

A46 Newark Bypass

Scheme Number: TR010065

7.63 Applicant's Responses to Examining Authority's Second Written Questions

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

The A46 Newark Bypass
Development Consent Order 202[x]

Applicant's Responses to Examining Authority's Second Written Questions

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1 Introduction

The Development Consent Order (DCO) application for the A46 Newark Bypass (the "Scheme") was submitted by National Highways (the "Applicant") on 26 April 2024 and accepted for Examination on 23 May 2024.

This document has been prepared by the Applicant to set out its responses to the Examining Authority's (ExA) Second Written Questions issued on 14 January 2025 [PD-009]. This document is submitted at Deadline 5 of the Examination.

1. General overarching matters including Policy, Need and alternatives			
1.0 Policy			
Q1.0.1	The Applicant, Host Authorities and all other IPs	National Planning Policy Framework 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>The Applicant acknowledges the updated National Planning Policy Framework (NPPF) published on the 12 December 2024. From a review of the updated NPPF, the Applicant considers that whilst important these do not have any particular relevance to the Scheme or change the overall conclusions or assessments set out in the application. The changes are in relation to the delivery of mandatory and higher housing targets and delivering more affordable homes. The updated NPPF supports the consideration of transport issues at the earliest stages of plan-making and engagement on development proposals, places significant weight on the importance of new, expanded or upgraded public service infrastructure, and a review of the green belt with emphasis on 'grey belt' land. The framework also strengthens the duty for Local Planning Authorities (LPAs) to co-operate with those they have strategic relationships with on cross-boundary issues.</p> <p>Whilst the NPPF is not used to determine Development Consent Order applications, it forms a material consideration, given there are elements which relate, and are relevant, to aspects of the Scheme, such as Transport, Natural Environment, Historic Environment, and Climate Change. In terms of the economy, the NPPF indicates that planning policies should seek to address potential barriers to investment, such as inadequate infrastructure or a poor environment. The above policies and sections still remain relevant in the updated NPPF, with only minor amendments, which do not affect our assessment set out in the Case for the Scheme [APP-190].</p>
1.3 Application Documents			
Q1.3.1	The Applicant	Updates to Application Documents – Generally Please ensure that the following are addressed when updating application documents: a) references to draft NPSNN 2023 (e.g. ES Chapter 1 [APP-045] paragraph 1.4.7). b) changes that have been agreed during the Examination, e.g construction hours in ES Chapter 2 [APP-046] paragraph 2.6.276.	<p>The Applicant has not, at this stage, updated all references to the draft NPSNN to reflect the fact that it was designated in 2024, after the Application was accepted for Examination. In order to do this consistently across the application this would require an update to all chapters of the Environmental Statement (including some Appendices) as well as various other application documents. The Applicant has prepared and submitted a separate Accordance Table for the NPSNN 2024 [REP2-023] which, in the Applicant's view, should provide the Examining Authority and Secretary of State with the broad context it requires in order to understand how the Scheme complies with that policy and the detail in the existing application documents should not be impacted by the fact that there continues to be reference to the draft NPSNN (as it was when the application was submitted). This is particularly the case given the fact that the applicable National Policy Statement for the Scheme is the NPSNN 2015. However, if the Examining Authority wish for this update to occur across all application documents the Applicant is able to do this for Deadline 6 of the Examination.</p> <p>Where changes have been agreed during the Examination these changes are reflected in the various updates to the relevant Chapters of the Environmental Statement that were submitted at Deadline 5 of the Examination.</p>
1.4 Mitigation			
Q1.4.1	NSDC, NCC, LLFA, Natural England, the EA	Mitigation – Pre-commencement Plan a) Do you have any unresolved comments on the Pre-commencement Plan (PCP) [REP4-012]? b) Are there any matters which you consider should be included in the PCP which have not yet been included? 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?	<p>The Applicant undertook a thorough review of the Pre-commencement Plan [REP4-013] against the First Iteration Environmental Management Plan [REP4-010] following the Issue Specific Hearings held in December 2024. This is detailed in the Environmental Mitigation Signposting Document [REP4-042] submitted at Deadline 4 of the Examination. An updated Pre-commencement Plan [REP4-013] was also submitted at Deadline 4 of the Examination. The Applicant has since received comments from the Environment Agency on the Pre-commencement Plan [REP4-013]. These have been addressed by the Applicant and an updated Pre-commencement Plan is to be submitted at Deadline 5 of the Examination.</p> <p>The Applicant is satisfied that the updated Pre-commencement Plan to be submitted at Deadline 5 includes all relevant matters, reflects the provisions of the First Iteration Environmental Management Plan [REP4-010] and is consistent with it, where required.</p>

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2. Air Quality and Emissions			
Q2.0.1	Applicant	Air Quality Model Verification Report Please update the broken reference "Error! Reference source not found" in [APP-131].	The Applicant acknowledges the broken reference and confirms it will be updated and submitted at Deadline 6 of the Examination.
Q2.0.2	The Applicant, NSDC	Statement of Common Ground with NSDC Are there any outstanding points which are preventing point 32 from being agreed?	The Applicant confirms that, following a meeting held with Newark and Sherwood District Council on the 22 January 2025, the outstanding points set out in Point 32 and 51 of the Statement of Common Ground with Newark and Sherwood District Council [REP4-026] have now been agreed. The updated SOCG will be submitted at Deadline 5 of the Examination.
Q2.0.3	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?	<p>As part of the DCO Application submission, a human health receptor was included in the construction dust assessment at the residential units at Old Stable Yard. Whilst the residential units at Old Stable Yard were only recently approved (24/00548/FUL) this was a retrospective planning application. The residential units at Old Stable Yard were present as part of the baseline (and included in the public data source). The location is presented on Sheets 1 and 4 of Figure 5.3 (Air Quality Constraints Dust Buffer) of the Environmental Statement Figures [AS-030]. Only one data point was originally included as a human health receptor in this location on Figure 5.3 (Air Quality Constraints Dust Buffer) of the Environmental Statement Figures [AS-030] as the Bridge House Farm/Boarding Kennels were not classified as 'Residential' in the Ordnance Survey AddressBase data, but as an 'Animal Centre' and 'Property Shell', which are not sensitive to dust or human health impacts. However, the residents of Bridge House Farm requested to be included as a residential receptor during the Applicant's engagement with them. Figure 5.3 Air Quality Constraints Dust Buffer of the Environmental Statement Figures [AS-030] will be updated to make it clear that both the Bridge House Farm/Boarding Kennels and Old Stable Yard are residential receptors. Table 5-11 within Chapter 5 (Air Quality) of the Environmental Statement [AS-021] will also be updated to reflect this change. These documents will be updated and submitted at Deadline 5 of the Examination. The Applicant confirms that this amendment does not change the conclusions of the air quality assessment, the construction phase mitigation measures presented in Chapter 5 (Air Quality) of the Environmental Statement [AS-021], Appendix B.5 Outline Air Quality and Dust Management Plan of the First Iteration Environmental Management Plan [REP4-010] or the updated Outline Air Quality and Dust Management Plan submitted at Deadline 5 of the Examination.</p> <p>The Old Stable Yard has not been included in the dispersion modelling which predicts air quality impacts from changes in emissions from operational traffic. Instead, a receptor at Bridge House Boarding Kennels to the east of the Old Stable Yard has been included in the operational phase dispersion model as receptor R30. Appendix 5.1 Air Quality Receptor Results of the Environmental Statement Appendices [APP-128] shows that annual mean nitrogen dioxide (NO₂) concentrations at receptor R30 (Bridge House Boarding Kennels) are predicted to increase by 0.5µg/m³ from 18.7µg/m³ in 2028 without the Scheme to 19.2µg/m³ with the Scheme. Predicted annual mean concentrations are well below the objective of 40µg/m³. The NO₂ concentration at Old Stable Yard would be similar to that predicted at receptor R30 and would not exceed the air quality objective. On this basis and in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 significance criteria adopted for the assessment of the Scheme, there are no likely significant air quality effects at Old Stable Yard.</p> <p>As previously advised, the Equality Impact Assessment (EqIA) [APP-195] assesses the impact of the Scheme (adverse or beneficial) on people with characteristics protected under the Equality Act 2010. This includes the Old Stable Yard GRT community. Section D (Full Assessment) of the EqIA (page 52 onwards) provides an assessment of the potential impacts on groups with protected characteristics. The Assessment bases its noise, air quality, and landscape assessments on the findings of the Environmental Statement. The potentially differential impacts that may be experienced by GRT communities is identified on pages 55/56 ('Changes to air quality during operation') and pages 73/74 ('Changes to air quality during construction'). The EqIA concludes that it is unlikely there will be adverse equality impacts as a result of changes to air quality.</p>
Q2.0.4	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].	The Applicant confirms that responses to Newark and Sherwood District Council and Nottingham County Council's comments set out in Appendix 2 of the 'Written summaries of oral submissions made at the previous Hearings' [REP4-045] have been addressed in Appendix B.5 Outline Air Quality and Dust Management Plan of the First Iteration Environmental Management Plan [REP4-010] submitted at Deadline 5 of the Examination. Responses to these comments are also provided in '7.62 Comments on any submissions received at the previous deadline' and 'Statements of Common Ground – Newark and Sherwood District Council' [REP4-026] submitted at Deadline 5 of the Examination. Following a meeting held with Newark and Sherwood District Council on the 22 January 2025, Point 51 of the Statement of Common Ground [REP4-026] has been updated and agreed with Newark and Sherwood District Council. The updated SOCG will be submitted at Deadline 5 of the Examination.
Q2.0.5	The Applicant	First Iteration Environmental Management Plan Page 2 of [REP4-010] refers to "Outline Air Quality and Dust Management Plan (Appendix B.4 of this First Iteration EMP)" but Appendix B.4 is the Outline Construction Communications Management Plan. Please ensure that all references / appendix numbers in this document are correct.	<p>The Applicant confirms that the Appendix numbers have been updated to reflect the order they appear in Appendix B of the First Iteration Environmental Management Plan [REP4-010] as follows:</p> <ul style="list-style-type: none"> • Appendix B.1 – Outline Site Waste Management Plan • Appendix B.2 – Outline Materials Management Plan • Appendix B.3 – Outline Soils Management Plan • Appendix B.4 – Outline Construction Communications Management Plan • Appendix B.5 – Outline Air Quality and Dust Management Plan • Appendix B.6 – Outline Carbon Management Plan <p>This has been reflected in the updated First Iteration Environmental Management Plan submitted at Deadline 5 of the Examination.</p>

