



## Hearing Transcript

<b>Project:</b>	A46 Newark Bypass
<b>Hearing:</b>	Issue Specific Hearing 5 (ISH5)
<b>Date:</b>	05 December 2024

**Please note:** This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

# AUDIO\_A46\_ISH5\_SESSION1\_2024-12-05

Thu, Dec 05, 2024 5:23PM • 1:18:46

Good afternoon, everybody.

It's now 2pm and time for this hearing to begin. Welcome back. First, can I confirm that everybody can hear me?

Yes, thank you. And can I also confirm with the case team that live streaming and recording of this event has commenced. Thank you. I'd like to welcome you all to this issue specific hearing on various es topics. Those topics are carbon and climate, geology and soils, material assets and waste and population and health.

They relate to the application by national highways for development consent order for the a 46 Newark bypass project. My name is Paul Burley, and I'm a chartered town planner and examining inspector for nationally significant infrastructure projects with the planning Inspectorate. Mr. Stone,

good afternoon. My name is Kenneth stone. I'm a chartered town planner, and I've been appointed by the Secretary of State as the lead member of the panel to examine the application. Thank you. Mr. Love.

My name is David love, and I'm a chartered town planner with postgraduate qualifications in ecology and a practitioner member of the Institute of Environmental Management and assessment. I am an examining inspector for nationally significant infrastructure proposals with the planning Inspectorate. Thank you. You will also hear us referred to as the examining authority or EXA. Our role

is to examine the application and to report to the Secretary of State for Transport with a recommendation as to whether or not the development consent order should be made.

The application before us seeks consent for a scheme that comprises online widening of the a 46 to the north of the existing route for most of its length, between Farndon roundabout and the A one, followed by a new section of offline dual carriageway proposed between the A one and the Winthorpe

roundabout, where the new dual carriageway ties into the existing a 46 to the west of the Winthorpe roundabout.

The widening works include earthwork widening along the existing embankments and new structures where the route crosses the Nottingham to Lincoln and the East Coast Main Railway lines, the river Trent and the A one,

the roundabouts of Fardon and Winthrop would be enlarged and partially signalized, while the cattle market roundabout would be grade separated by elevating the a 46

access to the a one to and From the a 46 would also be improved by upgrading the brown hills and friendly farmer roundabouts.

The planning inspectorates. Case team here today is represented by Ewan Keats, our case manager and by Case Officer Tim hull.

They've been supported online by our colleague, Stephen Parker, who's also a case officer, please speak to any member of the case team if you need help at today's event or with the technology.

Now, before I go any further, I'd like to do with a few housekeeping matters, if I may, for those, particularly for those people in person, Could everybody please set their devices, including mobile phones to silent

the toilets closest to the Great Hall are down the ramp, over in the corner and to the left,

in the event of a fire, there are four fire exits out of this hall. Please familiarize yourself with the nearest exit.

The fire assembly point is near the tennis courts on the front lawn. And to get there, you'll need to walk past the car park and past the business center. There's ramps for anybody with mobility issues.

We're not expecting any fire drills today, so if the alarm does go off, it's, um, it's for real.

And now deal with a few preliminary matters before I move on to the substance of today's agenda.

Today's hearing is being undertaken in a hybrid way, meaning that some of you present with us in the hearing venue, and some people may be joining us virtually, using Microsoft Teams.

We'll make sure, however, that whether you're online or in the room, you'll be given a fair opportunity to participate. And if you are participating virtually and wish to speak at any point, please use the raised hand function, or alternatively, switch your camera on, and we'll invite you to speak when we reached opportune moments in the proceedings,

the hearing today is being both live streamed and recorded. The recording will be available on the a 46 Newark bypass page of the national infrastructure website shortly after this hearing,

for the benefit of the recording, please ensure that you support.

Clearly into the microphone, stating your name, who you are representing each time before you speak. If you're not at a table with a microphone, there is a roving microphone, so please wait for somebody to bring that to you before you speak.

For those observing or participating remotely to avoid background noise and distraction. Please, could you make sure that you stay muted and that your camera stays off unless you are speaking?

If anybody wishes to use social media to report on film or record during today's hearing, then you're free to do so, but please do so responsibly and with proper consideration for other parties.

Any such conduct must not be disruptive, and the material must not be misused.

A link to the planning inspector's privacy notice was provided in the notification for this hearing, and we assume that everybody here has familiarized themselves with this document. This establishes how personal data of our customers is handled in accordance with the principles set out in data protection laws.

Please speak to the case team if you have any concerns.

Anyone who speaks at this hearing must do their best not to give any information which should be kept private or confidential, such as health conditions or an address.

If you submit information in writing or at hearings which is considered by pins to be personal data, it will not be published or considered as part of the examination.

We also have an advice note online. This is entitled nationally significant infrastructure projects, advice for submitting representations or comments, which discusses this matter further.

So in this vein, if you do want to tell us something about where you live today, because it's relevant to what you have to see, please just give us a general location without mentioning a specific address.

If you do not want your image to be recorded. If you're attending online, you can switch the camera off. If you're in the room, we do have a row of seats towards the back, which will not be picked up on camera. So

today's hearing will follow the agenda published on the national infrastructure planning website on the 25th of November, 2024

and the library reference number for that is EV two, double, oh, eight. It would be helpful if you had a copy of this in front of you.

Could I also ask the applicant to display the agenda on screen? There we have a thank you, and scroll through as we progress through the points on the agenda.

In terms of substantive matters, the agenda is split into various items, and this is where we're seeking to examine the applicant's case. The agenda is only for guidance, and we may add considerations or issues as we progress. Equally. We've already touched on a few of the points this week, so we may skip over them once we've checked whether there's anything else to be said on them.

