with us. And yet they went and find it, went out and found a local person on from the BHS, and used their comments and ignored what the national officer had said. So the whole process has proved very unsatisfactory, and once we started the statement of common ground, you know, they had to be told to give us a meeting to discuss it. But it wasn't a discussion. They just went back over what they'd said earlier about funding possibilities. So

there's been some issues throughout the process that you've experienced in terms of interactions, but in terms of what the applicant is proposing and what you would like to see as an alternative. Why are you seeking alternatives? Is there some type of deficiency in what the applicant proposed that we're

satisfied with what the applicant has done in terms of having to make these routes longer to produce a safe route. What we're not happy with is the degradation on the Winthorpe route, and we want to see this route along cross Winthorpe rack brought into the scheme. And we suspect from our discussions with the landowner that it will need to be inside the order route, not outside. We did raise with the county council that the County Council could use their powers as creation order. But the problem was finance without communications from the person doing the a 52 roundabout schemes that they've looked into this, and they say that they won't be able to find the finance. So what we're asking for is that for the Winthrop rack field to be moved inside the order limit so that the applicants can then negotiate properly with the landowners to produce a route through that field to extend the bride away. That's that top priority. I wanted to see was various there's various options on the south side. They need to discuss all of them, and see which ones would actually help to reduce traffic motor vehicles going through the roundabout complex, and divert those people to using active travel. We suggested various things, like, when they divert the footpath onto God for Drive, they could make it a bride awake, which is an active travel route, and that would then link over the a 17 bridge for the new cycle route that's going in down, down the western side of the a 17. So it was a quite case of, we're not having a proper discussion in

terms of the terms of the statement of common grounds, and we've just been just they're just running back over what they've already said, which we found very unsatisfactory in exploring what could be done so

in terms of the land ownership situation. And you said bringing it into the order limits to enable negotiations to take place is that, because the current landowner is not willing to see it brought forward. At present,

we've seen no positive evidence that they're actually moving things forward. We're being told that various things are happening, but when I asked for updates, no, I was just ignored again. Nothing happened. I wasn't even replied to, and it's very, very unsatisfactory.

So in terms of the the current Winthorpe route and the the application documentation tells us that that's a relatively well used route between the Newark urban area and Winthorpe and that it's used by school children. How would the the Winthorpe rack alternative or additional route serve those people?

Right? Winthrop racks is a greenfield route, and it joins to the bridge away when we're working, asking for major works, we want the bridge away, extending through to the rail crossing. And what it shows is a route. All right, there's notes from the A one when you go under the A one, but it's actually a green route. It's very pleasant. It comes out in the middle of Newark, not having to go through an urban area. And given that it's the Trent valley trail we were talking about, sorry, the Trent Valley Way, right, and the Trent valley trail we were talking about. Right? We want to see that Newark end pass through what, what is an equivalent moment to to Winthrop Road, which is actually quite a pleasant route. If you ignore the noise, it's very pleasant going through there. It won't be under the news under the scheme you

Thank you. I'll ask the applicant now what their position is on what we've heard just now.

Mark Sutton on behalf of the applicant, to thank Mr. Park house for his involvement and his representations and the and the input into the statement of common ground to date, I would like to obviously clarify a couple of points that's being raised recently. The applicant stands by its consultation that it undertook as part of the DCO. We were kindly invited to County Hall on a couple of occasions to present to all members and the active travel community on the outline plans that we were developing, and I would add that there were members of the broader way community there and the horse riding community there that actually assisted in improving or noting the diversion route down at Fardon and pointing out using local knowledge and impact, and that actually resulted in a targeted consultation being done following statutory consultation for the new diversion route. We've also regarded the which are which sits within the transport sorry, transportation assessment report includes at the back of it a