3. Biodiversity, Ecology and Natural Environment			
Q3.0.1	The Applicant	<p>Compensatory Woodland – Sequential Approach</p> <p>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.</p>	<p>The requirement relates to compensation for the loss of lowland mixed deciduous woodland, a Habitat of Principal Importance (HPI), within the application site. Although forming essential mitigation it has been agreed with stakeholders that the quantity of habitat compensation required for the loss of all HPIs will be calculated with the biodiversity metric. This approach was agreed with Nottinghamshire County Council, Nottinghamshire Wildlife Trust and Natural England in a meeting on 2 June 2023. Further details of the need for this compensation are available at item 3.3.11 in Applicant's Summary of the Issue Specific Hearing 4 [REP4-034]. Compensation can take the form of either woodland creation or enhancement of existing woodland. Creating new lowland mixed deciduous woodland HPI is considered to be difficult to achieve and requires long time-scales due to factors such as development of a woodland soil and micro-climate and colonisation by functionally important species of ground flora, invertebrates and fungi. There is therefore a strong preference for enhancing existing woodland rather than new woodland creation. Enhancement of woodland that already meets the definition of lowland mixed deciduous woodland would only provide a marginal benefit and would not increase the amount of that habitat. Therefore, the ecological requirements in site selection were to identify an area of currently lower quality woodland that could be enhanced such that it becomes lowland mixed deciduous woodland HPI and for this to be as close to the Scheme as practical. Additional criteria included working with a landowner who was willing to enter an agreement (thereby avoiding the use of compulsory acquisition), that sufficient land could be provided by a single landowner to aid the delivery of the mitigation and that the landowner would be considered a competent and reliable delivery partner.</p> <p>The statutory consultation was used to identify possible land for habitat compensation, giving landowners and other stakeholders the opportunity to suggest locations that could be explored if required. During the Statutory Consultation consultees, including landowners, within the inner and outer consultation zones, as detailed in the Consultation Report [APP-028], received the consultation brochure and accompanying letter or a postcard directing them to the statutory consultation materials available for collection locally, via postal request or online. An example of the letter issued to landowners can be found on pages 33-37Annex H: Section 42 Letters and Consultation Information of the Consultation Report Annexes [APP-036]. Questions 2e and 2f within the Statutory Consultation response brochure asked <i>'Are you aware of any potentially suitable and available local locations or sites that could be used for environmental enhancements, such as habitat creation or tree and woodland planting? If 'Yes', please provide further details using the box below.</i></p> <p>Annex N: Tables Evidencing Regard had to Consultation Responses of the Consultation Report Annexes [APP-044] includes responses to the questions on possible locations for environmental enhancement. The consultation responses did not identify any land that met with the ecological requirements for offsite woodland compensation. A number of the responses suggested locations that have been used for environmental mitigation within the Scheme and have therefore already been utilised. Many related to suggestions from members of the public for locations where tree planting could take place. However as discussed above, new woodland planting outside the Scheme was not considered ecologically the preferred approach. A small number of responses, which appeared to be from members of the public without a direct interest in the land, did suggest enhancements to locations which already contained woodland. However, the woodland present at these locations is included on Natural England's Priority Habitat Inventory, is therefore expected to already form Lowland Mixed Deciduous Woodland HPI so does not meet the habitat criteria.</p> <p>To identify a suitable area for the required habitat compensation the Applicant has engaged with significant landowners in the local area including Newark and Sherwood District Council. A meeting was held with NSDC on 28/06/2023 to discuss potential opportunities for BNG on local authority managed land. Due to the Scheme BNG requirement not being fully understood at the time of the meeting there was no commitment made in the use of any land proposed although a suggestion was put forward by the NSDC team. The only land suggested by Newark and Sherwood District Council was woodland at Vicars Water Country Park near Mansfield which is 21km from the Scheme boundary. Upon the Scheme BNG requirements being understood, NSDC were contacted on 20/03/2024 to request further discussion on land available for consideration by the Scheme however no response was received with regard to the Applicant's request. .</p> <p>The Applicant completed an exercise to identify any plots of suitable land for sale to mitigate the loss of lowland deciduous mixed woodland but after further investigation it was determined that no suitable plots were available for sale within close proximity to the Scheme</p> <p>The Applicant was also aware of the willingness of Doddington Hall to consider providing habitat compensation as a result of contact from the landowner. From initial conversations it was established that the landowner could make available suitable woodland at a distance of approximately 13km from the Scheme. Given the lack of suitable sites that were identified at a closer distance to the Scheme this option was investigated.</p> <p>Detailed site assessment of the Doddington Hall land confirmed its ecological suitability, see A.5 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159]. For the woodland type and condition in the identified plot at Doddington an area of 1.3ha of woodland is required to compensate for the loss of HPI from the Scheme, see paragraph 5.1.13 and Table 5-8 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159] for details. The available woodland comfortably exceeds this area. In addition to the site meeting the ecological requirements the landowner is also able to demonstrate a strong delivery record in conservation. The landowner has operated the Doddington Hall Conservation Charity since 2006 and their Wilder Doddington initiative is working to restore nature across the 770ha estate with</p>

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			large scale habitat enhancement including grassland, wetland and woodland. Enhancements are being undertaken through funding from Natural England's Countryside Stewardship scheme, The National Lottery Heritage Fund and Anglian Water. The selected option can thereby be seen to meet all of the identified criteria and to represent the most appropriate choice for meeting the Scheme's offsite habitat compensation requirements. The required habitat enhancements will be secured through a Section 253 legal agreement between the Applicant and the landowner which is currently being negotiated. An update on the status of that agreement is provided as part of the Applicant's response to ExA's 2WQ 5.3.1 submitted at Deadline 5.
Q3.0.2	The Applicant	Doddington Hall Site Suitability Please set out why Doddington Hall is an ecologically acceptable site to provide compensation for the Proposed Development.	<p>The Applicant confirms the requirement is to provide additional lowland mixed deciduous woodland, an HPI, and this would be achieved through enhancing existing woodland that does not currently meet the definition of this habitat. The woodland identified for enhancement at Doddington Hall is currently a plantation, with Scot's pine the most common tree species but with scattered native tree species, and the invasive rhododendron spread throughout, see A.5 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159] for details. The enhancement would include removal of pines and other non-native tree species, ongoing control of rhododendron and promotion of an appropriate mix of native trees and shrubs through planting and allowing natural regeneration, see paragraphs 3.1.15 - 20 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159]. Species to be planted would include English oak, hazel, hawthorn and holly whilst further species already present in the plot including silver birch, rowan and eared willow would be given space to naturally colonise. Establishing a canopy cover of native broadleaved species would restore natural woodland conditions, including giving less heavy shade, and allow species such as bramble, honeysuckle and foxglove, which are all present at low densities, to spread through the plot. The full management prescriptions have been detailed in a Habitat Management and Monitoring Plan which will inform the Section 253 legal agreement for enhancements at Doddington Hall.</p> <p>The location at Doddington Hall is highly suitable for the enhancement. The existing woodland cover ensures that the soil will be high in organic matter and will already contain woodland soil invertebrates and fungi that support healthy tree and shrub establishment. The soil is likely to also contain some seedbank of woodland herbs dating to before heavy canopy cover of conifers. The location for enhancement is also directly adjacent to an area of lowland mixed deciduous woodland which will act as a seed source for native trees, shrubs and woodland herbs. Additionally, the site also sits within a network of woodland within the Doddington Estate that includes ancient woodland, some of which is designated as a Site of Special Scientific Interest, that will provide a further source of woodland flora and fauna able to colonise the enhancement area as appropriate woodland conditions are established.</p> <p>The 1.3ha enhancement area sits within a larger block of continuous woodland of approx. 20ha. This means it will benefit from a more stable woodland micro-climate compared to conditions within smaller blocks of woodland with regard to variables such as temperature and humidity. This will contribute to climate change resilience as the habitat develops and vegetation is subject to stress from hot dry weather. The high levels of connectivity to other woodland locally will also mean species of woodland flora and fauna would be part of a wider local population allowing them to recolonise following any local extinctions from extreme weather such as drought, thereby adding to climate resilience of the proposal.</p>
Q3.0.3	The Applicant	Doddington Hall 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>The Applicant confirms the purpose of woodland enhancement at Doddington Hall is to compensate for the loss of lowland mixed deciduous woodland HPI which is required as essential mitigation for the Scheme. Where possible, creation of habitats has been prioritised in areas connected to and adjacent to areas where this HPI would be lost and the amount of this HPI proposed within the Order Limits would increase from a baseline value of 2.26ha to 3.84ha post-development. However, additional offsite provision has been included to ensure the habitat loss would be fully compensated.</p> <p>The offsite enhancement, which will create an additional 1.3ha of lowland mixed deciduous woodland from currently lower quality woodland, will ensure that the resource of this HPI is maintained at a landscape scale. Both the Scheme and the offsite habitat compensation at Doddington Hall are within the same National Character Area - Trent and Belvoir Vales (National Character Area 48). Within this landscape woodland is found in scattered parcels which form a habitat network of stepping stones, allowing species to disperse across the area. Both the lowland mixed deciduous woodland to be provided at Doddington Hall and that to be created within the Scheme will maintain the integrity of this habitat network. This will ensure that populations of species which rely on lowland mixed deciduous woodland will be maintained within this landscape including within the proposed development area.</p>
Q3.0.4	The Applicant	Lowland Meadow Creation 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>The Applicant confirms the figure of 0.75ha refers to new lowland meadow habitat south of the A46 and west of the Cattle Market Junction. The figure of 0.857ha refers to this 0.75ha in addition to 0.107ha of lowland meadow to be created in the location where lowland meadow would be lost, immediately west of Smeaton's Arches. The 0.107ha is made up of 0.915ha to be re-established after temporary works and an additional 0.0157ha to be created in this location. The areas are described in Appendix A.6 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159].</p>
Q3.0.5	The Applicant, NSDC, Canal and River Trust	Water Vole Habitat 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>The Applicant confirms that, as detailed in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052], no water vole field signs were recorded within the Order Limits, and as such, mitigation (displacement or trapping and relocation of water voles) is not required based on current data. Paragraph 8.11.36 of Chapter 8 (Biodiversity) of the Environmental Statement [APP-052] states that if pre-commencement surveys (secured in commitment B17 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP4-010]) trigger the requirement for water vole displacement or trapping and</p>

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			relocation of water vole, only then can it be confirmed that potential receptor site/s suitability for water vole within and up to 250m from the Order Limits has not changed since the last habitat assessment reported in Appendix 8.12 (Water Vole Technical Report) of the Environmental Statement [APP-157], to inform the location and type of site specific enhancement measures required. In the scenario that pre-commencement surveys identify water vole field signs within the vegetation clearance area and habitat enhancement is required, habitat enhancement, beyond the zone of influence for water voles, will aim to improve the quality and increase the length of habitat suitable for water vole, and therefore the carrying capacity. An increase in the local water vole population size and distribution as a result of these enhancements has the potential to contribute to an increase in their predators' population sizes and distribution, such as American mink. If displacement or trapping of water vole is required and American mink field signs are recorded during pre-commencement surveys, a specialist will be consulted to undertake predator control of American mink in agreement with the landowner and prior to displacement or trapping and relocation of water vole, with reference to The Water Vole Mitigation Handbook (Dean et al., 2016). Should an American mink control programme be required, details will be provided in the Invasive Non-Native Species (INNS) Management Plan and Biosecurity Risk Assessment (secured in commitment B10 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP4-010]). The INNS Management Plan and Biosecurity Risk Assessment will be prepared as part of the Second Iteration Environmental Management Plan prior to construction commencing and will be submitted to and agreed with Nottinghamshire County Council and Newark & Sherwood District Council. In this scenario, a report of this mink monitoring data would be submitted to Natural England annually as part of the Natural England water vole licence return, with details of results and commentary on development and establishment of habitat. This aligns with the Nottinghamshire's Biodiversity Action Plan (BAP) key target to encourage control of mink where this will increase water vole abundance or range.
Q3.0.6	The Applicant, NSDC	FIEMP - Ancient Trees 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. 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?	The Applicant confirms it will employ an experienced and qualified arboriculturist to support the supervision and inspection of veteran trees T038, T136 and T139 throughout construction. This is secured at commitment B17 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP4-010]. The appointed arboriculturist will undertake Arboricultural audits, detailing the results of the supervision and inspection works for the veteran trees that will also be made available for independent review by Newark and Sherwood District Council, as detailed in the Applicant's Summary of the Issue Specific Hearing 4 (ISH4) - Rev 1 [REP4-034] under agenda item 3.4.4. These provisions will be further secured in the Second Iteration Environmental Management Plan which in turn is secured through Requirement 3 of the draft Development Consent Order [REP4-003] of which Newark and Sherwood District Council are an independent consultee.
Q3.0.7	NSDC, NCC	Local Nature Recovery Strategy Are the Host Authorities content that the Proposed Development supports the aims of the Local Nature Recovery Strategy?	
3.1 Biodiversity Net Gain			
Q3.1.1	The Applicant	Suitability of Approach 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>The Applicant notes that the application of the Biodiversity Net Gain (BNG) assessment for the Scheme has not replaced a qualitative approach to providing biodiversity benefits. Decisions on what habitats and other beneficial features to include in the proposals were based on what would be most ecologically appropriate and provide the greatest benefit achievable. Use of a BNG metric helps to confirm that the Scheme would provide biodiversity benefit by demonstrating that a measurable increase in biodiversity units would take place.</p> <p>A range of beneficial features, in addition to those which contribute to compensation for habitat losses, were included in the design. Opportunities for integrating such biodiversity enhancements were fully explored during the design process and taken whenever possible, subject to being compatible with operational requirements of the Scheme. Examples of these are described below and further detail can be seen on Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [AS-026].</p> <p>Ponds within the Scheme site drainage have been designed to be of greater biodiversity value than would be provided by a purely engineering specification. They have gently sloping sides giving shallow water zones that benefit freshwater invertebrates and allows aquatic plants to establish. Ponds would be planted with aquatic vegetation including submerged, floating and emergent species. They would be surrounded by areas planted as reedbed which forms a habitat of high biodiversity value used by a range of breeding bird species as well as mammals and wetland invertebrates. These habitats would then be complimented by planting of scattered individual trees within and around their surrounding wetlands. These would include species appropriate for wetland species such as alder and willows. A combination of different wetland habitats within a single area is highly beneficial for meeting the ecological requirements of many species which need different resourcing for breeding and completing their life cycles. Although forming part of the highway drainage these ponds and associated wetlands would benefit from water quality treatment of runoff through the swale network before it enters them. Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [AS-026] shows approximately 30 drainage ponds and associated wetland areas.</p> <p>A range of waterbodies would also be created within the Flood Compensation Areas (FCA) at Farndon. In the Farndon FCA west of the A46 a network of ponds would be created. These would not be connected to the highway drainage but instead their water supply would be from ground water and periodically from flooding. As with the drainage ponds these would be designed with a range of</p>