We'll conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. If discussions can't be concluded today, may be necessary for us to prioritize some matters and defer other matters to written questions. Likewise, if you cannot answer the

questions being asked or require time to get the information that we are requesting, then please, could you indicate as much, and we'll agree a time for that to be provided to us.

If proceedings go on for this long, we will plan to have a mid afternoon break at a convenient point, and we hope to conclude the hearing by 5pm today,

if and when we do take a break, those participating virtually will need to ensure that cameras and microphones are turned off.

I'm now going to ask those of you who are participating today to introduce yourselves. Could you introduce yourself, stating your name and any title that you wish to be referred to,

who you represent, and let us know which gender item or items you wish to speak on. If you're not here representing an organization, please just confirm your interest in the item on the agenda.

So I'll start with the applicant and its advisors. Please. Thank you, sir. Um. Emma Harling Phillips of Council. I'm a partner at Womble bond Dickinson, and I appear on behalf of the applicant I will be leading on Agenda Item three, alongside Ben Skinner, who is our climate expert, and I propose to leave my colleagues to introduce themselves under the relevant agenda items. Thank you. Applause.

So anybody else from the applicant's team who's dealing with items four, five and six?

Thank you. So the Ray hender for the applicant, happy to introduce everybody now. Or we could introduce the relevant experts. You could just give me an indication of who's leading on them, please. Yeah, absolutely. Ray. And for the applicant, I will be leading on agenda item six, thank you, and I'll hand over to my colleague, Mr. Fry.

So Michael fry, for the applicant, I'll be leading on items four and five. Thank you. That's really helpful. Thank you.

But I now move on to the organizations and individuals who've expressed and wish to attend. And again, please introduce yourself and any agenda items that you wish to speak on. I'll start with representatives of the local authorities and then statutory parties, statutory undertakers and parish councils. Finally, any interested parties? Duncan Sherwood District Council, please.

Thank you, sir. Lindsay Preston, senior plan for Newark and Sherwood, generally speaking on, on all items, apart from Item five, thank you.

Thank you.

Hello, sir. My name is Debbie broad. I'm representing Newark and Sherwood District Council, and I'll just be speaking on item six. Thank you

Nottinghamshire County Council. Please Good

afternoon, everybody. Kevin Sharman, major transport infrastructure lead at Nottinghamshire County Council. We'll be responding mainly on items three, four and five, and I'll ask my team to introduce themselves.

DJ how I'm also representing on behalf of National County Council.

Thank you. I don't have any statutory parties. Statutory Undertaker, I beg your pardon. Sorry, yeah. Thank you very much. Good afternoon. Joel Marshall, Nottinghamshire County Council speaking on Item five. Thank you.

So I don't have any statutory parties, statutory undertakers, parish councils or other IPS registered to speak. Is there anybody else in the room who'd like to speak today on any of the agenda matters?

No. Have we got anybody online?

No,

thank you.

As I mentioned earlier, it's been live streamed today and also recorded that will be available on our website. Anybody watching the live stream today or afterwards has the opportunity to make any

comments about the matters covered today in writing by deadline four please, which is Friday 13, December 2024

I'll now briefly explain the purpose of this issue specific hearing. First, I'd like to remind participants that applications for development consent orders are examined principally through a written process. However, hearings can be helpful to the X ray in examining and doing a slightly deeper dive into matters.

Today. We're going to look at the matters on the agenda from the 25th November, 2024

and it's the X rays role to lead on questions in this process. It's a subject matter controlled agenda. In other words, the matters for discussion today are those matters identified on the agenda. Parties may refer to documents that are already before the examination, but it's not appropriate to display documents that haven't previously been submitted as part of the examination.

If you do propose to refer to a new document, that document would need to be submitted along with a written summary of your oral submissions, so that it's formally entered into the examination, and that also gives other parties an opportunity to view and comment on it.

If during the course of the hearing we need to refer to a document, we will use the document reference number in the planning Inspectorate examination library

parties with an interest in this particular subject matter are known as interested parties. We may seek comment from IPS at the appropriate time, but the applicant will always have a right to reply.

For the purposes of this hearing, we're assuming that representatives of the applicant are reasonably familiar with the legislature, sorry, legislative policy and guidance framework and with the process of the examining authority and Secretary of State will go through

in preparing for this hearing, I've looked at all relevant material, including the environmental statement and submissions at deadlines one, two and three on.

All of which are available in the examination library.



I'm conscious of time scales, however, and if participants here today have not had a chance to look at deadline. Three submissions, please let me know when you're responding.

If you've not already done so, could you also provide us with your comments on deadline, three documents at deadline. Four, which is the 13th of December,

when we refer to documents from the examination library, we'll also ask the applicant to share them on screen to help us all see what's been talked about.

If you make a verbal representation today, we may request that you submit a follow up written summary of your oral submission after this hearing by deadline, four

written submissions should be based on your representation today, rather than introducing new material, but they can include more detail and corroborative or supporting evidence,

if necessary, we'll also be taking down action points, which will be shared after the hearing.

For those of you who haven't attended proceedings such as these before, there is an assessment, an assessment, sorry, triggering over words today, necessary formality, and we would ask you to rethink from interruptions. These are unhelpful to us, potentially disruptive to those who are speaking, and could in some circumstances, lead to an awarded costs against the person responsible. They can also affect the clarity of our recordings.

Before I come on to the substantive agenda points and the applicant's general case, is there anything of a more general, procedural nature that anyone wishes to raise so in the room? Anybody?

