

# Meeting note

<b>Project name</b>	A46 Newark Bypass
<b>File reference</b>	TR010065
<b>Status</b>	Final
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	21 July 2023
<b>Meeting with</b>	National Highways
<b>Venue</b>	Microsoft Teams
<b>Meeting objectives</b>	Project Update Meeting
<b>Circulation</b>	All attendees

## Summary of key points discussed, and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

### Draft document feedback

The Inspectorate confirmed that they have made progress reviewing draft documentation received from the Applicant. The Inspectorate will send the draft document feedback table to the Applicant at the end of July. (Post meeting: the feedback table is at Annex A to this note)

### Consultation

The Applicant continues to work with stakeholders and has completed its targeted consultation. The Applicant informed the Inspectorate that there was a new contact for the local authority working with the gypsy and traveller community.

### Construction

The Inspectorate advised the Applicant to consider the role of good design in any new structures. Construction is expected to start in 2025.

### Submission date

The project status has changed to a Tier 1 project. The Department for Transport and the Treasury will be making a decision regarding approval for the scheme in October 2023. The Applicant anticipates submitting the application towards the end October 2023.



## Annex A

### A46 Newark Bypass – TR010065

#### Section 51 advice regarding draft application documents submitted by National Highways

On 14 June 2023 National Highways submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service<sup>1</sup>:

1. Environmental Statement – Chapter 1 Introduction
2. Environmental Statement – Chapter 2 The Scheme
3. Environmental Statement – Chapter 3 Assessment of Alternatives
4. Environmental Statement – Chapter 4 Assessment of Methodology
5. Schedule 1 Authorised Development
6. Consultation Report Chapter 1-4 and sample consultation responses
7. Land Plans Sheets 3.5 and 6
8. Works Plans

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above, except for the Environmental Statement (ES), chapters 1, 3 and 4<sup>2</sup>. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

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<sup>1</sup> See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

<sup>2</sup> The Planning Inspectorate can review the draft HRA, however as per the pre-application service offered (see section 3.3) are unable to review the ES.



Environmental Statement – Chapter 2 The Scheme		
Ref No.	Paragraph/Section	Comment/Question
1.	General	The ES should include a reference list as required by Schedule 4 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and consider the use of a glossary for technical terms. It is not always explained in the project description what different technical terms mean.
2.	General	The term ‘Scheme’ to describe the Proposed Development has been included in the ES in both capitalised (“Scheme”) and un-capitalised (‘scheme’) forms. The ES should ensure consistent terminology and phrasing has been used throughout.
3.	General	The contents page should include a list and links to the Tables and Figures that have been embedded into the text.
4.	General	Figure 2.1 depicting the location of the Proposed Developed is low resolution and unreadable in places. Figures that are embedded in the text of the ES should be clear and easy to understand.
5.	2.1	This Section of the ES should also briefly explain how the Proposed Development would address the need for the Scheme.
6.	2.1.1	Paragraph 2.1.1 explains that the improvements to the A46 corridor are detailed in the Department for Transport’s second Road Investment Strategy (RIS2). The ES should include the dates of the RIS2 within the main text of Chapter 2.



## Environmental Statement – Chapter 2 The Scheme

Ref No.	Paragraph/Section	Comment/Question
7.	2.3	Whilst the Scheme Description sets out the length of the Proposed Development, it would also be useful to include this information in Section 2.3 Scheme location.
8.	2.3.1	There is a grammatical error in paragraph 2.3.1. “ <i>Along its route, it crosses A617 and B6326...</i> ” should read as ‘Along its route, it crosses the A617 and B6326’. Please amend.
9.	Table 2-2	On the Biodiversity row within Table 2-2, separate or indented bullet points would help make it clear what is listed under the sentence “ <i>increased development contained within the future iterations of the SHELAA or future local plans may lead to</i> ”.
10.	2.5	Where possible, the Scheme description should refer to relevant figures, plans and drawings to help illustrate the design of the Proposed Development and location of particular elements of the scheme described in the text.
11.	2.5.1	The ES refers to ‘on-line and ‘off-line’, a definition of these terms should be provided in the ES.
12.	2.5.3	Paragraph 2.5.3 explains that the Proposed Development would provide dual carriageway for a distance of 6.5km, including widening the existing A46 for a length of 4.5km, a new off-line section for a length of 1.3km and retention of 0.8km of existing dual carriageway. The total length of the individual elements of the dual carriageway exceeds 6.5km. The ES should provide an accurate description of the length of the Proposed Development.



