



## **SUBMISSION AS THE LOCAL PLANNING AUTHORITY**

### **1. Introduction**

1.1. This submission is made in response to the action points and additional information as requested by the ExA during the examination period for ISH1 – ISH5 which took place between the dates of 3<sup>rd</sup> December 2024 and 5<sup>th</sup> December 2024 (inclusive). This list should be read in conjunction with the action point documents published by the ExA referenced as EV7-001 (ISH1), EV8-001 (ISH2), EV9-001 (ISH3) and EV10-001 (ISH4). It should be noted that no formal action points were recorded for ISH5. Action point raised as part of the CAH2 is within the Land Owners section of the Council's examination summary submission.

### **2. Actions from ISHs.**

#### ISH1 – Draft DCO

2.1. *Requirement 5 - Review working hours and activities that can commence within first 30 minutes.* This matter has been added to the Statement of Common Ground with the applicant and it is understood that the applicant will submit details to NSDC on matters that will occur within the 30 minutes of 07:00-07:30 Monday to Friday and specifically what activities will not occur. It has also been agreed to date with the applicant, that Saturday workings will be from 08:00 to 14:00 as opposed to the suggested 07:00-13:00.

#### ISH2 – Transport and Transport related matters

2.2. Item 3b 1 - Provide clarity on the degree of dependence of various sites in the adopted and emerging development plan on the Proposed Development, and whether the Proposed Development could have physical impacts that may hinder or help the delivery of those sites. NSDC has carried out a review of this action and it should be noted that this is just the opinion of NSDC as the local planning authority and not as the highway authority which is Nottinghamshire County Council. The Council's Amended Core Strategy (2019) and Allocations and Development Management DPD (adopted and emerging) have both made the assumption that the Proposed Development of the A46 carries some weight in the delivery of new development including allocated sites. This is demonstrated in Appendix D 'Public Transport and Highway Infrastructure Required for Delivery of the Newark and Sherwood Core Strategy' (Amended Core Strategy 2019) which includes the Proposed Development. Without the Proposed Development going ahead those sites already allocated and proposed to be allocated would be reliant on other means of transport/junction improvements to successfully mitigate the highways impact of those new developments in the Newark Urban Area. In particular it should be noted that Allocations at NUA/E2, NUA/E4, NUA/MU1 and NUA/MU3 (proposed opportunity site



2), because of their close proximity to the Proposed Development could specifically be negatively impacted by the failure of the Proposed Development to occur.

2.3. Item 3b 2 - Provide clarity on the relevance to the ExA's recommendation of the list of policies and allocations in the Local Impact Report. See Appendix 1 of this submission.

2.4. Lindum site (23/01283/OUTM) – As stated within the examination, NSDC stated they would provide an update on the progression of this application through the Development Management process. The application was approved by Newark and Sherwood District Council elected Members on 5<sup>th</sup> December 2024, however as the application is subject to a S106 agreement for the monitoring of the Travel Plan and therefor a formal decision has not yet been issued.

2.5. Item 3f ii) Communications Plan (ES Volume 6.5 First Iteration Environmental Management Plan Rev 3 REP3-022): The Council NSDC welcomes National Highway's commitment to produce a Communications Plan. This document helpfully sets out National Highways approach to communication prior to, and during the construction phase of the A46 Newark Bypass scheme. In order to maximise communication with as many people affected by the scheme as possible, the Council would welcome the inclusion of the following Parish and Town Councils (NB. some are already included in the Communications Plan):

- Averham, Kelham and Staythorpe Parish Council
- Balderton Parish Council
- Coddington Parish Council
- Collingham Parish Council
- Farndon Parish Council
- Fernwood Parish Council
- Hawton Parish Council
- Newark Town Council
- Rolleston Parish Council
- South and North Muskham Parish Councils
- Winthorpe with Langford Parish Council

2.6. ES Volume 6.5 First Iteration Environmental Management Plan Rev 3 REP3-022 (and within Chapter 12 Population and Human Health REP3-011 para 12.10.7): The Council strongly supports National Highway's commitment to produce an Education, Employment and Skills Plan, and an Inclusion Action Plan in the First iteration Environmental Management Plan. The Employment and Skills Plan, from NSDC's perspective, should make special regards to include employees and apprentices from across Newark and Sherwood District. The Council could assist in this process as we already have links with the local job seekers market, employers and schools/colleges. We would like to be informed of data that is captured through the monitoring process. It is noted within the FIEMP (REP3-022) PHH5 that the Plan '*will increase diversity of the workforce for the Scheme and ensure that local people benefit from jobs created*



for the Scheme’. This is something the Council would encourage as a benefit of the Scheme and as stated above are happy to provide any assistance on this.