No. And is there anybody online?

No, thank you. Okay, well, let's move to point three on the agenda, please, which is carbon and climate

changing any time to get people in position, no, let's go then. Thank you. The first question I'd like to explore with Nottinghamshire County Council, please.

This refers to paragraph 13.2, O of your local impact report. That's R, E, P, 1038,

if you could turn to page 121,

it's where you'll find the paragraph so

thank you. Have you got that open?

Sorry with that 13.2

13.20

just while you're finding that I've I've noted throughout the local impact report that where there's a point or it appears that where there's a point where the county council wants some type of follow up. It's in bold text, is that correct?

Yes. Thank you. Now, the point here, it says at 13.20

that the the in combination assessment does not include an analysis of the impact of climate change on air quality. Now, I saw in the application documents that there's no significant effects on either of those topics, and your local impact report doesn't include any request or recommendation in bold text, is that an observation, or is that something that you think should be followed up on?

That was just an observation? Thank you so so I can take down that you're not seeking any further information on that point? Yes, that's correct. Thank you,

applicant. Is there anything on that point?

No, thank you, sir, both. Thank you. Well, could I just ask you while you've got the microphone you indicated in RE, P, 2037, which is your response to the first written questions, I don't think you need to turn it up that you were undertaking a review of ES chapter 14.

What progress are you making on that please.

Thank you, sir. Emma Harlene Phillips on behalf of the.

Applicant,

that review has been undertaken, and we anticipate putting in the results of that review at deadline four, but I can confirm that that review had concluded that there are no additional likely indirect effects which are considered to be significant that have not already been captured in the existing EIA of the scheme, as demonstrated in the environmental statement, but that will be submitted at deadline for and it will go through it on a topic by topic basis. Thank you.

I do have one or two, perhaps additional clarifications. You may have already picked them up, but if we could just be certain that they would be picked up in that version as well, I'd be grateful for that. We'll come on to those in a minute and and, of course, county and anybody else will have the opportunity to review and respond to a further submission. Thank you.

So the

the next point is actually one of those points to pick up. And this refers to

a point in the county's li are again by paragraph 13, point 13,

and there the county has said that your assessment should be updated to reference the current version, excuse me,

of PAs 2080

Now you said in response to that, which was in your response to the LIR, which is R, E, p2, 019, that there wasn't really any material change, but, and therefore you weren't proposing an update. Would it be possible to update the forthcoming version? Please do

Emma Holly Phillips on behalf of the applicant, so we are happy to do so, but it will just relate to minor terminology changes. That's fine. Yeah, I'm the reason I'm asking is not to be pronicity, but so that any party who may wish to look at this document, and there's already been a number of comments on it, does have everything as up to date as possible in it.

Thank you.

Right now, could we

turn back to County's local impact report, please.

And let's look at

paragraph 13.12,

first of all.

And I think this may be a quick response. It says that the assessment should be updated to reflect the 2024

national policy statement. And I wonder if that's just an oversight, given the transitional provisions that we are working to which means that the 2015, NPS is actually the the operative policy,

DJ, harm, harden, hospital county council, yes, the council acknowledged it. Thank you. So of course, we won't be asking the applicant to to refer to that. It's it's potentially important and relevant, but we wouldn't want the assessment for this application to be framed in the context of the 2024

NPS. So this is a point for both sides, really, given that that is potentially important and relevant, but not the

basis of assessment.

Do we need to provide a carbon management plan, particularly given that the the applicants told us that it would form part of the second iteration environmental management plan, and I guess what, what I'd like to inform that response is what additional we would achieve at this stage if we were provided with such a document.

Can I go to the county first on that point? Please do

Kevin Sharman, Nottingham county council having

in mind the conversation we've just had, I think we're comfortable that it's.

Picked up the way that is currently being suggested, and we're not convinced that there's

necessity or added value in going down this this road. Thank you.

And one of the comments we have received is

there's potentially a lack of a framework, or perhaps not as much detail in that framework. In the first iteration environmental management plan,

I've

just come to both of the host authorities on this. Do you have any concerns on that? Is there anything else that you'd like the applicant to set out as a framework for that subsequent carbon management plan, I'll come first to Newark and show District Council.

Thank you, sir. Yeah, Lindsay Preston for Newark and show would we? This was one of the questions that we were asked at EXQ one, and that is rep two, hyphen 050,

question four, point 0.19,

as part of our response, we suggested that a framework or a draft would be sufficient before the final first version in the iteration environmental management plan is submitted, so that we can actually see what how that's going To be framed, or what is going to be contained in it, before it's fully drawn up. So it's

just general headings, really, yeah, okay. Lindsay, Preston, Neil, could show basic content, I think, as to what is going to be explored further. Okay. Thank you and county council. Did you have anything to add to that?

Kevin Sharman, Nottinghamshire County Council, no, we're comfortable with the same line. Thank you. So back to the applicant on that point. Thank you, sir. Emma Harling for this on behalf of the applicant, the applicant's position is that it can be done. It was just felt that it wouldn't add very much value, because it would be in such a basic outline form. I'm instructed that the preparation of the CMP is is a document that requires a lot of consultation between the contractor, the designer, the client, the wider supply chain. That consultation is already starting. And indeed, I'm instructed there's an important meeting happening in January, but until that collaboration has happened, all we are going to have is very much an outline. We can provide one, if it would assist the District Council, but it just won't be an enormous amount of value. Well, I think it may be of value to in terms of just signposting what would be provided at a later date. We are conscious of the size and the cost and the time obligations of producing all of

these applications for development consent, and we don't want to ask for anything that's not strictly necessary. Obviously you will be going through that process, and if, if it evolves, we would appreciate an update throughout the examination. But it sounds to me as though all the authorities are asking for is a summary in the fi emp, and it sounds like you may be able to do that. Is that correct? Emma hollingf, on behalf of the applicant, yes, we will be able to do that. Okay? Well, that. Okay, well, we'll leave that one there and then look forward to an updated version in due course.

