



Application by National Highways for the A46 Newark Bypass

The Examining Authority's written questions and requests for information (ExQ2)

Issued on 14 January 2025

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information – ExQ2. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 9 September 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an issue number, a sub heading (if appropriate) and a question number. For example, the first question on Policy issues is identified as Q1.0.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact a46newarkbypass@planninginspectorate.gov.uk and include 'A46 Newark Bypass' in the subject line of your email.

Responses are due by Deadline 5: Tuesday 4 February 2025.



Abbreviations used in Written Questions Tables:

PA2008	The Planning Act 2008	LOAEL	Lowest Observed Adverse Effect Level
AADT	Annual Average Daily Traffic	LPA	Local Planning Authority
AIL	Abnormal Indivisible Loads	LSE	Likely Significant Effect
ALC	Agricultural Land Classification	LTN	Local Transport Note
AQMA	Air Quality Management Area	LUP	Late Upper Palaeolithic
AQS	Air Quality Strategy	µg/m³	Microgrammes per square metre
Art	Article	MMC	Modern Methods of Construction
ATE	Active Travel England	mph	Miles Per Hour
ATP	Active Travel Partnership	Mt	Metric tonne
BNG	Biodiversity Net Gain	NCC	Nottinghamshire County Council
BoR	Book of Reference	NDHA	Non-Designated Heritage Asset
BW	Bridleway	NHA	National Highways Authority/ National Highways
C&APS	Consents and Agreements Position Statement	NE	Natural England
CA	Compulsory Acquisition	NH	National Highways
CCTV	Closed Circuit Television	NMU	Non-motorised User
CftS	Case for the Scheme	NO₂	Nitrogen Dioxide
CLRA	Contaminated Land Risk Assessment	NO_x	Nitrogen Oxides
CMAR	Combined Modelling and Appraisal Report	NPPF	National Planning Policy Framework
CO₂	Carbon Dioxide	NPS	National Policy Statement
COP26	2021 UN Climate Change Conference in Glasgow	NPSNN	National Policy Statement – National Networks
CRT	Canal and River Trust	NSDC	Newark & Sherwood District Council
CWTAP	Construction Worker Travel and Accommodation Plan	NSIP	Nationally Significant Infrastructure Project
dDCO	Draft DCO	NTS	Non-technical Summary



Defra	Department for Environment, Food & Rural Affairs	OMMP	Outline Materials Management Plan
DfT	Department for Transport	OSMP	Outline Soil Management Plan
DMRB	The Design Manual for Roads and Bridges	OSWMP	Outline Site Waste Management Plan
DSR	Drainage Strategy Report	OTMP	Outline Traffic Management Plan
DWMP	Dewatering Management Plan	PCP	Pre-commencement Plan
EA	Environment Agency	PM₁₀	Particulate matter with an aerodynamic diameter smaller than 10 µm
EM	Explanatory Memorandum	PM_{2.5}	Particulate matter with an aerodynamic diameter smaller than 2.5 µm
EMP	Environmental Management Plan	PRoW	Public Right of Way
ES	Environmental Statement	PP	Protective Provisions
EU	European Union	R	Requirement
ExA	Examining Authority	REAC	Register of Environmental Actions and Commitments
FCA	Flood Compensation Area	RIS2	Road Investment Strategy 2: 2020 to 2025
FC	Forestry Commission	RNAG	Reason Not Achieving Good
FIEMP	First Iteration Environmental Management Plan	RR	Relevant Representation
FP	Footpath	RSA	Road Safety Audit
FRA	Flood Risk Assessment	SAC	Special Area of Conservation
GHG	Greenhouse Gas	SATURN	Simulation and Assignment of Traffic to Urban Road Network
GLD	Government Legal Department	SI	Statutory Instrument
GRT	Gypsy, Roma and Traveller	SLR	Southern Link Road
GS	Geology and Soils	SMP	Soil Management Plan
Ha	Hectare	SoP	Standard of Protection
HEWRAT	Highways England Water Risk Assessment Tool	SoR	Statement of Reasons
HDV	Heavy Duty Vehicle	SoS	Secretary of State
HGV	Heavy Goods Vehicle	SPD	Supplementary Planning Document
HPI	Habitat of Principle Importance	SSEW	Soilscapes England and Wales



HRA	Habitat Regulations Appraisal	SU	Statutory Undertaker
IAP	Inclusion Action Plan	SuDS	Sustainable Drainage System
ID	Identity	TAR	Transport Assessment Report
IDB	Internal Drainage Board	TP	Temporary Possession
INNS	Invasive Non-Native Species	ULEV	Ultra Low Emission Vehicle
IP	Interested Party	UK	United Kingdom
LCRM	Land Contamination Risk Management	UKCP	United Kingdom Climate Projections
LEMP	Landscape and Ecology Management Plan	WCH	Walking, cycling and horse riding
LIA	Local Impact Area	WCHAR	Walking, Cycling and Horse-Riding Assessment & Review
LLFA	Local Lead Flood Authority	WFD	Water Framework Directive

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link: [TR010065-000343-Examination Library PDF](#) It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ2 1.0.1 – refers to question 1 in this table.



