

A46 Newark Bypass

Scheme Number: TR010065

**Statement of Common Ground
with Nottinghamshire County Council**

APFP Regulations 8(1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure)

Rules 2010

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Infrastructure Planning

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

**The A46 Newark Bypass
Development Consent Order 202[x]**

**Statement of Common Ground with
Nottinghamshire County Council**

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1 Introduction

1.1 Purpose of this document

- 1.1.1** This Statement of Common Ground (this “SoCG”) has been prepared in respect of the A46 Newark Bypass (the “Scheme”) as part of the application made by National Highways (the “Applicant”) to the Secretary of State for Transport, via the Planning Inspectorate (the “Inspectorate”) for a development consent order (DCO) under section 37 of the Planning Act (the “2008 Act”). A detailed description of the Scheme can be found in Chapter 2 The Scheme of the Environmental Statement [APP-046]
- 1.1.2** This SoCG does not seek to replicate information which is available elsewhere with the application documents. All application documents will be made available on the Planning Inspectorate website.
- 1.1.3** This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has (not) yet been reached. SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1** This SoCG has been prepared between 1) National Highways as the Applicant and 2) Nottinghamshire County Council.
- 1.2.2** National Highways (previously known as Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain, and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations, including in respect of the application, to be conferred upon or assumed by National Highways.
- 1.2.3** Nottinghamshire County Council are “interested parties” under the Planning Act 2008 in relation to the Scheme and are planning authorities and NCC is the local highway authority in relation to the proposed works. Additionally, the Council has a number of other statutory responsibilities in relation to housing, public rights of way, flood management and environmental health, and discretionary powers in relation to well-being and enforcement.

1.3 Terminology

- 1.3.1** Within the table in [Section 3](#), Issues of this SoCG, the terminology is as follows:
- “Agreed” indicates area(s) of agreement
 - “Under Discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue(s) to determine whether they can reach agreement by the end of the examination; and
 - “Not Agreed” indicates a final position for area(s) of disagreement where the resolution of the divergent positions will not be possible, and parties agree on this point.
- 1.3.2** It can be assumed that any matters not specifically referred to in Section 3, Issues of this SoCG are not of material interest or relevant to Nottinghamshire County Council and therefore have not been subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Nottinghamshire County Council.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between National Highways and Nottinghamshire County Council (NCC) in relation to the application is outlined in **Table 2.1.1** below.

Table 2.1.1 Record of Engagement

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
04/11/2020	Meeting with NCC	Pre-consultation meeting to discuss the Council's approach to public consultation. Topics included who National Highways (NH) would consult with, how the consultation would run under Covid-19 restrictions and how NCC could help advertise the consultation via its media channels
08/12/2020	Meeting with NCC	Kick off meeting for public consultation
11/01/2021	Meeting with Ursilla Spence, NCC County Archaeologist	Initial briefing to provide scheme context and background information as well as outlining the environmental constraints that had been identified
13/01/2021	Meeting with NCC County Archaeologist	County Archaeologist informed about the heritage work being undertaken for the scheme, and an opportunity for the County Archaeologist to raise any issues that should be addressed within the options assessments. Initial work carried out for the Options Assessment was also discussed, including the condition of the listed causeways and culverts as well as the design team's consideration of the potential physical impacts on these structures
02/02/2021	Email from NCC	Formal feedback on public consultation. Within its response, it noted that it has campaigned for an improvement at this location for many years stating that the section of single carriageway has inhibited economic growth in the local area. NCC welcomes such a significant upgrade to the network and is keen to future proof the network as far as possible within budget availability
02/03/2022	Meeting with NCC County Archaeologist, the Applicant and Emily Gillott from NCC	Meeting to discuss the scope of required archaeological works. It was agreed that a programme of geophysical, metal detector and field walking surveys alongside a geoarchaeological desk-based assessment would be undertaken to inform the baseline set out within the Cultural Heritage Environmental Statement chapter. This would be followed by a programme of site-based geoarchaeological coring and trial trenching to enhance the baseline and inform the preparation of the Archaeological Mitigation Strategy for post consent investigations required during the pre-commencement and construction stages of the Scheme.
05/04/2022	Meeting with Internal Drainage Board (Water Management Consortium) and Environment Agency	Introductory flood and drainage steering group meeting Introduction of the scheme, indicative timeline leading up to DCO submission, statutory consultation process. Presentation of current scheme solution, including changes since Preferred Route Announcement.
22/04/2022	Online meeting	Newark Gateway session to talk through the likely proposals at both the cattle market (the redevelopment of the lorry park – a Towns Fund scheme) and Showground/Winthorpe roundabouts (the proposed new location for an expanded lorry park and commercial activity)
11/05/2022	Meeting with Internal Drainage Board (Water Management Consortium) and Environment Agency	Second flood and drainage steering group meeting to collate further information on the following items: River Trent model and others, basis of design for floodplain compensation, land drainage, records and models, historic flood records, run-off control conditions, flood resilience – joint probability. No significant outcomes.
26/05/2021	Meeting with NCC and Newark and Sherwood District Council (NSDC)	Introduction of the Scheme, and discussion of climate change allowances, the hydraulic model and hydrology, floodplain compensation methodology and flood reduction opportunities including legacy work
17/06/2022	Email to NCC - Gary Wood	Introduction and Statement of Community Consultation (SoCC). Inviting representatives from the NCC communications team, Equality, Diversity and Inclusion (EDI) team, planning team and community engagement team to attend a meeting to discuss the drafting of the SoCC
23/06/2022	Email to NCC - Kevin Sharman	Introduction and discussion on the SoCC. As above
24/06/2022	Online meeting with NCC	Brief overview of the Scheme and an outline of timings and planned use of the land, both for the Scheme – land take for the cattle market roundabout – and the site compound during the construction stage. NCC raised concerns over use of the land as it will not be needed for 2.5 years and suggested buying the land or signing a 10-year lease. Advised land will probably go into the DCO as a good piece of land for use during construction
28/06/2022	Email to host and neighbouring Local Authorities	Email communication relating to formal consultation period on the SoCC
07/07/2022	Meeting with NCC, Internal Drainage Board (Water Management Consortium), National Highways	Follow-up meeting with the flood and drainage steering group to get confirmation on data, current flood management, and drainage strategy
08/07/2022	Online meeting with NSDC and NCC	Discussion of SoCC. Key stakeholder information provided and discussion on potential deposit locations for the SoCC Suggestion of widening the consultation zone Conversation on engagement channels for promoting the SoCC
12/07/2022	Email to NCC - Active Travel - Kevin Sharman	Email to request introduction to the active travel lead at the Council.
09/08/2022	Meeting with Neil Lewis, Countryside Access Manager	Meeting to present current status of design and changes made since the Preferred Route Announcement, in advance of the Statutory Consultation.
11/08/2022	Online meeting with NCC and NSDC	Discussion on SoCC, design for statutory consultation (access to Newark Gateway), access to proposed compound at Cattle Market roundabout
12/08/2022	Email from Neil Lewis, Countryside Access Manager, NCC	Email to invite the Applicant to attend future Local Access Forum meetings.

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
07/09/2022	Meeting with NCC	Presented the current preliminary design and the interfaces with the PRoW in the Local Impact Area. Presented the alterations made to the design since the Preferred Route Announcement in February 2022 including the removal of the underpasses at the Brownhills junction and the proposals to connect FP2 to the footpath at the Friendly Farmer roundabout
09/09/2022	Meeting with NCC	PRoWs meeting. Discussion centred around upcoming meeting with Local Access Forum and potential issues that might be raised
09/09/2022	Meeting with NCC and NSDC	Catch up meeting. General discussion on Scheme design and ongoing stakeholder engagement. Conversation on the importance of Growth Opportunities and the delivery of Newark Town Investment Plan.
14/09/2022	Meeting with NCC, Internal Drainage Board (Water Management Consortium), National Highways	Follow-up meeting with the flood and drainage steering group to discuss surveys and future engagement.
22/09/2022	Meeting with NSDC and NCC	Regular update meeting with NSDC and NCC on scheme progress.
27/09/2022	Email from NCC	Email from NCC confirming support for proposed wording within the Applicant's Statement of Community Consultation document.
13/10/2022	Meeting with NH, NSDC, NCC	A46 Liaison. Meeting to review outstanding actions from previous meeting and update on Scheme. Includes discussion around NSDC's gypsy and traveller strategy which affects the Toney Lane area of the town.
27/10/2022	Meeting with NSDC & NCC	Catch up meeting. Topics include start of statutory consultation, various consultation events happening in the coming weeks and update on engagement with local MPs and local councillors. Mention of potential issues with ramblers and collaborating with them to find solutions.
08/11/2022	Meeting with NCC	New Bus Stop Opportunities. Meeting to update on the Scheme and present suggestion by Winthorpe Action Group (WAG) for new bus stop next to Newark Bowls Club. Meeting with WAG to be arranged to discuss why it is needed.
10/11/2022	Meeting with NH, NSDC, NCC	Discussion at halfway point of statutory consultation.
18/01/2023	Meeting with NCC and the Applicant	Meeting to discuss the contents and approach to the Transport Assessment required for Development Consent Order (DCO) submission. Actions included establishing contact with Lincolnshire County Council as the Scheme is close to the border with it.
26/01/2023	Meeting with Local Authority members	Discussion topics included Scheme queries, updates and design changes, Winthorpe roundabout, Langford Hall access and landscaping, Kelham flood compensation, Farndon roundabout and the River Trent, and Bridleway 2 diversion.
02/02/2023	Email to Local Authorities	Proposed changes to the Winthorpe Roundabout alignment following Statutory Consultation.
09/02/2023	Meeting with NCC Senior Practitioner Archaeology, NSDC Historic Environment Officer and Historic England (HE).	Dedicated geoarchaeological session to review the assessment work undertaken to date and discuss next steps. The conclusion of the meeting was that further site based geoarchaeological assessment would be required in order to fully understand the geoarchaeological potential of the Order Limits of the Scheme and inform the impact assessment
14/02/2023	Meeting with the Applicant, Tetra Tech, BECG and Local Authorities	A46 Winthorpe Roundabout discussion about proposed design changes resulting from statutory consultation. Explanation of the safety, environmental and capacity benefits of the link road traffic passing through the roundabout. Amended layout not agreed in the meeting but NCC promised to review quickly with transport team.
15/03/2023	Meeting with Mott MacDonald and NCC Principal Officer LTP, Paul Hillier	Discussed active travel provision across the line of the Scheme
20/04/2023	Meeting with NCC Senior Practitioner Archaeology, NSDC Archaeological Advisor and HE	Geoarchaeological update session to discuss the methodology for a programme of geoarchaeological coring to inform the cultural heritage assessment.
19/05/2023	Email to NCC Senior Practitioner Historic Buildings	Email containing meeting minutes and presentation from a dedicated Built Heritage Impact Assessments session held on 03/05/2023, which the NCC Senior Practitioner Historic Buildings was not able to attend. Response received via email on 22 June 2023 confirming they were in agreement with the approach and had no further comments to add.
08/06/2023	Meeting with NCC Senior Practitioner Archaeology, NSDC Archaeological Advisor and HE	Online consultation session to discuss the results of the geoarchaeological coring and the methodology and programming for the trial trenching and test pitting proposed for August to October 2023.
14/06/2023	NCC (Chair) with NH, NSDC, MM and Skanska	Ongoing 'A46 Highway Issues' meetings
30/06/2023	Meeting with NCC Senior Practitioner Archaeology, NSDC Archaeological Advisor and HE	Update session to discuss the construction strategy for the proposed Farndon Satellite compound and what archaeological mitigation/protection measures would be necessary in this location.
13/09/2023	Meeting with NCC	Meeting with the NCC Group Manager for Property Asset Management to discuss further the use of the old highway depot site as a temporary compound during the construction phase of the Scheme. NCC stated that they have held off making plans for the old highway depot site as they are aware of the Applicants proposals for its use as a compound during the construction phase of the Scheme.
20/09/2023	Meeting with NCC Senior Practitioner Historic Buildings and NSDC Senior Conservation Officer	Meeting to discuss the proposed works to Smeaton's Arches including specifications for the work and the proposed level of building recording and monitoring.
27/02/2024	Meeting with NCC Senior Practitioner Archaeology, NSDC Archaeological Advisor and HE	Archaeology follow up session. Discussion included the following key topics: updates from the Applicant regarding methodology for excavating the borrow pits; discussion and agreement on approach for mitigation in the borrow pit area; discussion of construction areas and agreement on how far archaeological investigations should pursue features;