Thank you. That's all the questions I had on carbon and climate. Is there anything else that anybody in the room would like to read?

No, thank you. Well, let's move on to the next topic, which is geology and soils, with Mr. Fry leading  
Thank you. Applause.

Okay, the first question is, for newer can show a district council, and could we just turn to paragraph 15.18 of your local impact report? So that's R, E, p1, 035,

for everybody else, the paragraph 15.18,

on page 85, I,

Uh,

Lindsay question for Newark and Sherwood, is that related to local policy? It is, yes. Thank you. Yeah, thank you. And it says, there for the purpose of this local impact report, Chapter The 2007 brackets, outdated version, and we're referring to the contaminated land strategy has been reviewed. Um,

now, does anything greatly change between that and the emerging version? And what's the position on the emerging version? I believe you were intending to take that to committee in December this year.

Thank you. Yeah, Lindsay Preston for Newark and Sherwood, yes, it is my understanding that it is going to committee next week. I'll just pass over to our Jim Hemstock, he's our environmental health officer. Can provide more information. Thank you. Jim

Hempstead, New York and Sherwood District Council. So the strategy has been updated to reflect changes in the guidance from 2012

and in principle, there's not a mass, massive change has been simplified

and

there's there's not much more that's going to change other than the guidance change and the updates,

that's helpful. Thank you. I think it would be helpful if once that's if it is adopted by the council, then you provide us with a very short update just to tell us that the

status has changed, that we don't need to refer to any older guidance and whether your points in the local impact report change or not.

Thank you. Okay,

obviously that's that may miss the next deadline, but it's not a particularly urgent point. It's more of a housekeeping point to make sure that we're fully up to date before the end of the examination.

Thank you.

Now moving on,

and this relates to one of the county's responses to our first set of written questions. Those responses were in document, R, E, p2, 052,

and this discusses the outline soil management plan. There's a point for the applicant.

It does note that the guidance referred to in that management plan has been superseded now by the good practice guide for handling soils in mineral workings.

Do you disagree with that? And if not, please, could we have an updated version of that document, given that it will be a control document?

So Michael fry, for the applicant, I'm going to introduce to the inquiry. Dr Emily Maher to answer your questions. Thank you. Emily Maher, on behalf of the applicant, so we are aware that since writing the outline soil management plan the Institute of Quarians, good practice guidance for handling soils and mineral workings has been published and become standard guidance and has superseded the math guidance,

the detailed soil management plan will be based on the Institute of Corian guidance. Could you clarify whether you would like us to update the outline soil management plan? Head of deadline for

with this new guidance? Well, hopefully that should be achievable, just to change that is that, yes, it will be okay. Thank you. Well, yes, please, then please do that

now on contamination,



and this is a point raised by Newton Sherwood District Council,

and it was in the council's local impact report, which is R, E, p1, 035,

I think some of this is mirrored in the county's local impact report, but I'll just stick with Newark and share words.

It says that some of the baseline data was obtained in 2018

and it would be beneficial to update that, albeit it's not anticipated to have changed significant, significantly based on the rural nature of the site. Now we discussed

in previous hearings the various safeguards that would be in place for contamination through the requirements, so we'd have some safeguards for the pre commencement phase and some safeguards for the um the construction phase.

The applicants also come back to us and told us that.

Um,

it has

since that time, been to site on a number of occasions for a number of different reasons, and so is kept up to date with any activity. So my question really is, are those updates really necessary in the context of those safeguards, and given that the applicant has been monitoring the site,

Lindsay Preston from Nook and Sherwood, we don't envisage there'd be massive changes, and as long as that's monitored by the applicant in terms of

their reviews of the sites, and obviously we will have data as well if anything changes, so that if they wanted to come to us for any changes, then we could look to provide that if necessary. That's helpful. So

are you happy with the way would be controlled as proposed through the DCO, and if unexpected contamination was found, then that could be dealt with through that agreed process.

Jim District Council, yes, thank you. Applicant, do you have anything to come back to on that point? Please? Michael fry, for the applicant, no, sir, just grateful to the Council for offering support and help in that regard.

Thank you. So if I could just make, of course, yes, just one additional point, it was referenced in the draft DCO issue specific hearing about unexpected contamination. So again, information. So forgive my memory. Has been a long couple of days. I can't remember the outcome as to whether it was agreed that verification would be written into the requirement of any unexpected contamination that was found. Well, let's ask the applicants on that. But of course, we will be expecting updates from them in writing, and the District Council will, and indeed, anybody else will be able to come back with further comments to us on that. So over to the applicant. Please. Thank you, sir. Emma Harlene Phillips on part of the applicant, it has been a long few days, and so my apologies that I can't remember the exact react commitments that I'm about to refer to, but as I explained in the DCO, hearing verification is already provided for in the React, and therefore we weren't seeking to duplicate those requirements into the DCO.

