

A46 Newark Bypass

Scheme Number: TR010065

7.68 Comments on submissions received at the previous deadline

8(1)(c)(ii)

Planning Act 2008

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

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

The A46 Newark Bypass
Development Consent Order 202[x]

Comments on submissions received at the previous deadline

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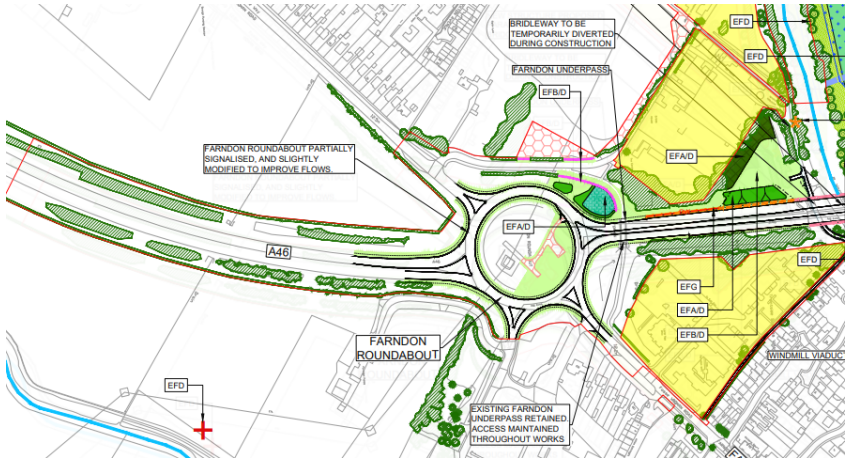
1 Introduction

1.1 Purpose of this document

- 1.1.1 The Development Consent Order (DCO) application for the A46 Newark Bypass (the “Scheme”) was submitted by National Highways (the “Applicant”) on 26 April 2024 and accepted for Examination on 23 May 2024.
- 1.1.2 This document has been prepared by the Applicant to set out its Comments on submissions received at Deadline 5 issued on 4th February 2025. This document is submitted at Deadline 6 of the Examination.

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David Corden Response	The Applicant Response
<p>Hi. I live on [REDACTED] a quarter of a mile from the Farndon Island, and I would like to make an observation about the proposed Farndon Island works. Having read your documentation I am aware that there will be a traffic light system and that the island will be widened, all of which I am in support of. However, I don't believe that the document details (to date) properly address the road noise to neighbouring streets. I would like to recommend that,</p> <ol style="list-style-type: none">1) noise cancelling road surfaces are used,2) some form of (cosmetically appealing) noise deflection barriers are used on the southerly approach to the Farndon Island and for the island itself to deflect noise (effectively from the River Devon to the island,3) that such an approach include raised earth embankments.4) There is also an abundance of land around this island approach which could be planted with trees, to further aid noise reduction. This could include tree lining the Farndon Road itself, from the island. This would make this popular approach to Newark more visually appealing.5) If the speed of approaching traffic to the island could be mitigated then that may also assist, however, I suspect that the new traffic lights may solve this problem. Thank you for your consideration, and for making the noise associated with this road / island less of a nuisance for residents.	<p>The Applicant has assessed the impacts associated with the Scheme and, where required, mitigation has been provided. As a publicly funded scheme the Applicant is not able to undertake works that are not required as a direct impact of the Scheme. Scheme proposals including essential mitigation are therefore restricted to the Order Limits, which have been established as a result of the design development and environmental assessment work. The Scheme Order Limits are shown on Figure 1.1 (Scheme Draft Order Limits) of the Environmental Statement Figures [AS-023].</p> <p>The Applicant confirms suitable noise mitigation measures considering potential physical constraints will be provided along the Scheme which will include standard height parapets with infill panels along the west side of the proposed Windmill viaduct and the east side of the existing Windmill viaduct. It is noted that the parapet along the western side of the viaduct will extend further south towards Farndon Roundabout, transitioning in form into a 2 metre noise barrier. No further noise screening is proposed in the southern approach to Farndon Roundabout to address operational noise as the associated assessment in Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] did not identify noise impacts with the potential to lead to a significant effect.</p> <p>The Applicant has also addressed each of the five listed points raised in the Interested Party's submission:</p> <ol style="list-style-type: none">1) Low-noise road surfacing will be provided throughout the Scheme. Low noise road surfacing is already present on the northbound approach to Farndon Roundabout and around the roundabout itself.2) The landscape and visual impact assessment of the Scheme (documented in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051]) did not identify any mitigation works required adjacent to the existing northbound approach to Farndon Roundabout and all existing vegetation is retained. Details of this mitigation can be seen in Sheet 1 of Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. <p>Extract from Sheet 1 of Figure 2.3:</p> 
	<p>Operational noise impacts of the Scheme are adverse in some areas and beneficial in others but none of these are anticipated to be significant with the proposed mitigation in place; the assessment for noise is documented in Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055]. Sheet 7 of Figure 11.9 (Short-term Noise Change) [AS-063] and Figure 11.10 (Long-term Noise Change) of the Environmental Statement Figures [AS-064] show that the impact in the short-term and long-term respectively in the Farndon area is predominantly negligible or minor, depending upon the exact location in relation to the Scheme. It is therefore not possible to justify the installation of additional noise barriers as suggested.</p> <p>Requirement 16 of the draft Development Consent Order [APP-021] secures the provision of the noise mitigation measures presented within Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] which includes the measures shown on Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [AS-026].</p> <ol style="list-style-type: none">3) Similarly, the outputs of assessments documented in Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] and Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051] have not resulted in the need to propose raised earth embankments along the approaches to Farndon Roundabout. It is therefore not possible to justify the installation of additional raised earth embankments as suggested.4) Given the limited change in visual amenity arising from the roundabout itself, new swathes of planting are not considered as being required from the perspective of essential mitigation. However, existing vegetation would be retained on the approach to Farndon Roundabout, with a small area of new replacement planting proposed to the north western extents when exiting the roundabout heading north on the A46.5) The Permanent Speed Limit Plans [AS-014] show a 40mph limit on the approach Farndon roundabout which will reduce speeds on the approach to the roundabout.

John Miller Response	The Applicant Response
<p>I represent John Miller and have been asked to provide an update to Exa on the likelihood of Heads of Terms being agreed before the end of examination. Progress has been made in terms of commercials, however we are still not there and we have not received a set of HoTs from NH's agent. We are currently reviewing the overage position and the impact this has on the disposal. At present I am uncertain as to whether Heads of Terms will be finalised but hopeful. Once we make further progress a decision can be made as to whether we remove our objection.</p>	<p>The Applicant's appointed valuer and the landowner's agent had a meeting to discuss the Heads of Terms on 26 January 2025 with the aim of reaching provisional agreement. Both parties are actively working towards agreement within the examination window.</p> <p>The Applicant can confirm that discussions have been ongoing between the parties and that progress has been made. The Applicant's appointed valuer issued Heads of Terms on 17 February 2025 to reflect the discussions to date. There are some outstanding points to review including an overage provision and the valuation of willow plantations. The landowner's agent is currently seeking to quantify all elements of the claim relating to the land acquisition for inclusion in the agreement. The Applicant is hopeful that the Heads of Terms will be agreed before the end of the examination and will continue to engage to seek to agree the outstanding matters.</p>
Andrew Leary Response	The Applicant Response
<p>Many thanks for the email and for ensuring that the visit by the Examining Authority to Hargon Lane took place. Many of my concerns have been addressed and [REDACTED] has been particularly helpful in explaining the detail of the latest design.</p> <p>My concerns you will remember were in 3 areas:</p> <p>1) landscaping and noise and light pollution reduction for the Hargon Lane end of Winthorpe</p> <p>2) the proposals for widening Hargon Lane</p> <p>3) the non-motorised vehicle footpath at the bottom of Hargon Lane and the potential nuisance and crime issues.</p> <p>John has reassured me that there will be a 2-metre earth bund and 1-metre- high noise reduction fence from the new roundabout A1133/ showground to the Esso service station and the old Mint Leaf which will reduce the noise and light pollution I experience. He has also shown the landscaping proposals for tree planting behind the bund and to screen the roundabout. My first BUT is trees take years to grow into an effective barrier and therefore can some of the trees be planted at a height to screen from the start ie 5/7 metres high effectively?</p> <p>Also, I mentioned vibration to him from lorries particularly farm tractors and trailers headed to the Sugar Beet factory. Foundation depths were not as they are now and so the house vibrates when heavy vehicles pass. What can be done to alleviate some of this in terms of the road surface you will install?</p> <p>John also reassured me that the changes to Hargon Lane will not be as first considered. Instead passing points using artificial grass and matting will be used. He said that a likely point for this would be the current field entrance off Hargon Lane. This would be sensible as it would tidy a messy area and allow people to walk on Hargon Lane without being covered in agricultural mess.</p> <p>He said any proposals will be agreed upon with local residents, and the Parish Council before being implemented. If this is the case I am happy with this.</p> <p>The final area and one that in my view is still a problem is the path/roadway to the attenuation ponds. I have several issues here. The path should have gates on it to restrict quad bike/motorcycle access. Can this be agreed?</p> <p>I have to accept that a new pedestrian path will be put in. I do reserve the right to do an "I told you so" response to you should this end of Hargon Lane be hit by social nuisance and crime. Is there a need for anything other than a pedestrian path? John mentioned the farmers want to continue to use existing field access. That's great as they will not come past my house! Can your maintenance vehicle not follow a similar path across the field with access in a similar way to the ponds? Is this possible to agree with the farmers and landowner? Or again can your maintenance vehicles not access a much shorter roadway from the garage or service road? This would reduce your cost of constructing the roadway.</p>	<p>The Applicant has considered the points raised by the Interested Party and provides the following response:</p> <ol style="list-style-type: none">Regarding the point about trees taking years to grow, the initial shrub and tree planting will soften the new bunds and fences along the northern boundary of the A46 between the Friendly Farmer Roundabout and Winthorpe Roundabout. The combination of bunds and bunds with a noise fence on top provide a 3.0m high barrier when the Scheme becomes operational and will reduce noise and light pollution to the property. The Applicant does not think that planting larger trees at the onset will aid screening as the bund and fence is designed to do this, and trees provide limited screening during winter months and do not suppress noise.The Applicant has committed to providing low noise surfacing along the length of the A46 within the Scheme limits. Due to its nature this surface is smooth running and will reduce vibrations from vehicles travelling along the A46.As confirmed the passing points will be agreed with the two residents within this section of Hargon Lane and Winthorpe Parish Council. The area highlighted by the Applicant is appropriate and would be a starting point for agreeing these. As a point of clarification, the passing bays would be formed from grasscrete or grass grid and not artificial turf.The path / access road to the ponds will have access gates that can only be opened by approved personnel / groups and will only allow pedestrians and cyclists to pass through. Nottinghamshire County Council will agree this detail with the Applicant but it is confirmed that this will be provided.The farmers have confirmed to the Applicant that they will continue to use their current access into the field system. This access would not be suitable for normal road going vehicles such as vans which need to access the balancing pond areas. The ponds also need to be accessed by emergency services in the event that a spillage occurs on the A46 and the penstock at the pond inlet needs to be closed to prevent pollution. For these reasons the new access track with a paved surface is required. Accessing the pond areas from the service station is not feasible as the mature vegetation around the boundary of the services is retained as shown on the Environmental Master Plan [AS-026]. . Notwithstanding this, the option proposed would not reduce costs as the walking / cycling route needs to be 3.0m wide which is the same width as an access track.