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		discussion on the use of fencing to protect archaeology outside of identified impacted and investigated areas and finalising scope of further archaeological investigations required during pre-commencement and construction stages of the Scheme.
07/08/2024	Meeting with NCC Senior Practitioner Archaeology, NSDC Archaeological Advisor and HE	Archaeology follow up session. Discussion included the following key topics including Phase 2 evaluation trenching results; discussion of future mitigation measures required during pre-commencement and construction stages of the Scheme and update with regards to the status of the Archaeological Management Plan and agreement on review period
04/11/2024	Online Teams Meeting with NCC / The Applicant	Review and Update NCC's SoCG, specifically in relation to Traffic and Transport
08/11/2024	Online Teams Meeting with NCC / The Applicant	Review and Update NCC's SoCG, specifically in relation to / Minerals & Waste
w/c 02/12/2024	CAH & ISH	NCC made representation
16/01/2025	Online meeting with NCC Senior Practitioner Archaeology and Applicant	Review and Update NCC's SoCG, specifically in relation to Archaeology
27/01/2025	Online Teams Meeting with NCC / The Applicant / NSDC	Detailed Design Assurance and Sign off for NCC elements of work / SoCG - Traffic Specific Points
28/01/2025	Email from the Applicant to NCC	Providing The Applicants response to ISH3 Actions
24/01/2025	Online Teams Meeting with NCC / The Applicant / NSDC	Review current Status's of the SoCG

2.1.2 It is agreed that this is an accurate record of key meetings and other forms of consultation and engagement undertaken between 1) National Highways and 2) Nottinghamshire County Council in relation to issues addressed in this SoCG.

3 Issues

3.1 Issues agreed, not agreed or under discussion

3.1.1 Table 3.1.1 below details the issues which have been agreed, not agreed or are under discussion between 1) National Highways and 2) Nottinghamshire County Council

Table 3.1.1 - Issues

Issue No.	Issue	Document Reference	Nottinghamshire County Council's Position	Applicant's Position	Status	Date status confirmed
1.	Traffic and transport	7.4 Transport Assessment Report [APP-193]	Queuing traffic NCC would like to see additional measures put in place to address the problem of stationary vehicles queuing on the A1 southbound approach to the A17 junction. Whilst the Scheme should help to alleviate this in the long term, there have been many accidents here and it poses a significant ongoing safety risk. It is suggested that the Applicant consider more immediate additional warning measures such as using the interactive overhead gantry signs to warn drivers of potential queuing traffic.	The current queues on the A1 slip roads are caused by traffic congestion at the existing Brownhills and Friendly Farmer roundabouts. Traffic modelling, completed as part of the 7.4 Transport Assessment Report [APP-193], forecasts that due to the new A1/A46 Crossing there would be a reduction in traffic using Brownhills Roundabout and Friendly Farmer Roundabout adding extra capacity. Therefore, the traffic coming from the A1 slip roads would have less opposing traffic to enter the roundabout and reduce the queues on the slip roads. The Applicant is aware of several collisions at the A1/A46/A17 Newark junction over a number of years, largely due to traffic queuing back onto the A1 from both north and southbound slip roads, due to congestion. National Highways are currently proposing a safety scheme for the whole of the A1 between Blyth and Stamford that is being delivered in stages alongside pavement schemes. The scheme aims to slow traffic at specific junctions by installing "SLOW" road markings on red surfacing in advance of the junctions, improvements to signs and road studs and a few other improvements. Planned for completion June 2025 For the A1/A46/A17 Newark junction it is proposed that SLOW's on red surfacing are installed prior to both slip roads, minor amendments to signs and the installation of Queue ahead vehicular activated warning signs. The lining, red surfacing and minor signing work is planned for June 2025 prior to the A46 Newark Bypass scheme going ahead. It has been proposed that the vehicular activated warning signs be reviewed once the A46 Newark Bypass scheme has been completed, so the impact on the queue lengths can be assessed and the signs positioned accordingly. If queuing is greatly reduced as the Newark Bypass modelling suggests there may not be a need for the vehicular activated signs to be installed, however if the Bypass scheme does not go ahead it may be necessary to implement the signing scheme as soon as practically possible.	Agreed	20/02/2025
2.	Traffic and transport	7.4 Transport Assessment Report [APP-193]	Transport Assessment/modelling The proposed works and consultation do not appear to be supported by any form of Transport Assessment or formal modelling documentation. Without this we are unable to ascertain what potential impacts on the wider highway network across Nottinghamshire will be or indeed whether the proposed junctions which intersect with County Road network are of sufficient capacity to cater for the anticipated levels of traffic. We would welcome the chance to review this when it has been completed. NCC request to see AM and PM hour peak junction modelling (ARCADY) for the following junctions: - Great North Road/Bar Gate - Great North Road/Ossington Way (Waitrose junction) - A17/Stapleton Lane/Beckingham Road - A17/Long Holloway/Godfrey Drive 04/01/2024 update: NCC has requested geometry amendments to the ARCADY model input data. The Council has also requested model input files for the Vissim modelling.	Traffic modelling has been carried out to support the development of the Scheme. The results of this traffic modelling are described in the 7.4 Transport Assessment Report [APP-193].	Under Discussion	18/10/2024

Issue No.	Issue	Document Reference	Nottinghamshire County Council's Position	Applicant's Position	Status	Date status confirmed
			20/02/25: ARCADY modelling update and comments received 13/02/2025 Access to observe Vissim Modelling provided 18/02/2025 Two outstanding matters remain under discussion regarding: - A17 / Godfrey Drive / Long Hollow Way - Great North Road Southbound (Vissim traffic discharge rate south of the level crossing)			
3.	Boundaries	Draft Development Consent Order [APP-021] Outline Traffic Management Plan [APP-196]	Boundaries, responsibilities, costs Any works on the NCC's road network will be need be subject to some form of cross boundary agreement under the relevant sections (4 or 8) of Highways Act 1980 and as such will be subject to technical design checks and safety audits at this time. As part of this process there will be a need to agree future maintenance boundaries, responsibilities, and costs. This will also need to consider appropriate tie-ins to the county highway network where relevant and how construction will take place. Such as Traffic Regulation Orders (TROs), speed limits, maintenance boundaries, signing strategy and junction modelling. Discussions will be ongoing as detailed design emerges.	The Applicant continues to engage with representatives from Nottinghamshire County Council and will continue to do so as the detailed design develops. This will include specific area such as the signing strategy and maintenance boundaries between the local and strategic networks. Nottinghamshire County Council are a consultee for the Traffic Management Plan as detailed in Requirement 11 of the Draft Development Consent Order [APP-021]. The Traffic Management will be produced substantially in accordance with the Outline Traffic Management Plan [APP-196]. The Applicant is currently awaiting contact details from NCC to initiate discussions regarding cross-boundary responsibilities.	Agreed	21/02/2025
4.	Future Proofing	2.5 General Arrangement Plans [AS-007]	Newark Showground As part of the detailed design, we are keen to make sure that every opportunity is taken to future proof access arrangements to Newark Showground. It's imperative that the legal status and alignment of routes are clear and agreed before any legal Orders are made. Depending on the outcomes of the study there may be a need for some form of mitigation on the local road network. NCC requests that the network management team within Via East Midlands is involved at early stages for planning of the traffic management proposals	A 'left-in' junction has been provided to the Newark Showground site from the Friendly Farmer Link and a 'left-out' junction onto Drove Lane to allow traffic to be better managed during show days. This is presented in the 2.5 General Arrangement Plans [AS-007].	Agreed	03/01/2025
5.	PRoW		Farndon A46 roundabout The plans indicate that the Farndon Underpass will remain open throughout the works which is good. As you are aware the land adjacent to Crees Lane is currently used by members of the public as a walking route, we are also aware that National Highways are planning to use this as a compound. We would support the opportunity to create a public footpath at this location to link the underpass with Footpath No.5 and Bridleway No.2. Farndon A46 roundabout - the land which is set out for the works compound adjacent to Crees Lane has a number of unrecorded desire lines through it. It would be advantageous to see these formally recorded and set out following completion of the Scheme.	Following feedback received as part of the statutory consultation, the temporary diversion of bridleway BW2 was changed, and an alternative route was presented as part of the targeted consultation on the Scheme between 14 March and 16 April 2023. Following further feedback received as part of the targeted consultation the temporary diversion of the bridleway will be only for use by equestrians. Pedestrians and cyclists will utilise the existing footpath FP5 from the River Trent to gain access to the route adjacent to Crees Lane shown within the Order Limits. The unrecorded desire lines are on a piece of land that has been identified for temporary use as part of Scheme, any activity to formally record these desire lines as Public Rights of Way would need to be undertaken by stakeholders, including NCC, outside of the Scheme.	Agreed	04/11/2024
6.	PRoW	Chapter 2 The Scheme [APP-046] 6.3 Environmental Statement - Appendix 12.2 Population and Human Health Supplementary Information [APP-175].	Bridleway No.2 The temporary closure of Bridleway No.2 will have a substantial impact on NMUs using this bridleway. Therefore, there needs to be a suitable alternative. We would like more information about the proposed routing of the temporary alternative bridleway while works on Windmill Viaduct take place, and also on the likely duration of the temporary diversion. The Local Access Forum (LAF) consider this route to be very important and that a good multi-user path must be maintained throughout.	Details of temporary closures and diversions to existing Public Rights of Way are included in 6.1 Environmental Statement - Chapter 2 The Scheme [APP-046] and 6.3 Environmental Statement - Appendix 12.2 Population and Human Health Supplementary Information [APP-175]. Following feedback received as part of the statutory consultation, the temporary diversion of Bridleway BW2 was changed, and an alternative route was presented as part of the targeted consultation on the Scheme. Following further feedback received as part of the targeted consultation the temporary diversion of the bridleway would be only for use by equestrians. Pedestrians and cyclists would utilise the existing Farndon Footpath FP5 from the River Trent to gain access to the route adjacent to Crees Lane shown within the Order Limits.	Agreed	04/11/2024

Issue No.	Issue	Document Reference	Nottinghamshire County Council's Position	Applicant's Position	Status	Date status confirmed
				The temporary diversion of Bridleway BW2 is being used to avoid temporary severance of the existing Public Right of Way route during the construction of the new bridge over the River Trent. The diversion would only be in place for the duration of the construction works in this area. After completion of the construction works, the existing Bridleway alignment would be restored. The unrecorded desire lines on the piece of land adjacent to Crees Lane are on a piece of land that has been identified for temporary use as part of Scheme, any activity to formally record these desire lines as Public Rights of Way would need to be undertaken by stakeholders, including the Consultee, outside of the Scheme. Details of temporary closures and diversions to existing walking, cycling and horse-riding (WCH) routes are included in 6.1 Environmental Statement - Chapter 2 The Scheme [APP-046] and 6.3 Environmental Statement - Appendix 12.2 Population and Human Health Supplementary Information [APP-175].		