But the React commitments do cover the relevant phase, don't they? Could you just explain a bit more about that, please? Emma Holling Phillips, I'm part of the applicant. Yes. So the React commitments do cover the relevant phase. This is about, this is about unknown contamination being found during the course of construction, at which point the second iteration environmental management plan will be in place that will reflect the measures that are already in the react as part of the first iteration of environmental management plan. Those measures include the provision of a verification report in relation to unknown contamination, and that is itself secured by the DCO by requirement three. And that's also mirrored in the pre commencement obligations, isn't it? Emma hollyville, as part of the application, that is something that we are checking as part of the signposting exercise, the examining authority is asking us to carry out, and if it isn't, would you put it in there? We would. Yes. Thank you. District Council, Lindsay Preston Noah, can show it, yeah, as long as we have site that of those final verification reports to make sure that the site is acceptable. Then obviously, we've got records as well that we need to keep up to date. And also in terms of the known contamination, I think, in our local impact report, we also asked for verification reports on that to make sure that the Insight content in in land in situ. Contamination is still in situ at the end of the construction. So that's the contamination that would be built over. That's correct. So yes,

well, I think the applicants heard what you've got to say on that point. And as I said, if there's anything that they haven't picked up to your satisfaction, you are free to come back to us once you've reviewed their submissions.

So the final point in geology and soils, I had down related to outstanding matters by Natural England, but I see that they've been progressing, and it looks like Natural England objection will be satisfied on that point. Is that correct? Sir. Michael fry, for the applicant, what I'll just ask Dr Mar to give you a quick update on discussions Natural England, course. Thank you.

Emily Marr, on behalf of the applicant, we have addressed Natural England.

And comments, and we are meeting with them next week as well to make sure they're satisfied. Thank you. And

we've got here again, a reference to

institute acquiring good practice guidance. I'm sure that would be picked up as we we discussed previously would it? Emily Marr, on behalf of the applicant, yes, it will be. Thank you. That's helpful. That's all the questions I had then on geology and soils. Thank you. So should we move on? I think Mr. Fry, you were doing the next item as well material, assets and waste.

First point I've got relates to the county's local impact report. And if we look at paragraph 4.35,

on page 57 i

i Just while you're turning that up, it was a comment from county that

I I think, albeit it was generally content with the information provided throughout the documents. It was seeking a standalone mineral safeguarding assessment for the scheme.

The applicant came back to us in its comments on the LIR, which was in document, read, R, E, p2, 019,

saying that

there isn't any change to its conclusions and a separate reports not needed now,

again, I'm just bearing in mind the time and Cost burdens of repairing different documents, and also that

duplication may not always be helpful. Is there any real need for the applicant to do that just to prepare a standalone document?

Kevin Sharman, on behalf of Nottinghamshire County Council. Can I hand over to Joe Marshall for this one place? Of course. Thank you.

Thank you very much.

Yes. I mean, I think that was the initial position of the county council. And we then took note of the applicants, response to that and to the questions from from yourselves.

We responded to that

in brief terms, we are generally satisfied that the case has been made and that the level of sterilization here is not significant. It's it's not likely to be commercially worked, given its situation, generally along the line of the road project. So we believe generally that the case has been made that the relevant planning policies that those are set out in our in our minerals local plan, they are generally complied with. And therefore we we're not requesting the stand alone assessment any further. Thank you. When you say generally, does that mask any reservations that you might have, or is it just an overarching term you're using?

Minerals are a finite resource, and that is reflected in national planning policy. And there is a presumption of in avoiding sterilization, and where possible, there should be opportunities to prior extract that mineral as part of any works.

The there are, I understand, there are technical reasons why prior extraction will probably not be practicable,

with the exception that the the borrow pits may provide a source of sand and gravel as well as fill material for the project. So there will be some opportunity there to avoid some sterilization of that resource if properly handled.

But generally speaking,

the case has been made that

sterilization of the level that is anticipated can be justified for the project.

The borrow pits to say they are they are also needed for the project.

They will provide fill material, but if undertaken correctly, the sand and gravel horizons can be.

That can be extracted, processed and potentially utilized in the scheme,

and that would be a case of being dealt with through, for example, is it the materials management plans and those sorts of procedures to avoid the sterilization of that particular mineral? Thank you. Thank you. And just just one other point, when you said about

they are not likely to be commercially worked. Would that also be the case if this scheme wasn't being proposed?

Yeah, predominantly the project is predominantly along the line, is it not of the the existing roads

in all practicability, the mineral underlying the widened corridor wouldn't be commercially worked. In the future, a quarry operator would be more likely to propose a greenfield quarry, say, for example, in the field, between ourselves here in Kellam and Newark, away from receptors, away from,

you know, the sensitivities. So the reality is that that mineral is unlikely to be needed.

The borrow pits are the where I'm coming from is less, slightly different in that

there is sand and gravel there which should not be sterilized. And you know, we are also interested in how those borrow pits look like, what they look like at the end of the day, yes, in terms of their restoration, which is an outstanding query that we have as well, potentially we we might be able to raise that in a moment with you. Potentially, yes, of course, we'll come on to that point.

Just like to go to the applicant first to see if they have any comments on what you've already said, and I've got just a very small observation about the the ES as well, and update that. So can I come back to the applicant, please? So microphone for the applicant, I'm grateful to the Council for clarifying the position. Unsurprisingly, we agree respectfully with the position. Thank you. So on chapter 10, and bearing in mind what Mr. Marshall said about minerals being a finite resource, we do have more recent data, which is from the 2023 version of the aggregate sales and reserves report. I would appreciate it if that could go into an updated version of the ES chapter,

as we discussed yesterday. We don't necessarily need these now if you're proposing to make other changes, but we would like everything wrapped up into clean, updated versions of ES chapters before the examination closes.

Microphone for the applicant that's noted so, of course, thank you.

So Mr. Marshall, back to you. You indicated

a point to raise about restoration.