Applicants Responses to Comments received from at Deadline 5

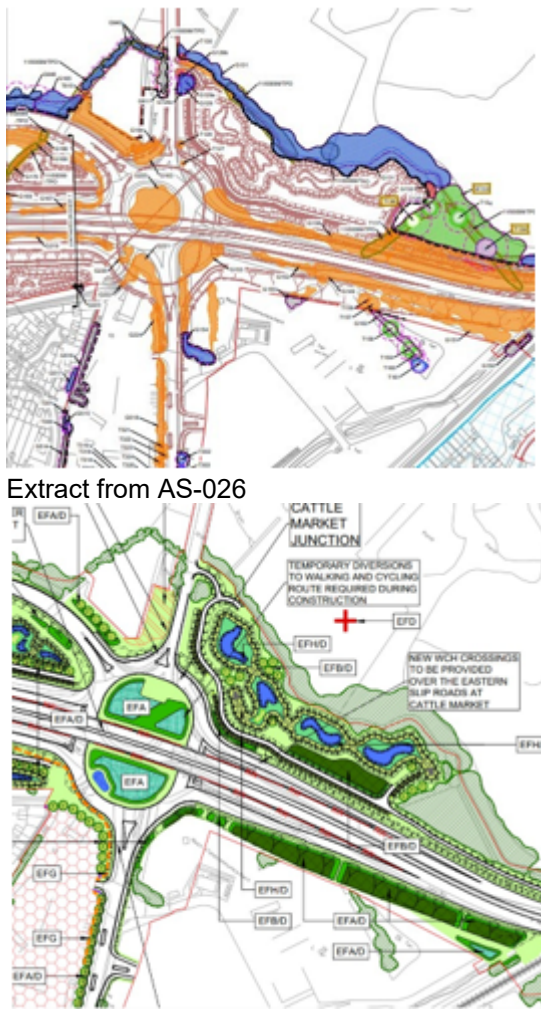
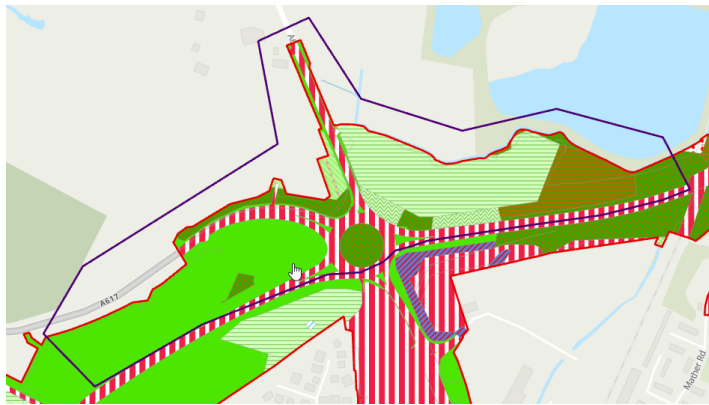
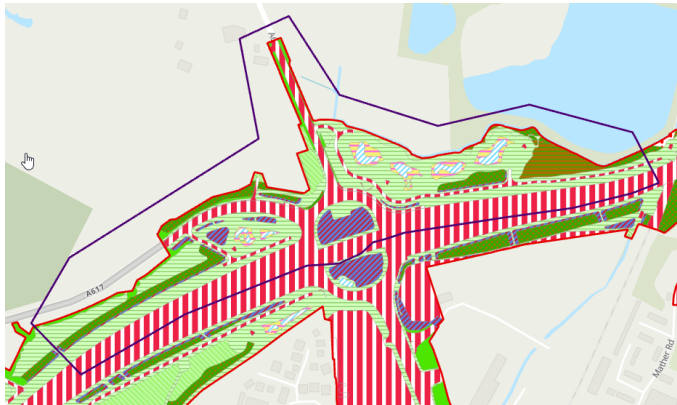
Canal & River Trust Response		The Applicant Response
Q3.0.5 – Water Vole Habitat	<p>The Trust's considers that increasing habitats for water vole could have adverse impact of encouraging American Mink into the area.</p> <p>We consider that the best control for this risk would be via mink trapping between January to April and August to October. We are of the understanding that Local Wildlife trusts and the Waterlife Recovery Trust undertake mink trapping. We are aware that both organisations have mink raft equipment and trained volunteers.</p>	<p>The Applicant confirms that, as detailed in Chapter 8 (Biodiversity) of the Environmental Statement [APP-052], no water vole field signs were recorded within the Order Limits, and as such mitigation (displacement or trapping of water vole and enhancement of habitat for water vole relocation) is not required as part of the Scheme based on current data. As such, no specific water vole habitat enhancement is being undertaken which would risk encouraging American mink into the area. Therefore, mink trapping is not currently proposed.</p> <p>The Applicant notes, however, that as water vole are a mobile species, completion of pre-commencement monitoring surveys (secured in commitment B17 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-025]) will be undertaken prior to vegetation clearance along Old Trent Dyke to confirm whether water vole are still absent. In the scenario that pre-commencement surveys identify water vole field signs within the vegetation clearance area, habitat enhancement for water vole would be required. The Applicant recognises that an increase in the local water vole population size and distribution as a result of any potential enhancements (should they be required) has the potential to contribute to an increase in the population sizes and distribution of American mink. Should an American mink control programme be required, the Applicant will consult with the landowner and relevant stakeholders to identify historical, current and future proposals for mink control programmes to establish whether a collaborative approach could result in benefits to the local water vole population beyond the Site. If required, further details would be provided in the Invasive Non-Native Species (INNS) Management Plan and Biosecurity Risk Assessment (secured in commitment B10 within the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-025]).</p>
Q6.0.3 - Article 58 Temporary Suspension of Navigation	<p>The Trust have reviewed the revised wording of Article 58 and are satisfied with the revised wording in the latest draft DCO. This is on condition, however, that it is read in conjunction with Protective Provisions agreed between the promotor and the Trust, which we understand are to be provided in the draft DCO (Development Consent Order) by the applicant at Deadline Five (see also Q6.0.3). The Provisions are of importance to the Trust as they will help guide how any suspension of navigation will be managed</p>	<p>The Applicant confirms that the agreed Protective Provisions were included in the draft Development Consent Order [REP5-002] submitted at Deadline 5 of the Examination.</p>
Q6.2.1 - Schedule 9 Protective Provisions	<p>The Trust and the applicant have agreed Protective Provisions which we understand will be provided by the applicant as part of an update to the Draft DCO at Deadline 5.</p> <p>The Trust will review this submission, and will be in a position to confirm full agreement at Deadline 6, which we expect will be reflected in an agreed statement of common ground.</p>	<p>No response required from the Applicant.</p>


Newark & Sherwood district Council Response		The Applicant Response
<u>2.1. Draft Development Consent Order (REP4-003)</u>		
2.2.	Construction Hours – The Council at ISH1 stated that Requirement 5 regarding the working hours does not accord with the Council's standard working hours for construction and that the early hours, especially at the depot sites, would give rise to noise and nuisance complaints to the Council. Subsequent conversations following the ISH sought an agreement to the working hours and for the Applicant to submit a list of activities that would and would not take place at those depot sites to ensure they would not be 'noisy' activities between 07:00 – 07:30hrs Mon – Fri. Whilst this information is explained within the SoCG (Issue no. 34), it is the Council's opinion that this should also be captured in the Requirement to ensure enforceability. It is also noted that in the SoCG the hours on a Saturday are stated at 08:00 – 13:00 but in the Requirement it is listed at 08:00 – 14:00. The Council is agreed up to 14:00 but clarity on which time the Applicant is seeking would be required to ensure consistency. This is also noted as 08:00 to 14:00 in para 1.1.7, 2.1.8, 2.4.16, 2.5.13 and 2.6.6 of the Pre- commencement Plan (REP4-012)	<p>Issue 34(e) in the Statement of Common Ground with Newark and Sherwood District Council [REP5-053] states as follows: <i>Activities precluded between 07:00 and 07:30 (not restricting those activities listed in 5(2)a) to 5(2)f and 5(3)a to 5(3)f to l) in Part 1 of Schedule 2 of The Draft Development Consent Order):</i></p> <ul style="list-style-type: none"> • <i>Start up or use of construction plant.</i> • <i>Loading and unloading of construction vehicles</i> • <i>Material deliveries</i> <p>The Applicant has included a new paragraph in Requirement 5 (Construction Hours) of the draft Development Consent Order submitted at Deadline 6 of the Examination to prohibit these activities between the hours of 07:00 and 07:30.</p> <p>In the draft Development Consent Order [REP5-002] submitted at Deadline 5 of the Examination the Applicant amended Requirement 5 to specify that construction hours on a Saturday will be between 08:00-13:00. This change was made from the previously stated hours of 08:00-14:00 to ensure the working hours for the Scheme remain within those specified in BS5228 (Code of practice for noise and vibration control on construction and open sites).</p> <p>The Applicant also submitted a revised version of the Pre-Commencement Plan at Deadline 5 [REP5-028] to reflect this change to the construction hours on a Saturday.</p>
2.3.	Langford Hall Estate (noted it is stated as Langham Hall Estate which is incorrect) – It is stated within Schedule 2 Requirements) Part 1 para 19.1 of the dDCO that "The construction of the new entrance at Langford Hall estate contained within Work No. 110 cannot commence until the Applicant has submitted to the Secretary of State for its approval in writing, following consultation with the relevant landowner of Langford Hall Estate and Historic England, the proposed design of the new entrance." Given the significance of the siting of the entrance and the local impact it would cause, the District Council (with its Conservation function) wishes to be a consultee on the proposed design of the entrance and therefore should be named within the Order.	The Applicant has updated the draft Development Consent Order [REP5-002] submitted at Deadline 5 of the Examination to include Newark and Sherwood District Council as a consultee in relation to the design.
2.4.	Requirement 5(3e) is worded broadly and whilst this was discussed in ISH1 (dDCO) and NSDC understands why this is required, unlike other elements in this Requirement, it does not allow for consultation or notification with the LPA that such potentially noisy activities have overrun and will be continuing out of 'normal' permitted hours. NSDC has a duty to investigate noise complaints so this could lead to unnecessary work for us if we are not aware of such activities.	The Applicant explained in the Applicant's Comments on submissions received at Deadline 4 [REP5-059] that the activities outlined at Requirement 5(3) of the draft Development Consent Order [REP5-002] may need to be undertaken urgently, or they are not noise generating activities. As such, it would be inappropriate to delay the completion of these activities in order to consult with, or obtain the prior consent of, Newark and Sherwood District Council. The Applicant therefore does not propose to amend this Requirement further.
2.5.	Requirement 5(6) is acceptable to NSDC however as the Council only considers (generally) Monday – Friday to be working days, a request is made that the reference to 14 days is clarified to be either working days or calendar days. Our preference would be working days in all cases. This is not clarified in the list of Interpretations under Part 1 (Preliminary) section of the dDCO.	<p>The Applicant has amended Article 2 (Interpretation) in the draft Development Consent Order to be submitted at Deadline 6 of the Examination to include the following:</p> <p><i>Article 2 (Interpretation)</i> <i>(11) For the purposes of this Order, references to "days" are to be construed as references to calendar days unless otherwise specified.</i></p>
<u>2.6. REP4-039 Additional Visual Effects Information following Issue Specific Hearing 4</u>		
2.7.	Para 1.4.1 of the document provides a narrative as to why a more open structure could not be proposed at Cattle Market Junction. One reason was that the overall depth of an open structure would be 300mm – 500mm deeper which would increase the height of the structure and cause impacts to the surrounding network. Further justification is provided for failure of planting to establish under the 'arches', antisocial behaviour issues relating to general behaviour, arson and litter as well as stating views of Newark Castle and St Mary Magdalene church not being visible from Smeaton's Arches approach. However it is the additional cost of an open structure which is also stated at £6.5m and £8.0m due to the construction which could also be an additional factor in the decision making on the final design, as the Scheme must deliver value for money given it is a Government funded project.	The Applicant confirms this reflects the rationale behind the chosen structure of Cattle Market Junction, as previously set out during ISH4 and as described in the Applicant's Summary of the Issue Specific Hearing 4 (ISH4) [REP4-034].
2.8.	The increase width of the structure would be a concern given the contrived land the Scheme is working to and an increase in consequential height would also be a concern, however a more open structure with the barriered parapet, engineered frame and pillars would be less harsh in visual appearance than as now proposed, even with an increased height. From reviewing the dDCO documents and from ISH1, it is written in to the agreement that there is tolerance within the design (Part 2 Principal Powers - Limits of Deviation) to make the flyover lower	<p>The Applicant acknowledges Newark and Sherwood District Council's response. The Applicant has provided its justification for the selected structural form within the Applicant's Summary of the Issue Specific Hearing 4 [REP4-034] and within the additional visual effects information [REP4-039]</p> <p>The Limits of Deviation have been set to allow the detail design to explore opportunities to reduce the height where feasible.</p>