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			<p>water depths and planted with a variety of aquatic plants. The inclusion of the ponds in the Scheme has taken advantage of the need for ground lowering which makes conditions suitable and they would form a significant biodiversity enhancement. In the Farndon FCA east of the A46 a larger waterbody would be created through working of a borrow pit. This would form a habitat of high biodiversity value and would be used by both over-wintering and breeding wildfowl as well as providing habitat for other aquatic species such as fish. The decision to retain the borrow pit as a waterbody rather than return it to its pre-development use provides a significant biodiversity benefit from the Scheme. Both of these areas would benefit from planting of scattered individual trees and of species suitable for wetlands, which would complement the aquatic habitats to be provided.</p> <p>The Scheme would involve both the enhancement of retained hedgerows as well as new hedgerow planting. Existing hedgerows would have any gaps filled through new planting and structure improved through coppicing or hedge laying to maintain dense growth and extend their lifespans. There would be an overall increase in the length of hedgerow within the Order limits, taking into account hedgerows removed, and the majority of the new hedgerows planted would also include trees within them.</p>

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4. Climate and Carbon Emissions			
Q4.0.1	The Applicant	Clarifications Please ensure that the final revision of the ES Chapter 14 refers to PAS2080 (2023).	The Applicant confirms the references to PAS 2080:2016 throughout Chapter 14 (Climate) of the Environmental Statement [APP-058] will be updated to PAS 2080:2023 and submitted at Deadline 6 of the Examination.
Q4.0.2	Applicant, NSDC	Carbon Management Plan 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?	The Outline Carbon Management Plan has been produced and was submitted as Appendix B.6 to the First Iteration Environmental Management Plan [REP4-010] at Deadline 4 of the Examination The Applicant has engaged with Newark and Sherwood District Council and is awaiting comments from Newark and Sherwood District Council on the contents of the Outline Carbon Management Plan. Following this engagement any required updates to the Outline Carbon Management Plan will be submitted at Deadline 6 of the Examination.
Q4.0.3	NSDC, NCC	Additional Information in Response to Finch Judgement a) Does [REP4-036] affect any of the comments that you have made in relation to Climate and Carbon Emissions. If yes, how? b) Following your review of [REP4-036], do you have any additional observations to make in relation to Climate and Carbon Emissions?	

5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
Q5.0.1	The Applicant	Use of private roads for construction 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>The Applicant confirms Article 53 of the draft Development Consent Order [REP4-003] allows the Applicant to use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised development.</p> <p>The Applicant must compensate the person liable for repairs to such a road for any loss or damage suffered by that person.</p> <p>There may be parts of almost all private roads and access tracks within the Order limits that will be crossed or where short sections will be used as part of the construction works for the Scheme. There are also sections of the private roads/access tracks that may be altered and realigned as part of the main works/accommodation works for the Scheme. Where farmers or landowners require access across the track to allow them to farm or maintain their fields the Applicant will liaise with those owners / occupiers to ensure arrangements can be made.</p> <p>Unlike the land impacted by temporary possession powers, the Applicant does not require exclusive use of these areas (unless they are specifically identified in the draft Development Consent Order [REP4-003] as being subject to temporary possession powers) and as such using the powers in Article 40 would be unnecessarily restrictive on the other uses of that private street. Further, given that Article 53 applies to all private roads within the Order limits it is not necessary to list them within the Order.</p> <p>The Applicant notes that previously made Orders containing this provision do not include a schedule identifying the private roads to which they relate, for example the A428 Black Cat to Caxton Gibbet Development Consent Order 2022.</p>
Q5.0.2	The Applicant	Land Rights Tracker 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>The Applicant confirms the Lands Right Tracker [REP4-015] keeps track of landowner's objections to the Scheme and the Applicant's ongoing communication and progress with them. Not all these objections are in relation to compulsory acquisition, but other aspects of the Scheme (such as detailed design). The Land Rights Tracker [REP4-015] is updated and submitted at Deadline 5 of the Examination to include the likelihood of matters being resolved before the end of Examination and supporting comments from the objector if applicable. If comment from an objector have not been provided for this deadline, they will be provided by the end of the Examination.</p>
Q5.0.3	The Applicant	Castlegate Pension Administration 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>The Land Rights Tracker [REP4-015] has been updated and accords with the revised land ownership details in the Book of Reference [REP3-007] submitted at Deadline 1 of the Examination. The owners of the site are identified as The Executors of David Mark Dennis and Castlegate Trustees Limited. The land requirements relating to this site are identified in the ILand Plans [AS-004] as plots 5/11a, 5/11b and 15/6b. Castlegate Trustees Limited are the Trustees of Pendennis Foods Limited Pension Scheme and are the legal owners of the land, formerly known as the "Friendly Farmer" site. Castlegate Trustees have an interest in the land, and their representation is being treated as an objection to the use of compulsory acquisition and temporary possession powers.</p> <p>The Applicant understands that the site is currently under offer and a meeting was held with the agent for the landowner on 7 October 2024 to discuss the background to the site and any Scheme related issues. A further meeting was held on 8 November 2024 with the landowner's agent and the prospective purchaser of the site to discuss matters in more detail. The Applicant responded to the various technical queries that were raised relating to the land requirements in an email on 7 January 2025. A response was received from the agent for the landowner on 15 January 2025 confirming that the parties would consider and revert following further discussion.</p> <p>The Applicant has put forward alternatives to compulsory acquisition including lesser rights by agreement over permanent acquisition plot 5/11b (as shown on the Land Plans [AS-004] to minimise the impact on any future development. The Applicant awaits a response.</p> <p>Plot 5/11a will either require powers of temporary possession or a licence by agreement. The Applicant is awaiting confirmation from the landowner on its preferred option. There will also be a requirement for an easement which will be agreed on National Grid's standard terms once the Applicant has finalised the detailed design for the utilities.</p> <p>Plot 16/b will be acquired. It is the site of the substation. The landowner has confirmed that they are not concerned about potential acquisition but is concerned about where the substation is relocated within the site. The Applicant has assured the landowner that the substation will be close to the old one on the boundary on which basis it should not affect the wider site. The landowner has confirmed that they are content with the compulsory acquisition and the assurances made by the applicant.</p>
Q5.0.4	The Applicant	Objection by Adrian Hatton 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>The Applicant is confident that agreement can be reached before the close of the examination and Heads of Terms have been progressed during the Examination. Following on from discussions at CAH2 a meeting was held on 17 December 2024 at Rectory Farm with Mr Hatton and his agent to review outstanding matters. Amendments and changes to land requirements and accesses were discussed and agreed between the parties on site and revised "by agreement" plans were progressed based on those discussions. The updated plans require some additional amendments and will identify the agreed position and allow for the finalisation of the Heads of Terms and it is hoped agreement between the parties. The aim of both parties is to reach agreement by the end of the Examination. In terms of expediting matters and subject to the finalised "by agreement plans", the Applicant would be happy to review finalised Heads of Terms from the landowner outlining the revised terms that they would now be willing to agree.</p>

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Q5.0.5	The Applicant, Mr John Miller	Objection by John Miller 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	The Applicant is optimistic that agreement will be reached before the end of the Examination and discussions are progressing in a positive manner. It was confirmed by the landowner's agent on 16 January 2025 that the land is subject to an overage provision and that the implications of that would need to be considered by the landowner from an acquisition by agreement perspective before any agreement could be finalised. The Applicant understands that a detailed claim will be submitted by the landowner's agent for consideration and discussions to agree the land value are ongoing. The Applicant will draft Heads of Terms by 4 February 2025 to progress matters.
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.	The Applicant confirms that the position remains as that set out in our response to ExA Q5.2.1 [REP2-037]. This government is determined to build the transport infrastructure to drive economic growth and opportunities in every part of the country, and to deliver value for money for taxpayers. Roads investment in 2025-26 will be funded through an interim roads settlement, and the third Road Investment Strategy will be set out in the next phase of the Spending Review. The Spending Review is expected to complete in late Spring 2025. Whilst the review is ongoing the Road Investment Strategy commitment to deliver the Scheme remains in place. The Scheme estimate set out in the Funding Statement [APP-026] includes costs for compensation payments in relation to the acquisition of land and this has not changed from that provided at application. Therefore, no update to the Funding Statement [APP-026] is required at this time.
5.3 Other Agreements			
Q5.3.1	The Applicant	Update on proposed Agreements 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. 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.	The Applicant is currently proposing to enter into side agreements, licences or letters of undertaking with the following parties: <ul style="list-style-type: none"> Legal agreement with the landowners of Doddington Hall in relation to the provision of offsite compensatory planting <ul style="list-style-type: none"> Good progress has been made between the parties with only a limited number of issues outstanding. The parties expect completion to occur prior to the end of Examination. However, if agreement cannot be reached given the mitigation provided at Doddington Hall is essential environmental mitigation the Applicant would include a requirement into the draft Development Consent Order [REP4-003] that would require such agreement to be completed prior to the start of any works. Off-site licences for bat and bird boxes with legal agreements to follow to secure environmental mitigation; <ul style="list-style-type: none"> As above, good progress has been made on the licences, and it is expected that agreements along the same lines will follow shortly after. As the bird and bat boxes identified are essential environmental mitigation the Applicant would include a requirement into the draft Development Consent Order [REP4-003] that would require such agreements to be completed prior to the start of any works. An agreement with Lindum Developments Limited in relation to the possible relocation of the footpath/cycletrack currently shown on Sheet 5 of the Streets, Rights of Way and Access Plans [AS-006]; <ul style="list-style-type: none"> The parties have shared comments on the draft agreement and a further meeting is anticipated to occur during the week commencing 3 February 2025. While the parties are still confident that agreement can be reached prior to the close of Examination the Applicant is not proposing to secure the object of this agreement in any other way as the need for it is not an essential part of the Scheme. The purpose of the agreement is to seek to limit the impact on a particular landowner by agreeing an alternative route for a footpath/cycletrack it is not required in order to mitigate the impacts of the Scheme as the Scheme has already secured within it a reasonable solution to the relocation of the footway that is required. The following Basic Asset Management Agreements (BAPAs) with Network Rail: <ul style="list-style-type: none"> a. One to govern the structures being built over the railway; <ul style="list-style-type: none"> This agreement was signed by both parties in October 2024. b. One in relation to the work the Applicant is requesting Network Rail to undertake on the Overhead Catenary System. <ul style="list-style-type: none"> Progress is being made in relation to the completion of this agreement. The Applicant and Network Rail have entered into agreements of this sort before and as such do not anticipate any difficulty in completing it prior to the close of Examination. However, if agreement cannot be reached prior to that stage the parties will continue to discuss, and it will form part of the ongoing discussions between the two as envisaged by the protective provisions. An agreement with Nottinghamshire County Council in relation to the monitor and mitigate commitment for Pelham Street; <ul style="list-style-type: none"> The Applicant is finalising a draft of this agreement to share with Nottinghamshire County Council which will set out the process for investigating this further. While the Applicant is hopeful that the agreement can be completed prior to the close of the Examination should that not be possible the Applicant will A letter of undertaking with Newark and Sherwood District Council in relation to the impacts on the Lorry Park and the internal design.