Thank you. Yes, yes, it's Joel Marshall Nottinghamshire County Council.

There are three borrow pits proposed within the project, two at fondant and one towards the brown hills, roundabouts. We have a policy in the minerals local plan, policy DM 15, specifically relating to borrow pits. And

we accept that the borrow pits are required for the project. They are time limited.

Our outstanding query is how they would be reclaimed without unacceptable environmental impacts and their restoration. What would that restoration look like? Would it apply, for example, a biodiversity led approach to that restoration. The reason we raise this is that the plans are not that detailed in respect of their final appearance or condition.

The brown Hills Borobudur in particular, is annotated on the general arrangement plan as a potential burrow pit. There is uncertainty as to whether it's required.

Essentially, the solution here would be to have

a restoration and aftercare strategy to be an additional requirement built into the DCO order on which the County Council, as the minerals planning authority would be at the very least consulted upon.

Why that is a post.

Permission matter.

There is uncertainty with borrow pits, you can do estimations now in terms of what materials might be needed and what waste might be available to backfill. But generally speaking, that can change during the course of a major project, and it's only during the actual project, will it become clear, I believe, in terms of the consoles, what contours could be achieved for the borrow pits, and what treatments, in terms of their vegetated restoration, what could be achieved, for example, the amount of open water versus wetland areas versus grassland areas.

Essentially, I'm unclear as to what the restoration looks like in the DCO, but there's a mechanism that I would suggest that could be employed to require a restoration and aftercare strategy. The precedent for this is the a 14 DCO

which included borrow pits within the project and included a very similar clause in their DCO wording. And what would the trigger point be for the provision of that strategy? I didn't quite hear that. I'm very sorry. I beg your pardon. What? What would the trigger point be for the provision of that strategy? For the second, I think it would generally be the secretary of state to approve in consultation with

the county council, but we'll ask the applicants about that.

Thank you. Joel Marshall, Nottinghamshire County Council,

I'm not familiar with the triggers that are in place in the project myself.

The

clearly, it will have to come into play at some point during the works. I would have thought when there is a clear understanding of

what materials have been required and what waste materials are available to backfill,

also I'm a conscious that

one of the borrow pits is designed to be a flood alleviation borrow pit. And so, you know, that might have to take precedence on there over, for example, something that might be more biodiversity LED.

I'm digressing. I apologize. That's that's fine. I suppose my questions arising from this are,

it would I imagine it would be slightly different to a traditional minerals extraction situation, in that the applicant isn't applying for the extraction of a particular volume of minerals, and therefore there's less of an idea of how the

landscape might be affected.

But then the second point arising from that is,

if we don't know how it would be affected,

how would we arrive arrive at a a satisfactory position, also bearing in mind that one of the stated aims of the applicant is not to import or export materials unnecessarily to or from the scheme so



thank you. Joel Marshall, Nottinghamshire County Council,

I'm sure that there is a I'm sure the applicant will have an idea in terms of what volumes of materials they need.

And yes, boropix can provide a local contribution that saves importing materials from further field.

I think the the bigger question will be what waste materials are available to backfill, and whether those materials are technically suitable, environmentally suitable, whether they would be allowed by the Environment Agency through their permitting rules, for example, and therefore,

where, you know what the actual land form would look like, I believe, would be a little bit uncertain. And we are talking about, you know, consoles here generally won't be massive, but those consoles can make a difference between something that is permanently open water, which will not provide biodiversity. Is not great for biodiversity. Open water is not a priority habitat. Obviously, it can provide flood alleviation, but

from our point of view, the minerals local plan favors more biodiversity lead restorations, and this is where we can be clever with using the.

Material by using it cleverly and sculpting the land to create a more varied topography, so that we have fringing areas, dry areas, ephemeral areas, wetland areas. All of this is very good bird life very important in the Trent valley that ties in with the sand and gravel workings that we have to the north of Newark. So ideally, ideally, that the outcome here would be biodiversity led restoration of these lagoons, not open water, if we can help it, although, except there may be flood alleviation purposes as well,

and so that is where the county council can help input into that as a consultee if required.

Thank you, Mr. Marshall, go over to the applicant now. Thank you.

Thank you, Sir Michael fry, for the applicant.

So as you appreciate it, it's a very wide question and issue the applicants heard, obviously what the county council has said, I propose to deal with it by discussions with the county council and eventually to be dealt with in the socg in due course. But just to note, as you will be aware, sir, the borrow pits form part of the environmental mitigation, so there is already a strategy for them, but the wider issue will need to take away, because it's so cross cutting, and respond in writing, sir. But Mr. Sutton is going to say something about the current requirements and the landscape scheme so you have something but answer now, so if that helps, thank you. Great.

Mark, certain number, half of the applicant. Fauci, thank you, Mr. Marshall, for the points. And I thought this detailed statement, hopefully I can provide some clarity on to the some of the queries that you had so fundamentally in regard to the restoration of the of the of the boropi locations. And it is quite multifaceted, but the environmental master plan and figure as zero to six, and if I should start down at the I think sheet two

for farnd and East and farnd and West areas. It's important those locations are the flood compensation areas, and the excavation of the material coincides with the location of those two flood compensation areas. So during construction, they are borrow pits, as I say, and then they are turned into the flood compensation area by the nature of the excavation that has taken place and reuse the the there's some gravels, there's some sand and some alluvial deposits that can be utilized for some of the fill material for the scheme.