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ExQ2	Question to:	Question:
1. General overarching matters including Policy, Need and alternatives		
1.0 Policy		
Q1.0.1	The Applicant, Host Authorities and all other IPs	<p>National Planning Policy Framework</p> <p>A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. All Parties confirm whether there are any changes to your case resultant from changes to the Framework and if so, set out the amended policy and how this changes your case. Furthermore whether you consider this changes the scope of any of the Applicant's Assessments or the basis for the Secretary of State's conclusions.</p>
1.1 Need		
No further questions at this stage		
1.2 Alternatives		
No further questions at this stage		
1.3 Application Documents		
Q1.3.1	The Applicant	<p>Updates to Application Documents – Generally</p> <p>Please ensure that the following are addressed when updating application documents:</p> <p>a) references to draft NPSNN 2023 (e.g. ES Chapter 1 [APP-045] paragraph 1.4.7).</p> <p>b) changes that have been agreed during the Examination, e.g construction hours in ES Chapter 2 [APP-046] paragraph 2.6.276.</p>
1.4 Mitigation		
Q1.4.1	NSDC, NCC, LLFA, Natural England, the EA	<p>Mitigation – Pre-commencement Plan</p> <p>a) Do you have any unresolved comments on the Pre-commencement Plan (PCP) [REP4-012]?</p> <p>b) Are there any matters which you consider should be included in the PCP which have not yet been included?</p>

ExQ2	Question to:	Question:
		c) Where relevant, does the PCP satisfactorily reflect the provisions on the First Iteration EMP so that there would be a consistent approach to mitigation across all stages of development?
2. Air Quality and Emissions		
Q2.01	Applicant	Air Quality Model Verification Report Please update the broken reference “Error! Reference source not found” in [APP-131] .
Q2.02	The Applicant, NSDC	Statement of Common Ground with NSDC Are there any outstanding points which are preventing point 32 from being agreed?
Q2.03	The Applicant	ES Figures Should ES Figure 5.3 [AS-030] indicate the residential units at Old Stable Yard? Do any other ES Figures need to be updated in respect of these residential units which were granted planning permission in November 2024 (24/00548/FUL)? Have those units been taken into account in the assessment of air quality and emissions?
Q2.04	The Applicant	Outline Air Quality and Dust Management Plan Please provide a response to NSDC’s / NCC’s comments which were set out in as Appendix 2 to [REP4-045] .
Q2.05	The Applicant	First Iteration Environmental Management Plan Page 2 of [REP4-010] refers to “ <i>Outline Air Quality and Dust Management Plan (Appendix B.4 of this First Iteration EMP)</i> ” but Appendix B.4 is the Outline Construction Communications Management Plan. Please ensure that all references / appendix numbers in this document are correct.
3. Biodiversity, Ecology and Natural Environment		
Q3.01	The Applicant	Compensatory Woodland – Sequential Approach Please detail the sequential approach to site selection resulting in the selection of Doddington Hall. Please detail those other sites that were considered. This should include an explanation of why other sites were rejected.
Q3.02	The Applicant	Doddington Hall Site Suitability