number of enhancement I'm kind of enhancement opportunities in local area. We are aware of the the wider aspiration should we serve certain groups that are not directly a requirement or mitigation factor of the scheme, but we've used to utilize the which are report in the back of the transport system for to log these opportunities. There's a map in the back there that identifies them, and they are clearly there for future engagement during the scheme where, traditionally, under road investment strategy to national national highways use a designated funding scheme for to help enhance these things. We obviously know that road investment strategy free is yet to be agreed with the Secretary of State, but ucto utilizing such alternate funding means that we can assist and help with making these work. I would also add that we've spoken on number of occasions from Mr. Parkas about Winford rack, particularly it's the extension of bridal way six, and would actually move the Trent Valley way along the river Trent, Mr. Parks outs aspirations, we've not done anything about that. I would challenge that, that I personally have been out with a colleague of mine and met the landowners out there and walked the route and started to gain a better understanding of the concerns and constraints that the landowner has on there. It's a very popular fishing spot along the Winfred rack that is operated by the Newark piscatorial society, and they have their own concerns about that route, the requirement and the ask that we included within the order limits, the applicant does not believe it needs to be included in the order limits. We've made appropriate allowance for a three meter wide cycleway of footpath along the what was the old winfor road along through now the new brown Hills junction, a part of that actually then goes through a landscaped area, so it retains that, that landscape feel. And when you actually go down windfall road at the moment, and with the years I've been there from when we've been undertaking observations down there, the actual footpath is a very narrow footpath, often overgrown by the hedge rows, and people are actually walking along the center of windfall Road, albeit it's a relatively quiet road because it's feeding bridge house, farm and the old staple yards, but it's got an agricultural machinery going down. What we believe we're doing is we're offering a segregated, appropriate, combined solution that provides across a safe crossing with a slip road and reconnects into the existing active travel provisions on National Cycle network 64

so you're saying that the current proposals wouldn't preclude the windfall rack. The

current proposals do not preclude the windfall rack and with my previous conversation with the landowners, and I'm obviously not here in the room to say otherwise, but they've been approached previously by members of the actual travel community in regards to the windfall rack opportunity and. And, and I think there's, there's, there's a, there's a lot of relationship building to be done there to try to find a a way to allow that to happen. And I see ourselves as the applicant here with a major project potentially coming online to be able to assist with that. But it's not all. I'm saying is it's part of an opportunity, a development enhancement opportunity, rather than being baked into the scheme solution.

So in terms of that, would that be a designated funds route if

sitting in road Investment Strategy two, yes, it would be a designated, designated funding opportunity. As we're moving into road investment strategy free, which is to be, I'm gonna use the wrong word, apologies, but ratified by the Secretary of State, there will be, we're not sure what that's going to be called, if it's still designated funds, or if it's going to be some sort of social value for a similar side of type of thing,

Yeah. Okay, we've heard that delivery of this in the active travel partnerships opinion would require a change to the order limits. Is the applicant intending to change the order limits?

Mark So on behalf the applicant, the applicant is not intending to change the scheme order limits.

Thank you. So let's go back to Mr. Park House. Mr. Park House, from what I've heard and what I've read from both sides positions, it seems that the applicant has just confirmed that they wouldn't amend the order limits to this application. I've heard what you've said and your justification for it, and it seems to me that there's potentially not going to be any coming together of the parties at this stage, albeit, I've heard from national highways that there may be opportunities outside of this application. Do you have a different view, or do you think that there's still an opportunity to persuade national highways to change the order limits?

It's really up to national highways. That's the problem. I did suggest that the sort of this router going down through and doing a curation order, and obviously county council don't want to be dealing with the financial costs of that. And it would actually be very good if network national highways actually took this on board. It's something they could do, that they could underwrite one of the councilors doing a curation order. We would mean that they wouldn't have to have to move to nip it, but made it to commit to doing this right? But since December 22 so I don't think we're going anywhere at the moment.

Okay? So I think that's probably the point I was trying to get to. That from my point of view, it looks like there's different positions, and that that position is probably not going to move during the course of the examination. Is that a fair summary of the position on both sides, and then it would be up to the examining authority to take both parties positions and to weigh them in the overall balance.

I'd agree with your summation there that we're not likely on this particular issue, we're not likely to reach a joint point in the fact that we cannot see how the alternative route can be delivered without being included in the scheme.

Thank you for that. That's really helpful. Clarity and national highways do take a different position.

Marks on number half the applicants are now we agree to respectfully disagree on this matter.

Thank you. So that's very helpful clarity for us, and we'll take that away. We'll we'll, of course, take both parties positions into account and weigh them in the balance in our recommendation report. So Mr. Park House, that's all the questions I have for you today, and

south of the south a 46

because, well, will it? Will it progress this discussion any further? Or is it a position, again, that both you and national highways disagree on it, and it's unlikely to result in a coming together?