Applicants Responses to Comments received from at Deadline 4

Newark & Sherwood district Council Response		The Applicant Response
	in height than shown in the visuals by up to 2.5m downwards. Whilst this shows some tolerance in the design and from our perspective a reduced height would still not be the best scenario, it would still seek to contribute to reducing some level of the harm to its appearance.	
2.9.	<p>Opening up the structure would not only have benefits on visual impact, it would also seek to open up views along Great North Road and the alignment of Smeaton's Arches. Whilst the LPA has mainly focussed on the visual aspect of the flyover and cutting the views of the designated heritage assets, we also have to consider the cultural harm the flyover would cause in its proposed design. As we have stated previously in our submissions, the infrastructure is secondary to the green infrastructure and this whole green approach is what contributes the heritage gateway approach into Newark and users overall experience. Historic England in their 'The Setting of Heritage Assets1' guidance states: The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. The NPPF defines the setting of a heritage asset (within the Glossary) as: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Viewpoint 25 and the additional wireframe from Great North Road looking towards the Cattle Market only shows this apparent impact acutely and how the flyover will be seen as a large-scale barrier which impacts on the views of the high-grade heritage assets and separates three of Smeaton's Arch designations from the other eight. The information from the applicant and our subsequent discussions does not change our position in that the proposal would still be on the highest end of less than substantial harm. National Highways own document LD117 states at para A7 (within the Appendix A) It is important for the design to respect the cultural and historic character of the landscape or historic settlements or urban environment. Maintaining and enhancing historic views and vistas should be a priority and may be possible by appropriate alignment, earthworks, planting and vegetation management. It is the views that we would appear to differ on, but it is for the Examining Authority to determine this in the planning balance.</p>	<p>The Applicant confirms views south towards Newark are screened by the current roundabout and views of the Castle in particular are not fully appreciated until south of the roundabout, beyond the lorry park and the avenue of trees. Views of the Church spire are incidental, and kinetic (constantly changing as one moves through the landscape) and not a key part of the significance of the Church. Kinetic and incidental views will still be experienced within the setting of these assets.</p> <p>The Applicant therefore does not consider the flyover to be a barrier to any views that cannot be experienced from different perspectives within the wide setting of the heritage assets mentioned.</p> <p>Views along the Great North Road and alignment of Smeaton's Arches are only really fully appreciated once north of the roundabout, and these views and this experience will remain unaltered.</p> <p>The three asset designations which have been raised as being 'separated' from the other eight have not been flagged as an issue in any prior consultation with Newark and Sherwood District Council and are already separated by the existing roundabout. They relate to two underground culverts and one section of arches north west of the Trent bridge, all of which are not impacted by the Scheme and were scoped out in Appendix 6.3 (Assessment of Cultural Heritage Effects During Construction of the Scheme) of the Environmental Statement Appendices [APP-134].</p> <p>Views and vistas of historic buildings or landscapes are experienced within evolving settings. However, neither setting nor views are designated heritage assets, and so cannot be subject to the assessment methodology in the same way as designated heritage assets. Rather, views of designated heritage assets and their settings have been considered in terms of how far those views or that setting, contributes to the value of the heritage asset, in accordance with Historic England guidance.</p> <p>Any re-alignment of the Scheme would have significant direct physical impact on other assets, particularly the Smeaton's Arches to the north of Cattle Market Roundabout and the existing railway crossing to the east.</p>
2.10.	The update to Viewpoint 25 to show the amended layout to Smeaton's Arches is welcomed and we have no further comments to make on this point.	No further comments from the Applicant.
2.11	The LPA's concerns of the design of the flyover are not alleviated by the Applicant's additional information within REP4-040. Within this they state in response to our comments at Deadline 3 (REP3-046) at para 3.7 & 3.8, when we raised concerns of the impact on the Newark gateway the Applicant has stated that the "finish and colouring of the structure with the red hued band sitting along the bottom (of) the structure providing a nod to the red brick finish of the neighbouring Smeaton's Arches". Whilst this 'nod' is appreciated, given the scale of the structure, a band of red brick would do very little, in our opinion to compensate for the stark appearance of the flyover. In addition, if the band is a low level, this would be, eventually, covered over by low level landscaping on the roundabout. If they wanted to give a nod to the finish of Smeaton's Arches, then more of the structure would be finished in red brick.	As detailed in the Statement of Common Ground with Newark and Sherwood District Council [REP5-053], discussions regarding the finish and colouring of the structure were held with the Applicant and Newark and Sherwood District Council's Conservation Officer during development of the preliminary design during quarterly Environmental Technical Working Groups. This included the introduction of a red band on the lower sections of the structure. suggested was to reflect the height of the existing parapet. Red blocks for the full structure was agreed by all parties to be too imposing for such a large structure and would not only compete with but overwhelm Smeaton's Arches. Over time the proposed planting will hide some of the lower banding, however, it will remain visible on the slip road retaining walls and during winter months when leaves have fallen from the roundabout planting.
Action No.3 – additional wireframe at Viewpoint 24		
2.12.	The wireframe produced would seem acceptable to the LPA as an accurate representation, without evidence to the contrary from us to corroborate this. The absence of vegetation or mitigation planting allows us to see the full extent of the structure as proposed, accepting that this is not its fully designed out form.	No further comments from the Applicant.
2.13.	The wireframe was produced from the first floor bedroom window of no.2 Sandhills Close which shows the visual impact at a higher level. Whilst this does not show any intervening features in the landscape it shows almost a worse case for the occupiers at that property. However the Council's concern as the LPA would also consider that the impact within gardens (no.22-27 Sandhills Close) would be the most severe given the increased elevations and this would be most acute through noise the oppressive nature of the infrastructure. AS-026 shows the Environmental Masterplan for the Scheme which we don't believe has been changed since the first submission. Whilst NSDC understands that the need for drainage for the Scheme and that planting cannot be provided for on existing bunding there to protect existing residents from flooding, why can the 'wet area' illustrated below, not be located further south-west so additional tree planting or denser block planting of trees (which are shown to be able to be planted in this area), not be clustered together to create a woodland effect of two rows of trees. We appreciate that the Applicant has previously stated that the planting scheme has been maximised to	<p>The Applicant confirms the location and elevation of the wireframe was agreed with Newark and Sherwood District Council prior to implementation post-ISH4 (as detailed in the Applicant's Summary of Issue Specific Hearing 5 [REP4-034]). The Applicant agrees that this image does not account for intervening vegetation or proposed mitigation planting presented on Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026]. Therefore, the image does not fully reflect how the view would be experienced from this upper storey window during operation. It should also be noted that this is a reflection of the worst-case and is not representative of all views from residences within Sandhills Park, as several properties afford either oblique views or those that include intervening built form or retained vegetation. Upper storey views are considered to give the most elevated and, in this instance, the most open vista towards the Scheme. From ground level, garden vegetation and vegetation along the property boundary would aid screening at a lower level compared to that achieved from an elevated perspective.</p> <p>To address Newark and Sherwood District Council's query on noise, Sandhills Park (receptor at number 25, located within the area circled in the accompanying image) was identified within Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-</p>

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	<p>the constraints available however we can only see this option being suitable to improve the outlook for residents which is in the control of the DCO Scheme.</p> 	<p>055] as subject to a potentially significant effect on noise grounds and a further review in line with DMRB LA 111 was accordingly undertaken. The assessment concluded that a noise related significant effect will not occur as per the commentary in Table 11-36 of Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055]. The short-term impact classification falls from Moderate to Minor Adverse in the long-term. The short-term impact classification is at the low end of the 'Moderate' range and only in the daytime (night-time is 'Minor'). The DS opening year noise levels are below SOAEL, as is the DM opening year noise level. There would be no change in the acoustic character at receptors due to the existing prevailing road traffic noise source.</p> <p>The Applicant confirms that the Environmental Masterplan [AS-026] has not been subject to further updates and is reflective of the latest proposed environmental design for the Scheme. The Applicant can confirm that planting proposals to minimise adverse visual effects from receptors at Sandhills have been maximised where possible, within the constraints of the Scheme when accounting for design assets, safe maintenance and operation of the Scheme. The reason for the drainage basin and swales current position close to the Cattle Market Junction rather than being located further west is due to constraints associated with the drainage design. Relocating the basins and swales to a location further west would lead to run-off against the natural fall of the land as well as the highway.</p>
2.14.	<p>Turning now to the Smeaton's Arches approach, south on the A616. It is accepted that the viewpoint and visual representation is most likely not taken at the most appropriate position in order to illustrate how the Scheme would make use of the existing vegetation. Instead a position further north-west would have shown the bank of trees, outside of the Order limits, being retained. However, we were fully aware of this area remaining when we have raised our previous comments, and it has therefore not been ignored. Our main concern, as reiterated previously, has been the land adjacent to the highway and around the edges of the roundabout. The applicant has stated that the scheme has been designed in full accordance with the information within LD117 (version 0.1.0) which is a National Highways document for the design manual for roads and bridges. However, at its heart this document states that Integration and minimising the impact of disturbance of new roads within the rural or urban landscapes and improving the landscape character of existing roads is the basis for good environmental landscape design. Stated within this document are the principles and purpose to the design which includes enhancing and improving the landscape quality and environment and creating opportunities to conserve and enhance the landscape character. In addition it states that excellence in landscape design should also be inclusive in respect of places, people's needs and views. Within this document also it states that designs should take account of the maintenance, management and operational requirements where shrubs are planted within 4.5m of the edge of carriageway, medium sized trees no closer than 7m (girth less than 450mm) and climax trees (girth greater than 600mm) not within 9m, unless otherwise agreed by the Overseeing Organisation (para 3.4.1) (emphasis added). Who is this Overseeing Organisation and if they can override the document then this must be for valid reasoning. In our opinion additional planting adjoining the A616 is necessary to frame those views on the approach to the Cattlemarket roundabout, even despite the trees remaining beyond the Order limits.</p>	<p>The Applicant has sought to maintain existing vegetation wherever feasible, with the majority of roadside planting along Great North Road being retained on the approach to Cattle Market Junction. The Applicant notes that the existing planting provision in this location adjacent to Great North Road may have naturalised over time and may not be maintained as per the highways standards with respect to offsets from the carriageway.</p> <p>Where the small amount of vegetation is proposed to be removed on the immediate approach to Cattle Market Junction, efforts have been made to maximise proposed vegetation where possible set in the context of design assets and the industry standards in relation to the safe operation of the highway. The Applicant has sought to provide environmental co-benefits through the use of a nature-based drainage solution to provide drainage for the Scheme whilst aiding landscape integration and benefitting biodiversity. Additional efforts have been made to reduce the visual interruption of the junction including keeping vertical elements such as lighting columns at grade only, seeking to echo colour palettes of the neighbouring Smeaton's Arches within the retaining wall facing, including the introduction of a red band on the lower sections of the structure, and also seeking to reinstate vegetation lost on the existing roundabout. These would aid landscape integration and over time maturing vegetation would help to break up the massing of the structure in views along Great North Road as well as offering screening value from local residents at Sandhills Park. The General Arrangement Plans [AS-007] present the environmental design in the context of the broader engineering design and are a useful aid to illustrate the design constraints in this area.</p> <p>The design was presented to stakeholders for comment during quarterly Environmental Technical Working Groups (made up of representatives from Natural England, the Environment Agency, Historic England, and environmental officers from Nottinghamshire County Council and Newark and Sherwood District Council) which helped inform the development of the outline design. Details of the consultation held is contained within Section 7.4 of Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051].</p> <p>Following discussions at Issue Specific Hearing 4 regarding the Applicant's proposals for planting around Cattle Market Junction, the Applicant engaged with Newark and Sherwood District Council during a meeting held on 23 January 2025 where the Applicant's Landscape Lead gave a detailed account of the environmental design rationale for the area, including site constraints and opportunities for mitigation planting.</p> <p>In the case of the Strategic Road Network (SRN), National Highways are the Overseeing Organisation. Moving away from standards set out in the Design Manual for Roads and Bridges (DMRB) are considered to be departures from standard and require approval. There is an interface at Cattle Market Junction between the SRN and the local road network. Newark and Sherwood District Council's request for planting adjacent to the A616 carriageway as a local road, would require Nottinghamshire County Council, as the local highway authority, to agree any revised proposals to bring planting adjacent to the road. Consideration would need to be given not only to the safe operation of the highway, but also the safe maintenance both for maintainers and road users, with due consideration to Construction and Design Management (CDM) regulations. Beyond these key issues, consideration should also be given to potential impacts that planting adjacent to the A616 would have upon the setting of Smeaton's Arches, as well as their structural integrity and ongoing maintainability arising from tree roots, or windblown seed from nearby planting embedding into the mortar joints of the structure.</p>
2.15.	<p>2.15. As can be seen from the extracts below, the amount of trees lost within and around the Cattlemarket roundabout (shown in orange on AS-088) is vast which opens up those views and removes that green infrastructure which makes this area so typically rural in character. AS-026 (below) shows the proposed planting and whilst replacements are proposed, it is our belief that this is not in the correct place or type in which for the applicant to adhere to their own document principles as stated above.</p> <p>Extract from AS-088</p>	<p>The Applicant confirms the majority of vegetation removed to accommodate construction of the Scheme will be highways planting previously introduced during the implementation of the now existing A46. The total loss of this existing vegetation within the area of interest shown by the purple outline in Figure 1 below equates to approximately 76,500m². As demonstrated in Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026] the environmental design seeks to reintroduce planting alongside the A46, Kelham Road and Great North Road south of Cattle Market. In addition, individual trees have been introduced to the land parcel immediately northwest of Cattle Market Junction amongst the sustainable drainage features in this</p>