The Inclusion Action Plan, in the opinion of the Council, should include those with protected characteristics and make special regard to engage with those residents of the District who are most affected by the development, notably those of the Gypsy and Traveller community who may not benefit from standard community consultation events or online information. No one should be discriminated from engaging in the process or from being unaware of the scheme due to who they are or due to their background or socio-economic status. As stated in the Council’s response to ExQ1 (REP2-050) Q13.0.8b, we consider it necessary that an outline of the proposed commitment and details of parties who would be subject of the Inclusive Action Plan, be provided before the decision on this application is made, to enable the decision maker to discharge their duty as part of the Public Sector Equality Duty (within the Equality Act 2010).

- 2.7. Dust Management Plan (ES Volume 6.5 First Iteration Environmental Management Plan Rev 3 REP3-022) This has been reviewed by the Council’s consultee (AECOM) and verified by the Council’s own Environmental Health Officers and their agreed comments are appended to this submission at Appendix 2.
- 2.8. Air monitoring stations – In accordance with Q2.0.5 of the Council’s response to Examiner questions (REP2-050), NSDC have requested additional monitoring stations to be installed by the applicant to enable the Council to monitor ongoing air quality as a result of the development. Whilst this would be an aspiration of the Council to have this ability, we acknowledge that there are no significant effects caused by the development to warrant such a request, and this will be updated as part of the Statement of Common Ground. The Council has also stated within their LIR (REP1-035) paragraph 14.25 that the Scheme warranted air quality damage costs. However again as the Scheme does not result in significant harm, these damage costs would not be required. The Council would however still reiterate that additional mitigation would be required as a result of the Scheme to mitigate the harm identified by the Council upon heritage and landscape.

ISH3 - Water Environment

- 2.9. **Action 3 (EV9-001)** Review the Defra Asset management website that appears to show other flood defences maintained privately or by Councils and confirm whether these are affected by the scheme and if not explain why not relevant. From reviewing the information it is the belief of the Council that it does not maintain any assets.

ISH4 – Environmental Matters

24/00548/FUL	The Old Stable Yard Winthorpe Road	Change of use of land to residential Gypsy/Traveller caravan	Approved by Members of the Planning
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	Newark On Trent NG24 2AA	site comprising 6 pitches each providing 1 static and 1 touring caravan and dayroom.	Committee on 11 <sup>th</sup> November 2024 (decision issued on 14.11.2024)
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2.10. **Action 7 (EV10-001)** Provide details of the recent decision for the Bridge House Farm traveller site including the Officer’s Report and details of the Members’ decision. At the request of the ExA the Council has provided the Committee Report, Minutes of the Committee Meeting and a copy of the objection letter received during the consideration of the application. Due to the size of this information, this will be appended separately.

ISH5 – Other ES Topics

2.11. Item 4 a) Contaminated Land Strategy – As agreed with the ExA the Council would provide an update to the Strategy and an explanation of the differences between the existing and proposed Strategy. The revised Strategy went to the Council’s Cabinet meeting on 10<sup>th</sup> December 2024 and was approved as an adopted document for the Authority.

2.12. The strategy has been simplified a lot and reflects the changes to the statutory guidance from 2012 (which introduced categories 1-4, 1 being high risk and 4 low risk). It also introduces the updated Land Contamination Risk Management (LCRM) guidance which was provided by the Environment Agency in the last couple of years, this describes how someone should go about investigating a site etc. is much simplified and now all in the one place. The updated report is appended separately to this submission.