Our concern at the moment is the discussion is taking place over the diversion of footpaths through right diversion of the footpaths not a problem. We just like to see a wider discussion on the on the link between the. Um, the new route down the side of the a 17, as it's going to be when thought roundabout and the first roundabout on the a 17, we're not concerned about that. What we're concerned about is that the footpath is going to be diverted, without any thoughts of an upgrade up to the a 17 bridge, right? So just like to make sure that when they're discussing this, that we're actually consulted on this should be a problem for the applicant to sort all this out in one go, rather than doing it piecemeal.

Thank you. So this is the point about consultation in relation to diversions, then yes, applicant

mark certain on behalf of the applicant for path, sorry, public right of way, diversions for path, diversions covered in the online traffic management plan, with consultation with the local highway authority, and as part of the communication plan as well, will be ensuring that user groups are notified in advance of those diversions and adequate advanced signage to highlight their diversion routes, if I may, I just could I ask Mr. Park houses from clarification if he's referring to the temporary diversion or the permanent rerouting of the combined foot way cycle way of footpath free. Because if it is the latter, the applicant is showing on the plans what the proposals are, and we're not looking obviously within negotiations, I caveat that when the negotiations are currently going on with Linden, we will be terminating that combined foot way cycle way on Godfrey drive and tying into the existing footway Network.

Thank you. Could you clarify that point please, Mr. Parker,

I didn't actually hear all of that being so hard of hearing, right? Could you just summarize it for me? Please?

Yes, of course. The applicant was asking what stage of the proposed diversion you were talking about. It's

the fact that you want to divert the footpath onto Godfrey drive to go down to the new crossing on the A17. And we would just like to see the status of that diversion is examined and that it's looked at for being upgraded to as an active travel route. Thank

you. The applicant explained that there is a process of consultation on diversions with the county council and also communicating with local user groups, so hopefully that would cover that point.

Yeah, it should do in terms of the diversion, but in terms of upgrade, it won't do, okay, we do quite a lot of this, and they'll be applied to divert the footpath. And we're asking for the upgrade, for it be upgraded so that cyclists and horse riders can use it if necessary, to cross the A17 on the bridge as well, which is a different issue from it. Diversion.

I've taken that point down, Mr. Parker, so thank you for raising that and thank you for your contribution today and your patience waiting for the almost final point on the agenda. So thank you for attending,

okay, for your time.

Thank you. We've also got Mr. Shapley in the room, who I believe would like to add something. Mr. Shapley, you're from, think again, Winthorpe Action Group,

that's correct. In reference to the what we've been talking about, about Winthorpe, the footpaths two and three. And I think there is a lot of confusion around this. And I would like to point out that the the applicant national highways have provided a route from Windsor, as described by John Bose from national highways, which is, diverts the walking route underneath the new A46 across to the foot bridge that goes across the A1 slip road and then to the roundabout and long hollow lane. The A17, the route from the foot that they put back from there is vague, but I would like to point out that the new development along the A17 by tri tax Big Box and Simon's development obliged to provide a combined walking and cycling route between long hollow Lane roundabout by the curry site and their new development, which means that anybody can then just walk along that route and connect themselves to the Coddington footpath on that side the Newark side of the A17. So any footpath on the on the airfield Showground side, or Audrey drive, or anywhere that is absolutely redundant.

Thank you. Has that been taken into account by the applicant? I

I said, on behalf of the applicant, so the to the south, what we call the Godfrey drive, and the Godfrey drive roundabout outside of the scheme, or the limits, can we see if future, if other developments are creating a footway that continues along the a 17 as part of their development? Then the applicant see that as a as a benefit for accessing those developments. In essence, any future stopping up of for path for free, we don't, don't consider to be a problem for us.

And thank you, Mr. Shapley, what's the point you'd like us to take into account?

The point is here that the the application behind tritax and big box to Newark Council, which was approved, and the the planning references 20, stroke, oh, 1452, stroke, ou TM says that as planning condition 12 requires the footpath cycleway to be provided prior to the occupancy of the development. And this footpath cycleway is the connection between the end of the route provided by the highways to long hollow lane and the Coddling Winthorpe footpath three into Coddington, in which which is actually on the borders of this development, which then constrains or allows any walking route to be on the Newark or the southern side of the a 17, which does not require any access whatsoever to any footpath that remains on the show ground, or around Godfrey drive, or going through the over over field development where I think is working and Farrell have depots so that the question of the diversion of this footpath is resolved. It seems to have been contentious or unresolved debate for an awfully long time. So I'm just trying to point out that there is a very simple solution to it,

and as that permission, it looks, well, from the reference number, like it might be an outline application. Has that been implemented yet? Well, the

development is going on at the moment. So I would rely on the newcomer district Planning Committee to to confirm that this requirement is being compliant.

