

# **A46 Newark Bypass**

**TR010065**

## **Applicant's Summary of the Issue Specific Hearing 2 (ISH2)**

Rule 14(3)

Planning Act 2008  
Infrastructure Planning (Examination Procedure)  
Rules 2010

Volume 7

December 2024

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

**A46 Newark Bypass**

Development Consent Order 202[ ]

---

**Applicant's Summary of the Issue Specific Hearing 2**

---

<b>Regulation Number</b>	Rule 14(3)
<b>Planning Inspectorate Scheme Reference</b>	TR010065
<b>Application Document Reference</b>	7.50
<b>Author</b>	A46 Newark Bypass Project Team, National Highways

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1	13 December 2024	Final for Deadline 4

## **CONTENTS**

<b>1</b>	<b>Applicant's responses to Representations made at the Issue Specific Hearing 2.....</b>	<b>1</b>
1.1	Introduction.....	1
1.2	Post-hearing submissions in response to matters raised at ISH2.....	2
<b>2</b>	<b>Appendix 1 – Post-Hearing Response To Action Points Arising From ISH2.....</b>	<b>..33</b>

## A46 NEWARK BYPASS DCO

### Issue Specific Hearing 2: Transport and Transport Related Matters – 4 December 2024

#### Applicant's responses to Representations made at Issue Specific Hearing 2 (ISH2) held on Wednesday 4 December 2024 at 9:30

## 1.1 INTRODUCTION

The ISH2 for the A46 Newark Bypass Scheme (**Scheme**) application was held at The Great Hall, The Renaissance at Kelham Hall, Main Street, Newark NG23 5QX on Wednesday 4 December 2024, commencing at 9:30am. Participation was possible virtually on Microsoft Teams as well as by attendance in person.

We note that the ExA refer to the Scheme as the Proposed Development but for ease of understanding we have amended this in the summary to Scheme as this is how it is referred to across all documents submitted by the Applicant. We have not changed the wording of the Actions or Agenda headings.

This document summarises the responses made at ISH2 by the Applicant and addresses the representations made by Affected Parties, Interested Parties and other parties attending.

The Applicant has responded to the topics raised by each of the attending parties in the sequence that the Examining Authority (**ExA**) invited them to speak. It provides cross references to the relevant application or examination documents in the text below.

At the conclusion of the hearing, the ExA confirmed the following list of actions:

1. The Applicant and Newark and Sherwood District Council (**NSDC**) to provide clarity on 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.
2. NSDC to provide clarity on the relevant to the ExA's recommendation of the list of polices and allocations in its Local Impact Report (**LIR**).
3. The Applicant to provide an indication as to when the final documents can be submitted into the Examination which incorporate amendments listed in the errata document and any other updates.
4. The Applicant to review Appendix 12.1 to the Environmental Statement (**ES**) [APP-174] to ensure the illustration of the stopping up of footpath F3 is correct and to check the draft DCO to ensure consistency.

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

5. The Applicant to review the definition of each relevant local authority so that responsibilities are clear in the draft DCO and to ensure that the appropriate local authority is consulted on control / mitigation documents, including those documents listed under Requirement 3: Second Iteration EMP of the draft DCO.

The Applicant’s response to each action point is detailed in Appendix 1.

**1.2 POST-HEARING SUBMISSIONS IN RESPONSES TO MATTERS RAISED AT ISH2**

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
<b>Agenda # 1 Welcome, introductions and arrangements for the Hearing</b>			
1.1	Applicant	Introductions	The Applicant was represented by the following individuals: <ul style="list-style-type: none"> <li>• Lorrae Hendry – Partner at Womble Bond Dickinson (UK) LLP and legal advisor to the Applicant</li> <li>• Emma Harling-Philips – Partner at Womble Bond Dickinson (UK) LLP and legal advisor to the Applicant</li> <li>• Julian Howes - Technical Service Lead Transport Modelling at Mott MacDonald on behalf of the Applicant</li> <li>• Mark Sutton – Project Technical Director at Skanska, delivery partner for the Applicant</li> <li>• John Bowes – Chartered Civil Engineer on behalf of the Applicant</li> <li>• Simon Kirk – Technical Principal - Transport Modelling at Mott MacDonald on behalf of the Applicant</li> <li>• James Brookes – Air Quality Lead on behalf of the Applicant.</li> </ul>
1.2	<b>Other appearances</b>		
1.3	Matthew Norton, Lindsay Preston and Alistair Gregory on behalf of NSDC. NSDC expressed a wish to talk specifically on agenda item 3.		

## A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
1.4	Tom Boyland, Sarah Hancock, Kevin Sharman and DeeJay Hal on behalf of Nottinghamshire County Council ( <b>NCC</b> ).	NCC expressed a wish to talk on all agenda matters, specifically agenda item 3.	
1.5	Steve Parkhouse on behalf of The A46 Newark Active Travel Group ( <b>NATG</b> ).		
<b>Agenda #2 Purpose of the ISH2 and ExA Opening remarks</b>			
2.1		<p>The ExA set out that the consideration of this DCO is principally examined in writing. The purpose of this ISH2 is to consider the matters specified on the Agenda and to allow the ExA to understand the issues. The ISH2 is subject controlled and the ExA reminded parties that they may refer to documents which have already been submitted into the Examination but it is not appropriate to display documents which are not already within the Examination. If a party wishes to refer to a new document, this document must be submitted along with the party's written summary of their oral representations at this ISH2. Parties with an interest in the Scheme are referred to as Interested Parties (<b>IPs</b>) and the Applicant will always have the right of reply.</p> <p>The ExA has looked at all material including the ES and those documents submitted at deadlines 1, 2 and 3. The ExA acknowledged that parties may not have had the opportunity to review those documents submitted at Deadline 3 and asked parties to let the ExA know if that is the case and provide any comments for Deadline 4.</p> <p>The ExA reminded parties to submit their written submissions for Deadline 4 which must be based on representations made at ISH2 but explained further detail and supporting evidence may be added.</p>	
<b>Agenda # 3 Transport</b>			
<b>Agenda Item 3(a) - Progress Updates</b>			
<b>3(a)(i) - matters raised in NCC's LIR and outstanding matters in the Statement of Common Ground (SoCG)</b>			
3.1.1	ExA	<p>The ExA sought a progress update in relation to addressing matters raised in NCC's LIR and outstanding matters in the SoCG between the Applicant and NCC:</p> <ul style="list-style-type: none"> <li>• where is progress being made and what are the timescales for resolving matters;</li> <li>• are there matters where it appears that concerns will remain, or common ground might not be reached; and</li> <li>• depending on the outcomes of discussions could there be any consequential changes to the Scheme, the application documentation and/or the draft DCO?</li> </ul>	
3.1.2	NCC	NCC explained that there has been a lot of exchanges in relation to modelling and it does not	The Applicant noted that NCC requested ARCADY model input files in relation to modelling on 29 November 2024 and confirmed that these