ExQ2: Tuesday 14 January 2025

Responses due by Deadline 5: Tuesday 4 February 2025

ExQ2	Question to:	Question:
		Please set out why Doddington Hall is an ecologically acceptable site to provide compensation for the Proposed Development.
Q3.0.3	The Applicant	<p>Doddington Hall</p> <p>Please detail the direct ecological or landscape benefits the planting at Doddington Hall will provide for the Proposed Development. If there are no direct benefits, please confirm the purpose of the planting at Doddington Hall in relation to the Proposed Development.</p>
Q3.0.4	The Applicant	<p>Lowland Meadow Creation</p> <p>In [REP4-034] under 3.1.1 states that compensation for the loss of lowland meadow amounts to the creation of 0.75ha of new habitat close to the area lost. However, in the following section, first bullet point, you provide a figure of 8,570 square metres (0.857ha). Please explain the difference between these two figures.</p>
Q3.0.5	The Applicant, NSDC, Canal and River Trust	<p>Water Vole Habitat</p> <p>Through the creation of water vole habitat following potential displacement as described in ES Chapter 8 paragraph 8.11.36 [APP-052], is there a possibility of increasing/ encouraging American Mink into the area? If so, what controls should be undertaken to protect Water Vole, if any, from this non-native species?</p>
Q3.0.6	The Applicant, NSDC	<p>FIEMP - Ancient Trees</p> <p>The First Iteration Environmental Management Plan (FIEMP) [REP4-010] details under B17 of table 3-2 Register of environmental actions and commitments (REAC), protection measures for existing trees and vegetation and that this will be monitored on-site by an arboriculturist.</p> <p>Should any works that impact on veteran trees such as those referenced T038, T136 or T139 be required should this not be assessed independently given that the NPPF 2024 considers them to be irreplaceable habitat? If so, should NSDC be a consultee and B17 amended appropriately? If not, why not?</p>
Q3.0.7	NSDC, NCC	<p>Local Nature Recovery Strategy</p> <p>Are the Host Authorities content that the Proposed Development supports the aims of the Local Nature Recovery Strategy?</p>

ExQ2	Question to:	Question:
3.1	Biodiversity Net Gain	
Q3.1.1	The Applicant	<p>Suitability of Approach</p> <p>Please expand on your summary position in [REP4-034] paragraph 3.3.7 that using the non-mandatory Biodiversity Net Gain is an appropriate approach to meeting the requirements of paragraph 5.33 of NPSNN 2015 rather than adopting a qualitative approach.</p>
4.	Climate and Carbon Emissions	
Q4.0.1	Applicant	<p>Clarifications</p> <p>Please ensure that the final revision of the ES Chapter 14 refers to PAS2080 (2023).</p>
Q4.0.2	Applicant, NSDC	<p>Carbon Management Plan</p> <p>Has there been any progress on agreeing the outline / contents of the Carbon Management Plan which the Applicant agreed [REP4-035] to provide to NSDC for comment? When is a final, agreed version expected to be provided to the Examination?</p>
Q4.0.3	NSDC, NCC	<p>Additional Information in Response to <i>Finch</i> Judgement</p> <p>a) Does [REP4-036] affect any of the comments that you have made in relation to Climate and Carbon Emissions. If yes, how?</p> <p>b) Following your review of [REP4-036], do you have any additional observations to make in relation to Climate and Carbon Emissions?</p>
5.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
Q5.0.1	The Applicant	<p>Use of private roads for construction</p> <p>Explain why article 53 for the - use of private roads for construction, is necessary and this matter cannot be addressed through Article 40 - temporary use of land for carrying out the authorised development, with amendments if appropriate.</p>
Q5.0.2	The Applicant	<p>Land Rights Tracker</p> <p>There are still some 41 outstanding unresolved objections to compulsory acquisition/ temporary possession. In the Land Rights Tracker, for each of the unresolved objections include comment on the likelihood of the matter being resolved by the close of the examination, supported by comments from the Objector.</p>

ExQ2	Question to:	Question:
Q5.03	The Applicant	<p>Castlegate Pension Administration</p> <p>AS-101 from Castlegate Trustees Limited objects to the proposed bypass as it severely affects its property. On the land registry plan attached to their representation they identify land that would be affected. This is within plots 5/11a, 5/11b and 5/16b on the land plans. The land rights tracker, land plans and BoR relate to Objection 017 David Mark Dennis in respect of these plots, is this still the case? Are there any imminent transactions that may affect these plots? Confirm the relationship between these parties, whether Castlegate have a land interest and whether this is being treated as an objection to CA/TP and how you are addressing the objection, updating any further comment to REP1-009, which does not make it clear whether they have an interest in the land and are objecting to CA, and an Affected Person, or whether you are addressing as an Interested Party objection to the Scheme.</p>
Q5.04	The Applicant	<p>Objection by Adrian Hatton</p> <p>In REP4-050 Mr Hatton maintains his objection to compulsory acquisition and is concerned at the pace at which matters are being progressed. Update the ExA on whether the Applicant is confident matters will be resolved before the close of the examination and how matters are progressing and the steps the Applicant is taking to ensure agreement is to be reached before the close of the examination.</p>
Q5.05	The Applicant, Mr John Miller	<p>Objection by John Miller</p> <p>In REP4-051 Mr Miller confirms that matters are progressing and that he will in due course withdraw his objection once the level of compensation is agreed. Compensation is not a matter for this Examination but can the parties update the ExA as to progress towards concluding this matter and whether the withdrawal of the objection is likely before the close of the examination.</p>
5.1	Funding	
Q5.1.1	The Applicant	Provide any further update to the Funding Statement that may have occurred since the responses to ExQ1, including any implications coming out from the Government's October budget statement and any update to valuation/ compensation matters that may have evolved.
5.2	Special Considerations	
No further questions at this stage		