7.		2.5 General Arrangement Plans [APP-008] 2.4 Street Rights of Way and Access Plans [APP-007] 6.1 Environmental Statement - Chapter 2 The Scheme [APP-046] 6.3 Environmental Statement - Appendix 12.2 Population and Human Health Supplementary Information [APP-175]	<u>Newark Footpath No.14</u> Cattle Market Roundabout Newark Footpath No.14 is currently severed by the existing A46. The proposal to extinguish this must be mitigated by the provision of suitable shared use paths between the Old Kelham Road and the A617 / Rugby Club. For example, segregated paths, suitably signed, marked out, widened where required along with the provision of light controlled crossings. <u>Newark Bridleway No.6, Newark Footpath No.66 and Newark Footpath No.48</u> NCC will require further detail on how these paths will be managed during the works including access across the Trent via Fiddlers Elbow Bridge. There also appears to be an anomaly on Bridleway No.6 regarding alignment of the legal definitive line. This can be picked up as part of the ongoing discussions. Newark Footpath No.48 follows Quibell's Lane to the north and then west to cross the railway line at-grade adjacent to the Seven Trent Water Treatment site. There is a desire line which goes north and then under the railway via a cattle-creep to join Newark Bridleway No.6. A formalised and recorded link here would improve safe access for all and provide a much-needed link in the public rights of way network. Nottinghamshire Local Access Forum response - The LAF are concerned as to how Newark Bridleway 6 will be temporarily diverted during the works to widen the A46 over the Trent, this is an important and well used path which has been unavailable on its definitive line at the old Red Bridge for some time, with users taking the cattle pass as a diversion. We understand that the contractors are going to use the cattle pass to move machinery through. The LAF would like to know how access will be maintained during the construction and propose that on completion the cattle pass become the permanent diverted route of Bridleway 6. More detail is also required on how the Applicant plan to manage the temporary closure of Newark Footpath No.48 where it passes under the A46. NCC would like to be further consulted on these issues which although temporary in nature are likely to be in place for some time. There appear to be no permanent changes to the public path network affecting this section of the route.	Users of Newark-on-Trent Footpath FP14 would use the existing footway to the Cattle Market Junction, where suitable shared use provision is provided around the junction. Signalised crossings are provided, allowing access between the A617 and Great North Road. Newark-on-Trent Footpath FP66 would remain operational during the works as would Newark-on-Trent Bridleway BW5, which crosses Fiddler's Elbow Bridge. Newark-on-Trent Bridleway BW6 would require temporary closures for the installation of the temporary access bridge as well as during the lifting operations associated with the new bridge construction over the bridleway. Closures would be minimised where practicable with the use of marshals to maintain access. A diversion would be in place for Newark-on-Trent Footpath FP48 for 24 months. This would follow south on Quibell's Lane to join Newark-on-Trent Bridleway BW10 across the Lincoln Road Railway Bridge, joining the Trent Valley Way before rejoining Newark-on-Trent Bridleway BW5. The unrecorded desire line would not be impacted by the Scheme and isn't on land identified for use as part of Scheme, any activity to formally record this desire line as a Public Right of Way would need to be undertaken by stakeholders, including NCC, outside of the Scheme. Details of the Scheme walking and cycling routes are provided in the 2.5 General Arrangement Plans [APP-008] and the 2.4 Street Rights of Way and Access Plans [APP-007]. Details of temporary closures and diversions to existing walking, cycling and horse-riding routes are included in 6.1 Environmental Statement - Chapter 2 The Scheme [APP-046] and 6.3 Environmental Statement - Appendix 12.2 Population and Human Health Supplementary Information [APP-175]. Newark-on-Trent Bridleway BW6 would need to be marshal controlled to allow escorted movements along it during the construction period due to construction work that would be taking place to build the new viaduct structure at Nether Lock. Access would be affected for approximately 10 weeks approximately 12 months after construction commencement, during working hours only. The route would be fully open for use outside of these hours. The cattle pass would not become the permanent diverted route of the Newark-on-Trent Bridleway BW6. A diversion would be in place for Newark-on-Trent Footpath FP48 for approximately 24 months. This is to allow construction of the widened underpass to the sewage works and the associated embankment earthworks. This would follow south on Quibell's Lane to join Newark-on-Trent Bridleway BW10 across the Lincoln Road Railway Bridge, joining the Trent Valley Way before rejoining the Newark-on-Trent Bridleway BW5.	Agreed	04/11/2024
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Issue No.	Issue	Document Reference	Nottinghamshire County Council's Position	Applicant's Position	Status	Date status confirmed
8.		2.5 General Arrangement Plans [APP-008] 2.4 Street Rights of Way and Access Plans [APP-007].	<u>Winthorpe Footpath No.2 and Winthorpe Footpath No.3</u> These will both be affected by the Scheme, Footpath No.2 will terminate on the new multiuser track referred to above, and for some destinations the diversion required here will be very long. For walkers wishing to continue their walk along Footpath No.3 there will be multiple road crossings to make, a new underpass to negotiate, and a considerable length of footway to walk, and there is no indication on the plans of how access to the remains of Footpath No.3 can be made. The Footpath provided along the southern side of the link Road (A46) from Winthorpe Roundabout towards the Friendly Farmer Roundabout is stated to be "to maintain existing NMU access" therefore if this is intended to be a multiuser route then it will need to be of a suitable width and be safely accommodated away from the main traffic flow and constructed to LT1/20 standards. The LAF considers that careful thought and planning will be needed to make this junction acceptable.	The proposals to remove the existing severance of Winthorpe footpaths FP2 and FP3 is detailed in the 2.5 General Arrangement Plans [APP-008] and the 2.4 Street Rights of Way and Access Plans [APP-007]. These are as follows: Winthorpe Footpath FP2 would tie into a new walking and cycling route. This would cross the widened A46 beneath the new structure that passes over the A1. - A signalised pedestrian crossing would be provided over the existing A46 between Brownhills and Friendly Farmer roundabouts. - The signalised pedestrian crossing would link to Winthorpe Footpath FP3 via a new section of footway/cycleway north of Friendly Farmer Roundabout by the existing pedestrian bridge over the A1 slip roads and the existing pedestrian crossing over the A17. - A new walking and cycling route only is provided between Hargon Lane to provide a walking and cycling route to the new crossings over Winthorpe Roundabout. This would be designed in accordance with Local Traffic Note 1/20. Whilst there is an increase in distance, Winthorpe Footpath FP2 and Winthorpe Footpath FP3 at the existing A46 had already been formally stopped prior to the Scheme starting due to safety concerns.	Agreed	04/11/2024
9.		6.1 Environmental Statement - Chapter 2 The Scheme [APP-046]. 2.5 General Arrangement Plans [APP-008] 2.4 Street Rights of Way and Access Plans [APP-007].	<u>Brownhills roundabout</u> An important and well used link for the National Cycle Network and both the promoted Trent Vale Trail and Trent Valley Way. The proposal requires that NMUs use the proposed occupation slip road, an addition of another underpass and a longer route than existing. Detail is required on lighting, surfacing, signing width and general layout to ensure improvements are achieved above the current facilities. As part of the mitigation for the loss of the current arrangements it would be advantageous to see the extension of Newark Bridleway No.6 from the A1 bridge to Holme Lane, Winthorpe via the locally named 'Winthorpe Rack'. The Trent Valley Way, Trent Vale Trail and National Cycle Route 64 currently cross the A46 by an underpass to the west of Brownhills Roundabout, before continuing through a second underpass under the A1 and into Winthorpe. The proposed alternative route is much less convenient to the NM User, as it will involve a detour, an additional third underpass and the crossing of a slip road at grade, making use of the route unsafe for a lot of users. Improvements to width, security and lighting are needed to the existing underpass under the A1. The LAF considers that careful thought and planning will be needed to make this junction acceptable. Newark Bridleway No.6 currently ends at the A1 where it is blocked off, if this path were to be opened up along Winthorpe Rack to Holme Lane, it would provide an alternative safe route and go some way to compensate for loss of amenity.	At Winthorpe Road, a new walking and cycling route would be provided to preserve the existing Winthorpe Road connection from Winthorpe to Newark-on-Trent. A signalised crossing would be provided at the new Brownhills Junction, which would allow for safe crossing of the exit slip road. The new walking and cycling provision would connect into the existing cycle path to the north-west of Winthorpe Road, and provide a route from Winthorpe, under the A46 and onwards towards Newark-on-Trent. The walking and cycling route would be a shared use 3m wide footway/cycleway, with lighting provided. The proposed lighting is described in 6.1 Environmental Statement - Chapter 2 The Scheme [APP-046]. An asphalt type surface would be used in accordance with the <i>Design Manual for Roads and Bridges</i> standards. Signing details would be finalised at a later stage of the Scheme design process in correspondence with the local authority. Details of the Scheme WCH routes are provided in the 2.5 General Arrangement Plans [APP-008] and the 2.4 Street Rights of Way and Access Plans [APP-007]. The new shared use route alignment would provide a segregated route for walkers and cyclists in place of the stopped up Winthorpe Road. This route would be a footway/cycleway, with lighting provided and a signalised crossing at the northbound exit slip road to Brownhills Junction. This option has been developed from the preferred route announcement layout to remove two additional underpasses and make it more attractive to users. The Applicant notes NCC's request for the inclusion of an extension of Newark Bridleway 6 between the A1 and Holme Lane. The Applicant has not included this within the scheme design as the Scheme is maintaining the pedestrian and cycle route along Winthorpe Road during construction and in the operation of the Scheme.	Agreed	04/11/2024
10.	Future Proofing	Initial Engagement Report – Local Authorities	<u>Rail services</u> NCC is keen to ensure that the possibility of any future rail schemes in the region are not prejudiced by the resulting chosen Scheme.	The Applicant has worked with Network Rail and the Department for Transport to identify and understand any conflicts between the Scheme and potential rail schemes, and to discuss opportunities for working together. As a result, the Applicant identified a location immediately to the east of the sewage works underpass where the schemes would be very close together. The Applicant has changed the layout of the eastbound off-slip to Brownhills roundabout to increase the space between the railway and the road so that a future rail scheme would not be prevented by the Scheme. The Applicant will continue to work together with Network Rail and the Department for Transport as the design of both schemes is developed.	Agreed	04/11/2024

