



Hearing Transcript

Project:	A46 Newark Bypass
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It is 1127, so we will shall resume this hearing. So moving on to the next agenda item. It's Agenda Item four, and it's landscape and visual impacts and

I'd like to start off first of all with in our rule six, letter PD, 005, annex, F, point eight, the examining authority requested further analysis of the sand hills viewpoint that was VP 24 now, I thought the examining authority had set out quite clearly what we were looking for in terms of the expectation, and it was a sort of a 180 degree view with potentially a wire frame supporting that. Can we, can we bring this viewpoint on screen? Please. Should have the Reference number To hand i

Yes, and it should be, it's VP, 24 Sandhills.

Yes, there we are. Thank you. Okay, right. Can I ask the applicant to talk me through this please, and and the impacts and how, and how interested parties, in other words, sort of perhaps the residents of Sandhills may interpret this over to you, please,

sir. Michael fry for the applicant, I'm going to hand you to an introduced an inquiry. Claire Uden, who is our landscape expert. Thank you.

Good morning. Claire Uden for the applicant. Viewpoint 24 captures the view north of sand hills Park representative of views for local residents, as per the rule six requests we've created in an widened extent of view, which say that is wider than the previous photo montage that was produced from this location. And as we can see, there is an area of opacity which defines the wire line for the scheme and its location to the rear properties. Then if we were to scroll down slightly, please on the view, you can see that capital market is then visible with the white rendering. So the areas of white are those areas that will be seen, whereas the areas of a property are those that would be hidden by intervening built for

so the areas sort of shadowed, if you will, on the right hand side of that that's not going to be visible from the properties themselves, is that. Sorry, did I misunderstand? Clare, you

didn't for the applicant, the views will vary depending on the angle of view and the direction of view that's afforded by the properties. The majority of properties afford oblique views, so they won't be having direct views towards cattle market itself, and certainly from the lower image, I think it's fair to say that actually the alignment of the road as it reduces down from the grade separated junction would actually be quite some distance behind these properties. And in fact, the compound itself would be directly at the rear of those three properties that we can see on that image.

Okay, how far are we talking about

the compound or no, the so it's probably easier if we were to look in plan view to find the best option for doing so, perhaps we could. I. And bring up the general arrangement drawing. In doing so, we can see the location of the properties, the scheme itself, and the proposed mitigation in that area. And that is within as 007 we could show that please.

And that's page eight of the PDF.

As that's coming up on screen, can I ask you a conch shell with district council for your thoughts on this submission, please. And if you think this sad, this is adequate

Lindsay question for Newark and Sherwood. Yeah, we've, we've made representations as part of deadline three on the visuals that's been submitted. And that's R, E, p3, hyphen, 046, and just in summary, so we do not think that those visuals, especially of sand hills Park, will do anything to allay any concerns of the residents of sand hills park. There's there's nothing that they would be able to see in terms of the impact. All we've got again is that little snip at the end of the cul de sac. I think that it's a bit difficult to say, because obviously the buildings are in the way of any public vantage point. So without having to go into the rear gardens of properties, you can't really experience what they would experience. So I appreciate that in that respect, that would be difficult to produce that visual. I didn't know if there's any other way of trying to represent that for those residents, because obviously they're going from a very flat infrastructure at the minute, which is subside on to the end of those properties, to an A very raised elevated structure, which is approximately Eve's height or above, with the vehicles going across. So that is a massive change for those residents, and I think more needs to be done to interpret how that would be shown. I didn't know whether a visual from the other elevation, so we could probably see the the gradient from the other elevation, maybe from the 617, who could see the full context. So we could, that would be the best way, rather than going to people's gardens, to show the true elevation from from that angle. Yeah, that was our, our interpretation. Anyway,

yeah, see the are the works plans being brought up on screen. Okay, great. Okay, whilst you're doing that, I'll comment is my view would be, I think in the first instance, we would need a printout as a sheet

of paper provided to the examining authority, and I would ask the applicant to consider whether or not a pure wire frame image, so one of these computer generated wireframe images would be useful, and then you would cross reference that would allow us to cross reference what you've produced with the wireframe image. It's something which doesn't take into account vegetation screening. I do appreciate that, but this is about trying to establish the impact on those residents there, and it's about understanding that impact New York and Sherwood. Does that sound like something which you would be happy to receive?

Lindsay question for Newark? And she would absolutely, sir,

thank you. Can I ask the applicant I appreciate that's probably a fair amount of work. Is that something which could be produced for deadline four, or is it more appropriate for deadline five.

Good morning. Clare you and for the applicant, it would be helpful for us to have some clarification as to what that wireframe may look like in its form, given we followed industry standard guidance in creating the one that we've shown to you this morning. Well,

sorry, essentially, it's what you've produced without the photograph we. Out the photograph. Yeah, it's basically, it's literally, you take, you take a photograph out of the equation, and you just give a wireframe. And yet, it is usually just computer generators, yeah, and there's, it doesn't take account of anything other than just AOD, and it just puts that in the background and then, from the examining authority's purposes, it's a cross reference exercise between two long sheets of paper,

essentially, absolutely yes. So we can make every effort to get that to you. For deadline for I would have to just double check with my specialist that they were able to do that within those timescales.

I Yeah, that's what

I mean as a supplementary to that, perhaps an elevation of the just an elevation drawing as a supplementary to that sort of in addition. And I think that would, that would certainly allow us to progress this issue. Okay, okay, I see the works plans are and yes, thank you. So just one

more point. Lindsay Preston for Noah, can show do we need to agree the extent of that wireframe?

Well, my expectation would be from the position of of VP 24 but of over 180 degree view.

Yeah. Thank you

so Michael tried for that point. Can I just, does the XA require hard copies as well?

Yes, grateful, yes, we will require hard copies. Thank you. By deadline four is an action point, then can we either have that provided by deadline for or a confirmation that will be provided by

deadline five? Microphone? Yes, sir,

thank you. That's an action point. Yes, yeah, okay, right. We have the works plans in front of us. I'll pass back to the applicant to pick up on the distance between the back of the properties and the the the elevation.