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	 <p>Extract from AS-026</p>	<p>area. As well as ensuring vegetation is retained wherever possible (which totals approximately 11,600m²), the new habitat proposed as part of the Scheme within the same extents shown within Figure 2 equates to the same amount.</p> <p>Figure 1: Existing baseline (pre-construction) Figure 2: Post-construction proposed habitats</p>  	
2.16.	Para 136 of the NPPF (2024) states that <i>Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change</i> . Emphasis is given in the NPPF to ensure trees are incorporated along new streets (where appropriate) and that measures are in place to secure long term maintenance, and the right trees are in the right places, compatible with highways standards and needs of users. Whilst this mainly relates to new housing development, the direction of travel at a national level is that trees are important and should be given due consideration in the delivery of the Scheme and this should be achieved by lining trees along new streets and opportunities for other improvements where appropriate.	The Applicant acknowledges the value of the inclusion of trees in the design for the Scheme and has sought to introduce trees wherever appropriate and achievable in line with spatial and design constraints and highways industry standards. Street trees have been included in the hedgerow adjacent to the north bound carriageway of Great North Road heading towards Cattle Market Junction. They have also been proposed alongside Kelham Road. In addition to street trees, linear belts of trees and shrubs and woodland planting has also been incorporated into the design. These can be seen on Sheet 3 of Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-026].	
2.17.	Within our answers to Examiners Questions (2) we have provided greater detail on the landscape character within answers to Q.10.0.1 (National Character Area) so we do not seek to reiterate any further comment on this.	The Applicant has provided comments on Newark and Sherwood District Council's response to Question 10.0.1 of this document.	
<u>Kelham and Averham Solar Farm (23/01837/FULM)</u>			
2.18.	The EXA will recall from ISH3 that we stated that an amended plan was to be submitted for the above application in order to satisfy the objection of the Environment Agency. This amended plan was submitted by the applicant and consulted on by the Council (DRWG no. HC1002/05/03 Rev 4 Site layout) with the Environment Agency (EA). The EA stated that they were “pleased to see that the area of the solar farm which overlapped with the flood compensations area (FCA) has been amended and no longer contains solar panels. We withdraw our holding objection.” They have provided further advice on the bridge design following best practice but note that these discussions should be through the DCO process of which we are informed by the applicant that they are taking place.	No further comment from the Applicant.	

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2.19.	<p>Following a review of all the information the LPA recommended approval of the application, however Members of the Planning Committee resolved to refuse the application for reasons of loss of best and most versatile agricultural land, cumulative effect with other renewable energy developments in the locality causing unacceptable harm to landscape appearance and causing less than substantial harm to designated heritage assets of Kelham Conservation Area and Kelham Hall. The applicant has 6months in which to submit an appeal (from 31 January 2025) but this will be beyond the end of the examination. However, the panels are now outside of the FCA so it is our opinion that the application should not be in conflict with the DCO and discussions on the design of the FCA have been pursued separately to the planning application of the solar panels.</p>	<p>No further comment from the Applicant.</p>
2.20	<p>Conclusion The Council as the host local authority has throughout this process always provided our utmost support for the Scheme in providing substantial benefits for the District, such as improved journey times and connectivity and the ability to unlock land to improve the local economy and increase job prosperity. However, we have also raised concerns throughout on the visual impact to the Cattle Market junction and flood risk. The A46 improvements nonetheless are pivotal to the delivery of our Local Development Framework and allocated development and ensuring Newark as a tourist destination is not tainted by poor connectivity. Newark's tourism offer is being vastly improved and recognised not just at a local level but also nationally. The Newark Civil War Museum has won the Best Small Museum at the Kids in Museums Family Friendly Museum Awards 2024 which only seeks to heighten its significance when the event was in such company as the V&A in London and the Turner Contemporary in Margate. In addition to this, and as stated in the Council's LIR (REP1-035 para 11.20), the Gatehouse project at Newark Castle has been granted planning consent (and substantial funding from the Government's Town Fund initiative and the National Lottery Heritage Fund) to restore the Castles original Gatehouse structure and to enable visitors to access a large viewing platform. This is a large-scale project for the town and one which is to commence later this year. Newark already experiences around 100,000 visitors to the town per year with trips to the Palace Theatre, the Castle and all the other events which take place in the town, and then with the Gatehouse project complete, this figure is expected to increase footfall by around 24,000-28,000 a year. This coupled with all the other events within the town for now and in the future, will put immense pressure on the local infrastructure and thus making the delivery of the Scheme for the A46 even more vital in our opinion. Newark as a destination is being put on the map for its heritage tourism as well as its cultural tourism and to deliver our objectives as a District Council for the benefit of our residents and those who visit us and work within our District, having a secure infrastructure network is crucial.</p>	<p>The Applicant acknowledges the proactive support that has been provided by Newark and Sherwood District Council throughout the development consent process.</p> <p>The Scheme has evolved and changed in response to comments from Newark and Sherwood District Council and includes the new access into the Lorry Park, a dedicated right turn lane into Kelham Road, provision of a new walking and cycling route from Winthorpe to the Show Ground on Drove Lane and ensuring that the Scheme does not impact upon future development plans in the area. The issues raised regarding Cattle Market Junction have been addressed as far as is reasonably practicable and the Applicant believes that all concerns regarding flood risk have been addressed.</p>

Newark & Sherwood District Council Response			The Applicant Response
1. General overarching matters including Policy, Need and Alternatives			
Q1.0.1	<p>National Planning Policy Framework</p> <p>A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. All Parties confirm whether there are any changes to your case resultant from changes to the Framework and if so, set out the amended policy and how this changes your case. Furthermore whether you consider this changes the scope of any of the Applicant's Assessments or the basis for the Secretary of State's conclusions.</p>	<p>The revised NPPF has resulted in an increase to the housing requirement for Newark and Sherwood District. The annual housing requirement was 454 prior to the NPPF being published, this has now increased to 707 dwellings per annum. Consequently, the Council now needs to review the Local Development Framework to identify more land for housing. This will also include a review of employment needs. Whilst the Council is not able to pre-empt the outcome of the plan review, given that Newark is defined as a Sub Regional Centre and the largest settlement in the district, it is anticipated that there may be a need to allocate more land in Newark. NB. This change has also resulted in NSDC not being able to demonstrate a five year housing land supply (the land supply is currently 3.43 years). As such, the tilted balance currently applies to planning decisions on housing.</p> <p>The Council's Amended Core Strategy (2019) and Allocations and Development Management DPD (adopted and emerging) have both made the assumption that the Proposed Development of the A46 carries some weight in the delivery of new development including allocated sites. This is demonstrated in Appendix D 'Public Transport and Highway Infrastructure Required for Delivery of the Newark and Sherwood Core Strategy' (Amended Core Strategy 2019) which includes the Proposed Development. Without the Proposed Development going ahead those sites already allocated and proposed to be allocated would be reliant on other means of transport/junction improvements to successfully mitigate the highways impact of those new developments in the Newark Urban Area. In particular, it should be noted that Allocations at NUA/E2, NUA/E4, NUA/MU1 and NUA/MU3 (proposed opportunity site 2), because of their close proximity to the Proposed Development could specifically be negatively impacted by the failure of the Proposed Development to occur.</p> <p>Given that there is now a need to review these plans and produce a new Local Plan, any further land allocated for development would undoubtedly put an even greater strain on the A46. This could potentially constrain the delivery of development in the district.</p>	No response required by the Applicant.
1.4 Mitigation			
Air quality			
Q1.4.1	<p>Mitigation – Pre-commencement Plan</p> <p>a) Do you have any unresolved comments on the Pre-commencement Plan (PCP) [REP4- 012]?</p> <p>b) Are there any matters which you consider should be included in the PCP which have not yet been included?</p> <p>c) Where relevant, does the PCP satisfactorily reflect the provisions on the First Iteration EMP so that there would be a consistent approach to mitigation across all stages of development?</p>	<p>Air quality and dust mitigation are somewhat limited in scope and should reflect measures in the IAQM guidance and comments of AECOM (and EMP2).</p> <p>Air Quality – AQ1 the list of mitigation provided is not exhaustive, NSDC was under the impression that additional measures (such as dust monitoring at high-risk receptor locations) would be carried out as per AECOM's recommendations and discussions during the hearing.</p> <p>With regard to the Air Quality and Dust Management Plan, NSDC had a SoCG meeting on Thursday 23rd January with National Highways whereby they committed to addressing the following points:</p> <ul style="list-style-type: none"> • Section 1.3.1 b – 'Data will be recorded, reviewed and provided to the EHO when requested', NSDC would like this changed to 'Data 	<p>The Applicant confirms that these comments have been addressed in the updated First Iteration Environmental Management Plan [REP5-025] submitted at Deadline 5 of the Examination within the Register of Environmental Actions and Commitments, and in the Outline Air Quality and Dust Management Plan (OAQDMP) presented in Appendix B.5.</p> <p>For further detail on the updates made to the OAQDMP, refer to the updated Statement of Common Ground with Newark and Sherwood District Council [REP5-053] submitted at Deadline 5 of the Examination.</p>