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			<ul style="list-style-type: none"> The parties are progressing discussions in relation to the letter of undertaking and anticipate that it will be agreed prior to the end of the Examination. However, if it is not completed the Applicant is not proposing to secure the object of this undertaking in any other way, as the need for it is not an essential part of the Scheme. The purpose of the agreement is to seek to limit the impact on a particular landowner by agreeing to work collaboratively this is not required to mitigate the impacts of the Scheme.
Q5.3.2	The Applicant, Lindum Development s 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 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.</p>	<p>a) As stated by the Applicant in its response in the Applicant's Summary of the Compulsory Acquisition Hearing 2 – Rev 1 [REP4-030] at Deadline 4 of the Examination, it is not proposing to amend the application for the Scheme to reflect the Alternative Route for the footpath/cycletrack as suggested by Lindum. It is the Applicant's view that the fact that an alternative route could potentially exists does not undermine its case for compulsory acquisition because the original design was based around the needs of this landowner as we the Applicant understood them based on feedback when the preliminary design at application was fixed. The alternative route proposed by Lindum is, however, not available to the Applicant unless and until agreement is reached with the landowner and the necessary steps have been taken by the parties including to secure any necessary consents to allow the Alternative Route to be used for the footpath/cycletrack. At that stage the Applicant will have no need to exercise its compulsory acquisition powers over the route applied for but until that Alternative Route is secured by agreement the need exists to ensure that an appropriate solution to the loss of the footway by way of reprovion is provided by the Scheme over the route applied for in the Application. The Applicant continues to engage with Lindum with a view to seeking to reach agreement for the replacement footpath/cycletrack to be secured over the Alternative Route.</p> <p>b) The Alternative Route is not within the Order Limits and as such will be secured through a separate legal agreement.</p> <p>c) The parties have both shared comments on a draft legal agreement and the points in principle have been narrowed. The parties are proposing a further meeting during the week commencing 3 February 2025 to seek to resolve as many practical points as possible.</p> <p>In relation to the certainty of the footpath/cycletrack provision, Article 15 of the draft Development Consent Order [REP4-003] provides the ExA and the community with certainty that a route will be provided to replace the diverted footway that currently runs along the A46 carriageway. Article 15 requires the Applicant to provide the footpath/cycletrack listed in Schedule 3, Part 10 in the location shown on the Streets, Rights of Way and Access Plans [AS-006] unless otherwise agreed with the Local Highway Authority. Therefore, the Applicant is required to either provide the footpath/cycletrack in the location shown in the Application or to provide a suitable alternative with the consent of the Local Highway Authority. It is this control mechanism coupled, with the fact that the Applicant is not proposing to relinquish its powers to provide the footpath/cycletrack in the location shown in the Application unless and until the Alternative Route has been secured and dedicated for public use to the satisfaction of the Local Highway Authority, that should provide the ExA comfort that there is no scenario envisaged where a path servicing this location will not be provided and the benefits delivered.</p>

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.	Article 2 The definition of "relevant planning authority" was updated in the draft Development Consent Order [REP4-003] submitted at Deadline 4 of the Examination. The amendment names each of the relevant planning authorities and makes it clear that the relevant planning authority means either or both local planning authorities to the extent that is relevant to their planning functions. It would not be practical for the Applicant to name the specific local planning authority in each article throughout the Development Consent Order and the approach currently adopted by the Applicant has precedent in a number of made development consent orders including the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 and the A66 Northern Trans-Pennine Development Consent Order 2024. Article 10 The Applicant updated Article 10 of the draft Development Consent Order [REP4-003] submitted at Deadline 4 of the Examination to reflect the agreed position with Newark and Sherwood District Council and Nottinghamshire County Council to include the local highway authority as a consultee. The updated Explanatory Memorandum [REP4-005] submitted at Deadline 4 of the Examination contained additional justification for the proposed limits of deviation.
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.	The Applicant and Nottinghamshire County Council have agreed to use the Street Manager (the County Council's permit scheme) as confirmed in the Statement of Common Ground between Nottinghamshire County Council and the Applicant [REP4-029] of the Examination submitted at Deadline 5. The Applicant also confirms that Article 3 of the draft Development Consent Order [REP4-003] submitted at Deadline 5 of the Examination has been updated to reflect this agreement.
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.	Whilst this question is aimed at Newark and Sherwood District Council, the Applicant confirms that it has amended Requirement 5 of the draft Development Consent Order to be submitted at Deadline 5 of the Examination. This change has been made to ensure the working hours for the Scheme remain within those specified in BS5228 (Code of practice for noise and vibration control on construction and open sites).
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 Development Consent Order or whether further amendments have been made and how these address the issues raised.	Requirement 3 Requirement 3(1) of the draft Development Consent Order [REP4-003] submitted at Deadline 4 of the Examination purposefully uses the phrase ' <i>substantially in accordance with</i> ' instead of ' <i>in accordance with</i> ', in order to allow for flexibility in the development of the Second Iteration Environmental Management Plan to allow for changes in circumstances. Flexibility is justified in this case as like any major infrastructure project proceeding through consenting, detailed design has yet to be undertaken and as such, some detailed design-related environmental surveys would still need to be undertaken (e.g. protected species confirmation surveys). As a result, some measures identified in the First Iteration Environmental Management Plan [REP4-010] may not be necessary or may require revision (e.g. if surveys for bats found the presence of a previously unidentified roost) at the time that the Second Iteration Environmental Management Plan is being prepared. This wording therefore provides a way for updates to be made if necessary. Equally some provisions of the First Iteration Environmental Management Plan [REP4-010] may need to be made more specific to the circumstances of the detailed design to effectively deliver the mitigation that they are designed to achieve. The Environmental Management Plan, like any Code of Construction Practice or similar document, is designed to be a living document that is central to the mitigation of environmental effects of the Scheme. To be effective it must be flexible enough to ensure clarity for contractors in how it applies to the detailed design while at the same time delivering the mitigation that it is designed to achieve. such as updated information regarding conditions 'on the ground', species that may be present and to allow for updated mitigation techniques to be used. This allows for innovation that can improve the mitigation to be provided, which would not be possible where the language suggested by Newark and Sherwood District Council to be used. The Applicant has provided detailed responses to Newark and Sherwood District Council regarding Requirement 3(2) of the draft Development Consent Order [REP4-003] and the use of the term " <i>must reflect mitigation measures</i> " in the Applicant's Response to

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			<p>the Examining Authority's First Written Questions (ExQ1) [REP2-037] (Q6.2.2) and in the Applicant's Summary of the Issue Specific Hearing 1 (ISH1) [REP4-031] at Reference 4.1.9. The Applicant maintains that the current wording of Requirement 3(2) of the draft Development Consent Order [REP4-003] is well precedented and appropriate for the reasons already given.</p> <p>The Applicant maintains that there is no need for a construction site lighting plan to be included in Requirement 3(2) of the draft Development Consent Order [REP4-003] as such provisions are already provided for in the First Iteration Environmental Management Plan [REP4-010] and to do so would amount to a duplication which is not required. The Applicant refers to the Applicant's Summary of the ISH1 [REP4-031] at Reference 4.10.2 for its detailed response.</p> <p>Requirement 5</p> <p>The Applicant and Newark and Sherwood District Council have agreed the construction hours as recorded in the SoCG between the Applicant and Newark and Sherwood District Council [REP4-026]. These changes will be reflected in Requirement 5(1) of the draft Development Consent Order to be submitted at Deadline 5 of the Examination. The Applicant therefore believes this point has been addressed.</p> <p>The Applicant has amended Requirement 5(2) and added in Requirement 5(4) in the draft Development Consent Order [REP4-003] submitted at Deadline 4 of the Examination to reflect Newark and Sherwood District Council's request that these activities are subject to their prior written consent. The Applicant therefore believes this point has been addressed.</p> <p>Other activities outlined at Requirement 5(3) of the draft Development Consent Order [REP4-003] may need to be undertaken urgently, or they are not noise generating activities; therefore, it would be inappropriate to delay in order to obtain prior consent. The Applicant therefore does not propose to amend this Requirement further.</p> <p>The Applicant has included Requirement 5(6) to the draft Development Consent Order [REP4-003] submitted at Deadline 4 of the Examination to include reasonable time limits for providing consent as requested by Newark and Sherwood District Council. The Applicant therefore believes this point has been addressed.</p> <p>Requirement 6</p> <p>The Applicant refers to its written summary of ISH1 [REP4-031] at References 4.3.6 and 4.3.7 which explain why the Applicant does not consider it necessary or appropriate to amend the wording of either Requirements 6(2) or 6(5) to require that the Scheme accords with a scheme layout plan or to replace the word "reasonable" with a British Standard on the basis that references are already made to the Scheme's Environmental Masterplan and the British Standard Code of Practice respectively.</p> <p>Requirement 8</p> <p>The Applicant maintains that no amendments or additions to Requirement 8 are required for the reasons detailed in the Applicant's written summary of ISH1 [REP4-031] at References 4.1.1 - 4.1.3. The additions sought by Newark and Sherwood District Council, namely, to provide for or regulate known contamination and the requirement of a verification report for any unknown contamination are already provided for by the REAC. To add additional Requirements under the DCO would be to duplicate controls already provided for.</p> <p>Requirement 10</p> <p>The Applicant has provided detailed responses regarding Newark and Sherwood District Council's proposed amendments to Requirement 10 in the Applicant's written summary of ISH1 [REP4-031] at References 4.5.1 - 4.5.1 and in the Applicant's Response to the ExA's First Written Questions [REP2-037] (Q6.2.13). The Applicant maintains that no amendments to Requirement 10 are required for the reasons previously given.</p> <p>Requirement 13(2) and 15</p> <p>The Applicant amended Requirement 13(2) and Requirement 15 of the draft Development Consent Order [REP4-003] submitted at Deadline 4 of the Examination to include the lead local flood authority as a consultee.</p> <p>The Applicant held a meeting with the Internal Drainage Board (IDB) on 31 January 2025. The IDB has confirmed that it is content that it will approve the design of the fish escape passage features relevant to its function as part of the Land Drainage Act consent process. The discussions with the IDB are reflected in the updated SoCG with the IDB submitted at Deadline 5. The Applicant therefore maintains that there is no reason to duplicate consultation of the IDB under Requirement 13 and Requirement 15(2) of the draft Development Consent Order [REP4-003]. As such, no further changes are required.</p>
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>	<p>The Applicant held discussions with Nottinghamshire County Council following ISH5 on 5 December 2024. The Applicant drew Nottinghamshire County Council's attention to Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figure [AS-026] in which the restoration and landscaping details for the borrow pits were contained and the link from the Environmental Masterplan [AS-026] to Requirement 6 of the draft Development Consent Order [REP4-003] and item G3 in the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [REP4-010]. Accordingly, the Applicant believes this point has been sufficiently addressed and does not propose to amend this Requirement.</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</p>	<p>The Applicant has met with Nottinghamshire County Council to discuss its requested drafting of Requirement 9 of the draft Development Consent Order [REP4-003] and the Applicant has shared its proposed revision to the requirement which has been</p>

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		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.	accepted by Nottinghamshire County Council and Newark and Sherwood District Council. The updated wording for Requirement 9 is set out in the draft Development Consent Order [REP4-003] submitted at Deadline 5 of the Examination.
Q6.1.5	The Applicant	Requirement 10 Protected Species 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.	The Applicant refers to its written summaries of oral submissions made at ISH1 [REP4-031] at Ref 4.5.1 which explains why the Applicant does not consider it necessary or appropriate for any amendment to be made to Requirement 10, and specifically draws the Examining Authority's attention to the Applicant's reference to Natural England's position on this matter, which the Applicant sets out in that response.
Q6.1.6	The Applicant	Requirement 19 'Langham' Hall Estate a) Requirement 19 is in reference to Langford Hall, why is it titled 'Langham' Hall Estate 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). c) Should NSDC be included as a consultee?	a) The Applicant has addressed this typo in the draft Development Consent Order [REP4-003] submitted at Deadline 4 of the Examination. b) Requirement 19 of the draft Development Consent Order [REP4-003] does not need to require the Applicant to construct the new entrance at Langford Hall Estate because this is already governed by Article 19. Article 19(2) of the draft Development Consent Order states that no private means of access for which a substitute is to be provided (which would be the case here) can be wholly or partially stopped up until the substitute means of access specified in the Order has been completed and is open for use. c) The Applicant has updated the draft Development Consent Order [REP4-003] submitted at Deadline 5 of the Examination to include NSDC as a consultee in relation to the design.
6.2 Other Schedules			
Q6.2.1	Canal and River Trust	Schedule 9 Protective Provisions 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.	The Applicant confirms Protective Provisions have now been agreed with the Canal and River Trust and are included in the draft Development Consent Order [REP4-003] submitted at Deadline 5 of the Examination.