2.13. Item 6a) Agricultural Holdings – The ExA have asked NSDC to review the updated Agricultural Land Classification Report (REP3-016) and the Population and Human Health Report (REP3-011). It was stated within the Council’s LIR (REP1-035) that the Council is concerned of the loss of agricultural land as a result of the scheme (see para 15.21). The figures have been amended, which is understood due to the original report being carried out prior to the finalised design thus the Order area/land area is smaller. Of concern is that the BMV land (grade 1-3a) total appears to have been increased from 22% to 34% and the land of lower value has been reduced from 72% to 59%. One matter the Council would seek clarification on from the Applicant is how much of the land (as a %), especially the BMV land, is of permanent loss either through the FCAs or construction of the Scheme. Para 12.9.3 of REP3-012 states that *“the construction of the Scheme will require both permanent and temporary use of agricultural land, potentially impacting on the functioning and viability of agricultural holdings and enterprises.”* It is accepted that the compensation scheme is a separate process, however the Council would not wish for the productivity of those largely arable farms to be so severely compromised as a result of the Scheme that it would



impact them in the longevity. Nottinghamshire and especially the Newark area is heavily reliant on the rural economy and its farmers and if the 14 holdings and enterprises as identified in the Scheme, are detrimentally impacted in terms of their food/crop production capacity, then Newark would suffer economically. In some cases farms will have 61% of land permanently acquired (Farm 9), 36% (Farm 01), 31% (Farm 10) (table 12-11).

- 2.14. Finally para 12.13.4 states that the Scheme would have an overall adverse impact on agricultural land as a result of both permanent and temporary land take and reduced access during construction, which is of concern. However providing holdings are well communicated with and appropriate access arrangements are made in advance, then this is a matter which, from the Council's perspective, should be pursued outside of the DCO process.



## **Appendix 1**

### **LIR (REP1-035) Page 14 - Sites in the Allocations and Development Management DPD**

Adopted in July 2013, the Allocations & Development Management DPD (ADMDPD) forms part of the current Local Development Framework and accords with the 2011 Newark and Sherwood Core Strategy and its approach to settlement growth in identifying specific sites where new homes and employment sites should be built. The DPD illustrates the location and extent of the allocated land on the Policies Map and provides guidance on how and when the sites should be developed. This DPD has been subject to review in recent months as part of the Amended Allocations and Development Management DPD to ensure its policies accord with the Amended Core Strategy (2019) and National Planning Policy Framework. At the request of the ExA NSDC has reviewed the information submitted in its LIR and can provide clarification on the relevance of the policies listed therein. This is outlined below.

#### *Relevant policies:*

<b>Policy</b>	<b>Summary</b>	<b>NSDC Clarification on relevance</b>
Policy NUA/MU/1 Newark Urban Area - Mixed Use Site 1	Land North of the A17 has been allocated on the Policies Map for mixed use development. The site will accommodate a Hotel/Conference Facility, restaurant facilities to support the wider showground uses, and employment uses.	Site directly adjoins the A46. It would be affected by the proposed footpath route dissecting the site.  The upgrade of the A46 would support economic growth / local businesses (as discussed under the Socio Economic section of NSDC's LIR).
Policy NUA/MU/2	Land at the current Brownhills Motor Homes site has been allocated on the Policies Map for mixed use development. The site will accommodate employment (B1/B2/B8) development, roadside services including a hotel (which currently has outline Planning Permission), and the continued sui generis	The upgrade of the A46 would support economic growth / local businesses (as discussed under the Socio Economic section of NSDC's LIR).