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		<p>will be recorded, reviewed and provided to the EHO'.</p> <ul style="list-style-type: none"> • Monitoring – NSDC would expect that visual inspections are undertaken in low-risk areas and actual monitoring undertaken in high-risk areas. This is not clearly stated in Tables 1-1, 1-3 of the AQDMP and Table 3-2 (page 20) of the main FI EMP. • NSDC would also expect that details regarding the type of monitoring and location of the monitoring sites to be provided in the AQDMP as well as information regarding baseline monitoring. We would also expect the applicant to be proposing a threshold and actions which would be undertaken if the levels were within 10% of the threshold and actions if they were exceeded. • Reporting – we would expect confirmation in the AQDMP that the council would be informed if a dust complaint was received and the approach taken to investigate the complaint and actions taken e.g. additional mitigation measures adopted. NSDC would also expect confirmation that a report would be submitted to the council e.g. baseline report and then a report every 6 months - outlining the results of the monitoring data, details of complaints and actions taken to resolve them. • Table 1-2 – a figure would be useful to indicate where these dust generating activities are and the locations of receptors. The location of monitoring sites could also be added. <p>c) The Pre-commencement Plan and the Air Quality and Dust Management Plan align with each other, but the First Iteration EMP seems to contradict both these plans.</p>	
Land Contamination			
Q1.4.1	b) Are there any matters which you consider should be included in the PCP which have not yet been included?	The PCP needs to ensure site workers are aware of hotspots as per recommendations for fencing off and signing.	The Applicant has now included additional mitigation within the Pre-commencement Plan, to be submitted at Deadline 6 of the Examination, to ensure that any unexpected contamination encountered is fenced and appropriately signed.
Noise and Vibration			
Q1.4.1	<p>Mitigation – Pre-commencement Plan</p> <p>a) Do you have any unresolved comments on the Pre-commencement Plan (PCP) [REP4- 012]?</p> <p>b) Are there any matters which you consider should be included in the PCP which have not yet been included?</p> <p>c) Where relevant, does the PCP satisfactorily reflect the provisions on the First Iteration EMP so that there would be a consistent approach to mitigation across all stages of development?</p>	<p>These works were considered as part of the noise assessment, and controls proposed as for other noise-generating activities. For general development, this mitigation would be addressed through the DCO and in the 2nd Iteration Environmental Management Plan. NSDC understand this causes an issue as these reports will not be produced until after pre-commencement works are complete.</p> <p>Controls on hours of work are proposed in the Pre-commencement plan (07:00- 18:00 weekdays and 08:00- 14:00 Saturdays). These should be brought in line with those for general construction works elsewhere in the application, and the controls on the nature of works at the start of the day also included within the PC plan.</p> <p>Specific mitigation measures are detailed within the Pre-commencement Plan for each activity, along with general mitigation measures. These are generally acceptable, however there are a number of areas where precise details of works are not yet known, and as such exact details of activities and mitigation has not been provided. The general mitigation measures are also fairly generic, and potentially unenforceable due to caveats ('where/ if required', 'as far as reasonably practicable', 'may include', etc).</p>	<p>The Applicant submitted a revised version of the Pre-Commencement Plan [REP5-028] at Deadline 5 at Deadline 5 of the Examination to bring the construction hours on a Saturday into line with those specified in the draft Development Consent Order [REP5-002]. These are now specified to be 08:00-13:00 in section 1.1.7 of the Pre-Commencement Plan [REP5-028].</p> <p>The Applicant can confirm that an updated version of the Pre-Commencement Plan will be submitted at Deadline 6 of the Examination, which includes the prohibition of certain activities between the hours of 07:00-07:30 as recorded at issue 34(e) in the Statement of Common Ground with Newark and Sherwood District Council [REP5-053].</p> <p>The Applicant has also updated the Pre-commencement Plan to provide more specific mitigation measures relating to pre-commencement activities and locations where noise impacts are anticipated. The generic measures have also been retained within the document and would be employed during the works where required to ensure that the works meet the minimum noise requirements.</p>

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2. Air Quality and Emissions			
Q2.0.2	Statement of Common Ground with NSDC Are there any outstanding points which are preventing point 32 from being agreed?	No.	No response required by the Applicant.
3. Biodiversity, Ecology and Natural Environment			
Q3.0.5	Water Vole Habitat Through the creation of water vole habitat following potential displacement as described in ES Chapter 8 paragraph 8.11.36 [APP-052], is there a possibility of increasing/encouraging American Mink into the area? If so, what controls should be undertaken to protect Water Vole, if any, from this non-native species?	Any displacement would be via a displacement licence which would restrict this to 50 consecutive metres along both banks. As American Mink have a territorial range of 1- 6 km this extent of displacement is, in our opinion, unlikely to bring displaced water vole into an increased risk of predation by American Mink.	The Applicant welcomes the confirmation from Newark and Sherwood District Council that there is unlikely to be an increased risk of predation of water vole by American mink.
Q3.0.6	FIEMP - Ancient Trees The First Iteration Environmental Management Plan (FIEMP) [REP4-010] details under B17 of table 3-2 Register of environmental actions and commitments (REAC), protection measures for existing trees and vegetation and that this will be monitored on-site by an arboriculturist. Should any works that impact on veteran trees such as those referenced T038, T136 or T139 be required should this not be assessed independently given that the NPPF 2024 considers them to be irreplaceable habitat? If so, should NSDC be a consultee and B17 amended appropriately? If not, why not?	It is our understanding that B17 (and B18) is an independent assessment specifically for veteran trees, with protection measures for existing trees and vegetation more generally covered under L2, L4 and L6 of Table 3-2. Therefore, we do not consider that B17 requires amendment.	No response required by the Applicant.
Q3.0.7	Local Nature Recovery Strategy Are the Host Authorities content that the Proposed Development supports the aims of the Local Nature Recovery Strategy?	The Nottingham and Nottinghamshire Local Nature Recovery Strategy development timeline is that public consultation is anticipated to be May/June 2025 with the strategy published in July 2025. Therefore, considering that development of the LNRS has not yet reached the public consultation stage it is not possible to provide a meaningful response to this question.	No response required by the Applicant.
4. Climate and Carbon Emissions			
Q4.0.2	Carbon Management Plan Has there been any progress on agreeing the outline / contents of the Carbon Management Plan which the Applicant agreed [REP4-035] to provide to NSDC for comment? When is a final, agreed version expected to be provided to the Examination?	There is a requirement for DCO projects to identify measures to reduce carbon emissions during the project's lifecycle. The OCMP refers to the DMRB LA 114 requirement for projects to seek to minimise carbon emissions in all cases to contribute to the UK's target for net reduction in carbon emissions. DMRB LA114 is the appropriate guidance document and sets out the requirements for assessing and reporting the effect on climate of emissions from construction, operation and maintenance projects. The OCMP proposes that reductions in carbon emissions will be achieved by adhering to the principles of PAS 2080 to reduce carbon emissions during the scheme design, construction and operation stages. PAS 2080 is the appropriate specification to adopt as it provides a framework for managing carbon in infrastructure projects and was created to help organisations in the infrastructure sectors understand, measure and reduce carbon emissions throughout the project lifecycle. PAS 2080 reduces carbon emissions through application of the carbon reduction hierarchy (avoid, switch, improve).	The Applicant confirms that Newark and Sherwood District Council's comments are a true reflection of the content of the Outline Carbon Management Plan included as Appendix B.6 in the updated First Iteration Environmental Management Plan [REP5-025] submitted at Deadline 5 of the Examination. The Applicant welcomes the confirmation from Newark and Sherwood District Council that they are satisfied with the level of detail provided in the Outline Carbon Management Plan.

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		<p>Adhering to the principles of PAS 2080 will also make sure that carbon is consistently and transparently quantified at the key stages of the design process. The OCMP states that, in accordance with PAS2080, design development has been undertaken during the preliminary design phase, with the carbon associated with construction considered. Several carbon reduction measures have subsequently already been embedded into the current design, including;</p> <ul style="list-style-type: none">• Updates to earthwork balance to reduce cut and fill• Reuse of existing infrastructure including existing carriageway where possible• Use of warm mix asphalt• Design for inclusion of prefabricated and precast where possible <p>The OCMP states that a carbon workshop was held in January 2023 that involved an overview of the Scheme along with a discussion relating to carbon hotspots and reduction opportunities that could be applicable to the Scheme. Opportunities for carbon reduction identified and progressed have been recorded and updated within a Carbon Opportunities Log which will be appended to the final Carbon Management Plan..</p> <p>The OCMP also states that further workshops will be held throughout the detailed design and construction periods to identify additional opportunities to reduce carbon. These workshops will be run by the integrated project team of the Principal Designer and Contractor. These workshops will focus on implementation of the PAS2080 carbon hierarchy (avoid, switch and improve), specific actions and ideas to develop further, reduction measures identified to date, key hotspots per asset/material type and structural solution and review of carbon assessments to date. Carbon reduction measures identified and implemented will be reported in the Carbon Opportunities Log and shared to the relevant teams throughout the project stages to support monitoring and implementation of carbon reduction measures.</p> <p>The OCMP lists potential innovative carbon reduction measures which have been identified to date. These opportunities are very much aligned with current industry best practice for reducing carbon emissions within construction/infrastructure projects and should be given serious consideration as the project lifecycle progress. They include:</p> <ul style="list-style-type: none">• Powering construction plant with Hydrogenated Vegetable Oil (HVO) / electricity• Use of recycled aggregate including collaboration with other local projects• Provision of renewable energy for the construction compound• Deployment of best practice construction processes for greatest durability• Retention/creation of woodland/habitats to maximise potential for carbon sequestration <p>The OCMP is a live document that will be updated to a Carbon Management Plan (CMP) upon consent of the DCO to set out how carbon will be managed during the construction of the scheme in detail. The CMP will include further detail on; procurement, materials and resource management on site, change process for low/zero carbon solutions and construction techniques. The Carbon Opportunities Log will be appended to the final CMP. To date NSDC</p>	