## Environmental Statement – Chapter 2 The Scheme

Ref No.	Paragraph/Section	Comment/Question
13.	2.5.45	<i>“An assessment has been undertaken against on the Scheme using...”</i> should read as <i>“An assessment has been undertaken of the Scheme using...”</i> . Please amend.
14.	2.5.73 to 2.5.77	The ES should outline the maximum area required for each flood compensation area (FCA) and the maximum dimensions required for any culverts in the drainage design to help form the basis of the worst-case scenarios for the relevant assessments.
15.	2.6.277	The ES should refer to the location of the Scoping Opinion within the application documents.

## Schedule 1 Authorised Development

Ref No.	Requirement/Schedule	Comment/Question
16.	15 & 16	The descriptions (under column 2) states:  <i>As shown on sheets 1 and 2 of the works plans...</i>  Column 3, which relates to the relevant sheet of the works plans only references Sheet 2. The Applicant may wish to undertake a comprehensive check of all application documents to ensure consistency.
17.	General	The Inspectorate is unable to provide concise advice on Schedule 1, without reviewing its full context within the draft DCO and typically the schedule would not be formatted within a table and provide a comprehensive



## Schedule 1 Authorised Development

Ref No.	Requirement/ Schedule	Comment/Question
		description when cross-referencing to the Works Plans. The Inspectorate may be able to provide feedback upon submission of a draft DCO.

## Consultation Report

Ref No.	Chapter/ Paragraph/ Section	Comment/Question
18.	General	<p>The Applicant should refer to Advice Note 6 when preparing their application documents. The Consultation Report including annexures A-L is approximately 164MB in size. AN6 states:</p> <p><i>Electronic application documents will be uploaded to the National Infrastructure Planning website and should therefore be optimised for web viewing and should ideally not exceed 50MB per document.</i></p>
19.	General	<p>The Applicant should ensure when signposting to other application documents, that the correct name and doc reference is provided, to ensure there is no confusion e.g., ES Chapter 2 as submitted holds document reference <i>HE55178-XXX</i> and not TR010065/APP/6.1.</p>
20.	General	<p>The Applicant is encouraged to provide a concise contents page, outlining all chapters and annexures included as part of the report and in addition a glossary and references to Tables and/or Figures within the report. A chapter outlining the purpose and structure of the report would also be beneficial.</p>



Consultation Report		
Ref No.	Chapter/ Paragraph/ Section	Comment/Question
21.	General	The Applicant is advised to undertake a full grammar and sign-posting check within the Consultation Report to ensure consistency across the entirety of the report e.g., para 2.2.2 “...ran from 9 December 2020 to 2 February 202 allowing...”
22.	General	The Applicant may wish to consider their approach to the numbering of Figures and Tables throughout the report. Within Chapter 1, the Applicant refers to Table 1.2.1 however upon review no Table 1.1 exists. It is assumed that the Applicant wishes to relate the Table to the paragraph number, however this may create confusion for the reader. Similarly, within Chapter 2, the Applicant refers to Figure 2.2.5, however there is no Figure 2.1. The Applicant may wish to consider taking a more pragmatic numbering method.
23.	General	One of the checks carried out by the Inspectorate during the acceptance stage is to compare the list of s42 PA 2008 consultees against the Book of Reference. The Applicant should carry out its own review of this ahead of submission and if there are any discrepancies between the two documents these should be explained in the Consultation Report.
24.	Section 4.1.1	States that this Chapter (Chapter 4) sets out how additional targeted non-statutory consultation was carried out. No information in Chapter 4 could be found but note that Table 1.2.1 states that this information is at Chapter 7.
25.	Chapter 3	The title “Ongoing Engagement” is slightly misleading within the Consultation Report. The Applicant may wish to consider renaming to “Additional Engagement” or “Further Engagement”?
26.	Table 4.2.16 and SoCC	It may be beneficial to outline/signpost where the SoCC was made available for the duration of the Statutory Consultation. The Consultation Report, inclusive of the SoCC and advertisement makes reference to the Consultation Brochure and Consultation response form being made available at the deposit location, whilst copies of other documents would only be made available via the scheme webpage or at consultation events. It