ExQ2	Question to:	Question:
5.3	Other Agreements	
Q5.3.1	The Applicant	<p>Update on proposed Agreements</p> <p>a) Provide an update on the progress of each of the Agreements proposed at paragraph 3.2.5 of the Consents and Agreements Position Statement [REP4-007] to detail the current position of the agreement, the matters to be covered and the likely timetable for completion of the Agreement, including a statement from the other party as to their position.</p> <p>b) Explain, if the Agreements are not in place by the conclusion of the Examination, what your proposals are to secure the necessary mitigation being sought through the Agreement.</p>
Q5.3.2	The Applicant, Lindum Developments Limited (Lindum)	<p>Lindum Developments Limited's Objection</p> <p>Lindum's summary of their oral submissions at CAH2 [REP4-052] proposes an alternative route for the proposed cycleway/footpath across their land, which it is noted has been agreed in principle with the Applicant. The resolution to the matter they suggest is for the Application to be varied to show the Alternative route instead of the route presently shown in the Application or that the Applicant enter into a legal agreement with them not to implement the DCO in respect of the Application route but to construct the Alternative Route instead. It is further noted that since the hearing, the Applicant has sent Lindum a draft agreement. Whilst noting the Applicant's points at 60 and 61 of REP4-030, has the Applicant's position evolved since their comments in the summary of oral representations.</p> <p>a) The Applicant to confirm its intentions with regard to the cycleway/footpath, and whether this is to be altered in the Application, and how this will be recorded, eg is the works plan to be updated, the schedule 1 Authorised Development Work No.102 deleted/updated. Given that if there is an alternative, does this undermine the case for compulsory acquisition. If not, explain why CA is the only option.</p> <p>b) The Applicant to confirm whether the Alternative route is within the DCO boundary and to be secured through the DCO or through a separate agreement.</p> <p>c) Both Parties to update the ExA with regard to the progress on the proposed Agreement including what it seeks to secure, the weight the ExA (and SoS) can put on this Agreement given that it would not be within the DCO and potentially not enforceable by the SoS, and the fallback position should such an agreement not be secured and how this would affect</p>

ExQ2	Question to:	Question:
		the impact on cycle and footway users. In particular addressing how a route that is to be delivered pursuant to a side agreement could be secured / how the SoS could be sure that it (and its purported benefits) would be delivered.
6. Draft Development Consent Order (dDCO)		
6.0 Articles		
Q6.0.1	The Applicant	Articles 2 and 10 Comment on NSDC's response to the above mentioned Articles in Deadline 4 submission [REP4-048] , whether these have been addressed by the Deadline 4 amended draft Development Consent Order or whether further amendments have been made and how these address the issues raised.
Q6.0.2	The Applicant, NCC	Article 3 Disapplication of legislative provisions Confirm whether any further dialogue or agreement has been reached in respect of the County Council's permit scheme and how this is to be addressed through the Draft Development Consent Order.
Q6.0.3	Canal and River Trust	Article 58 Temporary Suspension of Navigation Further to Your Deadline 4 submission [REP4-043] confirm that you are satisfied with the wording of Article 58 and it is as agreed between you and the Applicant.
6.1 Requirements - Schedule 2		
Q6.1.1	NSDC	Requirement 5 – Construction Hours NSDC's deadline 4 submission [REP4-045] , in response to working hours, notes that this matter has been added to the Statement of Common Ground between the Applicant and NSDC and identifies certain amendments to the working hours. At Deadline 4, the Applicant submitted an updated Development Consent Order [REP4-003] which included amendments to the requirement of working hours. Confirm whether these amendments and the latest drafting of Requirement 5 addresses your concerns.
Q6.1.2	The Applicant	Requirements 3, 5, 6, 8, 10, 13(2) Comment on NSDC's response to the above mentioned Requirements in Deadline 4 submission [REP4-048] , whether these have been addressed by the Deadline 4 amended draft