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		is satisfied with the level of detail already produced but accepts that it is a live document so is subject to changes. However the level of detail already seen is acceptable. <i>Additional information on the OCMP is appended to these EXQs for the EXAs information.</i>	
Q4.0.3	Additional Information in Response to Finch Judgement a) Does [REP4-036] affect any of the comments that you have made in relation to Climate and Carbon Emissions. If yes, how? b) Following your review of [REP4-036], do you have any additional observations to make in relation to Climate and Carbon Emissions?	a) Having reviewed the Applicant's representation, although there are likely to be some effects during construction phase these are not likely to be direct effects. b) No.	No response required by the Applicant.
6. Draft Development Consent Order			
6.1 Requirements – Schedule 2			
6.1.1	Requirement 5 – Construction Hours NSDC's deadline 4 submission [REP4-045], in response to working hours, notes that this matter has been added to the Statement of Common Ground between the Applicant and NSDC and identifies certain amendments to the working hours. At Deadline 4, the Applicant submitted an updated Development Consent Order [REP4-003] which included amendments to the requirement of working hours. Confirm whether these amendments and the latest drafting of Requirement 5 addresses your concerns.	Construction hours are agreed as 7am to 18:00 weekdays, and 8am until 14:00 on Saturdays (reflected in the dDCO at submission 4 (REP4-003). However, the applicant states that they will only be working 8am until 13:00 hours on Saturdays and the draft DCO will be amended at Deadline 5. As part of the SoCG discussions, excluded and permitted activities between 07:00 and 07:30am Monday to Friday are stated, and this is an acceptable approach to NSDC. But these activities should be included in the draft DCO to remain enforceable.	In the draft Development Consent Order [REP5-002] submitted at Deadline 5 of the Examination the Applicant amended Requirement 5 to specify that construction hours on a Saturday will be between 08:00-13:00. This change was made from the previously stated hours of 08:00-14:00 to ensure the working hours for the Scheme remain within those specified in BS5228 (Code of practice for noise and vibration control on construction and open sites). Issue 34(e) in the Statement of Common Ground with Newark and Sherwood District Council (REP5-053) states as follows: <i>Activities precluded between 07:00 and 07:30 (not restricting those activities listed in 5(2)a) to 5(2)f and 5(3)a to 5(3)f to l) in Part 1 of Schedule 2 of The Draft Development Consent Order):</i> <ul style="list-style-type: none"> • Start up or use of construction plant. • Loading and unloading of construction vehicles • Material deliveries The Applicant has included a new paragraph in requirement 5 (Construction Hours) in the draft Development Consent Order submitted at Deadline 6 of the Examination to prohibit these activities between the hours of 07:00 and 07:30.
7. Geology and Soils			
Q7.0.1	NSDC's Contaminated Land Strategy Does the adoption of a revised Contaminated Land Strategy in December 2024 affect the Applicant's assessment or conclusions? Does it include any new considerations that should be reflected in the ExA's consideration of the Application?	The updated strategy does not affect the applicant's assessment or conclusions. It is updated to reflect current LCRM guidance and 2012 statutory guidance, but these have both been used by the industry and regulators for several years now anyway. This has just now been updated in NSDC's strategy. No new considerations need to be considered, the basic principles of dealing with land contamination remain.	The Applicant is in agreement and has no further comments to make.
8. Cultural Heritage			
Q8.0.1	Civil War Landscape Considering the contents of [REP4-041] and cross referencing this with the most up to date Works Plans [REP3-002], does either of the councils have any concerns over the potential impacts on the civil war landscape, including both designated and non-designated assets, with respect to the understanding and legibility of the landscape and its wider importance to the history and identity of Newark on Trent and the surrounding area. When responding, please consider the desirability of preserving the	Nottinghamshire County Council's Senior Archaeology Officer is covering all aspects of archaeology relating to the A46 dDCO. NSDC would refer the Examiners to Nottinghamshire County Council's response in this respect	The Applicant has reviewed the comments provided by Nottinghamshire County Council in relation to Question 8.0.1 [REP5-069] and has provided a response in Q8.0.1 of the Nottinghamshire County Council response of this document.

Newark & Sherwood District Council Response			The Applicant Response
	asset(s) and any efforts by the Applicant to enhance their setting.		
10. Landscape and Visual Effects			
Q10.0.1	<p>Cattle Market Junction</p> <p>Please expand on your submission [REP4-048] with respect to the Applicant's landscaping around the Cattle Market junction and its consistency, or otherwise, with the features highlighted in National Character Area (NCA) 46.</p>	<p>The study area lies within National Character Area 48 Trent and Belvoir Vale (Natural England 2014). Features highlighted within this National Character Area that are relevant to the Cattle Market Junction are shown in bold text and include:</p> <ul style="list-style-type: none">• A gently undulating and low-lying landform in the main, with low ridges dividing shallow, broad river valleys, vales and flood plains. The mature, powerful River Trent flows north through the full length of the area, meandering across its broad flood plain and continuing to influence the physical and human geography of the area as it has done for thousands of years.• Agriculture is the dominant land use, with most farmland being used for growing cereals, oilseeds and other arable crops. While much pasture has been converted to arable use over the years, grazing is still significant in places, such as along the Trent and around settlements.• A regular pattern of medium to large fields enclosed by hawthorn hedgerows, and ditches in low-lying areas, dominates the landscape.• Very little semi-natural habitat remains across the area; however, areas of flood plain grazing marsh are still found in places along the Trent. Notably the Headline Statement of Environmental Opportunity (SEO) have four specific actions for this National Character two of which relate to vegetation cover and the character of the Trent Vale. These are: <p>SEO 2</p> <ul style="list-style-type: none">• Enhance the woodland and hedgerow network through the planting of small woodlands, tree belts, hedgerow trees and new hedgerows to benefit landscape character, habitat connectivity and a range of ecosystem services, including the regulation of soil erosion, water quality and flow. <p>SEO 4</p> <ul style="list-style-type: none">• Maintain and enhance the character of this gently undulating, rural landscape. Promote and carefully manage the many distinctive elements that contribute to the overarching sense of place and history of the Trent and Belvoir Vales. <p>These are relevant to the approach from the north to the Cattle Market junction and the proximity to the river with its flood plain pasture, linear tree belts and hedgerows and approach to the historic core of Newark.</p> <p>In answer to the question, 'is the Applicant's landscaping around the Cattle Market junction consistent with the features highlighted in National Character Area', we would have to conclude it is not, when taking into consideration the recommendations of SEO2.</p> <p>The applicants' visualisations for viewpoint 25 at year 15 show a vast expanse of open grassland either side of the great north road approach to the junction. This area could include some of the recommendations of SEO2 that would both enhance this approach and substantially improve the screening, reduce the overall impact of this structure.</p>	<p>The Applicant notes that NCA 46 referenced in this question and within Newark and Sherwood District Council's comment [REP4- 048] in paragraph 2.26, relates to The Fens. Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051] identifies the Scheme and study area as being located within NCA 48 Trent and Belvoir Vales. Whilst the character assessment for NCA 48 was considered, given the small percentage of the NCA impacted by the Scheme, focus was instead given to local character assessments and objectives when developing the design.</p> <p>The area around Cattle Market Junction sits within Trent Washlands Regional Character Area (RCA), as determined by Newark and Sherwood District Council's Landscape Character Assessment Supplementary Planning Document (SPD). As noted in section 1 of Appendix 7.1 (Landscape Character Policy Zone Descriptions) of the Environmental Statement Appendices [APP-136] the Newark and Sherwood Landscape Character Assessment divides each RCA into smaller 'policy zones' (PZ) (see Figure 7.1 (Published Regional Character Areas and Policy Zones Figures) of the Environmental Statement Figures [AS-037]), with landscape analysis undertaken for each. Appendix 7.1 (Landscape Character Policy Zone Descriptions) of the Environmental Statement Appendices [APP-136] sets out the key character descriptions for each policy zone within the Scheme study area. It also presents the key actions for that PZ as described within the Newark & Sherwood District Council assessment which have in turn informed the development of the environmental design, ensuring the design responds appropriately to the local sense of place.</p> <p>The area around Cattle Market Junction falls within TW PZ 33 Newark West River Meadowlands. As set out in section 2.8 of Appendix 7.1 (Landscape Character Policy Zone Descriptions) of the Environmental Statement Appendices [APP-136] the Newark and Sherwood District Council SPD identified TW PZ 33 as a small area located on the western edge of Newark-on-Trent. The landscape condition is defined as 'very poor' with a 'very weak' sense of place and a 'very low' landscape sensitivity. The SPD also noted the pattern of landscape elements is incoherent, and the area has many detracting features including the A46 roundabout and associated roads, railway line and other detracting features such as caravan park, industrial (including the British Sugar Factory and scrap metal yard) and residential development giving rise to a significantly visually interrupted area. As a result of the analysis, the landscape actions are to 'create', rather than to 'conserve' or 'reinforce', with an aspiration to recreate the traditional pattern of hedged fields to reinforce the historic field pattern and seek opportunities to enhance visual unity through planting of small-scale trees and woodland, as well as enhancing tree cover with planting of hedgerow trees.</p> <p>The Applicant has sought to take account of this action in the relevant areas of the environmental design where possible, and when considering the current land use and character of the land immediately next to Cattle Market and the requirements of the Scheme, the majority of the existing vegetation in this location would be retained or be replaced, particularly alongside the A46 itself. Whilst it is not feasible to introduce woodland in this location, in respect to action relating to the planting of small scale trees, numerous individual trees have been proposed in the land parcels adjacent to Cattle Market Junction, with a further swathe of shrubs, and proposed linear belt of shrubs and trees along the A46, seeking to replace vegetation removed along the A46 during construction. When accounting for constraints within the roundabout itself shrubs and shrubs with trees have been proposed to allow the safe operation of the Scheme.</p>

Applicants Responses to Comments received from at Deadline 5

Newark & Sherwood District Council Response			The Applicant Response
Q10.0.3	Impact on Residential Properties at Sandhills Following receipt of [REP4-039], please provide an updated comment in relation to the effects on those residents at Sandhills and please provide any suggested mitigation measures that may reasonably be capable of being implemented.	<p>The impact on residential properties at Sandhills is illustrated by Viewpoint 24 (7.57 Additional Visual Effects Information) with an additional wireframe having been produced by the applicant that depicts the view without any existing intervening built form or vegetation.</p> <p>Existing built form comprises a flood bund that sits to the rear of property boundaries in Sandhills and is outside the site boundary. Existing vegetation (occasional small trees, and scrub) is within the field to the north of Sandhills southwest of the A46 roundabout junction as well as on the roundabout itself.</p> <p>The proposed linear belts of tree planting to the southwest of the Proposed A46 Cattle Market junction (shown on Figure 2.3 Environmental Master plan sheet 3 of 7) will partially break up the mass of the elevated retaining wall by Year 15. Closer to the Cattle Market junction structure where there are existing drainage constraints and proposed waterbodies, tree planting is very limited with intermittent tree planting on the roundabout and lines of individual trees on the edge of northern bank of the proposed waterbody and on the perimeter of the temporary construction compound only.</p> <p>Suggested mitigation to reduce the impact to Sandhills (Viewpoint 24) are:</p> <ol style="list-style-type: none"> 1) Reconfiguring the shape of the proposed water body directly north of Sandhills (pulling it further south to allow a line of trees to be planted to the western toe of the existing flood bund at the closest point to the receptors of Sandhill. 2) The applicant should explore all opportunities to increase tree cover within the open grassed area southeast of the roundabout junction and closest to VP 24. While it is understood there are existing drainage constraints within this area, we feel there is opportunity for further tree planting here as screening of the considerable visual impact created by the structure. Planting should be considered as near to the culvert as can be permitted to close down the angle of view. While this will not screen all the view it should reduce the extent of the impact considerably. The applicant should evidence all constraints that prevent the increase in tree planting here. 	<p>The Applicant's response to the suggested mitigation by Newark and Sherwood District Council is as follows:</p> <ol style="list-style-type: none"> 1. Any reconfiguration would need to ensure sufficient drainage capacity is still achieved and by moving it further north is then likely to lead to the current line of proposed trees being omitted from the design. If a belt of trees and shrubs could be accommodated alongside reconfigured drainage solutions, the planting would still need to be sufficiently offset from the toe of the flood bund as is currently shown in the areas of tree and shrub planting to the west of the proposed drainage basins and swales in this area. The Applicant confirms that planting has been maximised within the context of the preliminary design. 2. The Applicant assumes Newark and Sherwood District Council are referring to the south west rather than south eastern aspect of Cattle Market Junction. The Applicant presented the design rationale and constraints in this area during a meeting held with Newark and Sherwood District Council on 23 January 2025. This included presenting the culvert and link with the neighbouring drainage ponds. Tree planting has been incorporated along the northern edge of the drainage feature as well as to the northeast of Sandhills Park, providing trees where space allows, being mindful of future maintenance access and safe operation and maintenance of highways infrastructure. Planting of shrubs with trees has been provided further north at a suitable offset from the toe of the flood bund so as not to compromise the integrity of the bund in the future.
Q10.0.4	Setting of Protected Landscapes Do you consider the recently published 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes' (16 December 2024) by Defra to have any relevance to this proposal and, if so, please provide a statement detailing the relevant effects. If not, please detail why.	<p>This development does not have relevance to this Guidance document. Protected landscapes as defined by DEFRA are National Parks, Norfolk and Suffolk Broads and National Landscapes in England. National Landscapes is the rebranded name for Areas of Outstanding Natural Beauty (AONBs). There are no protected landscapes designated within the study area of the development proposals.</p>	No response required by the Applicant.
12. Noise and Vibration			
Q12.0.1	Bridge House Farm and Old Stable Yard ES Chapter 11 Noise and Vibration [APP-055] and [REP4-046] details that there is no exceedance of LOAEL at either Bridge House Farm or Old Stable Yard. However, Old Stable Yard was removed from NSDC's emerging Local Plan as a potential allocation by virtue of adverse impacts of noise due to the existing proximity of the A1 and A46. It has since been granted planning permission by NSDC for use as a GRT site	<p>a) NSDC does not have any significant concerns. The reason the site was removed was due to noise and the impact of the measures necessary to mitigate the noise on the Open Break, plus the deliverability of the measures. The conclusion from a Noise Assessment evidence commissioned by NSDC: NIA-10951-23-11131-v1 Winthorpe Road, Newark and NIA-10951-23-11131-v1 Winthorpe Road, Newark Addendum) was that daytime and night-time ambient noise levels across the site are due to road traffic noise</p>	No response required by the Applicant.