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>believe there are any long-term sticking points, although a detailed review has not yet been completed. NCC are working with the Applicant to make sure a positive outcome is reached.</p> <p>NCC noted that the modelling work is technical and there are limited expertise within NCC. Although the parties will aim to complete this review by Deadline 4, this may not be possible. NCC confirmed that it will keep the ExA updated should there be any delay.</p>	<p>will be shared informally with NCC either today or tomorrow. The Applicant will update the Technical Note "Additional Junction Assessment for NCC" [REP3-039] to include this information as an appendix.</p> <p>A copy of the updated technical note was shared with NCC on 5 December 2024 and will also be submitted into the Examination at Deadline 4.</p>
3.1.3	ExA	<p>The ExA asked whether the Applicant anticipates there being any significant changes to the Transport Assessment Report (TAR) [APP-193] and whether there would be any consequences which would mean the modelling of traffic change would need to be re-run.</p>	<p>The Applicant confirmed that it does not anticipate any significant changes to the TAR [APP-193] being required and confirmed that the modelling would not need to be re-run, on the basis the additional modelling at the junction is away from the Scheme and has not shown any major issues that would affect the Scheme. This exercise is designed to provide NCC with some comfort.</p>
<p><b>3(a)(ii) Outstanding Matters from NSDC's point-of-view including concerns relating to increase in traffic at Cattle Market Junction and reduction in capacity at lorry park</b></p>			
3.1.4	ExA	<p>The ExA requested a progress update from NSDC in relation to any outstanding matters from NSDC's point-of-view, including:</p> <ul style="list-style-type: none"> <li>• concern relating to increase in traffic at Cattle Market Junction; and</li> <li>• reduction in capacity at lorry park.</li> </ul>	
3.1.5	NSDC	<p>In relation to Cattle Market Junction, NSDC explained that the outstanding information that is sought from the Applicant relates to the forecast year VISSIM modelling videos. NSDC seeks comfort that Cattle Market Junction will continue to operate satisfactorily. NSDC confirmed that this information was reviewed yesterday and NSDC are satisfied that the videos demonstrate adequately how the network will continue to operate satisfactorily.</p> <p>NSDC will confirm its position in writing at Deadline 4.</p>	

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
3.1.6	NSDC	In relation to the Lorry Park, NSDC explained that the land take at the Lorry Park site would result in a 30% reduction in capacity. NSDC, as landowner, are in discussions with the Applicant separately regarding compensation.	
3.1.7	ExA	The ExA asked NSDC whether there is still a concern in respect of the commitments under the National Policy Statement (NPS) in light of the re-planning exercise which is taking place to mitigate some loss in capacity.	
3.1.8	NSDC	NSDC confirmed that the re-evaluation of space alignment task is ongoing but believes that there is a solution.	
<b>Agenda Item 3(b) - Planning Policy</b>			
<b>3(b)(i) Progress update on amended site allocations document</b>			
3.2.1	ExA	The ExA requested a progress update on the amended site allocations document and any proposed changes to site allocations and whether these could affect the assessment of transport effects, including whether any sites which are proposed to be de-allocated have been taken into account in the assessment of transport effects.	
3.2.2	NSDC	<p>NSDC explained that the document is currently being examined. There were a series of sessions that took place in November 2024 and there are a number of outstanding matters which haven't been addressed which will be dealt with in writing. NSDC are awaiting this.</p> <p>NSDC confirmed that it has not yet got to the point where it would know what modifications are needed but expect that it will be finalised in spring of 2025 with adoption taking place in summer of 2025.</p> <p>In response to the ExA's query as to whether any new allocations are being added, NSDC confirmed that the document is reviewing all housing and employment allocations. The original document was prepared in 2019 and so there are many sites which have been developed or are under construction</p>	<p>The Applicant explained that it populated the list of developments that make up the Uncertainty Log in consultation with the relevant councils. Following the Department for Transport (DfT)'s Transport Analysis Guidance (TAG) on modelling, the Applicant's position is that simply because a site is within the development plan does not mean that it should be included in the modelling. TAG guidance provides for 4 different categories of development likelihood and being an allocated site is not usually enough for it to be included in the modelling.</p> <p>The Applicant confirmed that it is not aware of any sites which have been de-allocated which were included in the Uncertainty Log. Further, on the basis that NSDC are happy with the Applicant's Uncertainty Log and its position on modelling, the Applicant does not anticipate any updates being required.</p>



A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>since then. Sites that are no longer deliverable would be de-allocated. Some allocations have been put back in. There is a review of the development management policies and affordable housing policies, strategy and allocations for the Gypsy-Roman Traveller (<b>GRT</b>) community at Tolney Lane and other locations across the district, including the proposed allocation at Old Stable Yard. However, following a noise assessment at a later stage, this was recommended to not be allocated.</p>	
<p><b>3(b)(ii) - Proposed changes to site allocations and whether these could affect the assessment of transport effects, including whether any sites which are proposed to be de-allocated have been taken into account in the assessment of transport effects</b></p>			
3.2.3	ExA	<p>The ExA asked whether any of those sites which have been recommended to be de-allocated have been taken into account in the preparation of the transport modelling. The ExA asked all parties whether they were satisfied that the list of developments is up to date, taking into account the proposed adoption date. The ExA noted that if sites are de-allocated but taken into account, this represents the worst case scenario.</p>	
3.2.4	NSDC  NCC	<p>NSDC explained that the sites are so small so that it would not be necessary to do additional modelling work, on the basis that the modelling takes that into account in any event.</p> <p>NCC confirmed that it has no great concerns on this point and is in close liaison with NSDC</p>	
<p><b>3(b)(iii) - Do any existing or proposed allocations depend on the implementation of the Proposed Development</b></p>			
3.2.5	ExA	<p>The ExA asked whether any existing or proposed allocations depend on the implementation of the Scheme and whether the ExA can give weight to any wider benefits as the Government is quite clear on its growth agenda and its delivery and economic development. The ExA noted that in the Applicant's application documents, for example on page 206 of the TAR [APP-193], the Applicant states that none</p>	<p>The Applicant confirmed that the TAR [APP-193] reports that there are no developments which are dependent on the Scheme.</p> <p>The Applicant interprets NSDC's comments as supportive in that the Scheme will facilitate these developments by helping to reduce congestion and increase capacity. However, from the Applicant's perspective these schemes are not 'dependent' on the Scheme if you were to apply the criteria for 'dependent' development following the</p>

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>of the developments were identified as Scheme-dependant. The ExA then refers to page 10 of the Applicant's Response to Relevant Representations [REP1-009] which states that the Scheme would help to unlock employment growth within Newark by facilitating the delivery of regional and local business developments. The ExA then compared this with page 21 of NSDC's Responses to ExQ1 [REP2-050] which states that proposals must specifically address access constraints relating to the A1/A46/A17 Junctions and, in relation to the Lindum Site, states that until appropriate improvements have been made to the A1/A46/A17 Junction, employment development will not be considered appropriate. So, on one hand, the TAR [APP-193] reports that none of the developments identified are Scheme-dependant, but then there are suggestions elsewhere that some developments cannot go ahead without changes to parts of the A46.</p>	<p>guidance in TAG A2.2.</p>
3.2.6	ExA	<p>The ExA asked the Applicant to respond in writing its position in respect of the Lindum site in terms of dependency. The ExA asked for consistency through the documentation and where there is any dependency, this should be flagged.</p>	<p>This request is captured as Action 1 in the ExA list of Action Points arising from ISH2. The Applicant's response to Action 1 is set out in the table below in Appendix 1.</p>
3.2.7	NSDC	<p>In relation to the Lindum site, NSDC explained that the current adopted document includes the line referred to by the ExA above. However, this is too onerous and does not reflect the actual position. This has been removed and the document now reads that, until appropriate improvements have</p>	

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>been made, any proposed development will need to demonstrate that it will not generate significant AM/PM traffic. NSDC do not believe that there should be a prohibition, although, in reality, it may not be accepted.</p> <p>NSDC noted ExA's concern that it is unable to determine acceptability as it does not currently have the evidence before it, given NSDC are referring to an unadopted plan.</p>	
3.2.8	ExA	The ExA requested that the Applicant and NSDC discuss this point and provide clarity as to the degree of dependence of various schemes and the local plan to this Scheme.	This request is captured as Action 1 in the ExA list of Action Points arising from ISH2. The Applicant's response to Action 1 is set out in the table below in Appendix 1.
3.2.9	ExA	The ExA referred to NSDC's LIR [REP1-035] and specifically pages 14 and 20 which refer to a number of policy areas and other sites. The ExA asked NSDC why some sites have been included in the LIR and others have not. The ExA asked what the difference was between including and not including sites such as the Northern Road connecting Lincoln Road, as both have traffic implications for the main route into town. The ExA asked NSDC what was the purpose of the list and where it should be reflected in the ExA's report to the SoS.	
3.2.10	NSDC	<p>NSDC confirmed that it was provided for information based on the parameters of the Scheme and confirmed its intention to keep the Northern Road connecting Lincoln Road in the plan.</p> <p>NSDC will provide clarity on policies and allocations referred to in its LIR in its written summary of representations made at this ISH2.</p>	
<b>3(b)(iv) - Could the Proposed Development have an impact on the development of allocated sites</b>			