ExQ2	Question to:	Question:
		Development Consent Order or whether further amendments have been made and how these address the issues raised.
Q6.1.3	The Applicant	<p>Requirement 6 Landscaping</p> <p>NCC in [REP4-049], (pages 8 & 9) suggest that requirement 6 needs to be amended and strengthened, with particular regard to reed beds and aftercare for the borrow pits, and have provided suggested additional wording for the Requirement. Comment on the issues raised and the proposed alternative wording and whether it is your intention to amend the wording of the Requirement in the light of these comments.</p>
Q6.1.4	The Applicant	<p>Requirement 9 Archaeology and Built Heritage</p> <p>NCC in [REP4-049], (pages 6 & 7) suggest that Requirement 9 needs to be amended and strengthened and have provided suggested wording for an alternative Requirement. Comment on the issues raised and the proposed alternative wording and whether it is your intention to amend the wording of the Requirement in the light of these comments.</p>
Q6.1.5	The Applicant	<p>Requirement 10 Protected Species</p> <p>In [REP4-049], NCC raise concerns in relation to the wording of Requirement 10. The Deadline 4 amended Draft Development Consent Order does not appear to have been updated to address any of these points. Confirm whether it is your intention to amend the Requirement and if so how. If no amendments are considered necessary, please explain why in the context of the issues raised by NCC.</p>
Q6.1.6	The Applicant	<p>Requirement 19 'Langham' Hall Estate</p> <p>a) Requirement 19 is in reference to Langford Hall, why is it titled 'Langham' Hall Estate</p> <p>b) Explain how Requirement 19 would require the provision of the new entrance at Langford Hall Estate, or whether and how this is covered under other provisions. As currently drafted, the Requirement provides for the process of its design and ensures that it will be built in accordance with an agreed design but does not 'require' its provision or by when (before the development is first used? Or some other identifiable milestone).</p> <p>c) Should NSDC be included as a consultee?</p>
6.2	Other Schedules	

ExQ2	Question to:	Question:
Q6.2.1	Canal and River Trust	<p>Schedule 9 Protective Provisions</p> <p>Further to Canal and River Trust's (CRT) Deadline 4 submission [REP4-043], confirm the current position in relation to Protective Provisions for the CRT and if matters have progressed and are resolved, confirm that there are no outstanding issues for CRT.</p>
7. Geology and Soils		
Q7.0.1	The Applicant, NSDC	<p>NSDC's Contaminated Land Strategy</p> <p>Does the adoption of a revised Contaminated Land Strategy in December 2024 affect the Applicant's assessment or conclusions? Does it include any new considerations that should be reflected in the ExA's consideration of the Application?</p>
Q7.0.2	Environment Agency	<p>Detailed Quantitative Risk Assessment</p> <p>Does [REP4-038] address your outstanding queries in relation to contamination? If no, please outline whether and how any outstanding matters could be resolved.</p>
Q7.0.3	Natural England	<p>Outline Soil Management Plan and Register of Environmental Actions and Commitments</p> <p>Do the changes that have been made to the OSMP and REAC (both in [REP4-010]) address the comments that you made in relation to the handling of soils?</p>
Q7.0.4	The Applicant	<p>Clarifications – Agricultural Land</p> <p>a) Do references in [REP3-016] to the “<i>main Scheme alignment</i>” relate to the area occupied by the alignment of the proposed road or to all of the land within the Order Limits apart from the Kelham and Averham Flood Compensation Area (FCA)?</p> <p>b) On page 61 of [REP3-009] it is noted that there would be a “<i>Permanent loss of 16.7ha of grade 3a land (1.1ha in Kelham and Averham FCA and 15.6ha in the main Scheme alignment)</i>”. Farm IDs 4 and 7 on PDF page 123 of 130 in [REP2-037] appear to be in the Kelham and Averham FCA but the total amount of grade 3a land to be permanently removed from all parcels on PDF page 123 of 130 appears to total 15.56 ha. Furthermore, section 9.2 of the ES NTS [REP3-020] states that there would be a permanent loss of 15.6 ha of grade 3a land and “<i>less than 1 hectare</i>” of grade 2 land – this does not appear to be consistent with [REP3-009]. Please confirm whether the figures for agricultural land are consistent throughout [REP2-037], [REP3-009], [REP3-013], [REP3-016] and [REP3-020]</p>