Applicants Responses to Comments received from at Deadline 5

Newark & Sherwood District Council Response			The Applicant Response
	<p>for six residential pitches. The Applicant's evidence shows no exceedance of LOAEL at either location despite the Works Plans [REP3-002] showing the A46 moving closer to both locations.</p> <p>a) Does NSDC have any concerns regarding the Applicant's results that LAOEL will not be exceeded at either location despite concerns that the GRT site was not acceptable as an allocation due to noise.</p> <p>c) Can both NSDC and the Applicant update their SoCG to include reference to the noise impacts at both Bridge House Farm and Old Stable Yard.</p>	<p>on the A1 and (to a lesser extent) the A46. Highest discrete event maxima at the site are due to noise from the adjacent dog kennels, however, this had no bearing on the assessment as it is the control of night-time ambient noise levels from road traffic which governs the sound insulation requirements at night.</p> <p>The work took account of the A46 modelling available at the time and concluded that ambient noise levels were not expected to increase significantly as a result of the proposed A46 Newark Bypass.</p> <p>c) Yes.</p>	
14. Transportation and Traffic			
Q14.0.3	<p>Mitigation – Outline Traffic Management Plan</p> <p>a) Do NCC and NSDC have any unresolved comments on the OTMP, including in relation to construction-phase diversions? If yes, please explain whether and how these could be resolved and whether OTMP Appendix A [REP3-026] needs to be amended.</p> <p>b) Should parish councils be specifically mentioned as consultees / stakeholders?</p> <p>c) Should parish councils be invited to monthly traffic management meetings as suggested by Farndon Parish Council [RR-022]?</p> <p>d) Have the comments from Coddington Parish Council [REP2-041] in respect of diversions been satisfactorily addressed?</p> <p>e) Bearing in mind what Applicant says in 3.3.3 of [REP4-032], does NCC have any remaining concerns about diversions and, if yes, how could these be resolved?</p>	<p>a) Paragraph 1.3.6 states that the Southern Link Road will be open spring 2025. This has now changed to late Summer 2026.</p> <p>Appendix A</p> <p>Paragraph A. 1.4. on page 44: The proposed diversion from Farndon through the village of Hawton is not supported by NSDC due to road safety concerns. The road is narrow and winding, with poor visibility in some places. The diversion route relies on Hawton Bridge remaining open for the duration, however this is subject to change with the construction of the SLR. The applicant is advised to contact Nottinghamshire County Council for further information of impending closures to this bridge until potentially September 2026. The Southern Link Road (SLR) is due to be opened by late summer 2026 and this route is preferable rather than the road through Hawton which is a small settlement. The Applicant has stated in discussions that they would not rely on routes through small settlements and would only use strategic routes (where practical), therefore this appears to be contrary to their principles. However, the use of Hawton Bridge, through our discussions with NCC and the construction of the SLR, is not an appropriate route for traffic diversions. The Highways Network Management Team at Nottinghamshire County Council may wish to be notified of this arrangement and provide more comments to the Applicant.</p> <p>Paragraph A. 1.6. A1133 on page 46: The proposed diversion via Winthorpe does not show all the routes that are needed for the diversion. Going north on the A46, the route should continue along the A46 as it's not possible to go north through Brough (it's on the other side of the dual carriageway).</p> <p>Paragraph A.1.2.2 on page 42: Text states 'The diversion route for this closure would be via the A52 (between the A46 Saxondale junction and the A1 at Grantham) and along the A1, to re-join the A46 at the Brownhills and Friendly Farmer roundabouts.'</p> <p>The text highlighted seems to be an error as the plan accompanying paragraph A.1.2.2 doesn't show the A52.</p> <p>b) Yes, it would be helpful as part of the Communication Strategy.</p> <p>c) It would be helpful, as part of the Communication Strategy, to invite parish councils to traffic management meetings.</p> <p>d) Please seek advice from Nottinghamshire County Council.</p> <p>e) Question for Nottinghamshire County Council.</p>	<p>a) The Applicant notes the updated opening date in relation to the Southern Link Road and has submitted an updated the Outline Traffic Management Plan at Deadline 6 of the Examination to reflect this.</p> <p>Paragraph A.1.4 Fosse Road and Farndon Road closure. This closure is for local traffic only and not strategic traffic. It is proposed to manage the local traffic travelling between Farndon and Newark during closures of the Farndon Roundabout when the pavement tie-in works are being undertaken. Strategic traffic will be diverted along the A1 and the A52 as detailed in section A.1.1 of the Outline Traffic Management Plan [REP5-038]. The pavement tie-in works at Farndon roundabout are planned to be undertaken overnight between 21:00 and 06:00. This work would be towards the end of the construction programme and therefore would be unaffected by the Southern Link Road works and closures of Hawton Bridge. The Outline Traffic Management Plan has been updated for Deadline 6 of the Examination to include a statement in section A.1.4 to reference that part time signals will be considered at Hawton Bridge (were Hawton Lane crosses the River Devon) during the diversion.Paragraph A. 1.6 Closure of the A1133. The diversion details incorporate the north and south movements on the A46 at Brough junction. An extra line, showing the northbound movement, has been added to Figure A-6 of the Outline Traffic Management Plan for clarity.Paragraph A.1.2.2 Closure of A46 between Cattle Market and Brownhills roundabout. This has been corrected in the updated Outline Traffic Management Plan submitted at Deadline 6 of the Examination. b) The Parish Councils were included as stakeholders in table 1-1 of the Outline Traffic Management Plan [REP5-038] that was submitted at Deadline 5 of the Examination .c) As per the Applicant's response in [REP5-060], the Applicant is not proposing to invite Parish Councils to the traffic management meetings. These are technical and planning meetings with Nottinghamshire County Council, Newark and Sherwood District Council, emergency services and promoters of any other adjacent schemes. Feedback from the public and Parish Councils will be received via the methods within section 5 of the Outline Construction Communications Management Plan (within the First Iteration Environmental Management Plan [REP5-025]) for escalation at the traffic management meeting, where required. d) The Applicant has provided a response to Coddington Parish Council [REP2-041] in [REP3-036] with respect to diversion routes.e) The Applicant has provided comments to Nottinghamshire County Council's responses to Q14.0.3 [REP5-069] and has provided a response in Q14.0.3 of the Nottinghamshire County Council of this document.</p>

Applicants Responses to Comments received from at Deadline 5

Newark & Sherwood District Council Response			The Applicant Response
15. Flooding and Drainage			
Q15.0.1	<p>Averham and Kelham FCA In [REP4-033], it was confirmed that Peridot Solar had submitted an amended plan relative to their application for a solar panel installation on part of the Averham and Kelham FCA to remove the panels from the FCA.</p> <p>Does this resolve the fundamental concern over how the FCA and the panels would operate and their relative development timescales?</p>	<p>Application number 23/01837/FULM – Kelham and Averham solar Farm - The Amended plan was formally submitted to the District Council and consulted on with the Environment Agency. The application was heard at Planning Committee on 16th January 2025 where Members overturned Officers recommendation of approval. A decision notice has now been issued on 31 January 2025 for refusal. Drawing number HC1002/05/03 Rev 4 was submitted to remove the solar panels from within the FCA and the EA removed their holding objection on the basis of the amended plan. The applicant has 6 months in which to submit an appeal which will take it to after the examination has closed but given the panels are now out of the FCA this it not considered to cause any conflict.</p>	No response required by the Applicant.
Q15.0.2	<p>EA Flood Map Update Does the recent update to the EA flood mapping data, published on 17 December 2024, result in any alterations to the findings of Chapter 13 Road Drainage and Water Environment [APP057] or Appendix 13.2 Flood Risk Assessment [APP-177]. Equally, does this update alter the comments made by the Host Authorities or the EA?</p>	<p>No. The proposal will increase flood risk elsewhere and does not comply with the exceptions test (as defined by the NPPF). Whilst we are aware of the tolerance to the model which has been agreed this is still an area of concern for the District Council where there are properties involved.</p>	<p>The Applicant acknowledges concerns raised by Newark and Sherwood District Council in relation to small, localised changes in modelled water levels for specific events. These changes are discussed in the Hydraulic Modelling Technical Note, submitted at Deadline 6 of the Examination as Appendix H of the Flood Risk Assessment. The Environment Agency reviewed the Hydraulic Modelling Technical Note and associated output data prior to Deadline 6 of the Examination and is satisfied that any localised increases in water levels are associated with modelling precision errors and boundary effects. The Environment Agency agrees with the Applicant that the second part of the Exception Test is satisfied. The Statement of Common Ground between the Applicant and the Environment Agency has been updated and submitted at Deadline 6 of the Examination.</p>

Natural England Response				The Applicant Response
Responses to ExQ2				
Q1.0.1	The Applicant, Host Authorities and all other IPs	National Planning Policy Framework A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. All Parties confirm whether there are any changes to your case resultant from changes to the Framework and if so, set out the amended policy and how this changes your case. Furthermore whether you consider this changes the scope of any of the Applicant's Assessments or the basis for the Secretary of State's conclusions.	The revisions to the National Planning Policy Framework in December 2024 do not alter the advice provided by Natural England in respect of the A46 Newark Bypass.	N/A
Q1.4.1	NSDC, NCC, LLFA, Natural England the EA	Mitigation – Pre-commencement Plan a) Do you have any unresolved comments on the Pre-commencement Plan (PCP) [REP4- 012]? b) Are there any matters which you consider should be included in the PCP which have not yet been included? c) Where relevant, does the PCP satisfactorily reflect the provisions on the First Iteration EMP so that there would be a consistent approach to mitigation across all stages of development?	Natural England has no unresolved comments on the Pre-Commencement Plan (PCP) and is satisfied with the topics that have been included in the document.	N/A
Q7.0.3	Natural England	Outline Soil Management Plan and Register of Environmental Actions and Commitments Do the changes that have been made to the OSMP and REAC (both in [REP4-010]) address the comments that you made in relation to the handling of soils?	The changes made to the OSMP and REAC satisfactorily address the previous comments made by Natural England regarding soil handling.	N/A
Q7.0.4	The Applicant	Clarifications – Agricultural Land a) Do references in [REP3-016] to the “main Scheme alignment” relate to the area occupied by the alignment of the proposed road or to all of the land within the Order Limits apart from the Kelham and Averham Flood Compensation Area (FCA)? b) On page 61 of [REP3-009] it is noted that there would be a “Permanent loss of 16.7ha of grade 3a land (1.1ha in Kelham and Averham FCA and 15.6ha in the main Scheme alignment)”. Farm IDs 4 and 7 on PDF page 123 of 130 in [REP2-037] appear to be in the Kelham and Averham FCA but the total amount of grade 3a land to be permanently removed from all parcels on PDF page 123 of 130 appears to total 15.56 ha. Furthermore, section 9.2 of the ES NTS [REP3-020] states that there would be a permanent loss of 15.6 ha of grade 3a land and “less than 1 hectare” of grade 2 land – this does not appear to be consistent with [REP3-009]. Please confirm whether the figures for agricultural land are consistent throughout [REP2-037], [REP3-009], [REP3-013], [REP3-016] and [REP3-020] (and in any other documents which refer to agricultural land) and, if necessary, update documents as relevant. c) For clarity, please provide a summary of agricultural land changes in the following form:	It is noted that this clarification is directed towards the Applicant. However, Natural England has the following comments to make: Since submission of Written Representations, the Applicant has informed Natural England about some data gaps that were noted in the original submission relating to the ALC grade for an area of temporary land acquisition within the Order Limits in Land Plot 3 and an area of permanent land acquisition in Plot 16. The Applicant advised that extrapolated data (survey borehole data from an adjacent area and desktop information) had been used to assign an ALC grade to these areas, and that the ES had been updated accordingly, to reflect the small change to the areas of Grade 2, 3a and 3b agricultural land. Natural England notes the data gaps in the ALC survey. Whilst the extrapolated data is welcomed, we advised the Applicant that, due to the nature of works in the un-surveyed areas, an ALC survey will be required to inform soil management and reinstatement. Natural England recommends this is undertaken pre-consent, to enable any avoidance measures to be taken within the design, before relying upon mitigation (soil management plan and reinstatement commitments, in line with the mitigation hierarchy. The Applicant has since agreed to undertake the ALC surveys on the plots where data is absent. Timescales for this data will be dependent on access being granted for the surveys; however, it is understood that the intention is that the data will be available before the end of examination, if possible. Natural England advise that, if complete ALC surveys cannot be obtained within the	The Applicant can confirm that further ALC surveys will be undertaken to address the gaps within the data owing to the change in land acquisition from temporary to permanent. Due to access and logistical arrangements these surveys are planned for May 2025. The results will be submitted to Natural England. A new Requirement within the draft DCO has been added to ensure that the Applicant completes these missing ALC surveys before works in these specific areas commence. The updated draft DCO will be submitted at Deadline 6 of the Examination.