So their their reinstatement becomes the work areas of the blood compensation area. And then around the outside, there's also the restoration the landscaping that's shown on the environmental landscaping plan,

brown Hills area that is shown on the plans within the within the order limit. It's got the potential, because was we started doing surveys up there. We're finding more and more pipe crossings and archeological interest areas up there. And it was where we could get in, where we were doing the excavation for the haul roads that were going in and out of that location, to ensure that we're believing there's actually more likely to be of a sort of a class two material up in that location that we could utilize within the earthworks at the Brownhill site,

because there's no need for any flood compensation area up there. It's not useful as a location. The decision was then to reinstate, as it is, sort of at the moment, to try to avoid having to create those risk of contours or earthworks or anything going out into those sort of locations.

So in terms of this general approach, then it sounds as though you're at the stage where you do need to have some further discussions, or, you know, providing information to the county council. Now, how

will that work out in terms of time? And could it, as Mr. Marshall is has suggested it might need some type of strategy. I don't know whether there needs to be a requirement added to the DCO, for example. How do you envisage that panning out in terms of time? Mr. Fry, Mike fry, for the applicant, sir,

my gut reaction is it probably doesn't require a requirement on the face of a DCO, but it, but it may well eventually fall into the MP as a duty, but that, I think, falls out of the discussion, sir, and what is already covered once that's been explained to the counter.

Council, they may be satisfied, and as I indicated, it would then be a matter to be dealt with an socg, if they were satisfied, if they weren't, then it's a question of what we can do to provide the security that council needs. Thank you. I'm just conscious that it's probably better not to have a sort of to and fro in a hearing

on potential solutions and so on, if there does need to be discussion. So are all the parties as county and applicant, happy to leave it there for today and to take that away to to work on and come back to us on

so Michael Frank, the app and on our part, certainly yes. Thank you, county.

Yeah, we will review some of the documents we just talked about. But yes, we're happy to have the discussions offline. Thank you. That's really helpful, right? That's the last of the questions I had on that particular topic. So should we move on to population and health? I don't think we'll be long on this either. So I was proposing not to have an afternoon break and then everybody can wrap up. Is that okay?

Yeah. Is everybody happy with that. Thank you.

Okay, first point is a point for the applicant, and it's your response to our first written questions.

And it's question 13, point 0.7,

document number is R, E, p2,

037,

and then question 13, point 0.7, so

thank you.

So in response to point A you tell us that

communication with stakeholders during the construction of the scheme would be managed via a construction communications management plan.

And in point B, you tell us that an outline construction communications plan would be submitted a deadline. Three is, are those two different documents?

Marks on on behalf of the applicant? No, they're the same document. Just mis worded one to the average the to clarify so construction communicate outline construction communications plan is the document that was submitted deadline free that is the outline document that will go into the second iteration. And what do we have in the draft DCO? What does it call it in there? Should we just turn up the draft DCO to check?

I'm conscious that we've already raised a point on

naming of documents. I just want to double check that they are all properly dealt with. So the latest draft DCO is R, E, p3, double o3,

I think it's listed under requirement three is two,

which is around about page 60? Is it 6069? 6161

can't remember every page and every document.

Thank you. So LeRae Hendry, for the applicant, it's referred to as the construction communications management plan in the draft order, and we can just double check the title on the document to make

sure that they correspond. But in any event, the bottom line is they're all the same document. Okay, yes, okay, if you could just tie those up please, to avoid any confusion when the Secretary of State comes to read this, thank you.

Okay, I think we dealt with the next point, which was clarification on whether footpath 14 Newark, which is the one just to the south of the cattle market roundabout, is closed or not.

We resolved that issue during the transport.

Session yesterday.

Now we also covered the point about whether Nottingham county council is happy with diversions overall. And you undertook to come back to us on that point, didn't you? I think that you were still waiting for some internal consultation responses on that point

now in your response to our first written question. So this is document R, E, p2, 052,

Question 13, point 0.24,

you talk about further work could be achieved by looking at the wider network feeding into

the relief road proposals. Am I to take that as

a level of dissatisfaction with what's proposed, or is that an observation?

Kevin Sharman, Nottinghamshire County Council, it was a wider observation that we were looking to seek improvements wherever possible, so as a funding sources if necessary, and the rest of it. So, yes, we're accepting that there are limitations, so there's nothing for the EXA to follow up on on that point. Thank you. That's helpful. Thank

the next question I had was for both of the host authorities, and this really relates to the inclusion action plan and seeking your views on this, and we touched earlier on the importance of the public sector

equality duty. I don't think I've had responses or observations on the inclusion action plan. We asked this at Question 13, point 0.8,

and it's obviously something you can't give us today, but is that something you could come back to us on please?

Debbie Broadway can share with district council, yes, thank you and county

Kevin shaman not to share county council, yes, we will also thank you

now newcomer District Council, in your local impact reports, that's document, R, E, p1,

035,

and paragraph 12.9,

on page 56, I, six.

Are you up there? Thank you. I think this was prepared before we were discussing these matters in the examination, before we we clarified that we can't touch on compensation,

and it says the NSDC understands that discussions on compensation have not yet been agreed, and local landowners and businesses are concerned about how this will impact on their finances slash business. Council shares these concerns and would like to see national highways resolve this matter as soon as possible, prior to the completion of the examination process. Now

we can't touch on this, and

it may be that compensation does need to be taken to the land tribunal rather than agreed between the parties. Is that a point or a concern that you'd like to pursue or elaborate on, or is it would it fall under the observations point

Lindsay Preston for Newark and sheld, it was more of an observation to make sure those affected were appropriately

recompensed for the land that's going to be used as part of the scheme, okay? And bearing in mind that we can't influence that. Are you satisfied now? Yeah, Lindsay Preston for Newark and shared, yes, that's fine, as long as they follow appropriate channels and that is pursued outside of this scheme. Yes, it will be. And as I said, we, we don't have any involvement at all in that. And there is a completely separate process on it.