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11.		Chapter 3 of the Environmental Statement [APP-47].	<u>Impact on Winthorpe residents</u> Grade separation between the A1 and the A46 is necessary but NCC is not convinced that all possibilities to minimise the impacts of this Scheme on the residents of Winthorpe have been fully investigated. NCC would like the Applicant to re-examine this area of the Scheme to see if any refinements can be developed which maintain the Scheme benefits whilst reducing impacts on local residents.	Prior to Statutory Consultation the Applicant modified the route further than shown on the preferred route announcement. This moved the A46 crossing of the A1 further south and retained the existing Esso service station and the dual carriageway between the Friendly Farmer roundabout and Winthorpe roundabout. The link road between the Friendly Farmer roundabout and Winthorpe roundabout was moved in the Showground land. The Applicant has therefore moved the route as far as possible away from Winthorpe Village.	Agreed	04/11/2024
12.			The design alignment regarding the provision of a dedicated right turn lane from Great North Road into Kelham Road for southbound traffic needs to be discussed further with the Applicant as and when the detailed design stage progresses.	The Applicant agrees	Agreed	10/12/2024
13.		REP3-037	Article 3(4) – Disapplication of legislative provisions The applicant's comments to NCC's response to ExQ1, Q6.1.3 regarding the disapplication of the Nottinghamshire County Council Permit Scheme Order 2020 is under consideration.	RE3-037 Following discussion at ISH2 The Applicant understands that NCC are referring to the Street Master Road booking system which the Applicant can confirm they will be using to book and confirm road space. This has been included in rev4 of OTMP which has been submitted at deadline 5.	Agreed	10/12/2024
14.		APP-188 REP3-026	Pre-commencement plan APP-188 is being considered in conjunction with the OTMP by the Council's highway Network Team.	The Applicant awaits comments from NCC	Agreed	10/12/2024
15.		6.1 Environmental Statement - Chapter 2 The Scheme [APP-046] 6.3 Environmental Statement - Appendix 12.2 Population and Human Health Supplementary Information [APP-175]. 2.5 General Arrangement Plans [APP-008] 2.4 Street Rights of Way and Access Plans [APP-007].	<u>Cattle Market Junction</u> The LAF have no problem with the extinguishment of Newark Footpath No.14 between the A617 and the Old Kelham Road – this path has been unsafe and largely unused for many years. The proposal to divert any public use onto the roadside footway of the A617 to the Cattle Market Junction is acceptable provided the footway is widened to provide safe shared use. The proposed route for non-motorised users over the Cattle Market Roundabout should be segregated as far as possible from the carriageway and made safe, with user friendly, clearly signed, light controlled and marked out junctions (as do all junctions). NCC notes that their proposals don't appear to comply with LTN 1/20. We still hold concerns over proposed cycling and walking facilities (specifically those proposed on Great North Road south of the A46 roundabout but also the proposals for crossing the A17) being LTN 1/20 compliant. At our meeting last year, the Applicant referred to meeting with "someone from Active Travel" but it wasn't clear whether this was Active Travel England or Sustrans. This is critical: Sustrans is a cycling charity who are also a consultee; Active Travel England (ATE) is the body responsible for ensuring that national design standards are complied with and releasing funding to LAs for the construction of cycling schemes. Our own experience following discussions with ATE is that they will not accept shared use. Furthermore, they would require all proposals to be subject to Cycling Level of Service (CLoS) assessments and Junction Appraisal. Critical fails in any of these assessments would be unacceptable. We'd like to see evidence of ATE involvement and, more specifically, their comments regarding the proposals. The concern is that NCC will be left with substandard facilities on county highway that will fall to us to upgrade as and when opportunities arise to extend the cycling network. Also, the County Council is currently required to submit an annual self-assessment to ATE which includes a requirement to declare any facilities that it has permitted on its highway that do not meet LTN 1/20 design standards. The ATE assessment is then used to rank the County Council which determines future Active Travel Fund and Capability Fund funding allocations.	Details of temporary closures and diversions to existing WCH routes are included in 6.1 Environmental Statement - Chapter 2 The Scheme [APP-046] and 6.3 Environmental Statement - Appendix 12.2 Population and Human Health Supplementary Information [APP-175]. All new walking and cycling routes would be designed to be <i>Local Traffic Note 1/20</i> compliant, which sets out guidance for cycle infrastructure design, unless environmental or physical constraints prevent this. The Applicant can confirm that engagement has been held with both the Active Travel Partnership and Sustrans on the proposed footways and cycleways. At Cattle Market the existing signalised crossings over the A46 would be retained and improved. The crossing over the A616 would be improved by widening it to 3m and providing traffic signals. The 3m wide walking and cycling route would continue south of Cattle Market along Great North Road. The routes are segregated as a minimum. Details of the Scheme walking and cycling routes are provided in the 2.5 General Arrangement Plans [APP-008] and the 2.4 Street Rights of Way and Access Plans [APP-007]. This includes retaining and improving walking and cycling routes throughout the Scheme.	Not Agreed	21/02/2025

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			We therefore should not be permitting sub-standard cycling facilities on our highway which cannot be justified/without prior agreement with ATE.			
16.		6.3 Environmental Statement - Appendix 13.2 Flood Risk Assessment [APP-177]	Flood Relief Areas The LAF would like some reassurance that you are aware of the need to protect public rights of way in the flood relief areas. Specifically, the Trent Valley Way, Kelham Footpath No.4 and Averham Footpath No.6.	A Flood Risk Assessment has been conducted which can be found in 6.3 Environmental Statement - Appendix 13.2 Flood Risk Assessment [APP-177] and a mitigation scheme has been developed that is described in the Flood Risk Assessment to ensure that the Scheme does not increase the susceptibility of local receptors to flooding. This mitigation scheme has a reduced footprint to that shown during statutory consultation, with further details provided on proposed floodplain compensation areas at Kelham and Averham, Farndon West and Farndon East. A previously proposed floodplain compensation area adjacent to Brownhills Junction has been removed from the Scheme. As such, there are no Public Rights of Way present within floodplain compensation areas, meaning that none would be impacted by their construction.	Under Discussion	18/10/2024
17.	Materials and Waste	6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]. 2.5 General Arrangement Plans [APP-008] 6.1 Environmental Statement - Chapter 12 Population and Human Health [APP-056]. 6.5 Environmental Statement - First Iteration Environmental Management Plan [APP-184]	Consultation NCC would also highlight that no consultation specific to material assets and waste has been undertaken to date including with NCC as the Minerals and Waste Planning Authority. The Council would welcome engagement with the Applicant on these issues prior to the DCO application being made. Minerals resource As identified in the Preliminary Environmental Information (PEI) report, whilst the exact quantities of minerals required for the development is currently unknown, considering the number of active quarries nearby and the landbank for sand and gravel and Sherwood Sandstone, as detailed in the Local Aggregates Assessment (LAA, Published 2021 containing 2020 sales data for minerals), there should be sufficient availability of mineral to support the Scheme and not place undue pressure on resource availability. It is also noted that any crushed rock required will need to be imported from neighbouring areas as there is no hard rock quarries in operation in Nottinghamshire currently. NCC I would highlight that an updated LAA, containing 2021 sales data, will soon be published, and should be used in future assessments for this proposal. Flood attenuation areas Large areas of land are denoted for possible flood attenuation areas and/or borrow pits. The lack of refined detail on these aspects is disappointing given their potential size and local environmental impact, including during construction. Impacts of these aspects upon the local communities of Kelham, Averham, Farndon and Winthorpe are unclear. Regard should be had to policies DM13 (Incidental Mineral Extraction) and DM15 (Borrow Pits) for these aspects. Part of the flood attenuation area near Kelham within the Scheme is part of a proposed site for a sand and gravel quarry that was put forward during the Call for sites consultation in the Minerals Local Plan process. This site was not taken forward as an allocation within the now adopted Minerals Plan, but the submission of the site indicates that this is a potentially viable area for extraction. Requirement 6 dDCO The Council would like to see additional wording to requirement 6 in the draft DCO order regarding landscaping for applicability to aftercare and long-term management of borrow-pits. With expectation of 10-15 years of aftercare for reedbeds.	The availability of Mineral Safeguarding Area and/or peat resources has been reviewed and summarised within Section 10.8 (Baseline Conditions) of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]. There is one Mineral Safeguarding Area for sand and gravel within 500m of the Order Limits, but no peat resources. The Nottinghamshire Minerals Local Plan (adopted March 2021), the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002) and the Waste Core Strategy (adopted 2013) have been considered in the assessment of likely significant effects for material assets and waste generation and management within 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]. The potential impact on Mineral Safeguarding Areas has been considered within Section 10.9 (Potential Impacts) of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]. At paragraph 10.9.9 the chapter states "Additionally, as indicated in the baseline study, sand and gravel have high reserves and landbank within Nottinghamshire (paragraph 10.8.9 and Table 10.6), which have been confirmed by Nottinghamshire County Council. Therefore, the Scheme is considered unlikely to have an impact on sterilisation of Mineral Safeguarding Areas. There are no other mineral and/or peat resources within 500m of the Scheme". The assessment for sterilisation of Mineral Safeguarding Areas has been undertaken in Table 10.18 of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054], it is considered that the Scheme is unlikely to sterilise Mineral Safeguarding Area and/or peat resources. The updated Nottinghamshire and Nottingham Local Aggregates Assessment (2021 sales data) was used to inform the assessment in Table 10.6 of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]. A Flood Risk Assessment has been conducted which can be found in TR010065 - 6.3 Environmental Statement - Appendix 13.2 Flood Risk Assessment [APP-177] and a mitigation scheme has been developed that is described in the Flood Risk Assessment to ensure that the Scheme does not increase the susceptibility of local receptors to flooding. This mitigation scheme has a reduced footprint to that shown during statutory consultation, with further details provided on floodplain compensation areas at Kelham and Averham, Farndon West and Farndon East floodplain compensation areas, the locations of which are shown on the 2.5 General Arrangement Plans [APP-008]. A previously proposed the floodplain compensation area adjacent to Brownhills Junction has been removed from the Scheme. Regard has been given to policies <i>DM13 (Incidental Mineral Extraction)</i> and <i>DM15 (Borrow Pits)</i> for these aspects. These are documented in Table 10.1 of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]. Consideration of impacts to population and human health during construction and operation (including construction of the borrow pits) are reported in 6.1 Environmental Statement - Chapter 12 Population and Human Health [APP-056]. The 6.5 Environmental	Agreed	04/01/2025

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				Statement - First Iteration Environmental Management Plan [APP-184] sets out a number of commitments to mitigate impacts to human health and communities from construction and operation of the Scheme. This includes but is not limited to dust management, noise management, air pollution control measures and monitoring, and general best practice construction practices. It is The Applicant's position that requirement 6 of the dDCO adequately secures both the Landscaping and reinstatement of the borrowpit locations. Requirement 6 states that a landscaping scheme will be produced and will reflect the applicable mitigation measures set out in the first Iteration EMP and the landscaping principles set out in the Environmental Master Plan [AS-026]. Sheet 2 of the Environmental Master Plan clearly shows that Farndon East and West borrowpits form corresponding flood compensation areas, sheet 5 of the Environmental Master Plan shows the Brownhills borrowpit site is shown to be reinstated to current form.		
18.	Materials and waste	6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]. 6.5 Environmental Statement - First Iteration Environmental Management Plan [APP-184]	<u>Recycling materials</u> In order to promote the sustainable use of natural resources the use of recycled and secondary materials should be maximised as far as practically possible where this meets the required construction specification. For example, Pulverised and Incinerator Fuel Ash is locally available. <u>Waste management</u> In relation to waste, the PEI report follows local and national policy in the drive to avoid and minimise waste and apply the waste hierarchy in handling waste. The report notes that there will be waste generated from the site that will need to be handled at different levels of the hierarchy and so considers the availability of local waste management sites, including landfill. However, the list of sites included does not consider the planning position of the sites and so further assessment is required of whether there is sufficient capacity to handle the waste. In terms of landfill, the nearest non-hazardous landfill site at Staple quarry now has no remaining capacity and is now closed other than for restoration materials and soils. However, there is a real need for restoration materials and topsoils in order to complete its restoration and so this may still be a viable option to the scheme. There is one remaining landfill site still accepting non-hazardous within the County at Daneshill, north of Retford, which is not identified in table 11.15. This site also requires significant volumes of restoration/capping materials and soils. It should be noted that Serlby quarry landfill no longer has planning permission for tipping and is subject to restoration without any further imported waste materials. The ash lagoons at Cottam, Ratcliffe on Soar and Bole Ings are also not open tipping sites and can only accept power station residues under the terms of their respective planning permissions. Similarly, the British Sugar Borrow Pits is a restricted user site and only has permission to accept soils from beet washings at the factory. A significant proportion of the assumed landfill capacity therefore does not exist, either because the sites are no longer available or have limited capacity or because there are planning restrictions preventing importation of waste. Further planning approvals and/or variations would need to be sought from the County Council as the Waste Planning Authority to either add capacity of change the planning conditions/terms	The Scheme would use recycled and secondary materials wherever technically appropriate and financially feasible. This is in line with guidance from the <i>Design Manual for Roads and Bridges LA 110 - Material Assets and Waste</i>, which presents the requirements for assessing and reporting the effects on material assets and waste from the delivery of motorway and all-purpose trunk road projects. This has been stated as part of mitigation measures in Table 10.18 of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]. Further details of these mitigation measures are detailed in the Register of Environmental Actions and Commitments in the 6.5 Environmental Statement - First Iteration Environmental Management Plan [APP-184]. The landfill capacities available at the end of 2021 (latest available figures from Waste Data Interrogator) are stated in Table 10.11, Table 10.12 and Table 10.14 of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]. Section 10.8 (Baseline Conditions) of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054] states that the latest available information on the remaining landfill capacity (2021) was checked for the Nottinghamshire area and East Midlands region, including the permit status (ie if the landfills are still active and have remaining capacity) of the landfills where publicly available. The information aims to indicate the regional landfill capacity and possibility to accept waste from the Scheme. Table 10.11, Table 10.12 and Table 10.14 of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054] do not include Staple Quarry into the remaining landfill capacity void due to it currently being closed. Serlby Quarry Landfill, Cottam Ash Disposal Site, Ratcliffe on Soar, Bole Ings Ash Disposal Site and British Sugar Borrow Pits have been included and listed in these tables because these are listed by the Environment Agency as permitted and active sites with remaining landfill capacity. These sites are within Nottinghamshire. However, Table 10.11 outlines the inert and non-hazardous landfill capacity (in 2021) in the East Midlands region. Table 10.14 includes permitted and active inert and non-hazardous landfills within 50 km of the Scheme, including landfills outside of Nottinghamshire but within the East Midlands region. Therefore, there is likely sufficient landfill capacity in proximity to the Scheme.	Agreed	08/11/2024
19.	Materials and waste		There are a number of smaller waste transfer facilities in the local area as listed in table 11.16. Again, the planning status of these sites has not been considered as several sites listed do not operate and do not have permission. The Veolia Waste Transfer Station may have limited commercial capacity as	Not all landfills may be suitable for accepting waste generated by the Scheme, and the Principal Contractor will verify the landfill is permitted to accept the waste generated by the Scheme. This includes the excavated materials generated by the Scheme, which may be suitable for restoration and capping purposes at Staple Quarry, Daneshill Landfill or any other facility. Specific details of this will be included within the Site Waste Management	Agreed	08/11/2024