## A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
3.2.11	ExA	The ExA asked whether the Scheme could have a physical impact on the development on allocated sites.	This request is captured as Action 1 in the ExA list of Action Points arising from ISH2. The Applicant's response to Action 1 is set out in the table below in Appendix 1.
3.2.12	NSDC	NSDC explained that a small chunk of the employment site (NUA/E/4), which is the former NCC Highways Depot on Great North Road, will be impacted by the Scheme. However, NSDC confirmed that it does not believe that the works proposed by the Application would prejudice future development of that site and does not anticipate there being any issue with this.	
<b>3(b)(v) - Relationship of Proposed Development with Kelham Bridge relief proposals</b>			
3.2.13	ExA	The ExA asked about the relationship of the Scheme with the Kelham Bridge relief proposals (including safeguarded and non-safeguarded options). The ExA noted that NCC, in its LIR, raised that one of the routes is safeguarded in the current local plan but another potentially alignment is not safeguarded.	
3.2.14	NCC	NCC explained that there is a safeguarded route. Although noted that there is no formal status of this as it is still in the feasibility and optioneering stage. NCC do not yet have a defined corridor but is trying to safeguard the interest. NCC's position is that traffic will be exacerbated by the Scheme as it would increase traffic along the A617. The additional flows would cause a problem during construction. NCC wish for the two schemes to be aware of each other and wants to avoid a situation where one prevents the other from happening.	The Applicant notes that, in traffic terms, the Scheme will have no impact on the Kelham Bridge relief proposals.
3.2.15	ExA	The ExA explained that the Scheme is anticipating adding some additional traffic and asked NCC why	

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		queuing as a result would be an issue for the Applicant, as this is already an issue. The ExA also asked NCC why potential bridge strikes would be an issue given the slow-moving traffic?	
3.2.16	ExA	The ExA referred to page 16 of NCC's LIR. Figure 2.8 refers to the outline business case in 2023. The ExA asked whether this makes any assumptions in relation to the Scheme given details of it were in the public domain in 2023?	
3.2.17	NCC	<p>NCC confirmed that works were done based on previous figures and does not take into account the Scheme.</p> <p>NCC explained the reason it is raising these points is to ensure the two developments do not prevent each other from happening and to make the two developments aware of each other. NCC confirmed that it is not suggesting that the A46 cannot happen because of the improvements at Kelham.</p>	
<b>3(b)(vi) - Update on planning application for site allocation NUA/MU/1 (Lindum Site)</b>			
3.2.18	ExA	The ExA requested an update on the planning application for site allocation of the Lindum site.	The Applicant notes that this issue was discussed in detail at ISH1 on Tuesday 3 December 2024, with action points agreed, and has no further points to add.
3.2.19	NSDC	NSDC explained that Phase 1 of the application is being heard by the Planning Committee on Thursday 5 December 2024, with Phase 2 being slightly behind. The application has been submitted but is not ready for determination.	

## A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		NSDC agreed to provide the ExA with updates on the determination of this application and will submit a final position by the close of the Examination.	
<b>Agenda Item (c) - Construction Phase</b>			
<b>3(c)(i) - Alternatives to the diversions which NCC considers to be acceptable.</b>			
3.3.1	ExA	The ExA asked NCC for any comments on the footpath issues on the Lindum site.	
3.3.2	NCC	NCC have not yet seen the full details of the proposed footpath at the Lindum site but does not have any concerns provided there is an acceptable route.	
3.3.3	ExA	The ExA sought clarity and an update on discussions with NCC in respect of alternatives to the diversions which NCC considers to be unacceptable.	The Applicant has provided a detailed response in its Response to Relevant Representations [REP1-009] and the Applicant's Comments on NCC's LIR [REP2-019] which sets out the Applicant's views on the diversion routes. The Applicant notes that Drove Lane is subject to a 7.5t weight restriction but confirmed that Drove Lane is not being proposed as a strategic diversion route in the Outline Traffic Management Plan ( <b>OTMP</b> ) [REP3-026]. The Applicant has detailed the proposed diversion routes in the Appendix of the OTMP. Many of the diversions are required to facilitate the closures of the A46 during the lifting of the bridge beam and to allow for the carriageway tie in connections.
3.3.4	ExA	The ExA asked the Applicant to confirm the length and frequency of its anticipated closures.	The Applicant explained that overnight closures are generally between 21:00 hours and 05:00 hours but some are dependent on traffic count. One exemption, as detailed in the OTMP [REP3-026], relates to the bridge installation at the A1 bridge. The bridge is being built offline to avoid temporary traffic management along the A1 given its lack of resilience. There is precedent for offline bridge construction and the Applicant has successfully installed two bridges in connection with the M42 Junction 6 works and two bridges in connection with the A14

## A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
			works. It is the Applicant's position that this approach will reduce the amount of closures needed as far as possible. In addition the Applicant will provide NCC with prior written communications of any closures in line with the OTMP.
3.3.5	ExA	The ExA asked the Applicant what happens if something unexpected happens and extra time is needed?	The Applicant explained that the programming is designed very specifically and carefully, e.g. minute by minute or hour by hour in some cases. Built into this programme are trigger points designed to allow senior members of the team to make a decision about whether to proceed to the next stage. This type of programming ensures that the risk of overrunning is as low as possible. Ultimately, if there is not enough time, the next stage will not go ahead. This is an important aspect of the programme because once certain works are started they must be finished so there is allowance for this factored into the programme and trigger points are designed accordingly.
3.3.6	ExA	The ExA asked whether NCC have any concerns on this given NCC's strong objection.	
3.3.7	NCC	NCC has not yet reviewed the Applicant's response submitted at Deadline 3 but will review this and confirm in writing whether there are any issues or comments.	
<b>3(c)(ii) - Construction traffic (NCC's views on ExQ1 14.0.16)</b>			
3.3.8	ExA	The ExA asked for clarity on construction traffic, specifically NCC's views on ExQ1 14.0.16.	The Applicant has, following a review of NCC comments, added Farndon Road to Table 2.3 within the OTMP [REP3-026]. This lists out the restricted routes for construction traffic to prevent construction traffic heading through the town or other undesirable areas.
3.3.9		The ExA asked NCC to confirm whether they have any further comments on the list provided by the Applicant, including the means of controlling the restrictions	
3.3.10	NCC	While NCC stated that it is still in the process of reviewing the information from the Applicant, it indicated that it was satisfied and that it would confirm their position in writing.	
3.3.11	ExA	The ExA noted that the pre-commencement plan has not yet been updated but the OTMP is on its	The Applicant confirmed that it is updating the OTMP with mitigation measures which are relevant to the pre-commencement works. The