So as we sorry, Claire, you're into the applicant. As we look here at the plan, we can see the location of Santos Park and the roundabout itself. I'm afraid I don't have the exact metric here. I'd have to take that away and come back to you on that. But I think this is a useful demonstration of the close proximity of the scheme in relation to the residential area. It's also helpful to look at the alignment of the properties, as seen in the the OS base there, and we can see the orientation of the properties and the likely views that they will be afforded, both towards the junction itself and the retaining was associated with the grade separated junction as it leaves ground level. I think it's also helpful to look at this in the context of the existing vegetation that we're seeking to retain as part of this scheme and to minimize those impacts wherever we can. That's been our starting point throughout the process, and beyond that, we've then sought to introduce the maximum amount of vegetation that we can in terms of woodland screening, and then multiple layers of vegetation in terms of an additional hedgerow with trees, and again, the slit roads to the junction on those embankments, when also proposing some shrub planting in that area To aid integration of that scheme within the surrounding landscape, and also improve the visual immunity from this location. We did have a question which may be worth me touching on now in respect to as to why we haven't completely filled that triangular area with woodland. The reason being so is that we need to create habitat there, from an ecological perspective in terms of essential mitigation, and therefore we haven't been in a position to fully wood that part of the scheme,

in terms of that area you're talking about, and slightly off piece here, presumably, if you were to fully, if you were to plant that out there, there could be an issue there with how it interacts with existing flood defenses, absolutely. So, yeah, so that's fine. That's right. I think that sort of sand hills COVID, we have a an action point relating to that, and I look forward to receiving it. So I'd like to turn now to lighting. Can the applicant provide me with a brief summary of the lighting proposals? And what I'm focusing on is,

you've got details of lighting within the submission, but I'm thinking more. In terms of the those flyover those grade separated elements, if you could touch on that and sort of give me a bit of a summary on the expectation of that, please.

Claire, you'd on behalf of the applicant, lighting will be restricted to at ground level for these grade separated junctions, so there will be no lighting provision on the elevated parts of the structure. Okay. Outside of that, lighting will remain as per the existing baseline condition, with the exception of new lighting in areas which are currently unlit at Brown Hills junction and friendly farmer link, albeit in the area around friendly farmer is already lit with respect to the neighboring a 46 aside from that, areas which are currently unlit on the scheme will remain unlit, and those which are lit will remain lit.

Okay, thank you for that. Now I'm going to cross over very slightly into cultural heritage now Newark and Sherwood raised a raised specific concerns in rep 3046, in regard to lighting and the impact on Newark castle. Paragraph, 3.3, Can we touch on this please, and just try and bottom out what the concerns are with respect to light. And we've heard that those raised elements are going to have lighting at ground level, so we're not my interpretation of that is it's not going to be lighting columns on those is that correct? There

will be lighting columns at ground level there, but not on the elevated Yes, that's what I think it would be, as per the existing condition where the cattle market junction is already lit. Brilliant. No, thank

you. That's that's understood. So can I pass on to Newark and Sherwood? Please? Can I, like I say, I would like to get to the bottom of what the concerns are around lighting, and if I could just ask you to summarize those and see if we can just bottom that out, please.

Juliet Olson, for Newark and Sherwood, I think it was really just the ambiguity. We weren't 100% sure whether there was going to be lighting on the raised bits with that confirmation that it is retained at ground level. I think that those concerns are kind of alleviated now, okay,

no, that's useful. That was, that was my interpretation as well. Did the applicant want to come back on that? No

further comments, okay,

I assume this next iteration of statement of Common Ground will reflect that. Okay, so before the break and when we were talking about ecology, Newark and Sherwood raised a point that I would like to

revisit, please and forgive me if I misunderstood, my head was sort of in the agenda you talk you were mentioning about lower, lowered ground levels and extent of of tree planting, and as part of it, in terms of a landscape and visual effect. Could we revisit that, please? Could you sort of repeat your concerns, provide any further detail, and we can have a discussion on that point, please?

Lindsay Preston for Newark and Sherwood, yeah, it was, it's it's referenced again in our in our latest representations for deadline three, it is our concern that the character, especially in the cattle market area, would change dramatically because of the landscaping coupled with the infrastructure. So at the moment, you drive south into Newark from the 616, so the sugar beet factory, and you are in very much a rural landscape. So you have green infrastructure coupled with industrial development heritage as well. But as you're as you're approaching the cattle market roundabout, you're very much in this bubble of green infrastructure, which is spread out across both sides of the of the of the highway network. And then you don't really notice the cattle market roundabout until you get to that approach at Smeaton arches. And then, even, even then, it is a low level infrastructure heavily greened in terms of its central round the central section. And then as you travel round the roundabout, it's all heavily greened. And as you spread out from there, you're very much in this green network. The proposal is put forward as you travel along that same route from the sugar beet factory, whilst the applicant has retained some of the. The Green landscaping outside of the order they're replacing the areas around, around, about and in the the dispersal of that with areas which are very, very wet, areas which don't really hug the roundabout in terms of its green, green status. So you would travel along the roundabout, and all you would see is a landscape dominated by the infrastructure rather than coexisting with it. So that that was our concern, really, that it's really dominated. Yeah, I'll just bring our

landscape in. Hello. Alison Stewart for new concert District Council, if I'd like to maybe point you to the photo viewpoint number 25 there, and the reference, the reference to that document. Is the south from Great North Road.

Sorry, can we bring that up on screen, please? It's the, do you have a reference number?

Sorry, as hyphen, 026, that's

the environmental master plan, I think,

and rep two, five and 020, but both are relevant in terms of the impact they're going To view point 25 the existing situation shows vegetation as you're approaching on the A 616, towards Newark, south east, with existing vegetation on both sides of the road, framing the view down to the upgrade existing junction, and looking at year one that vegetation has been removed. So you see this full expanse of the grade separated junction and retaining wall with the framing vegetation having been removed at year

25 there's not a huge difference in terms of vegetation either side of the A, 616, and still this same horizontal expanse of the retaining wall and the elevated structure.

No, thank you. That's that's helpful, that I'm just, we'll Just get this up on screen. I'm

Yeah. Viewpoint, would you have the document number? Think it would be rep 2020, yes, there we are. Thank you.

Okay, so perhaps if we scroll down to the next page, please. Okay, no, that's that's useful. Thank you. Could I ask you can share with bit easier, probably, to explain and to understand with the image on screen. Could you repeat your points please?