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			most of its capacity is needed to service the public waste and recycling collection services under contract through NCC.	Plan within the Second Iteration of the Environmental Management Plan as detailed in Requirement 3 of the Draft Development Consent Order [APP-021].		
20.	Materials and waste	6.5 Environmental Statement - First Iteration Environmental Management Plan [APP-184] 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054]	It is not clear to what extent the Scheme will be able to manage waste on-site (including compound sites) and within the terms of a DCO permission, or whether off-site temporary facilities would be required for a temporary period. Previous infrastructure projects locally have required off-site locations that have gone through the local planning process with NCC as the waste planning authority.	An Outline Site Waste Management Plan has been developed. This can be found within Appendix B.2 (Outline Site Waste Management Plan) of the 6.5 Environmental Statement - First Iteration Environmental Management Plan [APP-184], which outlines how waste would be managed during construction. An Outline Soil Management Plan has been developed. This can be found within Appendix B.3 (Outline Soil Management Plan) of the 6.5 Environmental Statement - First Iteration Environmental Management Plan [APP-184], which outlines how soils would be managed during construction. The 6.5 Environmental Statement - First Iteration Environmental Management Plan [APP-184], will be developed into a Second Iteration Environmental Management Plan, which will include a Site Waste Management Plan, a Materials Management Plan, a Soils Management Plan and additional mitigation measures, to be implemented during construction of the Scheme. The waste hierarchy would be followed for waste management and waste would be reused on site wherever technically and economically feasible. Where required, waste would be sent to off-site permitted waste management facilities for recovery and recycling. Table 10.13 of 6.1 Environmental Statement - Chapter 10 Material Assets and Waste [APP-054] outlines permitted waste management facilities within 10 km from the Scheme. Not all treatment facilities may be suitable for accepting waste generated by the Scheme, and further facilities may be required, following the proximity principle when possible. The Site Waste Management Plan aims to ensure that waste is managed in accordance with the waste hierarchy and relevant legislation, the Materials Management Plan aims to provide suitable ways to reuse site-won material within the Scheme and in accordance with the Contaminated Land: Application in Real Environments Code of Practice. The Soil Management Plan ensures that soils would be managed in accordance with relevant legislation and guidance and aims to also ensure the quality of soil won from the Scheme so it would maintain suitable quality to be reused within the Scheme.	Agreed	18/02/2025
21.	Cultural Heritage - Archaeology	Chapter 6 (Archaeological Mitigation Strategy (AMS)) of the AMP [APP-187] Chapter 6 Cultural Heritage of the Environmental Statement [APP-050] 6.1 Cultural Heritage Desk Based Assessment [AS-099]. Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [AS-026] Chapter 2 (The Scheme) of the Environmental	The Applicant has already discussed potential impacts and started on a program of investigations to understand the archaeological resource and devise an appropriate program of mitigation. This will need to be agreed with Council officers as part of the DCO application process. Insufficient geoarchaeological work undertaken to understand the floodplain of the Trent. The Applicant acknowledge the high archaeological potential along the route and in areas needed for flood alleviation, but no archaeological evaluation has yet been undertaken, contra to the requirements of the National Planning Policy Framework (NPPF) and EIA regulations. By the planned time of the DCO some evaluation will likely have been completed, but not enough to fully understand the archaeological risks and to be able to cost mitigation, posing serious risk to the overall Scheme. At one end of the Scheme there is a Late Upper Palaeolithic site recognised by Historic England to be of international importance. This has been recognised in the local plan under guidance from Historic England as being a site of equivalent significance to a scheduled monument as per footnote 68 of the current NPPF. As yet there has been no consideration of how this site is to be investigated and the very high risks managed. This area of the Trent Floodplain has track record. On the 2009 A46 dualling scheme several internationally significant scatters of LUP flint tools and tool making waste were located whilst the new road was being built, causing significant delays and massive increases in archaeological costs. Given that the red line area for this current scheme has been reduced, there is now less room for mitigation of the buried archaeological resource through preservation in situ. This is likely to increase the archaeological costs of the scheme.	The Applicant has to date completed a thorough programme of archaeological fieldwork including: – Preliminary surveys comprising fieldwalking, metal detecting, geophysical survey and geoarchaeological coring and monitoring; and – Archaeological evaluation comprising archaeological trial trenching and geoarchaeological test pitting and palaeoenvironmental analysis. The scope of these works were developed in consultation with NCC and the approved Written Schemes of Investigation (WSI) for these works are appended to the Archaeological Management Plan [REP2-062]. The results of the preliminary surveys, alongside desk-based research and data from the National Heritage List for England and Nottinghamshire Historic Environment Record have informed the baseline set out in Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. The detailed reports for the Preliminary Surveys are appended to Appendix 6.1 Cultural Heritage Desk Based Assessment [AS-099]. The results of the archaeological evaluation have informed the preparation of the detailed Archaeological Mitigation Strategy, which is contained within Chapter 6 of the Archaeological Management Plan [REP2-062]. The Scheme design has been developed alongside incoming results from archaeological works and consultation with heritage stakeholders including NCC, NSDC and HE. With regards to visual impacts to built heritage assets, the proposed planting scheme is shown on Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [AS-026] and the Landscape and Visual Impact Assessment is set out in Chapter 7 Landscape and Visual Effects of the Environmental Statement [APP-051]. Where areas of significant archaeology have been identified through preliminary surveys and archaeological evaluation, discussions with NCC have enabled the reduction of the construction areas to	Agreed	16/01/2025

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		Statement [APP-046] (Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047] Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] Chapter 6 (Archaeological Mitigation Strategy (AMS)) of the AMP [APP-187]	Under the Cattlemarket roundabout is likely to be buried the remains of part of a designated heritage asset, Smeaton's Arches, which survive above ground to the North (and buried by Victorian build up to the South). It is highly unlikely that the original bypass scheme will have removed these, and more likely that their parapet walls will have been removed and the lower bridge structures buried within the roundabout. Thus, we have a designated asset within the scheme and no way of knowing how it will be impacted upon by the work. The advanced planting scheme and decisions about tree and shrub planting have not taken into account the potential for intervisibility between heritage assets, including the scheduled sites of the Civil War period.	preserve as much of these sensitive areas in situ. Examples include the avoidance of impacts to internationally important Late Upper Palaeolithic (LUP) remains at Farndon and the reduction of impacts to late Prehistoric, Roman and Anglo-Saxon settlement remains identified south-west of Winthorpe, detailed further in Chapter 2 (The Scheme) of the Environmental Statement [APP-046], (Chapter 3 (Assessment of Alternatives) of the Environmental Statement [APP-047] and Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. Where avoidance has not been possible a robust Archaeological Mitigation Strategy for the pre-commencement and construction stages of the Scheme has been developed in consultation with NCC, NSDC and Historic England alongside a General Methodology for undertaking the work. This Strategy and General Methodology is detailed within Chapters 6 and 7 of the Archaeological Management Plan [REP2-062].		
22.	Archaeology	dDCO	The current wording for archaeological requirement (Schedule 2, Part 1, 9) in the draft DCO (REP3-003) should be revised to accommodate an enforceable phased programme of archaeological work that includes a further phase of assessment and subsequent revision to the AMP. The following is based on a recently approved scheme by the SoS with similar circumstances. 9.—(1) The authorised development may not commence until— (a) a written scheme of investigation for additional trial trenching has been submitted to and approved by each relevant planning authority, in consultation with Historic England; (b) additional trial trenching has been carried out in accordance with the scheme approved under sub-paragraph (a); and (c) updates are made to the Archaeological Mitigation Plan to account for the results of the additional trial trenching carried out, and the updated Archaeological Mitigation Plan is submitted to and approved in writing by each relevant planning authority, in consultation with Historic England (2) The authorised development must be carried out, operated and maintained in accordance with the updated Archaeological Mitigation Plan approved under sub-paragraph 1(c) and, as set out in that strategy, the undertaker must submit individual Site Specific Written Schemes of Investigation for each phase of mitigation work to each relevant planning authority for approval. Any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to each relevant planning authority.	The Applicant and NCC have agreed that should the outstanding archaeological trial trenching in Areas 7 and 52, result in the need for further archaeological works, Chapter 6 of the Archaeological Management Plan [REP2-062] will be updated to include these further works. This agreement is detailed within Section 6.5 of the updated version of the Archaeological Management Plan, which will be submitted at Deadline 5 of the Examination. The Applicant has agreed to update the wording of Requirement 9 of the draft Development Consent Order [REP3-003] to the following: 9. (1) The additional trial trenching set out within the Archaeological Mitigation Strategy, must be carried out in accordance with the approved Written Scheme of Investigation contained in Appendix G of the Archaeological Management Plan, unless otherwise agreed with Nottinghamshire County Council. (2) If the additional trial trenching results in the need for further archaeological investigation, the Archaeological Mitigation Strategy must be updated to include the scope of any further investigation required in the location of the additional trial trenching. This update must be submitted in writing and approved by Nottinghamshire County Council, in consultation with Newark and Sherwood District Council and Historic England prior to Work No. 10, Work No. 27, Work No. 28, Work No. 29 or Work No. 30 being started in the location of the additional trial trenching. (3) The authorised development must be carried out, operated and maintained in accordance with the Archaeological Mitigation Strategy, as updated in accordance with paragraph (2) if required, and, as set out in that strategy, the undertaker must submit individual Site Specific Written Schemes of Investigation for each phase of mitigation work set out within the Archaeological Mitigation Strategy to Nottinghamshire County Council for approval. (4) Any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to Nottinghamshire County Council. NCC also noted that for future WSI's, NCC would be the lead authority for approving these documents. NSDC confirmed to the Applicant via email on 29/01/2025 that they are in agreement to defer archaeology and built heritage aspects associated with the Archaeological Management Plan to NCC. This is also reflected in the revisions to the dDCO. Both the dDCO and the Archaeological Management Plan have been updated to reflect the agreed wording of Requirement 9 and have been re-submitted at Deadline 5.	Agreed	04/02/2025