## A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		third revision. The ExA sought clarity from the Applicant on this.	Applicant will update the pre-commencement plan in line with the OTMP, as required, for Deadline 4.
3.3.12	ExA	The ExA asked the Applicant to provide consolidated versions of documents where substantial amendments (more than simply formatting or typographical amendments) have been made rather than relying on errata and responses to representations and ExA Questions. This is not required for Deadline 4 but the ExA asked the Applicant to provide the ExA with an indication as to when it expects to be able to submit them.	The Applicant clarified that where there have been more substantial changes to ES Chapters, these have been updated, for example the Population and Human Health Chapter of the Environmental Statement [REP3-011], that was provided at Deadline 3. However, it will review the Errata [REP3-032] and, where more substantive changes have been captured there, it will instead update the specific chapters so that only purely inconsequential typographical errors are contained in the Errata.
<b>Agenda Item 3(d) - Public Transport. Views of public transport operators on the Proposed Development</b>			
3.4.1	ExA	The ExA asked NCC whether the reference in paragraph 2.46 of NCC's LIR [REP1-038], which states that " <i>Local bus services will experience delays on the network...</i> ", relates to the construction phase	
3.4.2	NCC	NCC confirmed that this related to the construction phase. Once the Scheme is delivered there should be public transport user benefits. However, NCC noted that construction will cause delays and as such NCC want to make sure that alternatives are well advertised.  NCC confirmed that there have been informal discussions with bus operators but they have not been formally consulted. The operators have seen the plans and the concerns they have raised are the ones which appear in NCC's LIR.  NCC confirmed that there is nothing else, other than the delays and the need to manage the situation, that the ExA need to take into account.	
3.4.3	ExA	The ExA asked the Applicant to confirm how this would be managed.	Table 2-1 within the OTMP [REP3-026] identifies Network Rail (NR) and bus operators as stakeholders. The main impacts on NR and the bus operators are the night closures and the weekend closures as detailed above. As set out in the OTMP, the Applicant would provide a schedule of temporary traffic management that will be communicated



A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
			to all key stakeholders as well as being sent to a wider mailing list which will be used to keep people updated. The schedule will be informed by specific traffic management workshops/forums. The Applicant confirmed that the Scheme is not suspending or removing any bus stops.
3.4.4	ExA	The ExA asked whether the bus corridor through Newark to Mansfield could be impacted by physical works. What if the effect of the disruption caused by construction of the Scheme is to render this journey so unreliable it starts to impact the service and people using it. The ExA sought confirmation as to whether this has been taken into account.	The Applicant will maintain the single carriageway between the Farndon Roundabout and Friendly Farmer Roundabout during the construction phase. The OTMP details the proposed temporary traffic management arrangements and the construction phasing proposals particularly at Cattle Market Junction, Brownhills Junction and the Friendly Farmer Roundabout to keep traffic moving and the roads operational during construction. During construction, the Scheme does not narrow the lanes or impact buses along their normal routes. As set out in the OTMP, junction modelling of the temporary traffic management measures will be undertaken to show the impacts of these in relation to possible delays. The A46 at Newark is currently a very busy section of the road network and it is expected that the construction works and temporary traffic management will impact journey times, as there will be narrower lanes and a temporary speed restriction in place. It is not expected that the construction of the Scheme will cause major changes to the delays that are already experienced.
3.4.5	ExA	The ExA asked NCC whether the modelling being looked at relates to the construction phase.	
3.4.6	NCC	NCC confirmed that the modelling being looked at is difficult to analyse. NCC have flagged these public transport issues and would expect the OTMP to resolve these issues. NCC acknowledge there are always going to be issues to the wider network but asserts that it is a question of flagging them to make sure they are in the loop to be able to deal with them in the best way. NCC are not expecting there to be any significant implications.	
<b>Agenda item 3(e) - Walking, Cycling, Horse-riding including Public Rights of Way</b>			

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
<b>3(e)(i) - LTN 1/20 standards</b>			
3.5.1	ExA	The ExA referred to NCC's response to the ExA's written questions and requests for information(Q14.0.42) [REP2-052] in relation to the route between F5H and F5N, in the Friendly Farmer area, not meeting a key design principle of LTN 1/20 (i.e. being direct and convenient). The Applicant has explained that it is not the main commuting route. The ExA asked NCC whether it is happy with the Applicant's response.	
3.5.2	NCC	NCC explained that the whole issue with LTN 1/20 and the detail around this is tricky. NCC accepts that this is not the main commuting route, but this is something NCC is looking to get added value from. The wider issue is about standards and interpretation of standards. NCC have assumed that Active Travel England would be a statutory consultee and NCC would therefore be satisfied provided they were satisfied. NCC have adopted their standards, but the standards are vague in terms of interpretation.	
3.5.3	ExA	The ExA asked NCC what could be done as an alternative. It is a complex junction arrangement and so have asked whether there is scope to provide a realistic alternative more direct and convenient route.	
3.5.4	NCC	NCC explained that, from their analysis, NCC accept that finding an alternative is very difficult and were throwing it out there to see if there were any other suggestions. NCC accepts there is not a straightforward alternative.	

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
3.5.5	NCC	<p>NCC noted that their other LTN 1/20 issue relates to the A17 junction but the issue is the same regarding interpretation and whether things can be improved as part of the scheme, or whether we are looking for improvements in a different way (through designated funds, for example, although these aren't yet secured). NCC flagged they are important corridors and would like to see improvements if possible.</p>	<p>The Applicant maintains that it is providing LTN 1/20 compliant routes for new and improved routes.</p> <p>The A17 is an existing route and the Applicant has committed to exploring alternative funding sources to improve that.</p> <p>Segregation was raised as an issue previously by NCC. LTN 1/20 allows shared facilities where walking / cycling use is less than 300 per hour which is the situation for all routes provided by the Scheme. Shared use routes away from streets may be appropriate in locations such as canal towpaths, paths through housing estates, parks and other green spaces. The Scheme is generally in a rural area so the Applicant maintains that it is compliant.</p> <p>The Applicant confirmed that there are no survey results which show exceedance. It's anticipated to be around 70 per day. There are some peaks in the morning to the schools along Route 64, which is the busiest route, and the Applicant expects some more journeys from Winthorpe up to the Showground. One of the big improvements the Scheme makes is from Hargon Lane, as an employment route, to get to the Showground entrance from the centre of Winthorpe. The other direct route is already there, which is Route 64 to get to Newark itself. The route which is beneath the A1 allows users to get to the employment sites to the south of the A17. The Applicant has provided direct routes in all areas that are reasonable to provide.</p>
3.5.6	NSDC	<p>NSDC confirmed that it deters to NCC as local highway authority on these points and would want to see LTN 1/20 applied whenever it is physically possible to achieve those standards.</p>	
<p><b>3(e)(ii) - Approval of temporary diversions, provisions for communicating and managing diversions, post-diversion considerations</b></p>			

## A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
3.5.7	ExA	The ExA asked for clarity on the approval of temporary diversions, provisions for communicating and managing diversions, and post-diversion considerations such as whether mounting blocks would be removed from under the Farndon Underpass.	<p>Following the ExA's First Round of Written Questions [PD-007] and those noted in the relevant LIRs, the Applicant has updated the OTMP [REP3-026] and included more detail on temporary diversions .</p> <p>The Applicant confirmed that NCC is happy. The Applicant will take the wording from the OTMP and mirror it in the Pre-Commencement Plan [APP-188] for any public rights of way that would need to be diverted under the pre-commencement works.</p>
3.5.8	NCC	NCC confirmed its satisfaction with this approach and will include detail in its written summary once this has been reviewed in full.	
<b>3(e)(iii) - Proposed diversion at Farndon including temporary horse-rider route by cyclists and pedestrians</b>			
3.5.9	ExA	The ExA asked for clarity regarding the proposed diversions at Farndon (one route for cyclists and pedestrians and a slightly longer route for horse riders). NCC has asked whether the temporary horse-rider route could be used by all parties (i.e. also by cyclists and pedestrians).	<p>In part of NCC's response it raised a query about the underpass at Farndon, which would be part of that diversion. The Applicant has checked the height against the standards.</p> <p>There was section of the diversion going through adjacent to Crees Lane, with a query as to whether that temporary diversion could become a permanent route after the construction. The Applicant has made it clear that they are looking to only use this on a temporary basis.</p>
3.5.10	NCC	NCC confirmed that was seen as the preferred route but thinks the issue has been resolved in the latest SoCG [REP1-025].	
3.5.11	ExA	The ExA asked NCC why it made a comment about whether the horse-riding route could be used as a bridleway for all parties, given this is a temporary diversion and there is a shorter diversion for pedestrians and cyclists.	
3.5.12	NCC	NCC acknowledge that this was seen as the preferred route but confirmed that this point has been resolved in the SoCG between the parties.	
3.5.13	ExA	Any other points on public rights of way?	