7. Geology and Soils																																						
Q7.0.1	The Applicant, NSDC	NSDC's Contaminated Land Strategy 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?	The regulatory context and overarching legislation contained in Newark and Sherwood District Council's revised Contaminated Land Strategy is consistent with that applied in Chapter 9 (Geology and Soils) of the Environmental Statement [REP3-009], Appendix 9.2 (Contaminated Land Risk Assessment) of the Environmental Statement Appendices [APP-164 to APP-169] and the Detailed Quantitative Risk Assessment [REP4-038]. On that basis, the Applicant does not consider that the adoption of the revised Contaminated Land Strategy affects the Applicant's assessment or conclusions and does not include any new considerations that should be reflected in the ExA's consideration of the Application. This was agreed between the Applicant and Newark and Sherwood District Council during a meeting held on 22 January 2025.																																			
Q7.0.2	Environment Agency	Detailed Quantitative Risk Assessment Does [REP4-038] address your outstanding queries in relation to contamination? If no, please outline whether and how any outstanding matters could be resolved.	The Applicant has been working closely with the Environment Agency to ensure any comments on the Detailed Quantitative Risk Assessment [REP4-038] are addressed. The Environment Agency provided their comments to the Applicant on the Detailed Quantitative Risk Assessment [REP4-038] on 9 January 2025. The Applicant has addressed these and re-issued a revised draft of the Detailed Quantitative Risk Assessment [REP4-038] to the Environment Agency on 20 January 2025. The Environment Agency confirmed that they were satisfied with the outputs of the risk assessment on 27 January 2025. This will also be captured in the Statement of Common Ground between the Environment Agency and the Applicant (ID 31 and 36) submitted at Deadline 5 of the Examination.																																			
Q7.0.3	Natural England	Outline Soil Management Plan and Register of Environmental Actions and Commitments 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?																																				
Q7.0.4	The Applicant	Clarifications – Agricultural Land a) Do references in [REP3-016] to the “main Scheme alignment” 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)? b) On page 61 of [REP3-009] it is noted that there would be a “Permanent loss of 16.7ha of grade 3a land (1.1ha in Kelham and Averham FCA and 15.6ha in the main Scheme alignment)”. 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 “less than 1 hectare” 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] (and in any other documents which refer to agricultural land) and, if necessary, update documents as relevant. c) For clarity, please provide a summary of agricultural land changes in the following form: <table><tr><th rowspan="2"></th><th colspan="2">Temporary Loss – to be returned to agricultural use</th><th colspan="2">Permanent Loss</th></tr><tr><th>Kelham and Averham FCA (ha)</th><th>Rest of Order Limits (excluding Kelham and Averham FCA) (ha)</th><th>Kelham and Averham FCA (ha)</th><th>Rest of Order Limits (excluding Kelham and Averham FCA) (ha)</th></tr><tr><td>Grade 2</td><td></td><td></td><td></td><td></td></tr><tr><td>Grade 3a</td><td></td><td></td><td></td><td></td></tr><tr><td>BMV Total</td><td></td><td></td><td></td><td></td></tr><tr><td>Other Grades</td><td></td><td></td><td></td><td></td></tr><tr><td>Grand Total (BMV Total + Other Grades)</td><td></td><td></td><td></td><td></td></tr></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 (BMV Total + Other Grades)					(a) The Applicant confirms the main Scheme alignment relates to all of the land within the Order Limits with the exception of the Kelham and Averham Flood Compensation Area (FCA), Farndon East Borrow Pit and FCA and Farndon West Borrow Pit and FCA, unless otherwise stated. (b) The value of permanent loss of Grade 3a land reported in Chapter 9 (Geology and Soils) of the Environmental Statement [REP3-009] was overestimated by 1.1ha due to double-counting of the land permanently lost at the Kelham and Averham FCA. The total area of Grade 3a land permanently lost amounts to 15.6ha, not 16.7ha. This includes 14.45ha of Grade 3a land permanently lost within the main Scheme alignment, Farndon East Borrow Pit and FCA and Farndon West Borrow Pit and FCA, and 1.1ha of Grade 3a land permanently lost within the Kelham and Averham FCA. The value of temporary loss of 15.8ha Grade 3a land assigned to the main Scheme alignment in Chapter 9 (Geology and Soils) of the Environmental Statement [REP3-009] refers in actual fact to the entire Scheme, including the Kelham and Averham FCA. As above, the temporary loss of agricultural land at the Kelham and Averham FCA has been double counted, and the total temporary loss of Grade 3a land was overestimated by 2.3ha. The total area of Grade 3a land temporarily lost amounts to 15.8ha. This includes 13.5ha of Grade 3a land temporarily lost within the main Scheme alignment, Farndon East Borrow Pit and FCA and Farndon West Borrow Pit and FCA, and 2.3ha of Grade 3a land temporarily lost within the Kelham and Averham FCA. To note, whilst undertaking this review the Applicant has also noted errors in the ALC Grade 4 and ALC Grade 3b land reported in Chapter 9 (Geology and Soils) of the Environmental Statement [REP3-009] and Appendix 9.3 Agricultural Land Classification Report of the Environmental Statement Appendices [REP3-016]. ALC Grade 4 land have been updated for consistency to include 1 decimal place (previously reported as round numbers), and the values of ALC Grade 3b land have been updated to reflect the final design (previously omitted from the deadline 3 updates). In all cases the updates have resulted in a reduction on the area of ALC land impacted by the Scheme. This overestimation has meant that the assessment presented in Chapter 9 (Geology and Soils) of the Environmental Statement [REP3-009] is worst case and therefore the amendments to the numbers do not change the outcome of the assessment and do not result in any new or increased adverse effects. Chapter 9 (Geology and Soils) of the Environmental Statement [REP3-009] and Appendix 9.3 Agricultural Land Classification Report of the Environmental Statement Appendices [REP3-016] will be updated with correct values and submitted at Deadline 5. These align with page 123 of [REP2-037]. Page 10 of Chapter 16 Summary of the Environmental Statement [REP3-013] and page 32 of the Environmental Statement Non-Technical Summary [REP3-020] will also be updated to reflect the changes and submitted at Deadline 5. (c) The table below summarises the agricultural land changes in the format requested by the Examining Authority. A second table has been prepared with a further breakdown for the main scheme alignment, Kelham and Averham FCA, Farndon East Borrow Pit and FCA, and Farndon West Borrow Pit and FCA.	
	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 (BMV Total + Other Grades)																																						

Applicant's Responses to Examining Authority's Second Written Questions

7. Geology and Soils

ALC Grade	Temporary Loss - to be returned to agriculture		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	5.7	0.0	0.3	0.0
Grade 3a	2.3	13.5	1.1	14.5
BMV total	8.0	13.5	1.4	14.5
Grade 3b	3.2	4.3	0.0	59.7
Grade 4	0.0	0.5	0.0	5.7
Total of other grades	3.2	4.8	0.0	65.4
Grand total (BMV Total + Other Grades)	11.2	18.4	1.4	79.8

ALC Grade	Temporary Loss - to be returned to agriculture				Permanent Loss			
	Main scheme alignment	Farndon East Borrow Pit and Farndon East FCA	Farndon West Borrow Pit and Farndon West FCA	Kelham and Averham FCA (ha)	Main scheme alignment	Farndon East Borrow Pit and Farndon East FCA	Farndon West Borrow Pit and Farndon West FCA	Kelham and Averham FCA (ha)
Grade 2	0.0	0.0	0.0	5.7	0.0	0.0	0.0	0.3
Grade 3a	13.5	0.0	0.0	2.3	14.5	0.0	0.0	1.1
BMV total	13.5	0.0	0.0	8.0	14.5	0.0	0.0	1.4
Grade 3b	4.3	0.0	0.0	3.2	23.8	12.9	23.0	0.0
Grade 4	0.5	0.0	0.0	0.0	0.0	3.8	1.9	0.0
Total of other grades	4.8	0.0	0.0	3.2	23.8	16.7	24.9	0.0
Grand total (BMV Total + Other Grades)	18.4	0.0	0.0	11.2	38.3	16.7	24.9	1.4

8. Cultural Heritage			
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>	<p>The Applicant confirms the Civil War Landscape receptor is not recognised by Historic England's National Heritage List for England or the Nottinghamshire Historic Environment Record. It was developed by the Applicant in response to feedback from Historic England during consultation, where they requested that the sieges of Newark during the civil war of the 17th century should be considered as a whole landscape receptor in its own right.</p> <p>The phrase the 'civil war landscape' was thereafter adopted as a collective term to encompass Scheduled Monuments and their immediate setting, other non-designated assets and any land identified within the Cultural Heritage study area which is associated with the sieges of Newark during the Civil War, as detailed in Table 4-4 and paragraphs 4.11.46 to 4.11.53 of Appendix 6.1 Cultural Heritage Desk-Based Assessment (DBA) of the Environmental Statement Appendices [AS-099] and illustrated in the 'Civil War Designated and Non-Designated Assets within the 1 kilometre and 500 metre study area – Rev 1' [REP4-041].</p> <p>Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] has assessed the known Civil War heritage receptors as individual receptors and as part of the 'Civil War Landscape' to enable an understanding of how the setting and interconnectivity of the separate heritage receptors contribute to the understanding and legibility of the landscape. This approach was taken in agreement with the heritage stakeholders as detailed within paragraph 6.4.2 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and within Table 3-1, Issue 3 of the agreed Statement of Common Ground with Historic England [REP4-020].</p>
Q8.0.2	The Applicant	<p>Enhancement of Significance of Heritage Assets</p> <p>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].</p>	<p>1. Civil War Landscape and its associated designated and non-designated receptors</p> <p>The Applicant confirms Appendix 6.1 Cultural Heritage Desk-Based Assessment (DBA) of the Environmental Statement Appendices [AS-099] identified 32 heritage receptors associated with the sieges of Newark during the Civil War within the Cultural Heritage study area. The location of these receptors is illustrated on the 'Civil War Designated and Non-Designated Assets within the 1 kilometre and 500 metre study area – Rev 1' [REP4-041]. These receptors include the non-designated Civil War Landscape receptor (please see the Applicant's response to Question 8.0.1 above) in addition to 13 designated and 18 non-designated heritage receptors associated with the sieges of Newark.</p> <p>Appendix 6.3 (Assessment of Cultural Heritage Effects During Construction) of the Environmental Statement Appendices [APP-134] and Appendix 6.4 (Assessment of Cultural Heritage Effects During Operation) of the Environmental Statement Appendices [APP-135] predicts only Minor Adverse impacts to the Civil War Landscape and four designated and two non-designated heritage receptors associated the sieges of Newark. These impacts, alongside the measures put in place to sustain the heritage value (significance) of these assets are summarised below:</p> <p><u>Designated Receptors</u></p> <ul style="list-style-type: none"> No physical impacts are predicted to any designated Civil War receptors as a result sympathetic design to avoid these receptors. One receptor; the scheduled Civil War redoubt 550m southeast of Valley Farm (MM007) had the potential to be impacted by drainage ditches associated with the ponds proposed north-west of Cattle Market Roundabout. During the iterative design development for the Scheme, these drainage ditches were re-located away from the scheduled monument to avoid adverse impacts upon the heritage value of the receptor as shown in Sheets 3 and 5 of Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [AS-026]. This receptor will also be subject to protection measures during construction of the Scheme as detailed within CH4 of Table 3-2 (Register of Environmental Actions and Commitments) within the First Iteration Environmental Management Plan [REP4-010] and Section 6.9 of the Archaeological Management Plan [REP2-062]. Newark Castle (MM001) is located approximately 630 metres south-east of proposed new road infrastructure, including a new grade separated junction at Cattle Market Roundabout. The proposed new road infrastructure will slightly detract from appreciating views from the asset, which will have an adverse impact on the heritage value of the asset. However, road infrastructure already exists within the wider townscape and it will not alter the ability to understand the asset's equally important relationship with the surrounding town or the wider Civil War Landscape. The environmental design for the Scheme, as shown on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] includes new and replacement planting which would reflect the character of the local area and help screen the receptor from the new infrastructure. The design will be developed further at detailed design which will reflect Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. Three scheduled monuments including: Civil War redoubt 550m south-east of Valley Farm (MM007), Civil War redoubt 680m north-west of Dairy Farm (MM009) and the Moated site 750m north-west of Dairy Farm (MM012) will experience minor adverse impacts as a result of new road infrastructure, which will reduce the ability to understand the asset's relationship with Newark's historic urban edge or the wider Civil War Landscape. However, road infrastructure already exists within the setting and the addition of new infrastructure will not alter the legibility of the setting. The landscape design for the Scheme includes new and replacement planting which would reflect the character of the local area and help screen the receptors from the new