I think the final point, sorry, let me just go back to that point, actually. And did you have any other.

Of concerns about impact as a district council on agricultural businesses, the

the applicant did update a deadline through their documentation, and you may not have had the opportunity to fully consider that yet, but did you have any initial reactions?

Lindsay question from no Newark and Sherwood? No, I think those,

those discussions are outside of our remit, really, right, okay, and they, they actually reduced the impact on some of the land holdings.

I think it was when they reviewed the precise

aerial numbers. So would you be coming back to us on that to confirm whether you had any issues? I believe that you know you may be responding to us on the deadline three documents. Is that correct?

Lindsay Preston from Newark and Cheryl, which document reference series. It was an updated

es chapter 12, population and health and the updated agricultural land impact plan.

The document reference is, R, E, p3,

011, and Lindsay

Preston for Newark and shared. We'll review the document, and if we have any comments, then we will make those yes signed for Thank you. As I said, the the impact actually reduce,

but we don't want to have something on record that reflects an out of date position. Thank you. Does the applicant have any comments on that point? Ms Hendry,

thank you, lavender, for the applicant, if it helps the council, the sort of relevant documents are indeed the rep, 3011,

which is the chapter itself that was updated the population and human health chapter. There was also an update to the the figure showing the agricultural land affected, which is rep 3015

as well as an update to the

supplementary information, which is appendix 12.2 which is rep 3018

so there was a sort of a bundle of documents that all reflect the same issue, but have each been updated to be now correct reflect the current position.

Thank you. Lindsay Preston from Newark and show it. I mean, within our local impact report, we're concerned about the amount of

land, agricultural land that was used as part of the part of the scheme,

but

I think that's incidental to the to the nature of the scheme, and obviously the land either side of the a 46 but obviously, if that is being reduced and has been looked at again. Then, then that should be acceptable to us. Thank you. I guess it's, it's more of a point to wrapping that up in a in a submission to us, given that we can't deal with the compensation point as we've we've just discussed, and that did come out through your local impact report and updating it to reflect the revised position, just so we can



be clear. Obviously, we we acknowledge the concern, but we want to reflect the magnitude of that concern correctly. Yeah, Lindsay Preston for Newark insured. I mean that the grading of the land that is

vastly affected is grade three and four. So it is on the lower end of

of quality, but obviously it does still serve a purpose, but, but yeah, we'll review that document and get comments back to you that'd be helpful. Thank you. Anything more? Miss Hendry, from

your point of view, I

thank you. One point, just to clarify, if I may, just because I don't want there to be any sort of

question on it. But NSDC, just to note that when we updated the population and human health chapter, it's not that we have sort of amended the order limits at all. It's really just to reflect an omission that happened when we kind of submitted the document. So when you said we reduced the agricultural land take, I just wanted to make it clear that it is, it has remained the same. It's just that the assessment because of slightly change. Would it be helpful to the district council if you by however, means you waste just provided a brief summary of those documents you run through that it would be helpful to for them to

undertake their updated review on Thank you. Lara Hendry, for the applicant, happy to do that after the session today, if you've got time, thank you. Probably to.

Save them a bit of time, I think. Thank you.

Are there any more points on this topic? I think you probably spot that the very last point, point C, we've

sorry, no, it wasn't point C. It was an additional point that I added on was the effect on

development land. We we touched on that yesterday in our transport session, so I said we probably didn't need to come back to it today. So are there any other points on this topic? No shaking heads from the district, Council, county, nothing. And applicant, nothing. Thank you. Are there any other points on any of the matters that we've touched on this afternoon that anybody would like to raise? I'll just go around the room, district, Council,

no. Thank you. County, thank you, applicant. No. And I don't think we've got anybody else, but just for good measure, I'll double check there's nobody in the room and nobody online. Okay, thank you. And I think Mr. Mr. Stone's had an easy afternoon not taking down any action points, so we don't need to go to action points either.

Now, before we close, can I just remind everybody that any summaries of oral cases put to to us today should be submitted in writing by deadline four, and that's Friday the 13th of december 2024 miss. Harling Phillips, thank you very much. And my Holly Phillips, part of the applicant, not that I want to add to our list of actions, but I do have a number from this morning's climate this afternoon's climate item, just I wasn't taking them down as formal action points because I assumed that everybody was jotting down their homework and knew that they'd be getting on with them. That's fine. Thank you. So if you're happy with clarify, if you'd like us to take them down, we can, but I think we're happy we know what we need to do. Okay, thank you. That's helpful.

Tomorrow, we've got, this is the last of the hearing sessions this week, but tomorrow we've got the accompanied site inspection that's scheduled to begin at 930 however, there is a safety briefing beforehand from the applicant, which is scheduled to commence at 10 past nine. So there is quite a strict requirement for everybody to be there for that. And you'll see from the published itinerary online that we've said 9am

we're also aware that there's potential inclement weather coming overnight, and we never quite know when that's going to strike or where do we so what we'll do is we'll keep an eye on that. I think the applicant is also monitoring it, and anybody intending to come tomorrow, just check on our website, we do put any urgent messages in the banner at the top the box at the top, above

the documents and so on, and we'll do our best to put any news on there if we get any. But other than that, we'll just be taken care as we proceed along the route for slippery surfaces and so on. So we look forward to seeing everybody there tomorrow, and all that remains to me says, Thank you for your contribution today and this week, and I'll now close this hearing. Thank you. Applause.