ExQ2	Question to:	Question:																																			
		<p>(and in any other documents which refer to agricultural land) and, if necessary, update documents as relevant.</p> <p>c) For clarity, please provide a summary of agricultural land changes in the following form:</p> <table border="1" data-bbox="775 400 1962 919"> <thead> <tr> <th data-bbox="775 400 976 475"></th> <th colspan="2" data-bbox="976 400 1469 475">Temporary Loss – to be returned to agricultural use</th> <th colspan="2" data-bbox="1469 400 1962 475">Permanent Loss</th> </tr> <tr> <th data-bbox="775 475 976 639"></th> <th data-bbox="976 475 1223 639">Kelham and Averham FCA (ha)</th> <th data-bbox="1223 475 1469 639">Rest of Order Limits (excluding Kelham and Averham FCA) (ha)</th> <th data-bbox="1469 475 1715 639">Kelham and Averham FCA (ha)</th> <th data-bbox="1715 475 1962 639">Rest of Order Limits (excluding Kelham and Averham FCA) (ha)</th> </tr> </thead> <tbody> <tr> <td data-bbox="775 639 976 683">Grade 2</td> <td data-bbox="976 639 1223 683"></td> <td data-bbox="1223 639 1469 683"></td> <td data-bbox="1469 639 1715 683"></td> <td data-bbox="1715 639 1962 683"></td> </tr> <tr> <td data-bbox="775 683 976 726">Grade 3a</td> <td data-bbox="976 683 1223 726"></td> <td data-bbox="1223 683 1469 726"></td> <td data-bbox="1469 683 1715 726"></td> <td data-bbox="1715 683 1962 726"></td> </tr> <tr> <td data-bbox="775 726 976 769">BMV Total</td> <td data-bbox="976 726 1223 769"></td> <td data-bbox="1223 726 1469 769"></td> <td data-bbox="1469 726 1715 769"></td> <td data-bbox="1715 726 1962 769"></td> </tr> <tr> <td data-bbox="775 769 976 812">Other Grades</td> <td data-bbox="976 769 1223 812"></td> <td data-bbox="1223 769 1469 812"></td> <td data-bbox="1469 769 1715 812"></td> <td data-bbox="1715 769 1962 812"></td> </tr> <tr> <td data-bbox="775 812 976 919">Grand Total <i>(BMV Total + Other Grades)</i></td> <td data-bbox="976 812 1223 919"></td> <td data-bbox="1223 812 1469 919"></td> <td data-bbox="1469 812 1715 919"></td> <td data-bbox="1715 812 1962 919"></td> </tr> </tbody> </table>		Temporary Loss – to be returned to agricultural use		Permanent Loss			Kelham and Averham FCA (ha)	Rest of Order Limits (excluding Kelham and Averham FCA) (ha)	Kelham and Averham FCA (ha)	Rest of Order Limits (excluding Kelham and Averham FCA) (ha)	Grade 2					Grade 3a					BMV Total					Other Grades					Grand Total <i>(BMV Total + Other Grades)</i>				
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Q8.0.1	NSDC, NCC	<p>Civil War Landscape</p> <p>Considering the contents of [REP4-041] and cross referencing this with the most up to date Works Plans [REP3-002], does either of the councils have any concerns over the potential impacts on the civil war landscape, including both designated and non-designated assets, with respect to the understanding and legibility of the landscape and its wider importance to the history and identity of Newark on Trent and the surrounding area.</p> <p>When responding, please consider the desirability of preserving the asset(s) and any efforts by the Applicant to enhance their setting.</p>																																			
Q8.0.2	The Applicant	<p>Enhancement of Significance of Heritage Assets</p>																																			

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ExQ2	Question to:	Question:
		Please provide an explanation as to how you have addressed NPSNN 2015 paragraph 5.130 including, but not limited to, the whole of the civil war landscape, designated and non-designated assets, and how you have considered this in terms of the wider landscaping mitigation proposals, including those elements associated with noise as detailed in the Environmental Masterplan [AS-026].
8.1 Non-Designated Heritage Assets		
No further questions at this stage.		
9. Habitats Regulation Assessment (HRA)		
Q9.0.1	The Applicant, Natural England, the EA	Report on Implications for European Sites (RIES) Please respond to the questions raised in the RIES published alongside these further written questions.
10. Landscape and Visual Effects		
Q10.0.1	NSDC	Cattle Market Junction Please expand on your submission [REP4-048] with respect to the Applicant's landscaping around the Cattle Market junction and its consistency, or otherwise, with the features highlighted in National Character Area (NCA) 46.
Q10.0.2	The Applicant	Cattle Market Junction In considering NSDC's comment [REP4-048] in paragraph 2.26, please state how the planting and landscape treatment proposals around the Cattle Market junction would be appropriate in the context of the characteristics of landscape NCA 46. If the proposals are not consistent with the details of this landscape character type, then please provide further justification for your proposed solution.
Q10.0.3	NSDC	Impact on Residential Properties at Sandhills Following receipt of [REP4-039], please provide an updated comment in relation to the effects on those residents at Sandhills and please provide any suggested mitigation measures that may reasonably be capable of being implemented.