8. Cultural Heritage			
			<p>infrastructure. The design will be developed further at detailed design which will reflect Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026].</p> <p><u>Non-Designated Receptors</u></p> <ul style="list-style-type: none">• No physical impacts are predicted to the heritage value (significance) of any known non-designated Civil War receptors. Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] predicted the removal/truncation of archaeological remains associated with sections of the First (MM660) and Second (MM624) Lines of Circumvallation which are plotted on the Nottinghamshire Historic Environment Record as crossing the Order Limits north of Farndon Roundabout and north-west of Brownhills, as illustrated in the ‘Civil War Designated and Non-Designated Assets within the 1 kilometre and 500 metre study area – Rev 1’ [REP4-041]. However, no evidence of these receptors was found during preliminary surveys or archaeological trial trenching. This would suggest that these assets if present, lie outside of the Order Limits and not within the locations recorded by the Nottinghamshire Historic Environment Record. <p><u>The Civil War Landscape Receptor</u></p> <ul style="list-style-type: none">• There will be a change to the character and setting of some areas of the non-designated Civil War Landscape through the creation of ponds and new sections of road as described above. The historic setting of the designated and non-designated heritage receptors and land that make up the Civil War Landscape has already been eroded by successive interventions including changes in farming and land use practice, and the setting is now dominated by modern residential and industrial development and transport infrastructure including the existing A46. This has eroded any tangible connection between the different heritage receptors that may have been important during the Civil War era. Therefore, setting makes limited contribution to the heritage value (significance) of these assets. The landscape design for the Scheme includes new and replacement planting which would reflect the rural character of intermittent hedgerows and woodland currently present in the local area and help screen the receptors from the new infrastructure.• However, no individually designated or non-designated heritage receptors that make up the Civil War Landscape are predicted to be physically impacted by either the proposed ponds or new sections of road as part of the Scheme.• It is expected that the Scheme will make a positive contribution to the heritage value (significance) of the Civil War Landscape and the heritage receptors it encompasses. The opportunity to investigate the Landscape, through preliminary survey, archaeological evaluation and future archaeological excavation and monitoring, as outlined in the Archaeological Management Plan [REP2-062], will expand our current knowledge of the landscape. The next stage of the Scheme will see the development of a Public Archaeology and Community Engagement programme as outlined in Sections 6.11 and 7.12 of the Archaeological Management Plan [REP2-062]. The aim of this programme is to support local people to make stronger connections to a place, themselves and to each other and to empower people to use the historic environment as a stimulus for learning and well-being. <p>2. Designated and Non-Designated Receptors not associated with the Civil War Landscape</p> <p>In addition to the Civil War Landscape and its associated designated and non-designated heritage receptors, Appendix 6.1 Cultural Heritage Desk-Based Assessment (DBA) of the Environmental Statement Appendices [AS-099] identified a further 33 designated and 93 non-designated heritage receptors which have been identified through assessment as having the potential to be affected by the Scheme. These assets are summarised within Section 6.8 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and the assessment of impacts upon these receptors are detailed within Appendix 6.3 (Assessment of Cultural Heritage Effects During Construction) of the Environmental Statement Appendices [APP-134] and Appendix 6.4 (Assessment of Cultural Heritage Effects During Operation) of the Environmental Statement Appendices [APP-135].</p> <p>The impacts, alongside the design, mitigation and enhancement measures put in place to sustain the heritage value (significance) of these assets are summarised within Section 6.10 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Where specific mitigation or protection measures are required, these are outlined within Table 3-2 (Register of Environmental Actions and Commitments) within the First Iteration Environmental Management Plan [REP4-010] and Chapters 6 and 7 of the Archaeological Management Plan [REP2-062].</p>

Applicant's Responses to Examining Authority's Second Written Questions

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.	The Applicant has responded to the questions raised in the Report on the Implications for European Sites (RIES) [PD-010]. The responses are contained within '7.64 Responses on the Report on the Implications for European Sites (RIES) and any associated questions, if required' submitted at Deadline 5 of the Examination.
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.	Whilst this question is not directed to the Applicant, the Applicant can confirm that it agreed in a meeting with Newark & Sherwood District Council on 23/01/25 that the Scheme falls within National Character Area (NCA) 48 - Trent and Belvoir Vales.
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.	<p>The Applicant notes that NCA 46 referenced in this question and within Newark and Sherwood District Council's comment [REP4-048] in paragraph 2.26, relates to The Fens. Chapter 7 Landscape and Visual Effects, of the Environmental Statement [APP-051] identifies the Scheme and study area as being located within NCA 48 Trent and Belvoir Vales. Whilst the character assessment for NCA 48 was considered, given the small percentage of the NCA impacted by the Scheme, focus was instead given to local character assessments and objectives when developing the design.</p> <p>The area around Cattle Market Junction sits within Trent Washlands Regional Character Area, as determined by Newark and Sherwood District Council's Landscape Character Assessment Supplementary Planning Document (SPD). As noted in section 1 of Appendix 7.1 (Landscape Character Policy Zone Descriptions) of the Environmental Statement Appendices [APP-136] the Newark & Sherwood Landscape Character Assessment divides each Regional Character Area (RCA) into smaller 'policy zones' (PZ) (see Figure 7.1 (Published Regional Character Areas and Policy Zones Figures) of the Environmental Statement Figures [AS-037]), with landscape analysis undertaken for each. Appendix 7.1 (Landscape Character Policy Zone Descriptions) of the Environmental Statement Appendices [APP-136] sets out the key character descriptions for each policy zone within the Scheme study area. It also presents the key actions for that PZ as described within the Newark & Sherwood District Council assessment which have in turn informed the development of the environmental design, ensuring the design responds appropriately to the local sense of place.</p> <p>The area around Cattle Market Junction falls within TW PZ 33 Newark West River Meadowlands. As set out in section 2.8 of Appendix 7.1 (Landscape Character Policy Zone Descriptions) of the Environmental Statement Appendices [APP-136] the Newark and Sherwood District Council SPD identified TW PZ 33 as a small area located on the western edge of Newark-on-Trent. The landscape condition is defined as 'very poor' with a 'very weak' sense of place and a 'very low' landscape sensitivity. The SPD also noted the pattern of landscape elements is incoherent, and the area has many detracting features including the A46 roundabout and associated roads, railway line and other detracting features such as caravan park, industrial and residential development giving rise to a significantly visually interrupted area. As a result of the analysis, the landscape actions are to 'create', rather than to 'conserve' or 'reinforce', with an aspiration to recreate the traditional pattern of hedged fields to reinforce the historic field pattern and seek opportunities to enhance visual unity through planting of small-scale trees and woodland, as well as enhancing tree cover with planting of hedgerow trees.</p> <p>The Applicant has sought to take account of this action in the relevant areas of the environmental design where possible, and when considering the current land use and character of the land immediately next to Cattle Market and the requirements of the Scheme, the majority of the existing vegetation in this location would be retained or be replaced, particularly alongside the A46 itself. Whilst it is not feasible to introduce woodland in this location, in respect to action relating to the planting of small scale trees, numerous individual trees have been proposed in the land parcels adjacent to Cattle Market Junction, with a further swathe of shrubs, and proposed linear belt of shrubs and trees along the A46, seeking to replace vegetation removed along the A46 during construction. When accounting for constraints within the roundabout itself shrubs and shrubs with trees have been proposed to allow the safe operation of the Scheme.</p>
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.	
Q10.0.4	NSDC, NCC, the Applicant	Setting of Protected Landscapes 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.	The Applicant does not consider the 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes' (16 December 2024) by Defra applies to the Scheme as the Scheme is not located within or near to a National Landscape, National Park, or the Norfolk and Suffolk Broads.




11. Material Assets and Waste			
Q11.0.1	The Applicant	Clarifications 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.	The Applicant confirms Chapter 10 (Material Assets and Waste) of the Environmental Statement [APP-054] will be updated to reflect the comments made by Nottinghamshire County Council in response to Q11.0.12 [REP2-052] and to reflect the most recent aggregates data and will be submitted at Deadline 5 of the Examination.
Q11.0.2	The Applicant, NCC	Borrow Pits – Restoration 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?	The Applicant held discussions with Nottinghamshire County Council following the ISH5 on the 5 December 2024. The Applicant drew Nottinghamshire County Councils attention to Figure 2.3 Environmental Master Plan of the Environmental Statement Figures [AS-026] in which the restoration and landscaping details for the borrow pits were contained. The Applicant also explained the link from Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [AS-026] to Requirement 6 of the draft Development Consent Order [REP4-003] and item G3 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP4-010]. The Applicant is awaiting a response from NCC on this matter. This item is currently still under discussion within item 17 of the Statement of Common Ground [REP4-023].

12. Noise and Vibration			
Q12.0.1	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.</p> <p>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 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>	<p>In responding to this question, the Applicant confirms the following general points should be noted:</p> <ul style="list-style-type: none">During the entirety of the construction works, the predicted noise level at the representative receptor nearest to the Old Stable Yard GRT site is below construction noise LOAEL, with the exception of resurfacing works which are linear in nature and thus will not impact any particular receptor for prolonged periods of time i.e. a significant effect will not arise. As construction noise is below LOAEL (with the one exception) it follows from the Noise Policy Statement for England (DEFRA, 2010) that <i>construction</i> noise is below the level at “which adverse effects on health and quality of life can be detected.”Noise levels with and without the Scheme exceed operational noise LOAEL in both the daytime and night-time periods owing to the existing highways in the area. However, the noise level change during operation <u>as a result of the Scheme</u> is predicted to be Negligible beneficial in both the short-term and long-term. This means that not only will the Scheme not have a significant effect on the existing noise environment, it will result in a negligible benefit in both the short and long term. <p>As a point of clarification, it is noted that assessing site suitability for new residential receptors, in this case the traveller community, and assessing potential impacts on the existing environment (and by extension on relevant receptors) from a highways scheme are two different processes with differing approaches in assessing noise impact and hence differing criteria and values for LOAEL and SOAEL. Site suitability is addressed at planning, and it is the responsibility of the Local Authority to ensure a site is suitable for its intended use. Different criteria are used to assess the impact of a highways scheme that take account of the noise levels and the change in the noise levels.</p> <p>The assessment from the Applicant for the Scheme:</p> <ul style="list-style-type: none">does not address site suitability in relation to the traveller site.does evaluate potential impacts on the existing environment/relevant receptors from the Scheme to determine if a noise and/or vibration related significant effect occurs during either the construction or operational phase. <p>More specifically while the Newark and Sherwood District Council’s Environmental Health Officer recommended refusal on noise grounds, the planning Committee were aware of this when making their decision to approve the application and no conditions were attached in relation to noise.</p> <p>While the Environmental Health Officer noted that noise levels exceeded World Health Organisation (WHO) sleep disturbance levels, the NPSE (Defra, 2010) which is government policy on noise, draws a distinction between “quality of life” which is a subjective measure that refers to people’s emotional, social and physical well-being and “health” which refers to physical and mental well-being. Moreover, the NPSE aims refer to the context of sustainable development and the narrative on this refers to the need to “avoid noise being treated in isolation in any particular situation, i.e. not focusing solely on the noise impact without taking into account other related factors.” It appears that the planning Committee did exactly that when noting “The site was well kept, the residents had lived on site with the existing noise environment for six years.” That is, while the site may fail objectively to meet the recommendations of the WHO in relation to noise, both site sustainability and the history of occupation of the site were relevant factors.</p> <p>In relation to the physical nature of the residential units, the Applicant acknowledges that DMRB LA 111 includes provision to adjust the LOAEL value where it is proportionate and merited by local circumstances e.g. for highly noise sensitive receptors. The operational noise assessment is based on noise level change with/without the Scheme. Noise impacts with the Scheme in the short term where noise levels increase by 3 dB or more (Moderate/Major impact) for receptors above the LOAEL or at least by 1 dB (Minor impact) for receptors at or above the SOAEL would be considered to be potentially significant, subject to review of additional factors. On the basis that noise impacts at the Old Stable Yard site are predicted to be Negligible beneficial (i.e. noise is reduced) in both the short-term and long-term, a significant effect cannot arise regardless of the LOAEL/SOAEL values selected for operational noise i.e. receptor sensitivity/ physical nature/ noise transferal characteristics in this instance do not influence the assessment outcome which is that a significant effect would not arise and therefore no further mitigation is needed for the Scheme. Please refer to the Applicant’s Summary of the Issue Specific Hearing 4, at Agenda Item 7, entries 7.1.2 to 7.1.4 [REP4-034].</p> <p>The Applicant held a meeting with Newark and Sherwood District Council on 22 January 2025 to discuss the Applicant’s position in relation to noise impacts at both Bridge House Farm and Old Stable Yard. Text has been added to the Statement of Common Ground between the Applicant and Newark & Sherwood District Council [REP4-026] submitted at Deadline 5 of the Examination (see Row 34) outlining the Applicant’s position.</p>