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
3.5.14	NCC	No, NCC thinks all current public rights of way issues have been resolved and addressed in the latest update to the SoCG.	
<b>3(e)(iv) - Clarification of 'stopping up' illustrated along route of Newark FP3</b>			
3.5.15	ExA	The ExA sought clarification of 'stopping up' illustrated along route of Newark FP3 in [APP-174].	It is currently a walking route that will be used as a temporary bridleway during construction. It is not being stopped up, that is an error. On the relevant plans it is not shown as being stopped up. The Applicant will review and amend [APP-174] so that the indicated stopping up near the Farndon roundabout on Newark FP3 is corrected and will check that this is consistent with the draft DCO.
3.5.16	ExA	The ExA asked for the position in relation to FP14, which crosses the current A46 to the south of the Cattle Market Junction. The Applicant has said in its application documents that it is proposed for closure by NCC and NCC has said it is not. What is the actual position?	<p>The Applicant proposes to stop up FP14 and divert it around the Cattle Market Gyratory.</p> <p>There was a misunderstanding and the Applicant now appreciates that FP14 is not currently closed, and it is not intended to be closed by NCC.</p> <p>The anticipated closure of that facility was taken into account in the assessment made in the Population and Human Health chapter of the Environmental Statement [REP3-011]. Nonetheless, the assessment undertaken also took into account that FP14 was still in informal use. The Applicant will review the assessment, and the wording within the Chapter, and confirm whether any additional amendments need to be made.</p>
<b>3(e)(v) - Existing route between Winthorpe FP2 and Winthorpe FP3</b>			
3.5.17	ExA	The ExA sought clarity in relation to the existing route between Winthorpe FP2 and Winthorpe FP3. Coddington Parish Council commented a diversion which provides direct access to cross the A46 to Winthorpe is required as it already exists. NATG has said that FP2 and FP3 have not been severed as claimed. NCC have said in their LIR that even	The Applicant confirmed that there is no formal route that goes across the A46 between FP2 and FP3 and the route is severed on the formal maps. There is a highway route that enables people to cross unsafely through the northern side of the Friendly Farmer Roundabout which involves crossing the dual carriageway. There is no connection from the northern side of the A46 at Friendly Farmer Roundabout to the

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		though there is not a continuous definitive line across the A46, there is access across the adopted public carriageway. When the ExA conducted their unaccompanied site inspection and walked the route, it could not find the connection between the two paths that was on public land. The ExA asked the Applicant whether it was aware of any formal route along public land to connect these?	eastern side of the Esso Garage. The Applicant asserts that this is effectively severed, and the Scheme is providing a connection using Hargon Lane and the footpaths they will provide which run down the northern side of the existing A46 with a safe signalled crossing. This provides a safe route and the Applicant has replied to all representations and questions on this basis.
3.5.18	ExA	The ExA asked whether there is a dedicated or segregated pedestrian facility between the southern end of the FP2 in a westerly direction towards Newark	
3.5.19	NCC	NCC confirmed that there is an informal route that people use but it is not a route NCC would recommend and NCC are not advocating this route to be taken into account and accept that the alternative route is a better one.	
<b>3(e)(vi) - Newark Active Travel Partnership's comments</b>			
3.5.20	NATG	<p>NATG explained that it wrote to the Applicant at the beginning of the process highlighting the need for a route from Beacon Hill under the A1 underbridge and then over the A17 overbridge to link the residents of south-east Newark to the employment retail and commercial sites and to reduce the need to go all the way down to the industrial estate, around the roundabout and over the bridge. Once at Phase 2, NATG's main concern was that and also to sort out Winthorpe Road as this is an important route to access the right of way network.</p> <p>One member of NATG belongs to Friends of Trent Valley Trail (which relates to the 64 route) and has</p>	<p>The Applicant stands by the consultation that it undertook as part of the DCO process which is set out in the Consultation Report [APP-028 – APP-044]. The Applicant was invited to County Hall to present the outline plan to all members of the active travel community, including members of the bridleway and horse riding community which helped inform the diversion route at Farndon by using local information. This informed targeted consultation was for the new diversion route.</p> <p>The WCHAR is included in Appendix C of the TAR [APP-193]. Appendix A of the WCHAR contains a number of enhancement opportunities in the local area. The Applicant is aware of the wider aspirations of certain groups that are not directly a requirement of a mitigation factor of the scheme but has logged these as opportunities in the TAR under the appended WCHAR for future engagement.</p>

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>been working for 15 years to link it to Dukes Trail and just obtained the final transfer finance to do something at South Clifton. The southern end is suffering in terms of journey times and green space. NATG want the alternative route down River Trent to link the bridleway with the route at the Hargon lane.</p> <p>In December 2022 the Applicant offered NATG a working group to examine all the possibilities at south of the A46 but this group did not do anything. In March 2023 NATG were informed that the designated funding route was being used.</p> <p>The communication from the Applicant has been unsatisfactory and the Applicant has ignored professional comments. NATG are therefore unhappy with the process.</p> <p>NATG are satisfied with the routes being made longer but is not satisfied with degradation along the Winthorpe route and want to see this brought into the scheme. NATG has discussed this with the landowner and believes this needs to be included in the Order Limits. NCC could use their powers, but the issue is finance. The Winthorpe route should be moved into the Order Limits so that the Applicant can negotiate properly to extend the bridleway.</p>	<p>Traditionally, under RIS2 the Applicant has used designated funding for enhancement, and whilst RIS3 is subject to approval by the Secretary of State, it will continue to utilise alternative funding where possible to assist enhancement.</p> <p>In relation to the Winthorpe Rack, the extension of Bridleway 6, which would actually move Trent Valley Way along the River Trent, the Applicant has spoken to NATG on a number of occasions. The Applicant has been out and met the landowners and walked the route to understand the concerns and constraints that the landowner has. It is a popular fishing spot along the Winthorpe Rack, which is operated by the Newark Piscatorial Society, and they have their own concerns about that route. The Applicant does not believe the Order Limits need to be extended to include this as the Applicant has made appropriate allowance for a 3m cycleway and footpath, some of which goes through a landscaped area. There is currently a narrow footway within the verge and hedge line of the Winthorpe Road which is often overgrown, meaning people are actually walking along the centre of Winthorpe Road, albeit it is a relatively quiet road, it does have agricultural vehicles using it. The Applicant is proposing a combined, 3m wide, footway/cycleway segregated from the carriageway which connects into the active travel provision.</p> <p>The Applicant confirmed that the current proposals would not preclude the Winthorpe Rack proposals from occurring. Discussions are open with the landowners and they have been approached previously by members of the active travel community on the opportunity. The Applicant has reached out to the landowners to explore the opportunity and has been informed of the current constraints and concerns that they have on the proposal. The Applicant could assist with further development of this solution but as part of a development</p>