Well, we might not need to go there. The question I've got to follow on is, if that route is provided in addition to what the applicant is providing, what would the issue be?

Well, there would be no issue, apart from removing any problem about the discussions where you're talking about the full path going across the a 46 and where it's going to go through. Okay,

thank you for that contribution.

May I add another point? Yes, of course, right from the beginning, when the active travel group here had conversations with national highways, we laid out that we wanted to see what enhancements to active travel provisions within our parish could be made, and they have gone a long way towards providing more walking cycling routes for us, including the one that I have just described. The one that I would like to refer to is one that's been mentioned by the county council and the District Council, and that is the connection between the friendly farmer roundabout and the Winthorpe roundabout on the show ground side, where there was some discussion about the standard of provision, and we've always maintained that this ought to be provided to the highest standard possible, because it is a direct link within our parish between Newark and the bridal ways and footpaths extending out to Bruff and the other Lincolnshire areas beyond the showground, which we view as being quite an important leisure route in terms of active trouble. So we would like to support any suggestions that the county council or the district council have made as regard to the adequate standard for walking and cycling along that route out into the countryside. How do you perceive

the applicants current proposals? Do you think they're inadequate? I.

And originally, it had been suggested that there would have been a route set further back into the show ground, which would provide access, and also access for people visiting the show ground and also employees in the show ground. At the moment, the provision, I think, is combined route of cycling and walking, but it has a fairly sort of narrow border between that and the link road between the Winthrop roundabout and the friendly farmer. So I'm not quite sure whether it is of a really outstanding standard in terms of walking and cycling route. It is alongside quite a busy road, quite close to it, admittedly, with a speed limit on

applicant, do you have any you'd like to say about Mr. Sharpley's comment?

John bows on behalf of the applicant. So the what we created following statutory consultation actually provided a full circular route. When we went into statutory consultation, we'd only provided the three meter shared facility to the west of Hagen lane that went beneath the a 46 and then joined around to the a 17. And then the route that then goes alongside the new friendly farmer link is the replacement of the current walking route that goes alongside the a 46 and so we've enhanced that it to a three meter wide share facility that's for walking and cycling, and we've extended that route down Hagan lane to the main Showground entrance as well. So that facility allows people to go into the showground from the new entrance near the current bowling alley our bowling club, and also off drove lane. Following consultation, we added the route that goes east from hargan Lane and passes around Winthorpe roundabout, and that was to provide a leisure route, as well as direct access to the show ground, which wasn't there before, but it was also to facilitate the safe crossing of cyclists through Winthorpe roundabout, because through our consultation with those groups, they were concerned about the safety

of going through that roundabout, so we've provided a safe route for cyclists through Winthorpe as well. So we feel we have provided very enhanced facilities compared to existing there's a nought point five meter setback to the three meter combined facility alongside the friendly farmer link, and then a two meter verge. Martin is correct in that we did talk to the showground about taking the facility through the showground, but that impacted all their future developments that were potentially happening in that area, which is why we've kept it where it is.

And in terms of usage, you said, it's a combined three meter wide path. What level of usage do you envisage on

John bows, on behalf of the applicant, the current usage from the surveys was, was up to 12 people per day, people talking to people in Winthorpe. They Some don't see that it'll change, but we do see that when routes are provided, the routes will be used, more particular by leisure. It was very positive in terms of providing the circular route for people to walk further from Winthorpe and go to other destinations, but we wouldn't anticipate it more than 50 per day.

Thank you. Could we move on to point F on the agenda? Please? Some of this may have been made redundant by previous decisions on the sorry discussions on the otmp, I'm picking up, particularly on the county's comments and its local impact report, where it says on a couple of occasions It would require an approval right over the otmp. And the otmp is very light on detail in relation to public rights of way and the management of that I'm conscious it's evolved slightly since the LIR was reduced. Do you have any updated position on the otmp,

Kevin Sharma Nottinghamshire County Council, again, I'm afraid that work is underway, so we don't have a final position on it yet, but we'll be looking to complete that as soon as possible.

Thank you. In terms of the approach. Approval, right? There's a consultation requirement in the requirement, but the approval would sit with the Secretary of State. Is that satisfactory to the council? I?