Alison Stewart for Newark, and show a district council it is. It relates to the loss of the boundary vegetation either side of the A, 616, as you're approaching Newark, you've got the new elevated carriageway along the full view, and because we've lost the framing vegetation that was there on the existing situation, it's a much more open view, and our concerns are that there is no proposals at the moment for any planting in that area. And was just wondering why there wasn't more thought to how this could be mitigated against this impact of this new structure on the approach into Newark.

Can the applicant basically the next image down, which does show some degree of mitigation. So just to test my understanding, is actually more to the as you're driving down, and we've done this several times the examining authority you're driving down and you have vegetation. On both sides, and it feels almost like you're being coridored down that road, and then we're going to this large exp open expanse. Is that okay? No, I understand. Yes, that's right. Um, can I ask the applicant to respond? Please,

Clay, you've done for the applicant? I think it's worth noting, when looking at this photo montage that actually there's an a line of existing vegetation that will be retained, which is immediately, essentially behind the photographer in this location. And therefore anything north of this we feel still will allow the containment of roadside views in a similar way to as it currently does, albeit understanding where there are breaks in that existing vegetation, then oblique views may be afforded across the surrounding landscape to the a 46 and the grade separated junction,

yeah, when I go to the environmental Master Plan PDF page five of nine, I can see on there as you, as you've just pointed out there, Behind The behind this image, behind the photographer, there are areas of retained landscape, retained landscaping. And then as you go down, would it? Would it affect the function of now, I appreciate I'm looking at the environmental master plan, not necessarily what's on

screen there now, but would it affect the function of the of the swales in that location if there were to be additional planting?

Yes. So, as we noted earlier, the swells in this location have a highways drainage function. The reason we have chosen them is for the aspects around nature based solutions, moving away from kind of the historic hard features that we might see to enable co benefits in terms of biodiversity and landscape integration. We've made an allowance for, I appreciate those can't see the environmental master plan currently, but we have made an allowance for individual trees and, again, some shrub planting adjacent to the retaining walls as you head left around the junction. In addition to that, we've also obviously got the planting on the junction itself. In the image that we looked at in year one, see they're very small in that location at that time. However, by year 15, they will have established to aid the screening of the junction, particularly at the lower levels, where the lower band of the retaining structure would be screened by that intervening vegetation, with the individual trees creating a greater aspect of height, which, in turn, can help break up the upper, upper sections of that wall. Okay,

no, thank you. That's a helpful explanation. I'll come back to Newark and Sherwood. Please.

Julian Gladman, on behalf of Newark and Sherwood, I'd like to, if I may, make reference to earlier commentary on the approach to biodiversity that made direct reference to NCA 46 which is the national landscape character in particular, picking out in section 4.2 which makes direct reference to boundary features within this landscape area, and in particular, wet Willow boundary features. The looking at the existing baseline picture of that wire frame, there's a degree of boundary tree feature that sits within that framing at the moment that is providing exactly as my colleagues were explaining a moment ago, this framing on the approach to the junction on the Great North Road from the north, the character of moving along that corridor is fairly consistent in that there's a significant mature boundary treatment for some distance on approach, so you have a very long distance view on a straight road up to the point of the junction. What we're trying to illustrate here is, as you get to that closer point where there's been some direct loss of that mature vegetation, we'd like to see a bit more confidence in that being not necessarily retained, but provision for that to re establish again over time, and we feel that it's entirely acceptable that, looking at that baseline position, we should try and attempt to recreate that within the restoration proposal.

Okay, thank you. That's a helpful explanation. Can I ask the applicant please to. Respond

Claire Eden for the applicant. So as a I think this is a general rule that we can talk about across the scheme. And our approach is that we've sought to maximize the retention of existing vegetation where we can and also maximize the planting, as you'll see on this on the screen here, we do have a number of constraints associated with the with the drainage of the of the scheme, but in doing so, have chosen this solution because we feel that it gives a more naturalistic approach to draining the scheme,

as opposed to hard features. We have produced some patrose, some planting along that boundary, albeit we do have to be mindful of planting offsets from carriageways in order to align with industry standard guidance around the safe operation of the highway and LD 117, appreciating as well that perhaps the planting that provision that's there already may have naturalized over time and possibly not being maintained as per the highway standards in in respect to offsets from carriageway.

Okay, could I ask you, in your written summary deadline for just to expand on the concern into to respond to the concerns raised by Newark and Sherwood setting out why you can't provide any further planting or retain any further planting in that area, or indeed, if after revisiting that, you find that you can or you want more opportunity to consider that, if you could give me a response, include that. Just include it in your written summary. Please. Yes, sir.

Thank you.

Thank you. Okay, as we're looking at the cattle market junction anyway, could you bring the photo montage back up on screen please?

Right, and it's basically, I'm just going to follow on from what we've just been been talking about. Now I know we've traveled down part of our unaccompanied site inspection. We're traveling down the Great North Road. This is a long, straight road, and you get your views into into Newark, and you start seeing glimpses of Castle St Mary aglen, church spire and so on. But it's very much. It feels like very much an approach into the town. Now, what I'd like to ask please is Newark and Sherwood. I may have misunders, misinterpreted your your submissions, and if I have, I'm happy to be corrected. But as I understood them, you were referring to a relationship between the Church of St Mary Magdalene and the Newark castle. Is there a relationship there, or have I misunderstood your submission?

Juliet Wilson from Newark and Sherwood. There isn't a kind of historic one other than that. You experience them together as you are approaching the town.

Thank you. That was yes, that was my understanding. Okay, so, pardon me,

so in terms of the impacts, then, as you're traveling down the Great North Road, your submission reference, you think it was a deadline three submission reference, you talked about the impacts on This. It is going from a low lying flat landscape, essentially to having a rather significant structure put in place. Now, this is a it's an essential element of of the scheme. You talked about, the potential for redesigning that and perhaps creating a gap through the middle to try and soften the appearance. Is that a fair summary of of your submission, your concerns, and I will bounce over to the applicant,

Juliet Wilson,

pretty much show it. So

yes, I think obviously we are raising concerns of those views into the town and out of the town. And I think that certainly views into the town could be kind of softened with a lighter structure, and we feel that it hasn't really been justified or kind of reasoned out why this is the design that's been put in front of us today, and why other options that perhaps are lighter weight haven't been brought forward to this stage.