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23.	Cultural Heritage - Built Heritage	First Iteration Environmental Management Plan (EMP) [APP-184] Chapter 7 Landscape and Visual Effects of the Environmental Statement [APP-051] Appendix 7.3 Key Visual Receptor Photographs and Photomontages Part 1 [APP-138] and Part 2 [APP-139]. Chapter 6 Cultural Heritage of the Environmental Statement [APP-050] Chapter 2 (The Scheme) of the Environmental Statement [APP-046] Figure 2.3 Environmental Masterplan [AS-026] Chapter 6 (AMS) of the AMP [APP-187]	<u>Consultation</u> Consultation with Newark and Sherwood District Council (NSDC) conservation and Historic England built heritage officers did not include NCC's building conservation officer who will be making a primary consultation input into any planning submission. With regards to the commitment provided in 7.8.4 of the ESR, 'in depth analysis of the design of the scheme to understand the potential impacts on listed buildings, conservation areas and unknown archaeological remains' that it is indicated will include consulting the ZTV, this should include the use of photomontage and wireframe imagery from key heritage set as receptors in the LVIA. Consultation with NCC, NSDC and Historic England to determine which receptors to include should take place and must include consideration of noise and light impacts. <u>Impact on heritage assets</u> It is worth emphasising that there will be impacts from the works on the 'setting' of designated and non-designated heritage assets, especially as a result of the Cattle Market Junction design and the new alignment at Brownhills. The Cattle Market design will also directly impact on two grade II listed sections of Smeaton's Arches (National References: 1045946 and 1297727). Harm or loss of a designated heritage asset is covered in the NPPF paragraph 200 as follows: 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.	A dedicated Built Heritage impact assessment session was held on 03/05/2023, to which the NCC Senior Practitioner Historic Buildings was invited. Unfortunately, they were unable to attend on the day. The minutes and the presentation from the meeting were subsequently emailed to the NCC Senior Practitioner Historic Buildings for review and comment. A reply was received on 22 June 2023, stating that no additional input was proposed by NCC following that offered by NSDC Senior Conservation Officer in the meeting. Further engagement was sought with the Further engagement was sought with the NCC Senior Practitioner Historic Buildings to discuss the proposed works to Smeaton's Arches including design specifications for the work and the proposed level of mitigation required. This session took place online on 20/09/2023 and agreement was made for a program of mitigation including historic building recording, condition survey and vibration monitoring as detailed within Table 6-1 of the First Iteration Environmental Management Plan (EMP) [APP-184] and Chapter 6 (AMS) of the updated AMP [APP-187], which will be submitted during Examination. To inform the assessment, visual receptors have been identified with support from a digital Zone of Theoretical Visibility. This uses geographic information system software to identify the theoretical areas from which the Scheme may be visible. Visual receptor locations have been agreed with NCC and NSDC. Four photomontages have been produced from a select number of key visual receptors which were locations that the Applicant felt would most clearly explain the Scheme and its main elements. Further information is contained within Chapter 7 Landscape and Visual Effects of the Environmental Statement [APP-051] and the photomontages can be viewed in 6.3 Environmental Statement, Appendix 7.3 Key Visual Receptor Photographs and Photomontages Part 1 [APP-138] and Part 2 [APP-139]. Setting impacts as a result of the Cattle Market Junction have been identified and assessed within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050]. The need for appropriate mitigation has been incorporated into the design and has informed the assessment of likely significant effects. Embedded mitigation measures are detailed within Chapter 2 (The Scheme) of the Environmental Statement [APP-046], and the environmental design is presented on Figure 2.3 Environmental Masterplan [AS-026]. As stated above further details of mitigation which will be implemented prior to and during construction and operation of the Scheme is detailed within Chapter 6 (AMS) of the updated AMP [APP-187], which will be submitted during Examination. Paragraph 200 of the <i>National Planning Policy Framework</i> has been taken into consideration during the assessment. There is not considered to be a loss of significance to the majority of built heritage assets, and where there is impact on setting it is less than substantial. Partial loss of fabric from the 1922 section of one element of Smeaton's Arches minimises the impact on historic fabric of greater significance and amounts to less than substantial harm. Further reference to <i>National Planning Policy Framework</i> and <i>National Policy Statement for National Networks</i> can be found in Section 2 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050].	Not Agreed	21/02/2025
24.	Cultural Heritage - Winthorpe Conservation Area	Chapter 4 (Environmental Assessment Methodology) of the Environmental Statement [APP-048] Chapter 7 Landscape and Visual Effects of the Environmental Statement [APP-051]	<u>Impact on Winthorpe Conservation Area</u> NCC welcomes the revisions which have been made to the proposed route in response to previous consultation which will reduce the visual impact on the village of Winthorpe and reduce noise and vibration impacts on Winthorpe Conservation Area. However, the proposed flyover as part of Cattle Market junction will increase visual impact for residents on the northern edge of Newark. The smaller footprint of the Scheme should reduce the overall impacts on biodiversity and flood risk although these will still need to be addressed as set out in the accompanying detailed comments.	The design has been developed to meet the Scheme objectives and adheres to the principles of the design and mitigation hierarchy outlined in the standards for highways document of the Design Manual for Roads and Bridges LA 104 - Environmental assessment and monitoring. The first principle is to avoid potential adverse effects where possible, before seeking to finalise or mitigate any unavoidable impacts. At Cattle Market Junction, mitigation planting to reduce the impacts of the junction upon properties at Sandhills Park would be provided in order to soften the visual prominence of the structure and screen where possible. Details of the environmental design can be seen in Figure 2.3 Environmental Masterplan [AS-026] and further explained within Chapter 4 (Environmental Assessment Methodology) of the Environmental Statement [APP-048] and Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051].	Not Agreed	21/02/2025

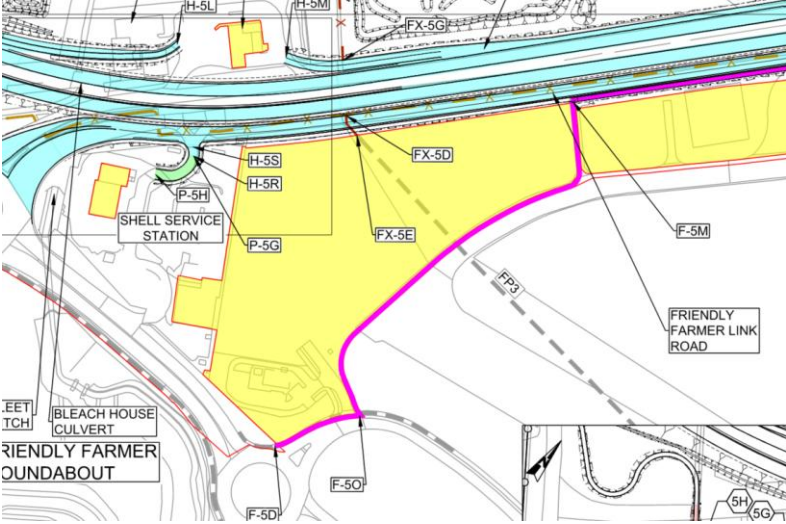
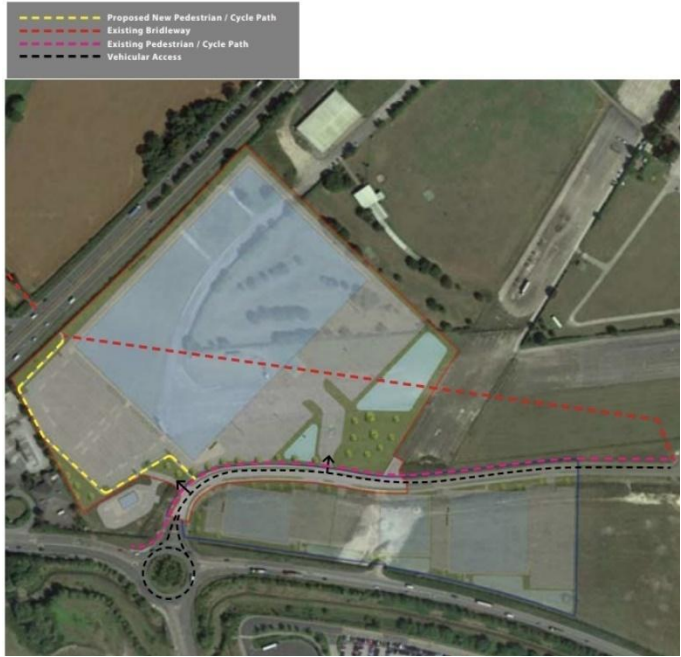
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		Figure 2.3 Environmental Masterplan [AS-026]				
25.	Ecology (biodiversity)	6.2 Environmental Statement - Figure 2.3 Environmental Masterplan [AS-026] 6.2 Environmental Statement - Figure 8.4 - Planting for Loss of Local Wildlife Site Habitats [AS-045] 6.3 Environmental Statement - Appendix 8.1 Extended Phase 1 Habitat Technical Report Part 1 [APP-145] & Part 2 [APP-146] 6.1 Environmental Statement - Chapter 8 Biodiversity [APP052] 6.3 Environmental Statement - Appendix 8.2 National Vegetation Classification Technical Report [APP-147].	<u>Attenuation pond locations</u> The Scheme will inevitably lead to the loss of Local Wildlife Site habitat contained within the Great North Road Grasslands LWS 2/778 at the Cattle Market junction. Unfortunately, these losses are compounded by the location of attenuation basins within two parts of this LWS. Given that there appear to be other places within the DOL boundary in the immediate vicinity of the junction which are not covered by LWS designation, the attenuation basins should be moved to minimise impacts on designated sites caused by the scheme and correctly apply the mitigation hierarchy (i.e. by avoiding impacts in the first instance) <u>Relating to the Environmental Information report</u> <u>Para. 9.5.9</u> National Vegetation Classification (NVC) surveys should also be undertaken of affected LWS grasslands (recognising that some may have declined in quality and therefore no longer be 'good quality semi-improved grassland', but it will be important that this can be evidenced).	Re-locating the basins outside of the Local Wildlife Site would require direct run-off against the natural fall of the land as well as the highway, which in turn would lead to piped runs at unrealistic depths or swales having to be raised higher to allow flows to be conveyed towards the basin. The basins are therefore still proposed within the Local Wildlife Site but have been developed to ensure nature-based solutions are maximised wherever practicable. A compensation package has been designed to provide the equivalent habitat type to that lost within each Local Wildlife Site, details of which can be found in 6.2 Environmental Statement - Figure 2.3 Environmental Masterplan [AS-026] and 6.2 Environmental Statement - Figure 8.4 - Planting for Loss of Local Wildlife Site Habitats [AS-045]. Habitats within the Scheme study area were initially identified, classified and mapped in accordance with the Joint Nature Conservation Committee's <i>Handbook for Phase 1 Habitat Survey</i>. The habitats identified are detailed within Appendix E of 6.3 Environmental Statement - Appendix 8.1 Extended Phase 1 Habitat Technical Report Part 1 [APP-145] & Part 2 [APP-146] and 6.1 Environmental Statement - Chapter 8 Biodiversity [APP052]. Habitats identified during the Phase 1 habitat survey as potential Priority Habitats and any Local Wildlife Site habitats (including grasslands) were subsequently subject to a National Vegetation Classification survey to confirm the habitat classification against the Local Wildlife Site citation 6.3 Environmental Statement - Appendix 8.2 National Vegetation Classification Technical Report [APP-147]. The following communities were found to be present within the survey area; MG1, MG4, MG5, OV26, W8 and W10. Where appropriate, all accessible habitats were subject to habitat condition assessments with reference to the <i>Biodiversity Metric 3.1 Technical Supplement (Panks et al., 2022)</i>. A precautionary approach has been taken to assigning condition for baseline habitats where condition was not assessed as part of the Phase 1 Habitat survey / where no National Vegetation Classification surveys were undertaken, due to access constraints. In these cases, the baseline condition was precautionarily assessed as good. This is also applicable to habitats located within all Local Wildlife Sites potentially impacted by the Scheme.	Under Discussion	18/10/2024
26.	Ecology	6.3 Environmental Statement - Appendix 8.6 Wintering Bird Technical Report [APP-151] 6.1 Environmental Statement - Chapter 8 Biodiversity [APP-052]	<u>Para. 9.5.11 Environmental Information report</u> It would be advisable for wintering bird surveys to be carried out during November and December this year, as well as March next year, to cover the whole winter period.	Wintering bird surveys were carried out across 4 visits in January to February 2022 and November to December 2022. This is in line with the core survey months for wintering birds (with reference to the Bird Survey Guidelines, birdsurveyguidelines.org and Bibby <i>et al.</i>, 2000, <i>Bird Census Techniques</i>). Transect routes were devised to survey a representative sample of the habitats within a 1km buffer of the Order Limits and were surveyed once per survey visit. Further details are available in 6.3 Environmental Statement - Appendix 8.6 Wintering Bird Technical Report [APP-151] and 6.1 Environmental Statement - Chapter 8 Biodiversity [APP-052].	Agreed	18/10/2024