Kevin Sharman, Nottinghamshire County Council, it is an issue, but it's down to interpretation. We're still looking into it, so again, it's something we'll look to pick up that do recognize

what's the nature of the issue? Can you tell us that

we need to look at the detail at the end of the day? We need to provide, we need to be able to provide access to and so we just need to make sure that we're comfortable that our needs are going to be covered, and anything we need to do isn't going to be prohibited by what's going on as part of the otmp,

thank you. Well, the more detail you can provide in response, the better for us. A related point is that we've got the separate requirement for the otmp in the draft DCO. This is more of a point for the applicant, but looking through the list of control documents that would form part of the second iteration, Environment Management Plan. Some of those would seem to touch on the area of expertise or competency of the county council. So for example, we've got construction worker travel plan. And there's, there's other points, such as the quote, we've got emergency response plan for flood events, which I expect could be a county or require county involvement, but that requirement only requires consultation with the relevant planning authority, Natural England and the Environment Agency. Is there any reason why the county council was excluded from that?

Thank you. Novae Hendry, for the applicant, no particular reason. But we would anticipate that if the planning if NCC were being consulted in their role as planning authority, they would gather the views of the kind of other hats that they wear, as as a as an authority, in order to kind of fulfill that planning role. So

are you assuming there that NCC is the planning authority? So

NCC, and this was a point that came up yesterday, and we will, we've taken an action to update the definition of local planning authority to make it clear that when we refer to that, it would be for the planning authority to the extent it relates to their planning function. So if there's something in this list that would fall within NCC, NCC functions, then we would expect it to be consulted with NCC,

and

the benefit of having it very clear on the face of the DCO. Do you think that that satisfies that point, that somebody reading it would be able to switch between different authorities who need to be consulted.

Thank you. Lara Hendrie, for the applicant, I don't have specific instructions on that, but I think it's something that we can

take as an action point, please, to reflect on that point and how we would, I suppose, define the competencies of each authority so that it is clear on the face of the DCO. Yes. Thank you. Thank you. I'm

not sure we need to go into too much depth on this, but next point relates to a communications plan, and I'm just really seeking any comments on that. It was submitted deadline three so not too long ago, some people may not have had opportunity to thoroughly look at it yet. Does anybody have any initial comments on that? Ask the District Council first and then the county council.

Matthew Norton, new county District Council, we haven't yet had response to full a chance to fully go through that, and we'll respond by the next deadline. Sir. Thank you and county.

Kevin Sharman, Nottinghamshire County Council, the county is in the same position. We only received it recently, but yes, we'll be keen to work with the applicant.

Thank you. Anything the applicant would like to say on that

Mark said and on behalf of the applicant, further, awaits comments and look forward to updating it as required.

Thank you. I think point 3f, three has been overtaken by our discussions we've already held in relation to pre commencement plan. So I'm proposing to skip over that. Unless anybody's got anything they'd like to raise. No Nobody. Thank you. So the final point on transport is the Pelham street Clinton Street monitoring and mitigation. And this has been mentioned on a number of occasions, for example, in R, E, p2, 052, which is the county's responses to the first set of examining authorities questions, and you've said that nottinghamurishing County Council would require a commitment from the applicant that they would monitor this issue once the scheme is complete and if the projected traffic increase does materialize, then They would need to come up with a mitigation measure. So my question is, how would that be secured? And how would you define mitigation so that there's a reasonableness baked into the the provision?

Thank you. Lorraine Hendry from the applicant, as I'm sure is clear, the our ability to secure it within the order itself is limited, because Pelham Street is not within the order limit. However, we have had discussions with NCC about entering into a side agreement such that the kind of requirements of monitoring, and then perhaps what would be a reasonable mitigation, we're thinking things like traffic calming measures, so nothing too extensive, which could be delivered using the highway powers of

Nottinghamshire County Council. So the way that that would be secured would be through a side agreement, and we can reflect this in the statement of common ground as well.

Would we see the side agreement

again, as with, as with yesterday, I can see have no specific instructions, but can see No, no reason why that couldn't be shared to the examiner so that you have that confidence about what, what is secured, and what, what you can take into account.

So you're looking at something like a section 106 agreement.

I wouldn't think that it might it would be necessarily under section 106 but the mechanism with which we use to kind of enter into that agreement is the sort of up discussion between the parties, okay,

thank you. I'm conscious of time ticking on the examination clock. When do you think you might be able to progress that?