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>Another point is the need to discuss the options to see which option will reduce the traffic and divert people to use active travel (such as when diverting to Godfrey Drive and making it a Bridleway).</p>	<p>enhancement opportunity rather than it being a “baked into the scheme” solution.</p> <p>In Road Investment Strategy 2, opportunities such as this would be funded through designated funding.. As RIS3 is yet to be approved, the Applicant is not able to confirm what this funding mechanism will be going forwards, but it will be a similar type of thing.</p> <p>The Applicant confirmed that it is not intending to change the Order Limits.</p>
3.5.21	NATG	<p>NATG noted that SoCG discussions are unsatisfactory.</p>	
3.5.22	ExA	<p>In relation to NATG's comments about landownership and the extension of Order Limits, the ExA asked NATG whether this is because the landowner is not willing for it to be brought forward.</p>	
3.5.23	NATG	<p>NATG confirmed that this is not the case and that there is positive evidence but a lack of updates.</p>	
3.5.24	ExA	<p>In relation to the Winthorpe route, the ExA noted that the Application documentation states this is a well-used route particularly by school children. The ExA asked how the alternative or additional route would serve those people.</p>	
3.5.25	NATG	<p>Winthorpe Rack is greenfield and joins to the bridleway. NATG want the bridleway extended through to the rail crossing. The green route is very</p>	



A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>pleasant and people do not have to go through the urban area. Given that it is the Trent Valley Way and the trail route, NATG want to see the Newark end pass through the equivalent to the Winthorpe Route, which is pleasant, but will not be under the Scheme.</p>	
3.5.26	ExA	<p>The ExA noted that there does not seem to be a potential of coming together on this issue under this application.</p> <p>From the ExA's perspective, there are different positions, and it does not look like either party is going to move on this matter. The ExA would have to take both parties views into account and weigh them in the balance.</p>	<p>The Applicant agreed to respectfully disagree with NATG on this matter.</p>
3.5.27	NATG	<p>In relation to FP3 diversions, NATG would like to see a wider discussion on the position of the link between the new route at Winthorpe Roundabout and the first roundabout on the A17. NATG is concerned that the route is going to be diverted without any thoughts of an upgrade up to the A17 bridge so cyclists and horse riders can use it too. NATG would like to be consulted on this and for all of this to be sorted out in one go rather than doing it piecemeal.</p>	
3.5.28	ExA	<p>Noted NATG's concerns relate to consultation on diversions and asked the Applicant for its view.</p>	<p>Diversions are detailed in the OTMP (REP3-026), with consultation with the local highway authority, and as part of the OTMP the Applicant will be ensuring user groups are notified in advance of</p>

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
			<p>diversions and there is adequate signage provided for the diversion routes.</p> <p>With regard to NATG's comment about the FP3 diversion, if NATG is referring to the permanent re-routing of the footway / cycleway, then the proposals are shown on the plans and the Applicant is not looking to amend that, subject to negotiations with Lindum. The combined footway / cycleway will be terminated at Godfrey Drive, tying into the existing footway network.</p>
3.5.29	Think Again A46 Winthorpe Action Group (TAWAG)	<p>In relation to Winthorpe FP2 and FP3, there is a lot of confusion around this. The Applicant has provided a route from Winthorpe which diverts the walking route underneath the new A46, across to the footbridge that goes across the A1 slip road and then to the roundabout at the A17. The route from there is vague, TAWAG would like to note that the new development along the A17 is obliged to provide a combined walking and cycling route under Condition 12 of their Outline Planning Permission, which means that anyone can walk along that route and connect themselves to the Coddington footpath on the Newark side of the A17. That development is going on at the moment. So, any footpath on the Showground side is redundant.</p> <p>Another point is that, at the beginning of discussions with the Applicant, TAWAG set out that it wanted to see what enhancement to active travel provisions</p>	To the south of the Godfrey Drive roundabout, outside of the Scheme Order Limits, if other future developments are continuing a footpath along the A17 as part of their development the Applicant would see that as a benefit for accessing those developments. Any future stopping up of FP3 is not a problem for the Applicant.

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>within their parish could be made. The point TAWAG would like to raise is the point about the standard of the provision of the connection between Friendly Farmer Roundabout and the Winthorpe Roundabout on the Showground side. .</p> <p>In relation to this route, TAWAG maintains this should be delivered to the highest standard possible, because it is a direct link between their parish between Newark and the bridleways and footpaths extending out to other Lincolnshire areas beyond the Showground. TAWAG views it as it is an important leisure route in terms of active travel. TAWAG would support any suggestions that NCC and NSDC made regarding the adequate standard of walking/cycling along that route.</p>	
3.5.30	ExA	The ExA asked TAWAG whether it thinks the proposals are inadequate.	
3.5.31	TAWAG	<p>TAWAG thought there would be a route set more back into the Showground. Currently the provision is for a combined route of cycle and walking but it has a fairly narrow border between that and the link road between Winthorpe Roundabout and the Friendly Farmer Roundabout. TAWAG are not sure whether it is an outstanding standard for a walking and cycling route as it is alongside quite a busy road, admittedly with a speed limit on.</p>	<p>The Applicant has created, following statutory consultation, a full circular route. At statutory consultation, the Applicant had only provided the 3m shared facility to the west of Hargon Lane, which went below the A46 and joined around to the A17. The route which goes alongside the new Friendly Farmer link is a replacement of the current walking route that goes alongside the A46, so the Applicant enhanced that to a 3m wide shared facility for walking and cycling and have extended the route down Hargon Lane to the main Showground entrance as well.</p> <p>Following consultation, the Applicant has added the route that goes east from Hargon Lane and passes around Winthorpe Roundabout.</p>

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
			That was to provide a leisure route, as well as direct access to the Showground, but also to facilitate the safe crossing for cyclists through Winthorpe Roundabout as cycling groups were concerned about the safety of this. The Applicant feels it has provided very enhanced facilities compared to what is existing. The Applicant did speak to the Showground about taking the facility through their land but this would have impacted their future developments potentially happening in that area.
3.5.32	ExA	The ExA asked about the level of usage envisaged along the combined 3m wide path.	The Applicant confirmed that currently, the usage from the surveys is up to 12 people per day. Following discussions with local residents, some do not think this will change, but the Applicant does see that when routes are provided, they are used more, especially for leisure. The Applicant would not anticipate more than 50 users per day.
<b>Agenda Item 3(f) - Controls and Mitigation</b>			
<b>3(f)(i) - OTMP [REP3-026]</b>			
3.6.1	ExA	NCC's LIR states that it would require an approval right over the OTMP and that the OTMP is light on detail regarding public rights of way. The ExA asked whether there is an updated position on the OTMP and whether NCC are happy that the approval will sit with the SoS?	
3.6.2	NCC	NCC confirmed that work is underway and it does not yet have a final position on this but will be looking to complete that as soon as possible.  In relation to approval, NCC noted that it is an issue but it is down to interpretation. NCC are currently looking into this and will follow up in writing. NCC need to be able to provide access too, so they need to be comfortable our NCC's needs are going to be covered and ensure NCC are not prohibited by the OTMP to do things it needs to do.	
3.6.3	ExA	The ExA noted that some of the control documents noted to form part of the second iteration EMP	The Applicant confirmed that there is no particular reason for this, but the Applicant would anticipate that if NCC were being consulted in

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>seem to touch on the expertise of NCC (such as construction worker travel plan and emergency response plan for flood events). The requirement only requires consultation with the relevant planning authority, Natural England and the Environment Agency. Currently, NCC are excluded from consultation from these. The ExA asked the Applicant whether there was a reason for this?</p> <p>The ExA also asked if the Applicant is assuming NCC is the planning authority?</p>	<p>their role as planning authority, they would gather the views of the other relevant departments on such issues in order to fulfil that planning role.</p> <p>In terms of whether NCC is the planning authority, the Applicant took an action yesterday to update the definition of local planning authority to make it clear that when they refer to the planning authority it would be to the extent that it relates to their planning function. If there is something within this list which falls within NCC's functions, they would expect it to be consulted on with NCC.</p> <p>The Applicant notes the ExA's comment that the current definitions are unclear and will review the definitions of the authorities and their respective competencies so that it is clear on the face of the DCO what each relates to.</p> <p>The Applicant has updated the definition of 'relevant planning authority' in the draft DCO [REP3-003] and the updated document will be submitted into the Examination at Deadline 4.</p>
<b>3(f)(ii) - Communications Plan</b>			
3.6.4	ExA	The ExA sought comments from NCC and NSDC on the Construction Communication Management Plan [Rep3-022].	
3.6.5	NSDC	NSDC confirmed that it has not yet reviewed this and will respond for Deadline 4.	The Applicant welcomed comments from both local authorities and confirmed that it will consider and review any comments provided at Deadline 4.
3.6.6	NCC	NCC confirmed that it has not yet reviewed this and will respond for Deadline 4 and noted it is keen to work with the Applicant.	
<b>3(iv) - Pelham Street / Clinton Street monitoring and mitigation</b>			