No, thank you. So the applicant you will have seen Newark and Sherwood's submission, where they are detailing a lighter structure. Could you give me some detail as to as to has that been. Considered, if not, could it be, and if it has been, if it's not achievable, why not? Equally, I appreciate this probably might be quite a lot to that, and you may want to respond in writing.

Thank you. John Bose, on behalf of the applicant, I'd already looked at this, and we did look at this as part of the options development, and discussed it with a number of the stakeholders. So in providing an open structure, the spans would become larger, and the overall depth of the structure would increase between 305 100 millimeters, and this would then increase the height of the structure itself, the road alignment, because we couldn't come down at this stage. And it would also reduce the safety of the slip roads, and the mergers and the departures we have there due to the increase in height the land beneath the open structure that would be hardened and wouldn't be able to be planted, creating a utilitarian environment. The area beneath the open structure would be vulnerable to anti social behavior, bitter collection and also arson risk the center of the gyratory, as shown on the existing one year and 15 year plans that would still be planted. So the open aspect would actually disappear over time, because the planting would block that view through the structure, the views of Newark castle and the church spire, in our view, at that time, and we assessed it, were already restricted by the trees and shrubs on the approach to the gyrate tree to the existing roundabout, and that those views actually came into view. And the feeling of an avenue, as I would describe it, is actually beyond the capital market roundabout. As you head down the southern side of Great North Road, in terms of the multi span structure, it would need to be placed on bearings because of its length and due to temperature changes. It allows the bridge to move. These two proposed structures are integral structures and have no bearings. If bearings are provided in a multi span structure, this would provide additional maintenance and repair requirements, increasing health and safety risks of working at height and also removing and replacing the large bearings in the structure. In terms of the final part of the consideration, we looked at the capital and whole life costs the two at the example, of just opening up the center would increase this by 6.5 million pounds. Thank you.

Thank you very much. As part of your written summary a deadline for if I let's take it as an action point. Please, Mr. Burley, have a bit more justification with respect to the structure we have in front of us. And Rob why you can't achieve an open structure is that,

yep, that's fine. Thank you. Just

a bit more detail. Thank you very much. I'm going to move on from that point, because when we get the written submission, Newark and show will have an opportunity to respond to Deadline five to that and I think that's probably the most appropriate way of responding with this. It's obviously quite a detailed subject as well. There's obviously a lot of engineering considerations in there, so I'd rather have the submission from the applicant deadline four, and then New York and Sherwood response to Deadline five, so I'm going to move on to the Winthrop Conservation Area. No, I'm not. I'm going to ask NSDC and New York and Sherwood Council. You there was a point in your recent submission. I think it's rep 3046, paragraph, 3.13, you raised a concern about the accuracy of one of the photo montages. Could I ask you, just to give a bit more detail on that? Please.

Thank you, sir, yeah. Lindsay Preston for Newark and Sherwood. It was just the fact that, as part of the negotiations that have already taken place between the applicant ourselves and Knott's county council, it was agreed that there would be changes to the alignment of Smeaton arches, and due to the sweat path that would need to be designed in order to enter into the 616, and the photo montages don't take into account of that, it might just be our naivety in terms of reviewing the photo montages, but we would expect that to be shown as part of that, because that was one of the Heritage impacts that has come about as part of these considerations.

Okay, thank you. Could I ask you, I mean bit concerning whenever you hear someone mention. Um, accuracy of a photo montage. Can I pass that over to the applicant?

Please? Claire Eden, for the applicant, we've reviewed your notes, so thank you very much for those. And we have noted an omission with regards to the walls themselves, and they're currently being remodels, ready for deadline for to make account for that. Okay, no, thank

you. That's helpful.

You can share. We'll be quite happy to, okay, great, excellent. Let's, let's move on then to Winthrop Conservation Area. Apologies, we're bouncing around a little bit in the in this agenda item. So can I ask

Newark and Sherwood to, just to give me a summary, please, of what their concerns are with respect to the impacts on the Winthrop conservation area? I

I'm just asking if Newark and Sherwood could provide a summary of their concerns, or explain their concern, or rather expand their concerns with respect to the impacts on the Winthrop Conservation Area. Thank you.

Juliet Wilson, for Newark and Sherwood our concerns in relation to the age 46 works is that flyover of the A one predominantly bringing the kind of highway closer to the conservation area and those listed buildings that are contained within The village, we were concerned in terms of that visual of the flyover, the most recent submission in terms of that's been submitted, giving those kind of glimpses of what that flyover would look, would look like, does demonstrate that it is highly greened And landscaped. Kind of it does address some of those concerns. We still do have concerns that the those, the experience of the conservation area is going to still be impacted in terms of noise, and obviously that is partially going to be mitigated with the sound barriers, albeit, they will themselves have a visual impact as well, but most of those concerns have been kind of eased with the most recent visuals.

Okay, thank you. Does the applicant want to respond to any point they heard there? I

Hello. This is Claire Martin, built heritage lead for MacDonald on behalf of the applicant, can we just confirm then from Newark and show a district council if they have any outline points that they wishes to address, because currently, what they've said wouldn't change our assessment in the in the EES. Thank you,

Julie.

Else, if anyone can show it, no, I didn't. There's anything additional we require,

then we have nothing further to Okay, so

presumably next iteration of the statement of Common Ground will reflect that position. Excellent. Thank you very much. My final point on this agenda item relates to Civil War landscape features. Now, traveling to Newark, it's, you know, the town very much seems to lean on an identity with the Civil War. And it's, it's prominent role within that to so I'd like to tease out the potential impacts on the Civil War landscape, and as part of that, within the written questions, we did ask for just a single map, a single plan only with those Civil War features on it. And I appreciate you gave a response sign posting where

the information was. However, there's quite a lot of information there, just by the nature of the scheme and the sensitivity of the landscape, could I ask for deadline for could the applicant provide me with a just a map with only the Civil War features on it?

Vicki Nash, on behalf of the applicant? Yes, that's absolutely fine. It's already in planning, and it will be submitted at deadline four.

Thank you very much. That's helpful. If I have anything further on the Civil War features, I'll come back in written question, the in written questions. I

Okay, and the sorry, yeah, this is the final point. Can the applicant provide me with an update on where we are with discussions around archeology? Please?