That will be something that we will engage with NCC on very quickly, but we don't anticipate it being a complicated agreement, given the nature of the the kind of obligations on on national highways in this space,

and I may have missed it, but is that in the consensus, the consensus and agreements document,

thank you. Lorraine Hendry, for the applicant, it will form part of the list that we agreed as an action point. Yes, thank

you County. Do you have anything to add on that. Kevin Sharman, Nottinghamshire

County Council, we equally don't see it being a difficult agreement to resolve when we're comfortable in terms of the principle, and we will come together and discuss the details of what exactly the mitigation strategy is and the time frames and such likes. But it should be relatively straightforward, in our opinion, too.

Thank you, Mr. Sharman, that's the final point in relation to transport. Is there anything that anybody would like to add before we move on to air quality? You can show a district council, nothing. Thank you. Nottingham County Council. Thank you. Nothing. The applicant.

Nothing.

No, thank you. Is there anybody online who'd like to add anything knowing anybody in the room? No, everybody. Everybody. Then, right. Let's move on to air quality. You'd be pleased to know there's not so many questions on this one.

Thank you. So we're just doing some rejecting

here. We'll just give you a minute. Thank.

Are we All set? I

thank you, everybody. The first question is for the applicant, and it relates to your response to the relevant representation. So that's document, R, E, p1, double 09, and I'm referring to page 160 of 166 Can you just turn that up? Please?

Apologies. So

would you mind repeating the page number? Of

course, it's page 160 of 166 Thank you. I

We got there. Thank you. It's the bit that says Winthrop Primary School is located approximately 230 meters from the affected road network. And then you continue saying that about the predicted concentrations, given that the school is approximately 500 meters from the A, 46 and 100 meters from the A, 113, so what does the 230 meters relate to

John Brooks, we applicant the 230 meters relates to the road coming up from the Winthrop roundabout towards the school. Now, the affected road network at that point is screened in for slight changes in

alignment, rather than changes in traffic. The 500 meters from the A, 46 by comparison, is where you've got those changes in traffic on the network that trigger the dmnp. 105, square blue

material that road to the A, 1133, isn't it? Yes. So you say the school is 100 meters from that but 230 does the affected road network end just in 230, meters along the A, 1133,

yeah. So James books, we applicant, yes. It does. The the A, the affected road network along the A, 1133, ends, or it is part of the effective road network, because this is where we've got alignment changes. So it ends short of the or 230 meters from where you've got the school. However, the road itself, a 133 obviously carries on, and at that point it's the 100 meters. Okay, I've got

that. Thank you. That's helpful. Next point is for you can show a district council and Nottingham mission county council. Now you've seemed to have made similar comments in your local impact report. So is the one party taking the lead on this? On air quality?

Yeah? Lindsay question for newer concert. Yeah, as our in house environmental health officers are not specialisms in air quality ourselves and Knotts county council have kind of collaborated in terms of a commission. And I just want to introduce our author, can I say of that section, who has worked in conjunction with our environmental health officers on clarification and data collection. So so

if I just ask the host authorities questions,

we will respond as a joint collaboration as such. So would you like

to introduce your colleague?

Hello. I'm Rachel Perryman from AECOM, and I'm representing the District Council and Nottinghamshire County Council.

Thank you, Miss Perryman. The point I'd like to touch on. Have you got the local impact report handy? I suppose both are the same. So I could just brief. To one of them. If, which one would you like me to refer to?

If, Lindsay Preston for Nook and sherd, if you probably just wanted to call it the

local impact Okay, well, they've got different paragraph numbers. Sorry, different page numbers. You see, let's, let's do the NSDC local impact report. If that's okay. And this is on page 79 and it's point 513, and there what you do it. You just talk about how the ES describes residential properties, schools and hospitals, but the receptor list does not distinguish between the type of receptor, eg, whether it was a school or a residential property. Now, given that the conclusion is that there's no exceedances in any event, does that really matter? That there's a snow distinction between those receptors, you should

just repeat the page number again? Yeah, of course, it's

page 79 of the NSDC li are

Bucha perman for the district councils and county council that point was just in in relation to whether it had met that criteria in the column to the left. But as you say, it doesn't, it doesn't matter. Okay, it's about whether the objective has been breached at any of those receptors. It's not subdivided with different

objectives, so I don't need to make any distinction. No, I'm writing that's helpful. Thank you. And staying with that document in page 75 and this is paragraph 14, point 14. This is where it talks about the potential combined air quality effects associated with construction vehicle flows and traffic management measures during the construction phase. It says that further information is required to understand the combined effects associated with the scheme during the construction phase, the applicant gave a response in it was their response to the relevant representations, which is document, R, E, p1, double, o9, and again, I suppose the point relates to the not being any significant individual impact. So why is it suggested that we need to look at the combined impact?