## A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
3.6.7	ExA	The ExA noted that NCC's response to the ExA's First Round of Written Questions [REP2-052], Q1 states that that NCC would require a commitment from the Applicant that that they would monitor this issue once the scheme is complete and if the project traffic increase does not materialise, the Applicant would need to come up with mitigation measure. The ExA asked how this would be secured and how mitigation would be secured so there is a reasonableness.	<p>The Applicant's ability to secure any mitigation or monitor within the DCO is limited as Pelham Street and Clinton Street are outside of the Order Limits. However, there have been discussions with NCC in relation to securing this obligation through a side agreement which would set out the requirements of monitoring and mitigation (for example, traffic calming measures) which can then be provided using NCC's powers as local highway authority. These discussions can be reflected into the SoCG.</p> <p>The Applicant sees no reason as to why this cannot be shared with the ExA.</p> <p>The Applicant does not anticipate a s106 agreement being used however the mechanism to secure this agreement it is up for discussion between the parties. The Applicant will engage with NCC quickly but does not expect it to be overly complicated.</p>
3.6.8	ExA	The ExA asked whether the agreement between the Applicant and NCC can be listed amongst the other legal agreements referred to in the Consents and Agreements Position Statement [REP2--006].	The Applicant confirmed that this will form part of the list which was agreed with the ExA at ISH1 and an updated Consents and Agreements Position Statement will be provided at Deadline 4.
3.6.9	NCC	NCC agreed that it does not anticipate this issue being overly complicated and is happy with the principal.	
<b>Agenda #4 Transport-related matters / Air Quality</b>			
<b>4(a) - Air Quality clarifications</b>			
4.1.1	ExA	The ExA referred to page 160 of the Applicant's Response to Relevant Representations [REP1-009] and sought clarity as to why there are differing distances when referred to how far the primary	In its Response to Relevant Representations the Applicant explained that as Winthorpe Primary School is located approximately 230 metres from the ARN it is therefore not included as a modelled receptor, in accordance with National Highways' Design Manual for Roads and

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		<p>school is away from the Scheme and the Affected Road Network (<b>ARN</b>).</p>	<p>Bridges (<b>DMRB</b>) LA 105 Air Quality, which provides that human health receptors included in the dispersion model are those within 200 metres of the ARN selected at locations likely to have the highest pollutant concentrations or anticipated to experience the highest level of change.</p> <p>The response goes on to compare Winthorpe Primary School to the nearest modelled receptor (R29), which is located on Hargon Lane approximately 100 metres from the A46 (see Sheet 7 Figure 5.1 Air Quality Receptors of the Environmental Statement Figures [AS-028]. It was then noted that the predicted change and total concentration at Winthorpe Primary School are expected to be lower than R29, given that the school is approximately 500 metres from the A46 and 100 metres from the A1133.</p> <p>The Applicant explained that the 230m relates to the distance between the Winthorpe Primary School and the closest section of the A1133 that forms part of the ARN. This section of the A1133 is part of the ARN due to changes in road alignment rather than changes in traffic flow. The Winthorpe Primary School is 100m from the A1133 at its closest point, but this part of the A1133 does not form part of the ARN as the change in traffic flow is less than the DMRB LA 105 Air Quality scoping criteria and there is no change in alignment at this location. The reference to 500m is the distance between the Winthorpe Primary School and the A46.</p>
4.1.2	ExA	The ExA asked whether NSDC and NCC are collaborating on air quality issues	
4.1.3	NSDC NCC	NSDC and NCC confirmed that they are collaborating and have appointed Rachel Perryman ( <b>RP</b> ) from AECOM on behalf of both Councils.	

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
4.1.4	ExA	The ExA referred to page 79 of NSDC's LIR (REP1-035) which refers to about how the ES described residential properties, schools etc. but flags that the receptor list does not distinguish between them. Given the conclusion is that there are no exceedances, the ExA asked whether this matters?	The Applicant welcomes the Councils' confirmation that they are happy that the differing receptors were treated the same way and that the ExA does not need to make a distinction between them.
4.1.5	NSDC NCC	RP confirmed that the point is regarding whether it has met the criteria listed. RP confirmed that the ExA does not need to make any distinction between the receptors as there are no exceedances predicted.	
<b>4(b) - ES Methodology including in-combination effects (construction phase and climate change)</b>			
4.2.1	ExA	The ExA referred to page 75, paragraph 14.14 of NSDC's LIR [REP1-035] which refers to the combined air quality effects of construction traffic and traffic management measures and suggests that further information is needed to understand the combined effect during construction. As detailed in the Applicant's Response to Relevant Representations [REP1-009], there are not any individual significant effects, so the ExA asked why it was necessary to consider the combined impact.	The Applicant welcomes this confirmation from the Councils.
4.2.2	NSDC NCC	RP explained that the Applicant has assessed separately the potential impacts of construction traffic and the traffic management measures. By looking at these elements separately, the assessment concludes that there are no significant effects. The Councils noted the Applicant's	



A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
		response at section 14.14 of its Response to NSDC LIR [REP2-018] is acceptable given there would not be any significant effects.	
<b>4(c) - Mitigation including air quality and dust management plan, damage costs</b>			
4.3.1	ExA	The ExA referred to page 75 LIR, paragraph 14.12 of NSDC's LIR [REP1-035] which raised a point about the dust management plan which was submitted at Deadline 3. The ExA asked the Councils whether they had reviewed this document?	

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
4.3.2	NSDC NCC	<p>RP confirmed that the dust management plan has been reviewed. The Councils have some comments which can be provided for in writing.</p> <p>To summarise the issues, RP noted:</p> <ul style="list-style-type: none"> <li>• the mitigation measures seem satisfactory.</li> <li>• there needs to be more information about what monitoring is proposed. There are lots of references to visual inspections and qualitative monitoring being 'as required' or 'as necessary'. The Councils want to see more of a commitment as to what is going to be done.</li> <li>• The dust management plan does identify areas of higher risks and in those areas there should be quantitative monitoring so they would expect a plan to be provided to detail that monitoring and indicative locations.</li> <li>• In relation to the reporting requirements, the Councils would like the drafting to be amended to provide that the Councils will be told if a complaint has been received, as opposed to it only being provided if the Councils ask for it.</li> </ul> <p>RP will submit the full response on behalf of the Councils for Deadline 4.</p>	<p>The Applicant confirmed that its intention was to supply the dust management plan as part of the second iteration EMP. However, at the request of the Councils the Applicant has provided an outline dust management plan as part of the First Iteration EMP [REP3-022]. The purpose of this was to enable these comments to come forward and the Applicant will take these into account once received in full.</p>
4.3.3	ExA	<p>The ExA asked whether an agreed draft could be submitted for Deadline 5?</p>	<p>The Applicant confirmed that an outline dust management plan that addresses the Council's comments will be issued at Deadline 5.</p>

## A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
4.3.4	ExA	In relation to mitigation and damage costs, the ExA referred to page 80 of NSDC's LIR, which states that NSDC require more information as to how they are addressed locally and request that the ExA consider the Applicant's response against those policies. The ExA asked for clarification on what 'locally' means. The ExA noted that there did not seem to be any local planning policy to assess this matter against as the local guidance is not a supplementary planning document. The ExA asked therefore asked the Councils whether this point falls away?	The Applicant has responded to the NCC's and NSDC's LIR [REP2-018 and REP2-019] in full and has nothing further to add at this stage. However, the Applicant welcomes the Councils' confirmation that they are no longer seeking damage costs as part of the Scheme.
4.3.5	NSDC NCC	RP explained that those costs would be as a result of the Scheme within the local area. After further discussions, the Councils confirmed this is no longer something it will be seeking given the effects are not significant.	
4.3.6	ExA	The ExA noted that NSDC, in its response to the ExA's First Round of Written Questions [PD-007] (item 30 of the SoCG [REP2-026]) request that air quality monitoring stations are installed. The ExA asked why this is relevant and necessary if there are not any exceedances.	The Applicant welcomes the Councils' confirmation that they are no longer seeking the installation of the air quality monitoring stations.
4.3.7	NSDC NCC	The Councils confirmed that this is no longer required on the basis there are no significant effects.	