	<p>use of the site for the sale of Motor Homes.</p> <p>NB. This site is proposed for deallocation following review of the Allocations and DM DPD (2013) - in the AADMDPD.</p>	
Policy NUA/E/2	<p>Land west of the A1 on Stephenson Way has been allocated on the Policies Map for employment development. The site is 12.24 hectares in size.</p>	<p>The upgrade of the A46 would support economic growth / local businesses (as discussed under the Socio Economic section of NSDC's LIR).</p>
Policy NUA/E/3	<p>Land off Telford Drive has been allocated on the Policies Map for employment development. The allocation is in three parcels, a total of 1.54 hectares in size.</p>	<p>The upgrade of the A46 would support economic growth / local businesses (as discussed under the Socio Economic section of NSDC's LIR).</p>
NUA/E/4	<p>Land at the former Nottinghamshire County Council Highways Depot on Great North Road has been allocated on the Policies Map for employment development. The site is 2.07 ha in size and B1/B2/B8 is appropriate in this location.</p>	<p>The upgrade of the A46 would support economic growth / local businesses (as discussed under the Socio Economic section of NSDC's LIR).</p> <p>NB. This site is to be used by National Highways as a compound when construction works commence on the A46 Newark Bypass. As such, there would be a temporary affect on the delivery of employment development.</p>
NUA/Ho/2	<p>Land south of Quibells Lane has been allocated on the Policies</p>	<p>Just for information – site located within the Local Impact Area as defined by AS-066 6.2</p>



	<p>Map for residential development providing around 86 dwellings.</p> <p>NB. The site has been reallocated for 25 dwellings in the AADMDPD due to the lack of available land.</p>	<p>Environmental Statement, Figure 12.1</p>
<p>NUA/Ho/3</p>	<p>Land on Lincoln Road has been allocated on the Policies Map for residential development providing around 24 dwellings.</p> <p>NB. This site is proposed for deallocation in the AADMDPD plan review.</p>	<p>Just for information – site located within the Local Impact Area as defined by AS-066 6.2 Environmental Statement, Figure 12.1</p>
<p>NUA/Ho/4</p>	<p>Yorke Drive Estate and Lincoln Road Playing Fields have been identified in the Bridge Ward Neighbourhood Study as locations for regeneration and redevelopment. The area has been identified on the Policies Map as the NUA/Ho/4 - Yorke Drive Policy Area.</p> <p>It is anticipated that approximately 230 net additional dwellings will be developed.</p>	<p>Just for information – site located within the Local Impact Area as defined by AS-066 6.2 Environmental Statement, Figure 12.1</p>





## **Appendix 2**

A review has been undertaken of the Outline Air Quality and Dust Management Plan (AQDMP) which was submitted at Deadline 3 as part of the First Iteration Environmental Management Plan, Appendix B.5 [REP3-022].

It was confirmed at the Issue Specific Hearing 2, that Newark and Sherwood District Council (NSDC) and Nottinghamshire County Council (NCC) would provide comments on the Outline AQDMP for Deadline 4. These comments would then be incorporated into the AQDMP as part of the SIEMP. Following the submission of the SIEMP, NSDC and NCC request that the updated AQDMP is reviewed.

### **Purpose of this Outline Air Quality and Dust Management Plan**

This Section sets out the purpose of the Outline AQDMP and states that the measures to manage dust and emission of pollutants to air generated by the construction of the Scheme will be implemented by the Principle Contractor (PC).

This Section confirms that the PC will update the Outline AQDMP into a Final Management Plan prior to the commencement of works in accordance with the Requirements in Schedule 2 of the draft Development Consent Order (dDCO) [REP3-003] and must be substantially in accordance with the First Iteration Environmental Management Plan (FI EMP) [REP3-022] and the Second Iteration Environmental Management Plan (SI EMP). It is requested that the word ‘substantially’ is removed from this paragraph.

There are no further comments in relation to this Section.

### **Responsibilities**

The Outline AQDMP states that in relation to the control and management of dust and emissions to air, the PC shall establish the appropriate roles and responsibilities for site staff in accordance with the roles and responsibilities set out in Section 2 of the FI EMP [REPS-022].

There are no comments in relation to this Section.

### **Consent Requirements**

This Section confirms that the construction of the Scheme must be undertaken such that:

- a) The works comply with the provisions of the DCO as made by the Secretary of State; and
- b) Data can be recorded, reviewed and provided to the Environmental Health Officer (EHO), when requested.

With regards to b), further information is provided within the ‘reporting’ Section of this report in relation to this however NSDC consider a revision to the wording of this should be that information ‘will be provided’ and should align with the reporting section (see our final point on reporting requirements below).