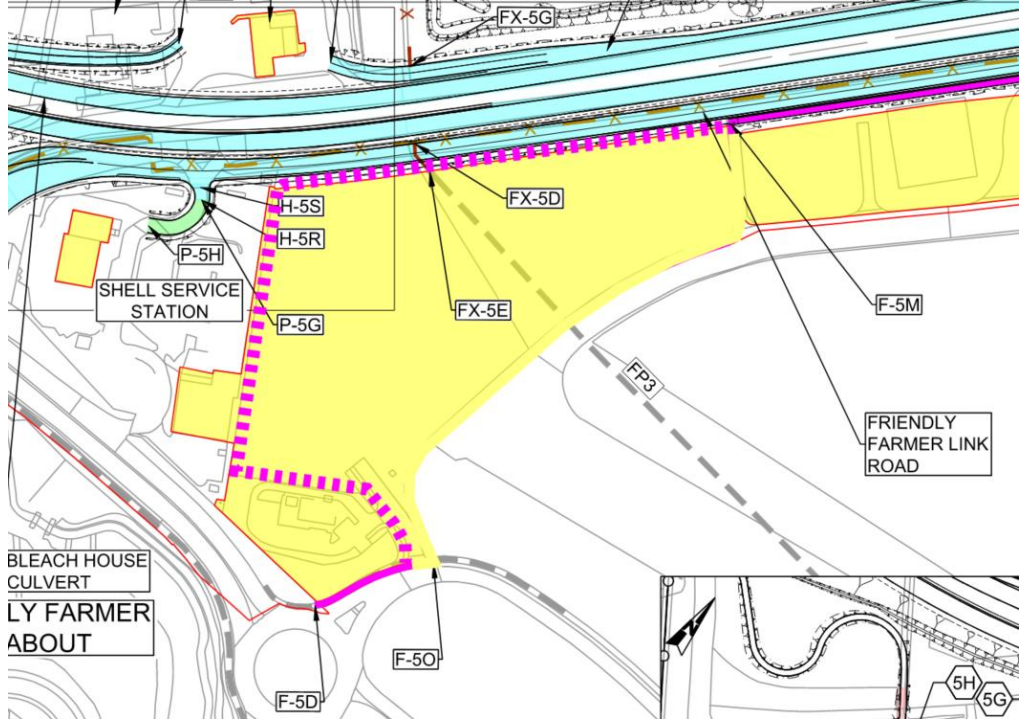
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27.	Ecology	6.3 Environmental Statement - Appendix 8.5 Breeding Bird Technical Report [APP-150] 6.1 Environmental Statement - Chapter 8 Biodiversity [APP-052]	<u>Para. 9.5.13 Environmental Information report</u> There is no reference to breeding bird surveys here, this is presumably an accidental omission given Appendix C indicates that breeding bird surveys have been completed.	Field surveys and subsequent mapping of species richness and abundance for breeding birds were undertaken across eleven transects, once a month during the 2022 breeding season (between April to September inclusive). Breeding bird surveys were carried out across six visits between April to August 2022, inclusive. Further details are available in 6.3 Environmental Statement - Appendix 8.5 Breeding Bird Technical Report [APP-150] and 6.1 Environmental Statement - Chapter 8 Biodiversity [APP-052].	Agreed	18/10/2024
28.	Ecology	6.10 Scoping Opinion [APP-189] 6.1 Environmental Statement - Chapter 8 Biodiversity [APP-052] 6.2 Environmental Statement - Figure 2.3 Environmental Masterplan [APP-026]	<u>Para. 9.5.13 Environmental Information report</u> Consideration should also be given to common toad and common frog breeding in ponds and borrow pits adjacent to the A46, given these are Section 41 species.	The common frog and common toad are widespread in the county and protection of sites are not considered to have any meaningful impacts on their conservation status. These species have been scoped out of targeted surveys with no concerns being raised by the Planning Inspectorate to this approach in their Environmental Statement - 6.10 Scoping Opinion [APP-189]. Despite being scoped out of targeted surveys, the impacts and mitigation provided for protected species will benefit local populations of common frog and common toad. A desk study of biological records returned 3 records of common frog and 1 record of common toad within the Order Limits (data from Nottinghamshire Biological and Geological Record Centre). No ponds will be directly impacted (lost) or indirectly impacted (e.g., degradation of habitat from pollution) during construction, as there are no viable hydrological pathways between ponds identified and the Order Limits. In the poor semi-improved grassland adjacent, west of the A46 the borrow pits comprise predominantly of arable land and frogs have been recorded during other protected species surveys, Old Trent Dyke east of the A46 is scrubbed over and dry for the most part, reducing its suitability for amphibians. Mitigation measures during construction (detailed in Section 8.10 of 6.1 Environmental Statement - Chapter 8 Biodiversity [APP-052]. "A pre-works search by the Ecological Clerk of Works prior to vegetation clearance/brush removal to check for notable faunal species such as hedgehog and toad resting places." Landscape planting, creation of refugia for reptiles and creation of Farndon Borrow Pit wetland areas comprising of a network of ponds and reedbeds surrounded by marsh and wet grassland are considered to have a beneficial effect on the local population of common frog and common toad by providing suitable habitat and improvement of existing. The environmental design for these areas can be seen on 6.2 Environmental Statement - Figure 2.3 Environmental Masterplan [APP-026].	Agreed	18/10/2024
29.	6.3 Environmental Statement - Appendix 8.14 Biodiversity Net Gain Technical Report [APP-159].	6.5 Environmental Statement - First Iteration Environmental Management Plan [APP-184] draft Development Consent Order [APP-021] 6.3 Environmental Statement - Appendix 8.14 Biodiversity Net Gain Technical Report [APP-159]	<u>Para 9.10.4 Environmental Information report</u> States that the Applicant have 'a target of Biodiversity Net Gain by 2040', then stating that the Scheme 'aims to achieve a biodiversity net gain... to include the creation of an equal or greater area of similar habitat to that lost'; note that this in itself will not necessarily achieve the statutory minimum of 10% net gain, and that as per para 9.10.5, 'no net loss' is not the same as 'net gain'; development of the Scheme to achieve 10% net gain will therefore be needed, as indicated. 29.01.25: Within the Applicant's Summary of the Issue Specific Hearing 4 (ISH4) [REP4-034] submitted at Deadline 4. The applicants written response states: Where habitats contribute to BNG, they will be maintained for a 30-year period (in accordance with BNG requirements), as detailed in the Register of	This mitigation is also secured through the 6.5 Environmental Statement - First Iteration Environmental Management Plan [APP-184] which will be further developed into a Second Iteration Environmental Management Plan prior to construction. Adherence with the Second Iteration Environmental Management Plan is secured by Requirement 3 in Schedule 2 of the 3.1 draft Development Consent Order [APP-021]. The Scheme would achieve a net gain in habitat units within the Order Limits of the Scheme with the exception of the areas of impact and compensation for lowland meadow. Further information is contained within 6.3 Environmental Statement - Appendix 8.14 Biodiversity Net Gain Technical Report [APP-159]. However, 10% net gain is not expected to be a requirement for development consent applications until 2025 and is therefore not a legal requirement for this Scheme. The Scheme's environmental design has sought to create a range of habitats similar to those already present on site and affected by the proposals. This would include habitats of higher biodiversity where possible, for example a species rich grassland is proposed where much of the existing grassland is species poor. The highway drainage has also been designed to provide swales and ponds of value to nature. Further details can be	Agreed	18/02/2025

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		6.1 Environmental Statement - Chapter 8 Biodiversity [APP-052]	Environmental Action and Commitments (REAC) within the FIEMP [REP3-022] (to be developed into the TIEMP). In light of the above, the following periods apply: 1. For the lifetime of the Scheme: all areas of proposed planting as depicted on the Environmental Masterplan], as these contribute to essential mitigation 2. For 30 years: BNG post-construction habitats as shown in Appendix A.2 of Appendix 8.14 of the ES (Biodiversity Net Gain Technical Report) [APP-159]; Within appendix A.2 is a series of plans showing the post development habitats across the whole scheme which includes both retained and created habitats with Table 5-5 within the report providing a table with retained and created habitats. I think the applicant needs to clarify if the retained habitats as shown on the plan and in the table, will be subject to the 30 years, namely the retained habitats of medium and high distinctiveness. Some of these habitats have a condition of moderate and good and will need management to retain the condition over this period. It's not clear to what is meant by "where habitats contribute to BNG" as retained habitats will contribute to the overall score as well as created habitats. In addition, the FIEMP [REP3-022] within Table 3-2: Register of environmental actions and commitments under Reference B12 states under action and commitment heading: "Any habitat creation contribution to BNG will be maintained and monitored for 30 years post construction" which suggests that retained habitats will not be monitored. Under reference B13 heading Action or Commitment it states "Biodiversity Net Gain Audit and Report would be undertaken both at the end of construction and at the end of a 5-year aftercare period for new landscape planting and habitat creation. The purpose of this would be to review the delivery of the habitat creation and determine whether BNG has occurred" with the proposals for BNG and the habitats to be created – a net gain cannot feasibly be achieved within 5 years – this should be 30 years to allow delivery of all habitats to their target conditions. Also, within Table 3-2 under the Achievement Criteria and reporting requirements states: Reports detailing monitoring recommendations for years 1,5 and 15. This is not sufficient for the 30 year period, and more monitoring should be undertaken to ensure the habitats reach their target conditions and appropriate remedial measures can be undertaken. In summary, the applicant needs to clarify what will be managed and monitored under BNG for the 30-year period as well an update to the FIEMP to reflect this. 18.02.25: Agreed following applicant's assurance that the BNG Management and Monitoring Plan will apply to all habitats shown on Appendix A.2 of Appendix 8.14 of the ES (Biodiversity Net Gain Technical Report) [APP-159] and their assurance to update wording to reflect this in commitment B12 of the REAC within the FIEMP at Deadline 6.	found within 6.3 Environmental Statement - Appendix 8.14 Biodiversity Net Gain Technical Report [APP-159] and 6.1 Environmental Statement - Chapter 8 Biodiversity [APP-052].		
30.		6.2 Environmental Statement - Figure 2.3 Environmental Masterplan [AS-026].	<u>New floodplain habitat</u> The borrow pit and floodplain compensation areas provide an opportunity to create new floodplain habitat on at least some of the land identified. With careful design, wet grassland (to include ditches, pools and scrapes) can be created, providing habitat for things like breeding waders and wintering wildfowl, whilst allowing ongoing farming practices through grazing. Marsh and swamp, reedbed and ponds should also be considered. As part of the design,	Farndon East and Farndon West are proposed as floodplain compensation area sites. Farndon West would also provide essential mitigation in the form of habitat creation, enabling multiple benefits. The design principles for these areas are to create highly distinctive habitats that complement local biodiversity whilst also being appropriate to floodplain conditions and allow high confidence in successful establishment. The environmental design for these areas including the essential mitigation measures can be seen on 6.2 Environmental Statement - Figure 2.3 Environmental Masterplan [AS-026].	Agreed	18/02/2025