ExQ2	Question to:	Question:
Q10.04	NSDC, NCC, the Applicant	<p>Setting of Protected Landscapes</p> <p>Do you consider the recently published 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes' (16 December 2024) by Defra to have any relevance to this proposal and, if so, please provide a statement detailing the relevant effects. If not, please detail why.</p>
11. Material Assets and Waste		
Q11.01	The Applicant	<p>Clarifications</p> <p>Please ensure that the final revision of the ES Chapter 10 addresses the comments made by NCC in response to Q11.0.12 [REP2-052] and reflects the most recent aggregates data.</p>
Q11.02	The Applicant, NCC	<p>Borrow Pits – Restoration</p> <p>Has there been any progress on agreeing restoration provisions? Do any amendments need to be made to the draft DCO or any of the documents that are proposed to be certified, e.g. the EMP?</p>
12. Noise and Vibration		
Q12.01	NSDC (a) and (c), the Applicant (b) and (c)	<p>Bridge House Farm and Old Stable Yard</p> <p>ES Chapter 11 Noise and Vibration [APP-055] and [REP4-046] details that there is no exceedance of LOAEL at either Bridge House Farm or Old Stable Yard. However, Old Stable Yard was removed from NSDC's emerging Local Plan as a potential allocation by virtue of adverse impacts of noise due to the existing proximity of the A1 and A46. It has since been granted planning permission by NSDC for use as a GRT site for six residential pitches. The Applicant's evidence shows no exceedance of LOAEL at either location despite the Works Plans [REP3-002] showing the A46 moving closer to both locations.</p> <p>a) Does NSDC have any concerns regarding the Applicant's results that LAOEL will not be exceeded at either location despite concerns that the GRT site was not acceptable as an allocation due to noise.</p> <p>b) Given NSDC's officer's conclusion in the committee report for application 24/00548/FUL that the GRT site does not represent a satisfactory living environment from a noise perspective and that the Proposed Development would move the A46 closer to Old Stable Yard, can the Applicant please explain why you consider that no noise mitigation</p>

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ExQ2	Question to:	Question:
		<p>is needed. Please bear in mind the physical nature/ noise transferral characteristics of the residential units on the GRT site in your response.</p> <p>c) Can both NSDC and the Applicant update their SoCG to include reference to the noise impacts at both Bridge House Farm and Old Stable Yard.</p>
12.1 Construction Noise		
No further questions at this stage.		
12.2 Operational Noise		
No further questions at this stage.		
13. Population and Human Health		
Q13.0.1	The Applicant	<p>Public Rights of Way – Clarification</p> <p>Have Farndon FP3 and Farndon FP5 been incorrectly-labelled as Newark FP3 and Newark FP5 as suggested in [REP4-049]? If yes, please update the application documentation accordingly.</p>
Q13.0.2	The Applicant, NCC	<p>Public Rights of Way</p> <p>[REP4-023] notes in relation to Newark BW6, Newark FP66 and Newark FP48 that NCC would like to be further consulted on issues which are temporary in nature but which are likely to be in place for some time. Has a means to undertake such consultation been agreed / secured?</p>
Q13.0.3	NCC	<p>Public Rights of Way</p> <p>Various submissions to the Examination refer to Newark FP48 and Newark FP48#1. Are these different PRow? If yes, please provide a map showing the routes of the PRow. If no, which reference is used on the Definitive Map and should be used in the ExA's report to the SoS?</p>
Q13.0.4	The Applicant	<p>Fishing Rights</p> <p>Please provide an update in relation to the fishing rights referred to in [RR-009] and [REP1-050].</p>
Q13.0.5	NCC	WCH / Public Rights of Way