Rachel poem for the district councils and county councils. So the point was raised here because if it was felt that in the environmental chapter for air quality that the applicant had assessed separately the potential impacts from additional construction vehicles, and then the potential impacts from the traffic management, speed reductions, diversions. But it all be looked at separately, and by looking at it separately, they come to the conclusion that there were no significant effects. However, it was just to get that confirmation that actually, if we just look at the construction phase as a whole, and all of those movements and traffic were happening at the same time and assessed together whether there would be an exceedance, and therefore an assess, a quantitative assessment, was needed. I know that the applicant did respond to that, and did a sort of summary, a qualitative summary of that, and that is acceptable, that they have now confirmed that, looking at the combined effects of the construction phase traffic, that there would be no significant effects. So it's just to get confirmation of that,

just to be clear, then you are happy with that confirmation that the applicant provided. Yes, thank you. That's helpful. And we also had a comment. This was actually only in the County Council's local impact report. It was in the climate section. We're going to come on to climate tomorrow. But are you? Were you involved in that discussion? And it was a point about in combination assessment of climate change and air quality?

No, I was not involved in that. That's

fine. We can come back to that tomorrow with the relevant parties. I. So again, back to the local impact report. Page 75 paragraph 14, point 14. That's when you raised the point about the dust management plan, which is I came in at deadline three. So is that something that you be coming back to us on

Patreon, planning room for District Council and county councils. So we have undertaken a review of that appreciate has just just been submitted, and we do have some thoughts around that those can be provided in inviting the next submission. But just to summarize here, if I may, in terms of the mitigation measures proposed. We think they're satisfactory. I think there needs to be more information around what monitoring is proposed. So there's lots of references to visual inspections and then doing more quantitative monitoring, but with sort of reference to as required, as necessary. I would hope in the management plan that there is a bit more of a commitment to what's going to be done so the management plan does identify areas of higher risk of dust impacts. So in accordance with guidance, in those higher risks areas, there should be quantitative monitoring that's undertaken. So I'd look for a dust management plan to explain what type of monitoring would be undertaken and indicative locations of that monitoring to allow the councils to provide feedback. I think I'm sorry. Oh, sorry, one more point, and then just also around the reporting requirement as well. I mean, we can provide all this in writing, but just around the reporting requirement as well. I think the language that should be used is more that the councils will be told when there is a complaint, not if the Councils ask for it, that they will be told, and then they will be told about how that complaint was investigated and what actions were taken to address that complaint. So there's some sort of reporting requirements, which I do feel were missed out in that management plan as well.

Thank you. So will you be providing those comments of deadline for which is the 13th of December? Thank you, applicant. Do you have any initial observations on what Miss Merriman has just told us?

Thank you, sir. Emma honeybeck, on behalf of the applicant, Mr. Brooks is able to respond to some of those points now, but more detail will be provided in writing, so I'll hand over to him to give you an overview now, if

I thank you.

James Brooks, for the applicant, the original intention was to supply the accuracy and dust management plan as part of the second iteration. Second iteration environment management plan, at the request of the council and local authority and SDC, the an outline equality and just management plan was supplied as part of the first iteration environment management plan. Rep 3022, and the purpose of supplying that now was to enable these comments to come forward so we can have that open discussion about what you know, what is expected, and how we can make that better and actually sort of control dust, monitor dust during the construction phase.

Thank you. So we've got deadline for when the authorities will provide the comments. And then the next deadline is deadline five, which is fourth of February, 2025 so should we expect an agreed, completed draft of that by deadline five?

James, what's the applicant, a, yes, and that's possible, yes,

thank you. That's helpful. Next point then we've got point c2 I believe I haven't divided them here, but point C is the damage costs comment, and we've established through the documents that the council's guidance isn't the relevant guidance to be looking at, and it's more appropriate to look at DFT guidance for development consent order schemes. And then there's been a calculation of a local, sorry to local air quality valuation of 1.74 7 million pounds on that. Then the comment in the local impact report, this is page 80. On paragraph 14.26, is NSDC would require further information on how these air quality damage costs are being addressed locally, and also request that the XA consider any response by the applicant against local planning policy and their recommendations. So the first point is, what does costs being addressed locally mean?