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

Item	Comment/Representation by:	Questions/Issues Raised at the ISH2	Applicant's summary written Response at ISH2
<b>Agenda #5 Any other matters</b>			
N/A			
ISH2 concluded at 12:40			

**APPENDIX 1 – POST-HEARING RESPONSE TO ACTION POINTS ARISING FROM ISH2**

Item	For	Action Point	Applicant's Response
1	The Applicant and NSDC	To provide clarity on 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.	<p><u>Dependent Development</u></p> <p>The Applicant confirms that the approach to the modelling and appraisal of the Scheme has followed the DfT's TAG. In this regard, and as noted in paragraph 3.3.17 of the TAR [APP-193], the future year transport network changes and development assumptions have been determined through the use of uncertainty logs. An uncertainty log is required for transport model forecasting and its purpose is to record the central forecasting assumptions that underpin the core scenario, as well as uncertainty around those central assumptions. The uncertainty log summarised the known uncertainties in the modelling and forecasting.</p> <p>The uncertainty log was developed in collaboration with local authorities in the vicinity of the Scheme (as set out in Section 12 of the Combined Modelling and Appraisal Report, which is included as Appendix A to the TAR [APP-193]) and considered residential and employment developments as well as proposed changes to infrastructure, as outlined in the various local plans associated with each district. Developments were subsequently considered on an individual basis through</p>

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

			<p>cross referencing against local planning information to identify elements that would meet the TAG criteria for inclusion within the Core scenario as defined in Table A2 of TAG Unit M4.</p> <p>In the preparation of traffic forecasts consideration was given to the dependency of specific residential or employments sites on the Scheme but the Applicant notes that no sites were considered to meet the definition of 'dependent development' as set out in TAG Unit A2-2. Specifically paragraph 3.1.5:</p> <p><i>“Dependent development refers to a specific plot of land, which requires a complementary transport investment in order for a residential or non-residential development to proceed; in the absence of a transport scheme, the transport network would not provide a ‘reasonable level’ of service to new and/or existing users. The development may have planning permission conditional on a transport investment but this is not a prerequisite for it to be considered dependent.”;</i></p> <p>and paragraph 3.1.6:</p> <p><i>“There is no precise definition of reasonable level of service, such that decisions about dependency are judgement based. However, if additional traffic can be accommodated by the network without significant increases in the costs of travel for existing users, then the network can be assumed to provide a reasonable level of service.”</i></p> <p>While the Applicant confirms that there are a number of major development proposals around Newark-on-Trent and adjacent to the A46 corridor that will create new employment and housing, with resulting social benefits. None of these developments have been identified as being</p>
--	--	--	--

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

			<p>specifically dependent on the Scheme, however, it is generally recognised that the progression of the Scheme will aid these developments, particularly through improvements to journey time reliability.</p> <p>The Applicant recognises that the DCO application uses various phrasing to describe the benefits that the Scheme will bring with regard to the delivery of residential and employment development in and around Newark-on-Trent, particularly in the Case for the Scheme [APP-190] and the TAR [APP-193]. However, the Applicant confirms that no developments have been deemed to meet the definition of dependency as set out in TAG Unit A2-2 and therefore, in all cases, while the Scheme is considered to be advantageous to the progression of various local development sites it is not considered to be fundamental to their delivery.</p> <p><u>Physical impacts of the Scheme on development allocations</u></p> <p>As set out in Chapter 12 (Population and Human Health) of the Environmental Statement [APP-056], the construction of the Scheme will temporarily and permanently require land take from development land.</p> <p>Three development sites will be affected by the Scheme:</p> <ol style="list-style-type: none"> <li>1) NUA/E/4 - The former Nottingham City Council Highways Depot (on Great North Road) - is a c. 2-hectare site allocated for employment. This site will be used as the Main Construction Compound for 48 months to facilitate works during construction. The significance of effect is assessed as <b>slight adverse (not significant)</b>.</li> </ol>
--	--	--	---

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

			<p>2) NUA/MU/1 - Land North of the A17 at Newark Showground (Lindum site) – is a 23-hectare site mixed use allocation. 0.3 hectares (1.3%) of this site will be permanently acquired for the creation of new pedestrian/cycleway and visual screening. As this represents a minor loss to the site and should not directly affect the viability of the existing planning application, the significance of effect is assessed as <b>slight adverse (not significant)</b>.</p> <p>3) Land for a proposed solar farm and battery energy storage system site (Kelham Solar Farm, planning application number: 23/01837/FULM) – creation of the Kelham and Averham Floodplain Compensation Area (FCA) will require 5.6 hectares of land from the Kelham Solar Farm for a period of ten months. Whilst the land is required to establish the FCA, the use is compatible with it being returned for alternative use. Design solutions for the FCA have been developed in coordination with the developers and landowners of the solar panel development. The development of the Kelham and Averham FCA represents a likely temporary use of currently non-operational land and should not affect the viability of the proposal. The significance of effect is therefore assessed as <b>slight adverse (not significant)</b>.</p> <p>No other direct impacts to development land have been identified.</p>
2	NSDC	To provide clarity on the relevant to the ExA's recommendation of the list of polices and allocations in its LIR	No response from the Applicant required.
3	The Applicant	To provide an indication as to when the final documents can be submitted into the Examination	The Applicant can update documents to reflect changes contained within the errata by deadline 6. Any other

A46 Newark Bypass – Applicant's summary of the Issue Specific Hearing 2

		which incorporate amendments listed in the errata document and any other updates.	application documents that have been updated to this point in the examination are current revisions and are as reflected in the document tracker. The Applicant is cognisant that a number of technical notes will be produced and submitted throughout examination responding to both stakeholder submissions and ExA questions and therefore the Applicant suggests a wayfinding document could be helpful and is produced at Deadline 7 which cross references application documents and related technical notes. A sample page of this document will be submitted at Deadline 4 for the ExA's comment.
<b>4</b>	The Applicant	To review Appendix 12.1 to the ES [APP-174] to ensure the illustration of the stopping up of footpath F3 is correct and to check the draft DCO to ensure consistency.	Appendix A of Appendix 12.1 [APP-174] has been updated to remove the stopping up of footpath F3 at Farndon and will be submitted to the Examination at Deadline 4.
<b>5</b>	The Applicant	To review the definition of each relevant local authority so that responsibilities are clear in the draft DCO and to ensure that the appropriate local authority is consulted on control / mitigation documents, including those documents listed under Requirement 3: Second Iteration EMP of the draft DCO.	The Applicant has amended the definition of 'relevant planning authority' within Article 2 of the draft Development Consent Order [REP3-003] to clarify how the definition is to be applied across the Order. The updated draft DCO will be submitted into the Examination at Deadline 4.