ExQ2	Question to:	Question:
		Do you consider that the Proposed Development safeguards the aspirations in the Local Cycling and Walking Infrastructure Plan (LCWIP). If no, which aspirations would be prejudiced, and in what way?
Q13.0.6	NCC	Effect on Allocated Sites With reference to 2.61 of [REP1-038] , have you been provided with sufficient evidence to demonstrate whether the Proposed Development would impact the delivery of strategic sites in terms of traffic flows, accessibility by public transport and accessibility by active modes?
Q13.0.7	The Applicant	Construction Communications Management Plan Should the list of parish councils set out by NSDC at paragraph 2.5 of [REP4-045] be included in the Construction Communications Management Plan?
Q13.0.8	The Applicant	Inclusion Action Plan (IAP) a) Please provide an outline of the proposed IAP commitments and a list of parties who would be the subject of the IAP be provided as requested by NSDC [REP4-045] b) What is outstanding in terms of point 49 of the SoCG with NSDC [REP4-026] ?
Q13.0.9	The Applicant	ES Chapter 12 Figures a) Please indicate where the village pub, referred to in [RR-079] , is illustrated in the Chapter 12 Figures (e.g. [AS-069] or [AS-070]). b) Should the recently-approved (24/00548/FUL) residential units at Old Stable Yard be illustrated on ES Figure 12.3 – Residential Properties within Local Impact Area [AS-068] ? c) Please clarify where the residential unit which is indicated as being near the former Mint Leaf restaurant on ES Figure 12.3 [AS-068] is located.
14.	Transportation and Traffic	
Q14.0.1	The Applicant, NCC	Transport Assessment / Traffic Modelling Are there any matters which remain unresolved? If yes, please set these out along with your opinion on whether a resolution is achievable during the Examination and indicative timescales for reaching a conclusion.
Q14.0.2	The Applicant, NCC	Mitigation – Pelham Street Has a means of monitoring and mitigating potential impacts on Pelham Street been agreed?

ExQ2	Question to:	Question:
		If yes, please provide details of, and justification for, the proposed mitigation measures and an explanation of how these would be secured.
Q14.0.3	Applicant, NCC, NSDC, Coddington Parish Council	<p>Mitigation – Outline Traffic Management Plan</p> <p>a) Do NCC and NSDC have any unresolved comments on the OTMP, including in relation to construction-phase diversions? If yes, please explain whether and how these could be resolved and whether OTMP Appendix A [REP3-026] needs to be amended.</p> <p>b) Should parish councils be specifically mentioned as consultees / stakeholders?</p> <p>c) Should parish councils be invited to monthly traffic management meetings as suggested by Farndon Parish Council [RR-022]?</p> <p>d) Have the comments from Coddington Parish Council [REP2-041] in respect of diversions been satisfactorily addressed?</p> <p>e) Bearing in mind what Applicant says in 3.3.3 of [REP4-032], does NCC have any remaining concerns about diversions and, if yes, how could these be resolved?</p>
Q14.0.4	The Applicant, NCC	<p>Mitigation – Public Transport</p> <p>NCC has noted [REP4-049] that it would value funds being made available by the Applicant should the bus operators identify a requirement for additional buses to be put into operation to maintain existing bus timetables, to combat the increased congestion caused by the works. Is this justified and reasonable? If yes, how would this be secured?</p>
Q14.0.5	The Applicant, NCC	<p>Other Agreements</p> <p>Does potential cross boundary agreement under the relevant sections (4 or 8) of Highways Act 1980 noted in [REP4-023] need to be reflected in the Consents and Agreements Position Statement?</p>
<p>15. Water Environment and Road Drainage (incl Flooding)</p>		
Q15.0.1	The Applicant, NCC, the EA, NSDC	<p>Averham and Kelham FCA</p> <p>In [REP4-033], it was confirmed that Peridot Solar had submitted an amended plan relative to their application for a solar panel installation on part of the Averham and Kelham FCA to remove the panels from the FCA.</p>

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ExQ2	Question to:	Question:
		Does this resolve the fundamental concern over how the FCA and the panels would operate and their relative development timescales?
Q15.02	The Applicant, NSDC, NCC, the EA	<p>EA Flood Map Update</p> <p>Does the recent update to the EA flood mapping data, published on 17 December 2024, result in any alterations to the findings of Chapter 13 Road Drainage and Water Environment [APP-057] or Appendix 13.2 Flood Risk Assessment [APP-177]. Equally, does this update alter the comments made by the Host Authorities or the EA?</p>
<p>15.1 Flooding</p>		
Q15.1.1	The Applicant	<p>Exception Test</p> <p>In the EA's deadline 4 response [REP4-044] it confirms that the proposal will increase flood risk elsewhere during 1 in 20 and 1 in 30 year events, i.e. more frequent events than the designed event in the FRA. The Exception Test within NPPF 2024 does not make a distinction between sensitive and non-sensitive receptors, nor does it use the term 'significant', it simply requires that proposals do not increase the risk of flooding elsewhere. Please detail how the proposal meets with the requirements of the Exception Test.</p> <p>If the proposal cannot meet the requirements of the Exception Test, please provide reasoning as to justify a departure.</p>
<p>15.2 Water Framework Directive</p>		
<p>No further questions at this stage.</p>		
<p>15.3 Surface Water Drainage</p>		
<p>No further questions at this stage.</p>		