Vicky Nash, on behalf of the applicant, all of the archeological works. That have been done to date are discussed and outlined in chapters four and five of the archeological management plan, the updated version, which is rep 2062, and the technical reports with the results of those works are contained within Appendix D to k of the desk based assessment, which is as 099 and Appendix H of the archeological management plan, again, rep 2062, discussions with stakeholders, including Newark and Sherwood District Council. Nottinghamshire County Council and Historic England have developed a phase three archeological mitigation strategy which sets out the works required for the pre commencement and construction stages of the scheme, and that, again, is contained within Chapter Six of rep 2062

Thank you. Appreciate quite a large document submitted to Deadline three has have the host authorities a chance to consider the updated archeological management plan, and if so, does it resolve your concerns?

Good afternoon. Sir. Matthew Adams for Nottinghamshire County Council, yes, we appreciate the submission of those documents, we would, however, suggest, as you've identified, it is a very large document, that those appendices should probably be separated and from the archeological management plan, so that the the archeological management plan is something that we'll be returning to in the future. And just so it's not such a large, large document, but the data is now there, and that has which we welcome. Okay,

there's there's an issue there with separating out the documents with respect to the references and the requirements, because the requirements are worded in such a ways, it refers to it almost as a single document. So rather than separating them out into separate documents, or have I misunderstood

sir Matthew Adams Nottinghamshire County Council? Yeah, the appendices are the assessment reports that have been undertaken the work to date. They are the archeological management. Management Plan depends on those, but it doesn't necessarily need them as appendices. And I mean, it can remain. It is just a very large document. Was possibly a technical point, but, yeah, I mean,

does, I mean, is there any I mean, forgive me, but is there an issue that with archeology there? I mean, are we agreed, or are we still reviewing the submissions? Or we're

still reviewing submissions? There are two areas that have yet to be assessed, and the applicant has suggests that these are done later, which we're happy to agree with. However, the archeological management plan will need revisiting and updating to reflect any of any data recovered during those evaluation phases, and we would suggest that that is reflected in the requirement wording as well.

Okay, so just to be clear, the archeological management plan in front of us, the expectation is that that will need to be further updated.

Matthew Adams Nottinghamshire County Council, yes, sir, will Okay,

right? Well, we'll expect to receive your comments. Then, will we receive those at deadline? Four?

Matthew Adams from county council, yes, I can provide those for deadline for Could I also suggest some wording for the requirements schedule two, which we do have some wording that has recently been used on other schemes and granted by the Secretary of State, which I could provide, if

we can provide that a deadline for as well? Please, yes, sir, thank you. Yeah, I'll Before moving on, I'll ask the applicant if they have anything they wish to respond

to. Vicki Nash on behalf of the applicant and the areas which were not subject to evaluation. This was because of access issues with land holders. They are covered within Chapter Six of the archeological management plan, which sets out, I think it's particularly section 6.5 and that sets out the two areas, why they need trenching, how many trenches need to be done, and then what the next steps are. So it does state that once that evaluation is complete, discussions will need to be had with the stakeholders to discuss any further works, if required. And those further works will be detailed within the written

schemes of investigation, which will be submitted at a later date. So they will be covered in the written schemes of investigation, rather. Within the archeological management plan.

Okay, as part of your deadline for summaries, if you could just include that detail that you've just set out for me, please. Thank you.

So if I might just jump in then Lorraine Hendry for the applicant, just in relation to the wording for requirement nine, welcome any comments that the council has in relation we'll take that under consideration. But just to point out, noting what Ms Nash has just said, that there is already Express reference to the written schemes of investigation in the wording of requirement nine, I guess, on the basis that this the AMS, the archeological mitigation strategy, is essentially a live document that kind of carries over for the construction, operation and maintenance of the authorized development as set out in requirement nine. But we'll take any amendments and consider them.

And does, are there any provisions necessary for the pre commencement phases, or do, for example, does the pre commencement report have to catch up with what's been agreed.

Thank you. Lorra Hendry, for the applicant, the pre the archeological mitigation strategy that's set out in the archeological management plan is a document from word go. So it applies to all works, including pre commencement and post commencement works, as as you would so it doesn't they kind of go hand in hand, as opposed to being one or the other.

Can I just pick up on that little bit if the requirements don't become effective until you've implemented development and the sorry if the requirements don't become effective until you have commenced development, then is that picked up if there are pre commencement works which would be taken out of the commencement of development.

So the ray Hendry for the applicant, the wording of requirement nine is slightly different to our other so we say the authorized development must be carried out, as opposed to the works must not commence. So we specifically avoid the word commence in that requirement, because the intention there, and again, we can take this away to see if we need to make it clearer. The the intention here is that the archeological mitigation strategy will apply to all works. So perhaps we could rephrase that slightly to say, Will, you know, will apply to pre commencement and any other works associated with the authorized development, or something to that effect, if that would provide comfort,

yes.

I suppose one point is in relation to authorized development, whether any works that may not require permission were undertaken and were undertaken before the authorized development commenced. So something that may not be a material operation, but could affect an archeological resource. So if you could just think about that as well, please, when looking at the wording, okay,

thank you. Thank you.

Before I move on to another item, is there anything outstanding in archeology we need to discuss today? Okay, a matter raised earlier this week was the access and access gates at Langford Hall. And what I'd like to ask first of all is the access and access gates at Langford Hall. Will that require any further permission beyond what's in the DCO I

Lorraine Hendrie for the applicant, not as far as we're aware.

Okay, so there those works would be COVID under the dcl regime. Okay, yes. So in terms of the the impact on on Langford Hall, then and it's and its wider setting, how is that? How is the detail for the access gates and the access itself? How has that progressed? Who signs wonderful, better term? Who signs that off? Who says this is acceptable? I

thank you. Lara Hendry, for the applicant, the whilst ordinarily you might need a separate list of building consent for something of that nature, listed building consent isn't required for development consent orders. So I think we might just take that one away, if you don't mind, just to make sure there are no other consenting regimes that we should be referring to. And then just think about how that detailed design might be secured, other than through sort of a statement of Common Ground type environment, I

think just looking at in the. The dimension of this issue is, how can we be certain that what is actually delivered doesn't unduly harm the setting of the listed building?

Thank you. LaVey Hendry, for the applicant, we'll take that one away and set out how we anticipate that concern being allayed and secured. Would

you like that as an action point?

Yes, please. Useful.

Sorry, just to pick up on that as well, just to cross reference what we were talking about at previous the I sh DCO, where we talked about requirement 12 and the approval of the details. Subsequent to that, there's a bit of a cross reference in these sorts of issues, and particularly when we get done into the matters of detail where there is nothing, so if you can just ensure that there's a consistency of approach in terms of those points.