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			public access should be provided, where possible, in such a way that does not impinge on farming activities or that would lead to disturbance of wildlife.	The main habitats within Farndon West floodplain compensation area include a network of ponds and reedbeds surrounded by marsh and wet grassland with individual trees, as well as an area of floodplain grazing marsh, together with fringe areas of species-rich grassland and planting of individual trees. Habitat in the form of marsh and wet grassland around the edges of the lake in Farndon East floodplain compensation area would also be provided. For these areas in particular, public access is not provided in order to maximise the biodiversity value of the areas (reducing stresses presented by public use, such as dog walking) and also to reduce health and safety risks posed by ponds (former borrow pits which would hold standing water).		
31.	Road Drainage and the Water Environment	6.3 Environmental Statement - Appendix 13.2 Flood Risk Assessment [APP-177],	As Lead Local Flood Authority, we are liaising with the Applicant to ensure the final proposals do not put the development at risk of flooding nor does it increase the risk of flooding to the surrounding areas. NCC expect our involvement to continue through the lifetime of the design process to ensure our Flood Risk considerations are met. NCC has commissioned consultants to review submitted evidence on behalf of the Council in regard to the applicant's drainage strategy. Outcomes are pending but expected for deadline 6. [This has been delayed due to officer capacity following recent flooding experienced in the County] Requirement 15 dDCO The County Council would like to be a named consultee in Requirement 15, Flood risk assessment, paragraph (2).	The Applicant has engaged with host local authorities including Newark and Sherwood District Council and Nottinghamshire County Council, and statutory environment bodies, including the Environment Agency, as part of a Flood and Drainage Steering Group. This group provided the means for the Applicant to seek the technical and local expertise of stakeholders on relevant design issues, and to support the development of Statements of Common Ground with those relevant parties, which will be developed and submitted to the Examining Authority during the course of the Development Consent Order examination. A Flood Risk Assessment has been produced, which can be found in 6.3 Environmental Statement - Appendix 13.2 Flood Risk Assessment [APP-177], to ensure that the Scheme does not increase the susceptibility of local receptors to flooding.	Under Discussion	18/10/2024
32.	Accessibility & integration	2.5 General Arrangement Plans [AS-007] 2.4 Street Rights of Way and Access Plans [AS-006].	<u>Alignment with Local Cycling and Walking Infrastructure Plan</u> NCC would like to see a complementary cycle route alongside the proposed improvements in the area, from Friendly Farmer roundabout to Winthorpe roundabout. Our interest mainly lies in promoting opportunities to encourage cycling and walking. The county council has developed a joint Local Cycling and Walking Infrastructure Plan along with other D2N2 authorities at Derby City, Derbyshire County Council and NCC. As part of this work, we are proposing to develop or improve a network of routes in and around Newark. Several routes intersect with the Scheme and we would be keen to ensure that LTN 1/20- compliant cycle routes and crossing facilities are provided at the appropriate points in order to ensure that our proposals are not severed or unnecessarily compromised by the Scheme. NCC notes that their proposals don't appear to comply with LTN 1/20. We still hold concerns over proposed cycling and walking facilities (specifically those proposed on Great North Road south of the A46 roundabout but also the proposals for crossing the A17) being LTN 1/20 compliant. At our meeting last year, the Applicant referred to meeting with "someone from Active Travel" but it wasn't clear whether this was Active Travel England or Sustrans. This is critical: Sustrans is a cycling charity who are also a consultee; Active Travel England (ATE) is the body responsible for ensuring that national design standards are complied with and releasing funding to LAs for the construction of cycling schemes.	Since statutory consultation the Applicant has continued to discuss walking, cycling and horse-riding movements across the Scheme with relevant stakeholders such as local host authorities including NCC and Newark and Sherwood District Council. The Applicant has discussed the Local Cycling and Walking Infrastructure Plan with the Interested Party. The Scheme is not assisting with any of the short-term aspirations of this plan as the locations are outside of the Order Limits, however, all new walking and cycling infrastructure within the Scheme would be 3m wide. This would assist with the long-term plans from Winthorpe to Farndon through the town and for a route that passes through Cattle Market. Details of the Scheme walking and cycling routes are provided on the 2.5 General Arrangement Plans [AS-007] and the Streets, 2.4 Street Rights of Way and Access Plans [AS-006]. This includes retaining and improving walking, cycling and horse-riding routes throughout the Scheme, as well as reducing severance between Winthorpe and south of the A46 via a crossing beneath the A46 alongside the A1 and new crossings provided over Winthorpe Roundabout. All new walking and cycling routes would be designed to be <i>Local Traffic Note 1/20</i> compliant, which sets out guidance for cycle infrastructure design, unless environmental or physical constraints prevent this.	Agreed	04/11/2024

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			Our own experience following discussions with ATE is that they will not accept shared use. Furthermore, they would require all proposals to be subject to Cycling Level of Service (CLOS) assessments and Junction Appraisal. Critical fails in any of these assessments would be unacceptable. We'd like to see evidence of ATE involvement and, more specifically, their comments regarding the proposals. The concern is that NCC will be left with substandard facilities on county highway that will fall to us to upgrade as and when opportunities arise to extend the cycling network. Also, the County Council is currently required to submit an annual self-assessment to ATE which includes a requirement to declare any facilities that it has permitted on its highway that do not meet LTN 1/20 design standards. The ATE assessment is then used to rank the County Council which determines future Active Travel Fund and Capability Fund funding allocations. We therefore should not be permitting sub-standard cycling facilities on our highway which cannot be justified/without prior agreement with ATE.			
33.		7.4 Transport Assessment Report [APP-193].	Needs to be an understanding of development timelines for the Newark Southern link road and to ensure that the scheduling of the two schemes complements each other. Consideration is also required of future scheme aspirations in relation to Kelham bypass	The Applicant continues to liaise with the local authority and the developer for the Southern Link Road regarding updates to the scheme's construction programme and the expected completion date. Currently July 2026. A Development Uncertainty Log has been produced by the Applicant. This document contains information on future 'certain' or 'more than likely' planned developments in close proximity to the Scheme and how these have been accounted for in the traffic forecasts. This can be viewed in Appendix A: Combined Modelling and Appraisal (ComMA) of the 7.4 Transport Assessment Report [APP-193].	Agreed	04/11/2024
34.	Compulsory acquisition & temporary possession		NCC's property team are aware of the proposals and have expressed their STRONG concerns about the temporary sterilisation of this land (which has been identified as a site with development potential). We would welcome more detailed discussions on this proposal as a matter of urgency, to include the potential for compensation for the delay in NCC being able to dispose of this site.	The Applicant has engaged with the Consultee with regards to the former highway depot site, which they are referring to in their comments. The Applicant held several meetings with NCC's Group Manager for Property Asset Management who confirmed that NCC had held off making plans for the old highway depot site as they are aware of the Applicants proposals for its use as a compound during the construction phase of the Scheme.	Under Discussion	18/10/2024
35.	Communication Strategy	6.5 First Iteration Environmental Management Plan [APP-184] 7.7 Outline Traffic Management Plan [APP-196]	It will be necessary to effectively manage publicity to communicate progress on all highway schemes around Newark to keep local residents and other road users up to date. NCC I welcomes continued working with national highways to work towards a joint comms strategy.	The Applicant acknowledges the need for ongoing coordination of all public messaging and publicity of the Scheme and agrees to work collaboratively with Nottinghamshire County Council in coordinating public messaging. This is recorded within 6.5 First Iteration Environmental Management Plan [APP-184] and 7.7 Outline Traffic Management Plan [APP-196].	Agreed	04/11/2024
36	Alternative route for combined footway/cycleway around the proposed Lindum development site.	REP4-002	Proposed alternative route for the combined footway/cycleway around the proposed Lindum development site, NCC Countryside Access Team confirm they are happy in principle. To enable walkers and cyclists to legally use the proposed route, the path will need to be either dedicated as an adopted highway for cyclists and walkers, a designated Cycle Track under the Cycle Track Act 1984 or a public bridleway (which will also allow equestrians). Winthorpe Footpath 3 will need to be legally extinguished, for example by a Side Roads Order, TCPA s257 (as part of the development) or using the Highways Act s118. Godfrey Drive/ any alternative to Winthorpe FP3 will need to be adopted / dedicated highway (and join the existing section of Winthorpe FP3). Godfrey Drive is subject to a S38 agreement.	The Applicant is in discussion with the Lindum Group to agree an alternative alignment for the 3 meter wide combined footway and cycleway between points F-5M and F-5O as shown on Sheet 5 of the Streets, Rights of Way Access Plans [REP4-002]. The Lindum outline planning application (23/02281/OUTM) includes a proposal for a pedestrian/cycle route around the north and western boundary of their development (as shown in the Lindum Group's Design and Access Statement). The Applicant is pursuing a legal agreement with Lindum Group to relocate the footway/cycleway from its current location to a new alignment around the north and western boundary of the Lindum site. Please refer to the drawings below. The Applicant is seeking confirmation of Nottinghamshire County Councils statement made at the Issue Specific Hearing 2 [EV8-004] and [EV8-002] that the "Rights of Way Team have been involved and are comfortable as long as there is an acceptable route, whichever route it is."	Agreed	27/01/2025

Issue No.	Issue	Document Reference	Nottinghamshire County Council's Position	Applicant's Position	Status	Date status confirmed
				 Extract from Sheet 5 of the Streets and Rights of Way Access Plans. 3m wide combined footway and cycleway shown in purple.  Extract from section 6 of Lindum Group's Design and Access Statement		

Issue No.	Issue	Document Reference	Nottinghamshire County Council's Position	Applicant's Position	Status	Date status confirmed
				 Proposal for the realigned 3m wide footway cycleway		
37.	Flood Defence Assets	[REP4-033] The Applicants summary of ISH3	culverts maintained by NCC: • between Middleton Road and Harvest Drive (off Lincoln Road) • Slough Dyke, Lincoln Road/Harvest Drive, Newark.	As per Agenda Item 3(c).1 within the Applicants summary of ISH3 [REP4-033] The Applicant has provided NCC with document listing the interactions between the scheme and the existing flood assets as identified on the DEFRA website, this includes details of how the scheme interacts with the Crees Lane embankment and Newark Roundabout embankment flood defence bunds. This document has been provided within the response to actions points arising from ISH3 which will be submitted at Deadline 5.	Agreed	21/02/2025