## General Control Measures

Within this Section, the applicant provides a list of dust mitigation control measures in Table 1-1 which will be required for all works undertaken, where there is a potential for adverse effects on sensitive receptors. Table 1-2 provides a list of receptors which are at a higher risk of dust impacts, with a list of specific control measures which should be applied in these areas in Table 1-3.

With regards to Tables 1-1, 1-2 and 1-3, the following comments are provided.

- In Tables 1-1 and 1-3, each measure assigned to an activity should be reviewed as several are assigned to the incorrect activity. For example, the use of water-assisted dust sweepers on access and local roads is listed as a measure to mitigate the potential dust effects during demolition works. This mitigation measures should be listed as a mitigation measure for trackout activities.
- In Table 1-1, it states that *'a maximum speed limit will be imposed and signposted on surfaced and unsurfaced haul roads and works areas (if long haul roads are required, these speeds may be increased with suitable specific control measures provided)'*. The applicant should be specific what these speed limits will be within the AQDMP.
- In Table 1-3, it states, *'if applicable, hold regular liaison meetings with other high-risk construction sites within 500m of the site boundary, to ensure plans are coordinated and dust and particulate matter emissions are minimised'*. The Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2024) says that these meetings should be held with high-risk construction sites within 250m of the site boundary, rather than 500m.
- Table 1-3 the mitigation measures concerning 'preparation and maintaining the site' are repeated.
- A figure would be useful to illustrate the locations of the higher risk areas as detailed in Table 1-2. It is acknowledged that in Environmental Statement, Figures 5.3 [TR010065/APP/6.2], receptors are identified which are located within 100 m of the site boundary; however, it appears more information is now available to identify receptors within 100 m of specific works. Therefore, an updated figure would be helpful to understand where additional specific control measures will be implemented.

## Monitoring

Throughout the First Iteration Environment Management Plan, including the Outline AQDMP, there is a lack of clarity and consistency to the approach to monitoring during the construction phase with regards to dust and PM<sub>10</sub>.

Table 1-1 of the Outline AQDMP states:

- Monitoring may include monitoring of dust deposition, dust flux, real-time PM<sub>10</sub> continuous monitoring and/or visual inspections.



- Undertake regular inspections, as will be set out in the SIEMP, where receptors are nearby, to monitor dust, record inspection results, and make the log available to the relevant local planning authority upon request.

Table 1-2 which details the mitigation and monitoring for higher risk areas, states:

- Carry out regular site inspections to monitor the effectiveness of mitigation measures, record inspection results, and make an inspection log available to the relevant planning local authority as soon as reasonably practicable upon request.
- Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust (e.g. demolition works or large earthworks) are being carried out and during prolonged dry or windy conditions.
- Undertake dust monitoring where necessary and after risk-assessing the activities/receptors

Table 3-2 Register of environmental actions and commitments, reference AQ1

- No ambient monitoring is required for dust or particulates; however, visual inspections will be undertaken daily for dust deposition on and off site.

There appears to be a lack of certainty as to where visual inspections and quantitative monitoring would be undertaken. NSDC and NCC would expect the AQDMP to include visual inspections in all areas and quantitative monitoring in high risk areas. With regards to quantitative monitoring, the AQDMP should set out indicative locations, type of equipment/analysers to be used and frequency of monitoring. Alert thresholds should also be identified and information on the protocol which will be adhered to if elevated concentrations of PM<sub>10</sub> or amounts of dust deposition/soiling were recorded within e.g. 10% of the threshold and if exceeded. No reference is made to set out what baseline monitoring will be undertaken prior to construction works.

## **Reporting**

NSDC and NCC request the following reporting requirements to be included in the AQDMP:

- Both Councils will be informed within 48 hours if National Highways or its PC receives a dust complaint. Information will be provided regarding the nature of the complaint, how it was investigated and actions taken to resolve the issue.
- Both Councils will be informed within 48 hours if there is an exceedance of the alert thresholds. Information will be provided regarding the location where the exceedance was monitored and actions taken.
- A monitoring report will be provided to the Councils every 6 months outlining the data gathered from the monitoring sites and NSDC and NCC should have the option to request information inbetween these periods when required to for investigation/reporting purposes or as requested to by the regulators.