Consultation Report		
Ref No.	Chapter/ Paragraph/ Section	Comment/Question
		is assumed that the SoCC was made available at deposit locations and/or that there was no charge applied for printing copies of the SoCC. Please confirm.
27.	Table 4.3.3	It is noted that the following parties, identified by the Inspectorate as 'D'&'B' authorities, do not appear to be identified as such or consulted: Rotherham Metropolitan Borough Council, Nottingham City Council, Doncaster Metropolitan Borough Council (may now be City of Doncaster Council)
28.	Table 4.3.3	Does <b>not</b> state the relevant local authorities that were consulted under s43 and s42(1)(b) on 26 October 2022.
29.	General	Does not list those consulted under section 42(1)(d). <b>Paragraph 4.3.4</b> of the <b>Consultation Report</b> states that the methodology for identifying land interests as defined in section 42(1)(d) and Section 44 of the 2008 Act is detailed in the statement of reasons. <b>Paragraph 4.3.5</b> of the <b>Consultation Report</b> states that a list of land interest parties consulted can be found within the Book of Reference.
30.	Annex G	The Applicant has provided a list of persons consulted under s42(1)(a) in October 2022 at <b>Annex G</b> . The Inspectorate upon review cannot confirm whether the following have been consulted: Upper Witham Internal Drainage Board, Scotland Gas Networks Plc, Western Power Distribution (East Midlands) Plc and National Grid Electricity System Operator Limited from the Reg 11 list. If the Applicant has taken the decision not to consult these parties, it would be useful to provide a reason.
31.	Annex H	It would assist if a contents page could be included to clearly identify categories the sample letters sent to.





Land Plans		
Ref No.	Plan ref	Comment/Question
32.	General	<p><a href="#">The Planning Act 2008: Application Form Guidance</a>, para.7 states:</p> <p><i>Where any plans consists of three or more separate sheets, the applicant must provide a key plan that shows the relationship between the different sheets</i></p> <p>The application form guidance further states at para.23:</p> <p><i>...The applicant may also include other information on this plan if it so wishes, provided that the plan is clear, and the approach is explained.</i></p>
33.	General	<p>The key reflects land required for “Airspace and rights to be permanently acquired”, however the plans as submitted do not appear to reflect such land required for the purpose of the proposal. The Applicant may wish to ensure that the Land Plan adequately reflects all land parcels and is consistent with any other application documents to be submitted e.g. DCO, BoR etc</p>
34.	Sheet 3 of 7	<p>This sheet includes Inset 3A and 3B, however the plan only labels inset 3B. The Applicant may wish to consider the inclusion of an additional inset “3C” to clearly illustrate the plots in close proximity to the cutline to see sheet 4 i.e.. plots in vicinity of 3/6c, 3/6e, 3/1v, 3/1u, 3/1c etc</p>
35.	Sheet 3 of 7	<p>The Applicant should review/check details on the Land Plans. The following issues have been noted: 3/2q and 3/24a plots are outside the red line boundary, land adjacent to 3/6f appears to be missing a plot number. Inset 3B identifies green plots as 3/15a and 3/15b but appears to be shown as 3/13a and 3/13b on the plan. Inset 3B identifies pink plot as 3/2n but appears as 3/2j on plan.</p>



Land Plans		
Ref No.	Plan ref	Comment/Question
36.	Sheet 6 of 7	Two different plots labelled 6/4e

Works Plans		
Ref No.	Plan Ref	Comment/Question
37.	Sheet 1	Small red square (east of works/adjacent work no.9) separated from red line boundary (possible error).
38.	Sheet 3	Suggest a check of the limits of deviation. Limits of deviation of proposed drainage assets appear outside the red line boundary.
39.	Sheet 7	Limits of deviation of flood mitigation area appear line appears to fall slightly beyond red line boundary.
40.	General	The Draft Works Plans appear to meet the requirements of Regulation 5(2)(j)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 in so far as the Draft Works Plans show the proposed location and alignment of the development and works.
41.	General	The Draft Works Plans appear to meet the requirements of Regulation 5(4) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 as a Key Plan showing the relationship between the different sheets has been provided



Works Plans		
Ref No.	Plan Ref	Comment/Question
42.		No further comments, due to limitation of draft application documents submitted i.e. draft DCO

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*”