Lorraine, for the applicant, that's understood, thank you.

Thank you. Right. That concludes Agenda Item five, so we've already covered six. So moving on to now noise and vibration,

just if you wouldn't mind bearing with us while we switch. Yes,

Yes, no problem. You.

Yes, I

quick question. Very quick question.

Thank you, sir. Emma Harlene Phillips, on behalf of the applicant, I am joined by Christos nestorus and will Kerr to give evidence on noise.

Thank you, ma'am. So as we've just discussed, Langford Hall and we heard from the we heard from the interested party earlier this week, concerns over noise impacts on the lodge associated with the whole and this, this might be a very quick, quick question, are there any impacts on that particular property? And second part of my question is, would it potentially fall under the noise insulation rigs? I

Chris for the applicant in terms of operational noise, sorry,

sir, can I ask you to move slightly closer to the microphone?

Chris nestorus for the applicant, in terms of operational noise, our noise predictions indicate that we have negligible impact in both the short and long term, and on this basis, the property will not qualify for sound insulation based on operational noise for construction, there are a number of potential impacts at this location, and chapter 11 does propose mitigation to deal with these impacts. This will be either temporary noise barriers or limiting the duration of relevant construction events that could result in avoiding any significant effects. Obviously, construction will be assessed in more detail at a later time, but as it stands, there is no eligibility for installation on construction based on construction noise, either.

How would, how would those mitigation, potentially mitigation measures, be secured through the DCO? Please? Emma

harline Phillips, on behalf of the applicant. So I draw your attention to the provisions in the React, which is rep 3003, specifically, NV two, which is the provision of. Temporary acoustic barriers, and instructed that the reference under that react commitment is Winthorpe, and that relates to the temporary barrier near the lodge. And as you know, the React is secured by way of requirement three in the DCU. Thank you.

Okay, I'd like to move on now, and as a final, as a point on this, I'd like to explore the consideration with the traveler site at bridge house farm, or, I understand it's called Old stable yard. I note your comments in relation to this previously and under rep 3037, however, the question, the question wasn't asking the applicant to consider a planning application. The nub of the question was more to do with that there are people living in a location with protected characteristics. And the site history here does date back to pre 2018 and it has been considered as an allocation. I understand that Newark and Sherwood then undertook further noise assessment work at that site, and they proposed then to remove said allocation. But I just need some some commentary from the applicant, please, as to why this site wasn't considered, and I'm looking at it from a human rights aspect, equality duty, public sector, equality duty, that, that sort of angle on it. So if I could ask you for a bit of commentary and reply on that, I appreciate it. Might need to go into something in writing.

Thank you, sir. Obviously, as you're aware, the noise assessment, sorry, Emma Harley Phillips and part of the applicant, the noise assessment considers a number of receptors, and it considers a number of representative receptors to be representative. So it doesn't consider every single possible residential receptor. It chooses which which receptors are deemed to be representative. In this case, there is a receptor that is very close to the traveler site, but is actually slightly closer to the noise generating activities than the traveler site, and therefore, in assessing that receptor location, the assessment has, in effect, assessed the traveler site, but in a worst case scenario, because the noise impact on that receptor location is going to be greater, that is what is set out in our response to a written question. So in effect, our response was essentially trying to say whether or not the public sector equality duty applies, and national highways doesn't, doesn't, doesn't quibble with the fact that it

has to apply with the public sector quality duty. We have nevertheless considered what the impact will be at this at this location, by reference to that receptor location that is very near the traveler site, and have therefore been able to come to the conclusion that there will not be a significant effect on that site.

Okay, in your response, reference a rep 3036, page, 75 and I believe this is the property adjacent to the travelers site we're talking about

you've agreed to, my understanding is you've agreed several mitigation measures, including installation of 2.4 meter total timber fencing, construction of in a compound and a positive drainage solution at the A one underpass. And the the traveler site is on the southern side of this property of bridge house farm. Now I appreciate that the positive range solution of a one underpass isn't isn't necessarily noise and vibration related, but it does highlight there are issues at this location that could also be shared with the traveler site. So I'm slightly unclear as to mitigation measures at bridge house farm, not then being required at the traveler site. And I will be coming over to Newark and Sherwood just shortly.

Please. Yeah, I just said as well before you provide us with the response. Could you explain in your response how you've taken into account the different characteristics of the buildings and the living units on the of the travelers, and how noise might be perceived differently?

Emma, for. Colin Phillips, I'm part of the applicant, if I can deal with the second point first, and then I'll hand over to Mark Sutton to deal with the question around old stable yard when we represent our noise assessment and the conclusions in chapter 11, and in the response that we provided to you on on this question regarding the traveler site in accordance with Bs, 5228, those levels against which we assess are external levels, so whether they are experienced within a brick house or a mobile home doesn't factor into the noise assessment, because the noise assessment only considers external levels as the worst case scenario.

That's that's the scope of the noise assessment. But we're also looking at the equalities duty. So should the equalities duty invoke an additional assessment taking into account the difference in the materials

this semester for the applicant. Just wanted to point out that for almost the entirety of the construction works, the predicted noise level is below which which? Again, I'd like to highlight this reflects the existing baseline in the area, so noise from construction will be less than the existing noise currently experienced at this site. There is one exception to this, which relates to resurfacing works, is by definition, are linear. They exceed the threshold by three dB in this case. But as I said, these works are, by definition, linear, so any particular receptor will not be exposed to these kinds of levels for prolonged periods of time. And on this basis, there would not be a significant effect. And effectively, this means that the actual construction of this receptor doesn't come into play. Thank

you. But that doesn't seem to answer the question I posed.

Emma Holly Phillips, more half the applicant. Sorry, I think the answer to the question is that the lull is a level that is set, and the public sector quality duty doesn't change that level or sensitive receptors, or particular receptors. That's just simply not part of crtn, which the applicant is required to apply under the NPS, and so we cannot find anything within the public etc, quality duty that would suggest that the lull against which we assess noise impacts, which is suggested that here there will be no significant effect for the traveler site, whether or not they are in a mobile home or not. We can't find anything that suggests that we should be applying different criteria to this site, because there simply isn't a significant effect in this location.