Lindsay question from Newark and Sherwood, those costs would be as a result of the scheme, so within the local area that we would be looking for. However, upon further discussions on this, it's considered that, because the effects of the air quality are not significant, may be the case that those damage costs are not required. So that may be something that we would not be seeking from the applicant. Thank

you. That would be if that is the position. Now that would be helpful, if you could come back to us in writing on that point, please. And I wonder whether the next point follows on. But the second point was a response against local planning policy. And what puzzled me about that was, doesn't seem to be any planning policy to assess that against, particularly given that the local guidance, I think we're told that it's not a supplementary planning document. You said that in your responses to EXQ one, so does that follow on and that point falls away, or is it something that we still need to consider?

And Lindsay question for Newark and Sherwood, yeah, we think that, because the effects aren't significant, that that that is no longer required.

Okay, thank you. Does the applicant have any observations on that question?

Mohali bill, it's on behalf of the applicant, sir, as you know, we have responded to the local impact report, and we don't have anything add to that, to that response.

Thank you. The final question I have, and again, this is over to new concert District Council. Your responses to our first questions that it's in document, R, E, p2, 050, and you say that NSDC has asked national highways to see issue 30 of the state to common ground to install air quality monitoring stations along the a 46 to enable ongoing air quality monitoring. Why is that relevant and necessary? If there wouldn't be any exceedances?

Lindsay question from Noah, can show it again so that that's because the effects again are not significant upon reflection, those monitoring stations we consider now are no longer required. Okay, thank

you. Well, again, if that clarification could be provided to us, that would be really helpful. Applicant, anything to come back to on that? No, thank you, sir. Emma

Holly Phillips and

part of the applicant, thank you. Well, that's all of the questions I had on air quality. I'll just give everybody an opportunity to add any other points? Can I start with the host authorities? Is there anything else you'd like to say?

Lindsay question for Noah, can share with nothing from us? Nothing.

Thank you. Any interested parties in the room? No. Thank you. Anybody online? No. And finally, over to the applicant.

Thank you, sir. Emma Holly millets on behalf of the applicant, no, thank you sir. Only just to say that we will ensure that our climate expert can pick up that point around in combination of Vex and tomorrow's hearing that would be very helpful. Thank

you. I'll move over to Mr. Love. Now just to read out the action points we've taken down and seek verification that they are as you expect.

Thank you. Mr. Burley, before I do so, I just note that the Nottingham county council had anything they wanted to add on the previous item before I provide that a list of action points I was dealing with them as hostess, oh, okay, I'm not. My apologies, Mr. Bucha, thank you for the confirmation. Okay, so action points, I have five action points written down. Please feel free to to correct me if I misunderstood any the default deadline for. Or the submission of well, if the response to these action points would be deadline for 13th of december 2024 so the first action point is directed towards the applicant and Newark and Sherwood District Council, we are to provide clarity on the degree of dependence of various sites and the proposed local plan on the proposed development, including the provision of potential physical impacts that may hinder a help delivery of said sites. Second Action Point is directed towards Newark and Sherwood District Council, who will provide clarity in the list of policies and allocations in their local impact report relevance with respect to the proposed development. Third Action Point is directed towards the applicant, who will provide an indication to the examining authority for the timescale for the submission of final documents that include those amendments made via a Rata note that that that this applies to all documents, and not just those relating to today's hearing. Fourth Action Point is directed towards the applicant. We will review document, a P, p1 74 and ensure the indicator stopping up a footpath reference Newark, F, p3 and ear fund and it's correct. And they will cross reference that and check the DCO to ensure these points are consistent. Final Action Point is directed towards the applicant, will review the definition of the competencies of each relevant authority so that the responsibilities are clear within the DCO. Thank you, Mr. Burley,

thank you. Number five on the agenda is any other matters for today? Has anybody in the room got anything that they'd like to raise? I Yes, no, thank you. And anybody online. No hands raised online, right? Well, we'll move to closing this issue specific hearing. Then, could I remind everybody that any written summary of oral cases put to us at the hearing today, and any documents that we've requested be submitted at the next deadline, which is Friday 13th, December 2024 Next, if we've got issue specific hearing three, which is on the water environment, That's this afternoon in this same room. It commences at 2pm so just remains for me to thank everybody for their time today and for the assistance they've given to us, and to close this issue specific hearing, thank you. Applause.