13. Population and Human Health			
Q13.0.1	The Applicant	Public Rights of Way – Clarification 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>The Applicant has reviewed the Outline Traffic Management Plan [REP3-026]. Newark FP3 has been correctly labelled. There is an error in that Farndon FP5 has been incorrectly referenced as Newark FP5.</p> <p>Farndon FP3 is located to the south of Farndon Harbour, between Walter's Close and The Meadows. Newark FP3 is located between Farndon Road and Newark BW2 and is referenced correctly in table 2-11 of the Outline Traffic Management Plan [REP3-026].</p> <p>The Applicant has corrected the typo in line 10 of the first row of table 2-11 of the Outline Traffic Management Plan [REP3-026] in which Farndon FP5 has been incorrectly referred to as Newark FP5. This has been updated and submitted at Deadline 5 of the Examination.</p>
Q13.0.2	The Applicant, NCC	Public Rights of Way [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>The Applicant confirms Item 7 in the Statement of Common Ground with Nottinghamshire County Council [REP4-023] (relating to Newark BW6, Newark FP66 and Newark FP48) has been agreed. Consultation on the temporary diversion routes for the Public Rights of Way (PRoW) is secured through Requirement 11 of the draft Development Consent Order [REP4-003], which requires submission and approval of a Traffic Management Plan substantially in accordance with the Outline Traffic Management Plan [REP3-026].</p>
Q13.0.3	NCC	Public Rights of Way 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>The Applicant confirms Newark FP48 and Newark FP48#1 are references to the same PRoW. This runs from Quibell's Lane, under the A46 and across the Nottingham to Lincoln railway lane and connects with Newark BW2 at the southwest corner of the Crankley Point Sewage Treatment Works. The Applicant has used the label FP48-1 on the General Arrangement Plans and Works Plans. Nottinghamshire County Council have referred to it as FP48#1 in their Relevant Representations [RR-057]. The Walkers, Cyclists Horse-riders Assessment Report (WCHAR) report in Appendix C of the Transport Assessment Report [APP-193] uses the references FP48 and FP48-1 in different sections.</p>
Q13.0.4	The Applicant	Fishing Rights Please provide an update in relation to the fishing rights referred to in [RR-009] and [REP1- 050].	<p>The Applicant met with representatives from the Canal and River Trust (CRT) on 27 November 2024 and it has been provisionally agreed that on Plot 4/2f a 3-metre-wide strip of riverbank is to be retained by the CRT to accommodate the fishing rights.</p> <p>The Applicant understands Mr Miller's position on wanting to keep the fishing rights. However, this raises issues around maintenance requirements and the Applicant's liability for the public fishing from their land. These liabilities include; Trips, slips and falls, medical, damage to property and land. The Applicant will continue to liaise with Mr Miller on this issue</p>
Q13.0.5	NCC	WCH / Public Rights of Way 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?	<p>The Applicant can confirm that the additional Parish Councils, recommended for inclusion in the Outline Construction Communications Management Plan appended to the First Iteration Environmental Management Plan [REP4-010] by Newark and Sherwood District Council, have been included in the updated Plan submitted at Deadline 5 of the Examination.</p>
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]?	<p>The Applicant confirms the outline of the Proposed Inclusive Action Plan (IAP) Commitments and List of Parties are as follows:</p> <p>Attract and Recruit a Diverse Workforce: Objective: To attract and recruit a talented, capable, and diverse workforce that reflects the communities we work in. Actions:</p> <ul style="list-style-type: none"> – Collaborate with Jobcentre Plus, Local community Organisations, local schools and colleges, Armed Forces, Female Returners, Prison Leavers – Promote opportunities in construction to those from disadvantaged backgrounds – Engage with local schools, Special Educational Needs 'SEN' provisions, colleges, and universities to raise awareness of careers in construction, Young People that are Not in Education, Employment, or Training – 'NEETS' – Use Science Technology Engineering and Maths 'STEM' Ambassadors as volunteers to attract under-represented groups. <p>Create an Inclusive Working Culture: Objective: To create an inclusive working culture, practices, and environments that enable everyone to perform to their full potential. Actions:</p>

Applicant's Responses to Examining Authority's Second Written Questions

13. Population and Human Health			
			<ul style="list-style-type: none"> – Conduct behavioural surveys. – Develop and deliver learning sessions focusing on inclusion and psychological safety. – Promote employee Equality Diversity and Inclusion 'EDI' networks and Fairness Inclusion and Respect 'FIR' Ambassadors. – Regularly update and distribute an EDI calendar of initiatives, events, and observances. – Incorporate EDI briefing within site induction. <p>Consider and Value Diverse Needs of Customers and Communities: Objective: Consider and value the diverse needs of customers and neighbouring communities at all stages of the framework/scheme. Actions:</p> <ul style="list-style-type: none"> – Conduct community engagement activities with the diverse local community. – Engage with local support services and schools to raise awareness and provide career opportunities. – Implement the Construction Communication Management Plan to maintain high levels of community engagement and tailor communication methods to suit the diverse nature of the community. <p>Develop Wider Supply Chain Capability Around EDI: Objective: Develop wider supply chain capability around Equality, Diversity, and Inclusion (EDI) Actions:</p> <ul style="list-style-type: none"> – Engage with local suppliers to support the A46 project. – Map the local supply chain to promote engagement with local businesses. – Conduct collaborative EDI awareness sessions with supply chain partners. <p>List of Parties Subject to the IAP (although not exhaustive): The Applicant: responsible for ensuring the IAP is delivered by their delivery partners:</p> <ul style="list-style-type: none"> – Principle Contractor: responsible for implementing the IAP, including social value activities. – Local Schools and Colleges: Engaged for career awareness and opportunities. – Community Organisations: Collaborate to provide information construction implications. – Local Suppliers and Small to Medium Enterprises' SMEs': To support the project and promote local business sustainability. – Gypsy, Roma, and Traveller Community: Engagement with the local authorities GRT engagement officer. – Farndon Unit (a residential facility for women living with mental ill health). <p>b) The above information is reflected at Point 49 in the Statement of Common Ground with Newark and Sherwood District Council [REP4-026] and is agreed with no Items outstanding</p>
Q13.0.9	The Applicant	<p>ES Chapter 12 Figures</p> <p>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]).</p> <p>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]?</p> <p>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.</p>	<p>The Applicant confirms there is an error in Figure 12.5 (Businesses within the Local Impact Area) of the Environmental Statement Figures [AS-070] resulting in buildings classified as 'dual use' within the Ordnance Survey Addressbase data not being illustrated on the figure. The village pub referred to in [RR-079] is amongst the twelve 'dual use' properties that were not illustrated. Figure 12.5 (Businesses within the Local Impact Area) of the Environmental Statement Figures [AS-070] has been amended to include all twelve 'dual use' properties and will be submitted at Deadline 5 of the Examination. For completeness Figure C4 (businesses) in the Equality Impact Assessment (EqIA) [APP-195] has also been updated to reflect this and submitted at Deadline 5 of the Examination. These updates to the figures do not result in the need for any further updates to Chapter 12 Population and Human Health of the Environmental Statement [REP3-011] or the EqIA [APP-195].</p> <p>A review of the Ordnance Survey (OS) Addressbase data identified that the existing residential point on Winthorpe Road in Figure 12.3 (Residential Properties within the Local Impact Area) of the Environmental Statement Figures [AS-068] relates to caravans at Old Stable Yard. Whilst the residential units at Old Stable Yard were only recently approved (24/00548/FUL) this was a retrospective planning application. The residential units at Old Stable Yard were present as part of the baseline (and included in the public data source). Only one data point was originally included as a residential receptor in this location on Figure 12.3 (Residential Properties within the Local Impact Area) of the Environmental Statement Figures [AS-068] as the Bridge House Farm/Boarding Kennels were not classified as 'Residential' in the Ordnance Survey AddressBase data, but as an 'Animal Centre' and 'Property Shell'. However, the residents of Bridge House Farm requested to be included as a residential receptor during engagement with the property. Figure 12.3 (Residential Properties within the Local Impact Area) of the Environmental Statement Figures [AS-068] has been updated to make it clear that both the Bridge House Farm/Boarding Kennels and Old Stable Yard are both residential receptors. For completeness Figure C2 (residential properties) in the EqIA [APP-195] has also been updated to reflect this. This does not result in any further changes to the EqIA. Chapter 12 (Population and Human Health) of the Environmental Statement [REP3-011] has been updated to make it clear that two residential points are present on Winthorpe Road. The assessment remains as Slight Adverse (not significant). These updated documents will be submitted at Deadline 5 of the Examination.</p> <p>cOrdnance Survey (OS) Addressbase data indicates that there is a residential property (classified as a "self-contained flat (includes maisonette/apartment)") within the premises of the former Mint Leaf building. This is shown on Figure 12.3 (Residential Properties within the Local Impact Area) of the Environmental Statement Figures [AS-068]. The Applicant confirms that an assessment of this property was omitted from Chapter 12 (Population and Human Health) [REP3-011] as the property is known to be uninhabited and</p>