I suppose my my query boils down to public sector quality duty and reading through the ES, I don't see that this site has been considered at all throughout the ES, in any part of it, and it and it wasn't, didn't seem to have been considered until written questions, and I'm struggling to wrap my head around that mitigation measures are required at an adjacent property and immediately adjacent property where you have brick built house, and all these sorts of things are not required at a location where, where there are mobile homes, caravans, etc, which are going to be more sensitive to noise. And it's not, it's not just about noise. I need a bit more, I think I need a bit more explanation and justification. And it might be that we come back to this in writing, and sorry in your deadline for submission about how the proposed, how this site has been considered overall, and that The applicant does meet its public sector equality duty.

I mark Sutton, on behalf of the applicant, good morning, to answer the first part of the question about the measures that have been discussed with the owners at bridge house farm. So we in the written sorry, in the relevant representations that were. Raised by the owners of the Bush House farm and the dogs kennels, that's also part of the business there. They had met with colleagues of the applicants out on site to look at the interface with their business and their concerns during construction, with regard to visitors, visiting their dropping dogs off. So it became a from, I say, almost like an accommodation works discussion on site with the specific owners to see what measures could be introduced. And that's where the issues with regard to the route underneath the a one underpass that you related to and the need for the installation of a small package pump system there, just to ensure that in the in any event where they couldn't get out onto the brown Hills roundabout, they could still use their route under the underpass. It also came up conversation regarding both the fence and I'm going to call like a paddock area within their property that allowed for drivers to come in park up and take their dogs out. So the whole thing was looking at almost like accommodation waste package for that owner in regard to the business use, rather than coming in as an outcome of an assessment.

Okay, right? I'm going to come over to Nick and Sherwood. Do you have anything you'd like to raise in relation I mean, this is, this is sort of, yes, it's noise and vibration, but it's also consideration of this traveler site, which I appreciate the planning status of, that's not the issue. The issue here is very much becoming a quality duty.

Thank you. So yeah, Lindsay Preston for Newark and Sherwood, there is, has been a bit of an update in terms of this site, in planning terms, which I did communicate with the applicants earlier this week. So we had a planning application for the site which went to Planning Committee in November, which are members, approved the site as a gypsy and traveler site. So therefore it has got approved planning status, and I can share that reference and any other information that you require on that. It was, as we touched on yesterday, it was a site that we were looking to take forward as part of the allocations document, but following a noise assessment that was undertaken as part of that plan review. It was deallocated as a gypsy and traveler site, which was based on noise impact. And although mitigation would have been proposed as part of that that site to make it deliverable, that mitigation was very engineering solution, so it would have required quite a substantial acoustic fence. So we actually sought to deallocate that as part of the plan review, but subsequently, members have approved that application as part of their discussions in planning committee.

Thank you.

Please hear and thank

you for that update. As as part of the consideration of the application, were there any representations from current residents of that site in relation to noise,

Lindsay Preston for Nook and Sherwood, I believe, as part of the discussion, there was a representative from the site itself, I can investigate any of the comments that we had as part of the planning application from any other residents, and obviously those can be redacted and sent to you. Yes,

please. That would be very useful. Sorry, and just to sort of

explore that you indicated that you deallocated it on the basis of a noise assessment, but you have now granted consent for the element that is there, was there a noise assessment submitted with the application that gave you confidence to grant that? Or are there other conditions or other requirements within that that seek to protect the residents.

Lindsay question for Newark and show it, I'd have to check the conditions, sir and what information was submitted, but members resolved to approve the application. I'd like to save their own accord, taking into account all material considerations, but I can, I can see what information was submitted,

what was the officer recommendation,

Lindsay Preston for Newark and Sherwood, the recommendation was to refuse the application. But obviously, members can take a differing view of having considered all material considerations, but that was their resolution to approve the application.

Part of that recommendation to refuse based on the noise. Lindsay

Preston for Newark and show, and I believe it was, but I can, I can check that for you, and it won the headline,

I think it would be useful to have a copy of the officer report, and also, I don't know how your council records them, but the members decision, if there's anything specific about why they the matters they took into account in reaching their decision, Lindsay

Preston for Newark and Sherwood, yes, we can get a transcript of that for you. Thank you.

Sorry. If I can just assist the panel, I have the decision in front of me. There are no conditions that relate to noise. The only conditions relate to the number of pictures, the use of the caravan, so that it can only be by the traveler community. They relate to flooding and a landscaping scheme, but there are no conditions in relation to noise.

Yeah, I don't want to cut across Mr. Low, but just in terms of the applicant position. And you've heard that the officer view from New York and Sherwin District Council was that there is a an issue with the acoustic environment in the location because of that. How does that reconcile with the assessment that you have made that the noise environment in that location is below law

Christmas for the applicant. Just going back to what I said before, our predictions indicate that the change in noise levels is actually negligible as a result of the effort six. It is obviously not in the scope of the project to assess site suitability on the basis that a receptor will be allowed to exist there. Our

assessment goes into closing to some little to demonstrate what the impact would be on top of that from the scheme, and we can point to the relevant figures that show this noise level change, which, as I said, this characterized as negligible.

I think what we would like is a consolidated response on this and that consolidated response should take account of the information provided by Newark and Sherwood District Council, not just look at the the noise dimensions of this but also consider noise trans, the difference in noise transference for the nature of the residential unit, the traveler site, please, just so we can be certain that we've got a complete response on this point, given the importance of the public sector equality duty. Is there any other points that colleagues would like to add on that in terms of a response?

I would also quite like any detail in there about how you reached out to this community in terms of consultation. Bit of an aside, but yes, Mr. Burley has preempted what I was how I was going to suggest we move this matter forward.

So Emma hollingford is part of the applicant, just so I can understand exactly what we're responding to. Is it the panel's suggestion that there could be something in the public sector equality duty that requires the applicant to assess a receptor when dmr, crtn, etc, suggests that they don't meet the criteria for assessment. And I only asked that just to type so we can make absolutely clear what it is that we're being asked.

No, it's not. We're not suggesting there's any alternative criteria for assessment, but it may be that you conclude, I don't know what you'd conclude, but you may conclude that even though there's a difference in noise transference between different types of materials, that you have still taking account of the public sector equality duty and had specific regard to this party we're discussing.

Thank you. So Emma Holling Phillips and part of the applicant, I don't want to prolong the discussion, but I do want to make sure that our responses as helpful as possible, because the way that the noise assessment is done, it would never take into account how noise travels through materials, because it only assesses noise externally. Well,

that may be the conclusion you you set out in the additional work. But I. Think the the main issue we've had quite a discussion about it, is that there's an absence of any reference to a group with with protected characteristics, and we need to be certain that a full assessment has been undertaken, even if the conclusions wouldn't be any different. Emma

hollingfirst, the applicant that's understood, and we will do that. I've also taken a note of the requirement to give you details on communication that was taken place. So we will certainly go back and look at, for example, the consultation that was done. Can I also just just confirm that you would like that consideration to extend beyond noise and so land and visual landscaping, visual impact, etc. If that is the case, whilst we will endeavor to do this for deadline four, it may be a relatively large piece of work for each topic for deadline

four, of nothing else, if you provide an update, okay? And then if it does need to stretch into deadline five, then that's fine. Just set that out in your response, please. Thank

you. Sorry. Just as part of that, not overly complicated, but can we just ensure that in looking at your assessment and the setting of law, that you took account of all of the factors and the protected characteristics and the sensitivity in the way in which you set law, because what you're saying is that it's not above law. If law was did not have regard to the necessary factors in setting it, that could be an inappropriate baseline. So

so I'm proposing now to to move on, unless anyone has anything I'm proposing to move on and wrap this up and move on to Item eight. Unless there's anything else under noise and vibration that anyone would like to raise. I'm not seeing any hands online or in the room. So Agenda Item eight, before I review any action points, have a reason after today's meeting. Sorry, I've done that. But Can Mr. Burley, can you give a summary of the action points? Please?

Hello, that's better. Thank you. We've got eight action points today, all but one for the applicant. Number one applicant provide details of Secretary of State for Transport, approach to weighing non mandatory biodiversity net gain in the overall planning balance. Number two, for the applicant, provide a response as to whether habitat maintenance should be in perpetuity, and if not, why not? Number three, for the applicant, provide a wireframe image 180 degree view from two point 25 and elevational drawing to assist in assessing the impact of the cattle market flyover. Please provide electronic and printed versions of these along with a printed version of the supporting Historic Environment and visual impact assessment, which is R, E, p2, 020, please also provide a printed copy of these documents directly to NSDC four for the applicant, respond to concerns raised by NSDC in relation to the potential for further planting or landscaping. Number five, again, for the applicant, provide justification for the design approach to the cattle market junction flyover and the reasons why an open structure is not being proposed. Number six, for the applicant, explain how the design of the new entrance to Langford Hall estate would be agreed or approved to ensure that there is no in due harm to the setting of the listed building. Number seven, this one's for NSDC. Please provide details of the recent decision for the bridge house, farm traveler side, including the officer report and details of the members decision. And finally, number eight, which is the applicant taking account of nsds and sorry nsdcs response to point seven, please provide a response in relation to the assessment of impact on the group with protected

characteristics at bridge house farm. Thank you. You'll see that we've been progressively uploading these to our website during the week, so this one will be up there very shortly too.

Thank you.

Thank you, Mr. Ali, Can I remind everyone that any written summary of oral cases put at the hearing and any documents that have been requested should be submitted by the next examination deadline, four, which is Friday the 13th of december 2024, unless we agreed otherwise, and all that leaves me to say is thank you to everyone for attending and your participation today, before I close, is there anything anyone wants to add? Ms. Harling Phillips, thank

you, sir. Emma Harley Phillips, behalf of the applicant, it's just in relation to action point seven. If NSDC are able to send that across to us as soon as possible, it will enable us to provide our response potentially in time for deadline four. Otherwise, we will have to wait until deadline four to then consider the material. So that's just a request, if possible, that would be really helpful. Thank

you. Lindsay Preston for Newark and showed Yeah, you should have it by the end of play on Monday. If you could share contact details, then we can make sure it goes direct to the right person. You

Yep. Does anyone have anything further? I'll come around the room Newark and Sherwood.

Lindsay Preston for Newark and Sherwood, just one point that I wanted to raise it was when in our last representations, which was R, E,

P,

give me the reference. It was paragraph 315, 3.15 of our last representations. It was just regarding the visuals that were submitted, and especially the one from the top of the castle within our representations, we stated that now we've actually seen what the flyover at the cattle market looks like from the sugar beet side, as that area of Newark is very heavily trafficked, interned pedestrians using Castle station, the ASI building and Riverside Park that we considered it useful for our own assessment, and maybe yourselves to have a visual from what We've suggested between the ASI and the castle house junction, looking towards the flyover cattle market, so that we can see how it interacts from that perspective, knowing that landscaping is going to change on the Great North Road and the Orient, the alignment of Great North Road is going to slightly change as well because of the access into

Callum road. So we've suggested, if we could have a visual of that perspective as well at ground level, rather than from the top of the castle.

Okay, I'll pass over to the applicant to respond to that. Please.

Fauci and on behalf of the applicant, could I just clarify, is there an expectation for a photo montage from that location, rather than just a baseline photograph to be shared?

Lindsay Preston for Newark? And sure, would a montage would be helpful, and so we could see the scale and the impact from that location. But obviously appreciate that that's won't be possible for deadline for

playing for the applicant, absolutely, and there would be some delays for that. I wonder whether it be appropriate to create a wire frame, perhaps instead, in lieu of that which we may be able to do more quickly.

Well, I would be, I would be content with a wireframe, as you suggest, under under baseline photograph. Thank you, and that would be submitted by deadline. Form. Is that correct? I would

have to take that way to confirm that we were able to do that within those timescales, because it would be submitted be a different no

understood if it can't be submitted by line four, just provide an update on that. Thank you. Was that everything from Newark and Sherwood?

Lindsay Preston from Newark and Sherwood, yeah. We've got no further comments. Okay?

Thank you. I'll come to the county council please. Kevin Sharman, Nottinghamshire County Council, we've

got nothing further to add at this stage.

Thank you. Thank you, sir. Does anyone else in the room have anything they want to add to today's discussion online? I'm not seeing any raised hands. I'll now come to the applicant. Emma

hollyville as well for the applicant. No. Thank you, sir.

No. Thank you very much. And I will just re emphasize thank you everybody for your attending and participation. The time is now 1257, and issue Pacific hearing four is now closed. Thank you. Applause.