13. Population and Human Health									
			sits within the premises of an abandoned commercial building. However, for completeness the Applicant has updated Chapter 12 (Population and Human Health) [REP3-011] to reflect the loss of this residential property. The assessment confirms a Neutral (not significant effect). This updated document will be submitted at Deadline 5 of the Examination.						
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.	The Applicant is not aware of any unresolved matters in relation to the Transport Assessment Report [APP-193], or the traffic modelling and analysis that has been presented to the Examination in support of the Scheme. Notwithstanding this, the Applicant recognises that Nottinghamshire County Council are continuing to undertake a review of the associated transport elements of the Scheme. In this regard, and to facilitate the efficiency of this ongoing review, the Applicant continues to liaise with Nottinghamshire County Council, providing support as necessary to aid their understanding of the information provided.						
Q14.0.2	The Applicant, NCC	Mitigation – Pelham Street Has a means of monitoring and mitigating potential impacts on Pelham Street been agreed? If yes, please provide details of, and justification for, the proposed mitigation measures and an explanation of how these would be secured.	Further to the Applicant's submissions on this point at IH2, and while the Applicant does not expect there to ultimately be a need to mitigate any impacts on Pelham Street as a result of the Scheme, the Applicant is in the process of drafting an agreement to be entered into with Nottinghamshire County Council. The agreement would set out the requirements for monitoring and then if the need arose specific mitigation to address the potential impacts of the Scheme on Pelham Street (for example, traffic calming measures) which can then be provided using Nottinghamshire County Council’s powers as local highway authority. The use of a side agreement to secure these measures has been agreed in principle with Nottinghamshire County Council.						
Q14.0.3	Applicant, NCC, NSDC, Coddington Parish Council	Mitigation – Outline Traffic Management Plan 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. b) Should parish councils be specifically mentioned as consultees / stakeholders? c) Should parish councils be invited to monthly traffic management meetings as suggested by Farndon Parish Council [RR-022]? d) Have the comments from Coddington Parish Council [REP2-041] in respect of diversions been satisfactorily addressed? 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>The Applicant has incorporated comments received by Newark and Sherwood District Council and Nottinghamshire County Council in their Written Representations and Local Impact Reports into the updates of the Outline traffic Management Plan [REP3-026] submitted at Deadline 5 of the Examination</p> <p>The Applicant received Nottinghamshire County Council's comments on the Outline Traffic Management Plan [REP3-026] on the 23 January 2025 via email. The comments, and the Applicant’s responses are included in the table below.</p>						
			<table><tr><th>Nottinghamshire County Council Comment</th><th>Applicant’s Response</th></tr><tr><td><p>The A617 should not be used for construction access, we would advise traffic travelling on the A617 from Mansfield to use the A614 from Lockwell Hill Roundabout then A6097 to the A46 near East Bridgford, then on to the A46 to the works</p><p>For all construction sections but especially section 6 (see page 106 of the TAR [APP-193])</p><p>A617 Kelham Bridge should be out of bounds for Construction Traffic. It is narrow and has a caution on ESDAL “No Abnormal Loads”</p><p>Abnormal Loads are advised to take this route, if they are on the A617.</p></td><td><p>The Applicant confirms the A617 will not be used for abnormal loads.</p><p>Construction traffic for the Flood Compensation Areas (FCAs) at Kelham and Averham, Work Nos. 122 to 126 on sheet 7 of the Works Plans [REP3-002] will need to access the work area via the A617 from the A46 at Cattle Market roundabout. There is currently no restriction on this route for traffic therefore the Applicant considers it suitable for use during the construction works on the A617.</p><p>The alternative route shown on the map provided by Nottinghamshire County Council increases the distance from 2.19 miles to 4.57 miles and would require construction traffic to negotiate Ollerton Road, through a section of the village off the main road as well as having to queue at the junction between the A617 and Ollerton Road. The Applicant's position is that this is less desirable than the current main route via the A617.</p><p>The Applicant would also add that restrictions on this route have not been made on other development schemes which have recently been proposed through the local planning authority.</p></td></tr><tr><td><p>Any complaints from the Public and or Councillors would be directed to the Responsible Construction Contact for the Project, as we would with any other Developer / Third Party.</p></td><td><p>The Applicant will be employing a full-time stakeholder and communications manager for the Scheme to receive and respond to all questions and complaints. This is described in Table 2-1 of the First Iteration Environmental Management Plan [REP4-010] and in section 3 of the Outline Construction</p></td></tr></table>	Nottinghamshire County Council Comment	Applicant’s Response	<p>The A617 should not be used for construction access, we would advise traffic travelling on the A617 from Mansfield to use the A614 from Lockwell Hill Roundabout then A6097 to the A46 near East Bridgford, then on to the A46 to the works</p> <p>For all construction sections but especially section 6 (see page 106 of the TAR [APP-193])</p> <p>A617 Kelham Bridge should be out of bounds for Construction Traffic. It is narrow and has a caution on ESDAL “No Abnormal Loads”</p> <p>Abnormal Loads are advised to take this route, if they are on the A617.</p> 	<p>The Applicant confirms the A617 will not be used for abnormal loads.</p> <p>Construction traffic for the Flood Compensation Areas (FCAs) at Kelham and Averham, Work Nos. 122 to 126 on sheet 7 of the Works Plans [REP3-002] will need to access the work area via the A617 from the A46 at Cattle Market roundabout. There is currently no restriction on this route for traffic therefore the Applicant considers it suitable for use during the construction works on the A617.</p> <p>The alternative route shown on the map provided by Nottinghamshire County Council increases the distance from 2.19 miles to 4.57 miles and would require construction traffic to negotiate Ollerton Road, through a section of the village off the main road as well as having to queue at the junction between the A617 and Ollerton Road. The Applicant's position is that this is less desirable than the current main route via the A617.</p> <p>The Applicant would also add that restrictions on this route have not been made on other development schemes which have recently been proposed through the local planning authority.</p>	<p>Any complaints from the Public and or Councillors would be directed to the Responsible Construction Contact for the Project, as we would with any other Developer / Third Party.</p>	<p>The Applicant will be employing a full-time stakeholder and communications manager for the Scheme to receive and respond to all questions and complaints. This is described in Table 2-1 of the First Iteration Environmental Management Plan [REP4-010] and in section 3 of the Outline Construction</p>
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			<p>Communications Management Plan (Appendix B.4 of the First Iteration Environmental Management Plan [REP4-010])</p> <p>If residential parking would impede construction traffic that has no other route to the works site, then Temporary Traffic Regulations Orders would be necessary, with provision of alternate parking for the residents. With clear communication with the owners of the affected vehicles</p> <p>The Applicant notes the comment and would refer Nottinghamshire County Council to the response provided to Q14.0.16 c) on page 92 of the Applicant's Response to Examining Authority's First Written Questions [REP2-037]. The Applicant has reviewed the streets within the Order Limits which have on street parking and considered this in relation to the proposed access routes detailed in Chapter 2 The Scheme of the Environmental Statement [APP-046] and the Outline Traffic Management Plan [REP3-026]. In summary the Applicant does not consider on street parking will impede construction traffic</p> <p>Where are the satellite compounds located?</p> <p>The Applicant confirms the satellite compounds are detailed in table 2-8 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046] and are shown on Figure 2.4 Locations of temporary Works Areas Required during Construction of the Environmental Statement Figures [AS-027].</p> <p>The following questions are in reference to Table 8-3 of the TAR</p> <p>The Applicant directs Nottinghamshire County Council's attention to table 2-3 of the Outline Traffic Management PI [REP3-026].</p> <p>Crees Lane is a Private Street Nottinghamshire County do not maintain this street.</p> <p>The Applicant acknowledges Crees Lane is a private street and confirms no construction traffic will be accessing the private road section of Crees Lane as detailed in table 2-3 of the Outline Traffic Management Plan [REP3-026].</p> <p>Fosse Way in table 8-3 is an incorrect name. Fosse Road, Farndon is the correct street name. (this used to be the A46 before the construction of the dual carriageway)</p> <p>The Applicant confirms that the correct name has been used in Table 2-1 of the Outline Traffic Management Plan [REP3-026]. Table 8-3 the Transport Assessment Report [APP-193] has been corrected and is submitted at Deadline 5 of the Examination.</p> <p>Kelham Road is only partially maintained by Nottinghamshire County. From the Great North Road to just north of Cullen Close.</p> <p>The Applicant acknowledges that Kelham Road is privately owned from the Great North Road to just north of Cullen Close.</p> <p>Mather Road is only partially maintained by Nottinghamshire County. Up to the Marina Entrance.</p> <p>The Applicant acknowledges that Mather Road, up to the Marina entrance, is partially maintained by Nottinghamshire County Council</p> <p>Trent Lane is only partially maintained by Nottinghamshire County. Up to its junction with Kings Sconce Avenue.</p> <p>The Applicant acknowledges that Trent Lane up to the junction with Kings Sconce Avenue is partially maintained by Nottinghamshire County Council</p> <p>Quibells Lane is only partially maintained by Nottinghamshire County. Up to the 'Sevens Hill' development</p> <p>The Applicant acknowledges that Quibells Lane is only partially maintained by Nottinghamshire County Council to the Sevens Hill Development. Construction traffic will use a parallel construction access track.</p> <p>Winthorpe Road (between A46 and A1) is a Private Street, not maintained by Nottinghamshire County.</p> <p>The Applicant acknowledges that Winthorpe Road between the A46 and the A1 is a private street which is not maintained by Nottinghamshire County Council.</p> <p>The Applicant has updated the Outline Traffic Management Plan [REP- at this deadline 5, adding Parish Councils as a stakeholder in table 2-1.</p> <p>The Applicant is not proposing to invite Parish Councils to the traffic management meetings. These are technical and planning meetings with Nottinghamshire County Council, Newark and Sherwood District Council, emergency services and promoters of any other adjacent schemes. Feedback from the public and Parish Councils will be received via the methods within section 5 of the Outline Construction Communications Management Plan (within the First Iteration Environmental Management Plan [REP4-010])</p>

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			for escalation at the traffic management meeting, where required. The Applicant has provided a response to Coddington Parish Council [REP2-041] in [REP3-036] with respect to diversion routes.
Q14.0.4	The Applicant, NCC	Mitigation – Public Transport 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?	The Applicant is not able to provide funds to bus operators during construction of the Scheme in the event there is disruption to bus services. The Applicant will engage and communicate with the bus operators leading up to and during construction to minimise disruption to services. Bus and Coach operators have been identified in table 2-1 of the Outline Traffic Management Plan [REP3-026] which states that that bus companies will be provided advanced warning of closures impacting their routes. The Applicant has provided an update to the Outline Traffic Management Plan [REP3-026] submitted at Deadline 5 of the Examination in which the interaction with the bus companies is further expanded with regard to updates to the traffic management schedule and changes to traffic management layouts.
Q14.0.5	The Applicant, NCC	Other Agreements 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?	The Applicant has further considered the need for cross boundary agreements under sections 4 or 8 of the Highways Act 1980 and confirms that in its view there is no need for such agreements to be entered into between NCC (as local highway authority) and the Applicant. This is because the power to carry out works on the local highway network will, if consent is given, be granted through the Order. Article 14(1) of the draft Development Consent Order [REP4-003] states that any highway (other than a trunk road) or footpaths or cycletracks to be constructed under the Order must be completed to the reasonable satisfaction of the local highway authority, unless otherwise agreed in writing. The need for the roads/public rights of way to be constructed to the reasonable satisfaction of the local highway authority means that there will ultimately be a handover process which will occur where the local highway authority confirms that it is satisfied with the condition of the assets to be handed over to it. As the handing over of assets is not solely within the power of the Applicant, discussions will continue between the parties in relation to the detail of that process including agreement on maintenance boundaries and any costs. At this stage the Applicant does not envisage the need to enter into a legal agreement with Nottinghamshire County Council to govern this handover process and in any event should one be needed in the future this should not be a factor in either the ExA's recommendation or the SoS's decision because the draft Development Consent itself contains sufficient powers for the Applicant to carry out the works and sufficient protections for Nottinghamshire County Council to ensure that it will not be handed unsatisfactory assets.
15. Water Environment and Road Drainage (incl Flooding)			
Q15.0.1	The Applicant, NCC, the EA, NSDC	Averham and Kelham FCA 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. Does this resolve the fundamental concern over how the FCA and the panels would operate and their relative development timescales?	The Applicant notes a revised site layout plan (Drawing HC1002/05/03 revision 4) was published on the 23 December 2024 on Newark and Sherwood District Council's planning portal. This plan shows that solar panels have been removed from the eastern area of the Flood Compensation Area (FCA), Work No. 125 as shown on sheet 7 of the Works Plans [REP3-002]. The Environment Agency withdrew their holding objection to the Solar Farm Planning Application (23/01837/FULM) on the 19 December 2024. The Planning Application 23/01837/FULM was refused at the Newark and Sherwood District Council's Planning Committee held on the 16 January 2025.
Q15.0.2	The Applicant, NSDC, NCC, the EA	EA Flood Map Update 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?	The Applicant confirms the Scheme was identified as being located across areas within the Environment Agency's Flood Zone 2 and Flood Zone 3, as shown within Chapter 13 (Road Drainage and Water Environment) of the Environmental Statement [APP-057] and Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]. In addition to using the Environment Agency's national/regional flood mapping data, the Flood Risk Assessment was based on hydrological analysis and the development and use of a localised hydraulic model that advanced the understanding of flood risk in the study area for the Scheme. The Applicant has reviewed the updates to the Environment Agency's flood mapping data; the update to the mapping does not result in any alterations to the findings of these documents.
15.1 Flooding			
Q15.1.1	The Applicant	Exception Test 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. If the proposal cannot meet the requirements of the Exception Test, please provide reasoning as to justify a departure.	The Applicant confirms the Environment Agency's Deadline 4 response [REP4-044] discusses flood depth increases for the 5% AEP (1 in 20 years), 3.33% AEP (1 in 30 years) and 1% AEP (1 in 100 years) flood events. The Applicant considers increases greater than 10mm at specific locations in the 5% AEP and 1% AEP events to be caused by modelling uncertainties, and has agreed a modelling tolerance of 10mm with the Environment Agency. The Applicant has updated the Hydraulic Modelling Technical Note (TR010065/7.40) submitted at Deadline 5 of the Examination with results of sensitivity testing at these locations for the 5% and 1% AEP events. A meeting was held between the Applicant and the Environment Agency on 27/01/2025 where the contents of the technical note were discussed. The Applicant continues to engage with the Environment Agency on this matter. It should be noted that there are no modelled impacts greater than 10mm at vulnerable receptors for the 3.33% AEP event. The Applicant maintains that both parts of the Exception Test have been satisfied. For the Exception Test (as required by paragraphs 5.108 of the 2015 NPSNN and 5.128 of the 2024 NPSNN) to be passed, it must

15. Water Environment and Road Drainage (incl Flooding)			
			<p>be demonstrated that:</p> <ol style="list-style-type: none">the Scheme provides wider sustainability benefits to the community that outweigh the flood risk; andthe Flood Risk Assessment must demonstrate that the Scheme would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, would reduce flood risk overall. <p>Flood risk is defined within the NPPF 2024 as follows:</p> <ul style="list-style-type: none">“Flood risk” is a combination of the probability and the potential consequences of flooding. <p>DMRB LA113 and LA104 guidance has been followed in assessment of the potential consequences i.e. the effect of flooding, and the significance of that effect. This includes assessment of receptor vulnerability and magnitude of potential impact. Receptor vulnerability is therefore an inherent element of the assessment of flood risk, as it is not possible to eliminate all flood impacts in such a large catchment area, given the baseline flood hazard in the floodplain.</p> <p>The first part of the Exception Test is met, as stated in paragraph 4.3.3-5 and section 10.3 in Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177], due to the Scheme being part of the strategic road network, the need for upgrading of which is set out in the Case for the Scheme [APP-190]). The Scheme is essential transport infrastructure that has to cross the area(s) at flood risk.</p> <p>The second part of the exception test is also met. As described in paragraph 11.1.6 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177], the Scheme, which includes three Flood Compensatory Storage areas to mitigate the potential for increased flood risk elsewhere, does not change fluvial flood risk at vulnerable receptors for the design (1% AEP plus 39% climate change) event or lower magnitude events, when compared to the baseline.</p> <p>It is not realistic or possible for the Scheme to reduce flood risk overall within the wider catchment, given the extensive baseline flood hazard in the floodplain for the 1% AEP plus 39% climate change event, as shown in Figure 8-2 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]. It should be noted that the Scheme does provide some localised reduction of flood risk as shown in Figure 8-1 of Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices [APP-177]. It should be noted that the Applicant maintains that this part of the Exception Test has been passed, as the test states “where possible” and the Applicant maintains that it is not realistic or possible to reduce flood risk across the wider catchment.</p> <p>At Deadline 6, the Applicant will submit an updated Flood Risk Assessment [APP-177] to include the Hydraulic Modelling and Floodplain Compensation Area Technical Notes as appendices. The Flood Risk Assessment will also be updated to make reference to the Technical Notes, as appropriate, and to ensure that the updated Flood Risk Assessment [APP-177] includes all appropriate information within the Sequential and Exception tests, including that provided in response to the ExA's questions and other relevant representations.</p>