Applicants Responses to Comments received from at Deadline 5

Natural England Response				The Applicant Response																																			
		<table> <tr> <th></th><th colspan="2">Temporary Loss – to be returned to agricultural use</th><th colspan="2">Permanent Loss</th></tr> <tr> <th></th><th>Kelham and Averham FCA (ha)</th><th>Rest of Order Limits (excluding Kelham and Averham FCA) (ha)</th><th>Kelham and Averham FCA (ha)</th><th>Rest of Order Limits (excluding Kelham and Averham FCA) (ha)</th></tr> <tr> <td>Grade 2</td><td></td><td></td><td></td><td></td></tr> <tr> <td>Grade 3a</td><td></td><td></td><td></td><td></td></tr> <tr> <td>BMV Total</td><td></td><td></td><td></td><td></td></tr> <tr> <td>Other Grades</td><td></td><td></td><td></td><td></td></tr> <tr> <td>Grand Total (BMV Total + Other Grades)</td><td></td><td></td><td></td><td></td></tr> </table>		Temporary Loss – to be returned to agricultural use		Permanent Loss			Kelham and Averham FCA (ha)	Rest of Order Limits (excluding Kelham and Averham FCA) (ha)	Kelham and Averham FCA (ha)	Rest of Order Limits (excluding Kelham and Averham FCA) (ha)	Grade 2					Grade 3a					BMV Total					Other Grades					Grand Total (BMV Total + Other Grades)					examination period, their requirement is secured via the DCO. Further information is set out in the Applicant's Statement of Common Ground (SoCG) with Natural England, Issue No.30. This topic remains under discussion between Natural England and the Applicant.	
	Temporary Loss – to be returned to agricultural use		Permanent Loss																																				
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Q9.0.1	The Applicant, Natural England the EA	Report on Implications for European Sites (RIES) Please respond to the questions raised in the RIES published alongside these further written questions.	Natural England has responded to the questions raised in the RIES; please refer to Annex 2 of this document.	N/A																																			
Responses to RIES																																							
QR1	Natural England	In-combination effects NE are requested to confirm that they are in agreement with the non-NSIPs that have been included in the in- combination effects assessment within the updated HRA Report [REP3-024]?	Natural England is satisfied with the scope of the in-combination effects assessment within the updated HRA Report.	N/A																																			
QR2	The Applicant, Natural England	Construction silt management measures The applicant is requested to confirm that the measures proposed to protect the water environment during construction are not specifically intended to avoid or reduce significant adverse effects of the proposed development on the European sites. The applicant should signpost to relevant information within the HRA Report and supporting documents. NE are requested to confirm that they are content that the measures proposed by the applicant are not necessary to avoid or reduce adverse significant effects of the proposed development on the European sites and are satisfied that potential construction impacts on the water environment are not required to be considered in the applicant's assessment of effects on integrity.	Natural England are content that the measures proposed by the Applicant are not necessary to avoid or reduce adverse significant effects of the proposed development on the European sites. Our position on this matter remains as agreed with the Applicant within the SoCG (Issue No.9, Applicant's position).	N/A																																			
QR4	Natural England	Prevention of light spill impact on migrating lamprey – mitigation hierarchy NE are requested to provide any further comments in relation to this matter and/ or state agreement of the applicant's conclusions of no adverse effects on integrity (AEoI).	Natural England is content that the requested updates have been made and that our previous concerns have been addressed. Natural England agrees with the Applicant's conclusions of no adverse effects on integrity.	N/A																																			
QR5	Natural England	Prevention of light spill impact on migrating lamprey – commitment to mitigation NE are requested to provide any further comments in relation to this matter and/ or state agreement of the applicant's conclusions of no adverse effects on integrity (AEoI).	Natural England is content that the requested updates have been made and that our previous concerns have been addressed. Natural England agrees with the Applicant's conclusions of no adverse effects on integrity.	N/A																																			
QR6	Natural England	Terminology NE are requested to provide any further comments in relation to this matter and/ or state agreement of the amended terminology used in the updated HRA Report [REP3-024].	Natural England is content that the requested updates have been made and that our previous concerns have been addressed.	N/A																																			

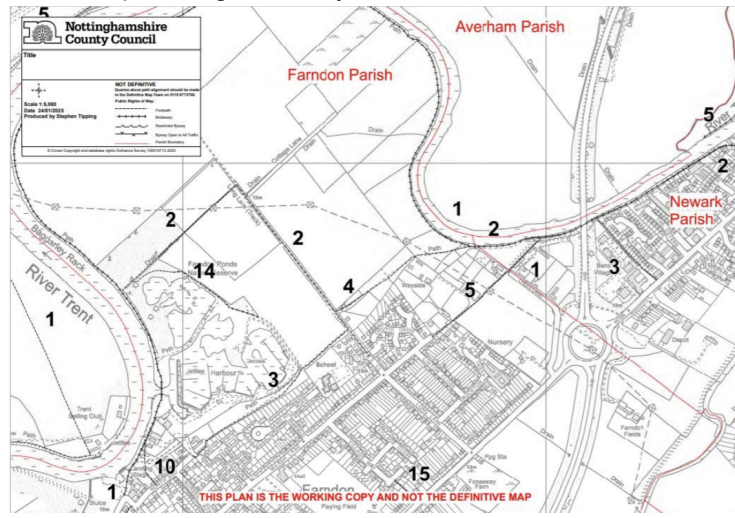
Applicants Responses to Comments received from at Deadline 5

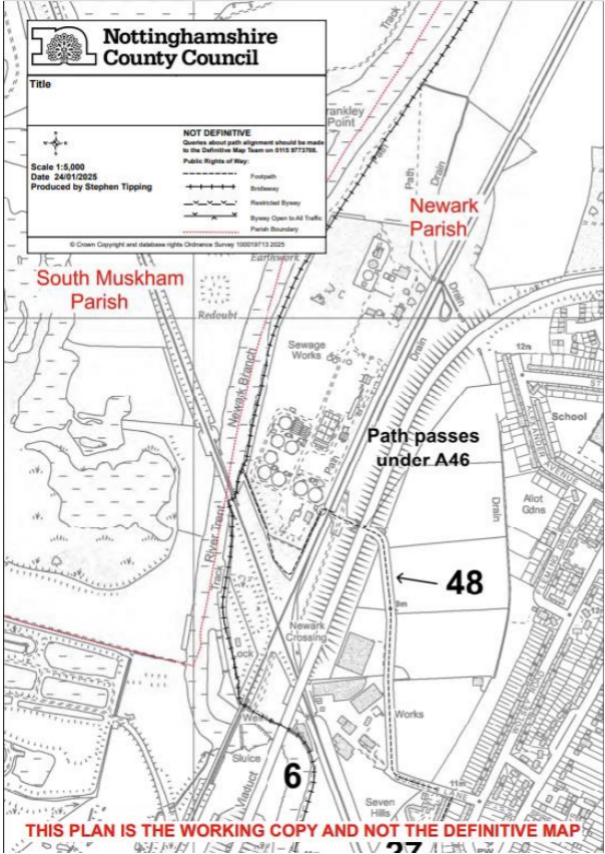
Natural England Response				The Applicant Response
QR7	The Applicant, Environment Agency, Natural England	<p>Mitigation to prevent entrapment/ isolation of lamprey during flooding</p> <p>The ExA note the comments from the EA in relation to the dimensions of the fish escape passage option presented in the Technical Note. The ExA therefore request the following:</p> <p>The applicant is requested to confirm that the dimensions of the proposed fish escape passage option have been taken into account in the assessment of effects on lamprey within the HRA Report and signpost to this information.</p> <p>The applicant is also requested to provide a response to the comments made by the EA [REP3-044 and REP4- 044].</p> <p>The EA is requested to confirm their position that this matter remains unresolved and set out how the dimensions of the fish escape passage selected could result in adverse effects on integrity (AEol).</p> <p>NE is requested to provide a view on the concern expressed by the EA and set out whether your position has changed as a result of the fish escape passage option selected. Where possible, discussion between parties, to agree matters and provide a joint response is encouraged.</p>	<p>Natural England have reviewed and considered the Environment Agency's comments made at DL4 (REP4-044) and agree with their concerns that further detailed design and assessment regarding the fish escape passages is required in joint consultation with both the Environment Agency and Natural England. We acknowledge that this is a change in our position.</p> <p>Natural England note that there is a commitment recorded in the HRA narrative (REP3-024) which states that "the specific number, location and design of fish escape passage will be finalised during detailed design". We advise that this commitment is made within the latest version of the First Iteration EMP (register of environmental actions and commitments, reference B9), including a requirement for the Applicant to consult both the Environment Agency and Natural England on the detailed design.</p> <p>Natural England do not have any further comments to make in addition to those already submitted on this matter at DL2 [REP2-045].</p> <p>Working with all parties, Natural England would be happy to provide advice where appropriate on further design and assessment work.</p>	<p>The Applicant confirms fish escape passage from the Farndon FCAs have been included within the design of the Scheme to mitigate the risk of fish entrapment, including the low risk to lamprey species (qualifying features of the downstream Humber Estuary SAC/ Ramsar). The Applicant has continued to liaise with both the Environment Agency and Natural England throughout the Examination. In response to initial queries raised on fish escape passages by Natural England and the Environment Agency, the Applicant brought forward the refinement of the fish escape passage design and produced a Technical Note, outlining fish escape passage options considered, and justification for the selected option. This is appended to the Habitat Regulations Assessment [REP5-075].</p> <p>The Applicant confirms that reference B9 within the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [REP5-025] has been updated to include the following text proposed by Natural England:</p> <p><i>"The specific number, location and design of fish escape passages will be finalised during detailed design."</i></p> <p>The updated First Iteration Environmental Management Plan will be submitted at Deadline 6 of the Examination.</p> <p>The Applicant confirms that, as provided for in Requirement 3(1) of the draft Development Order [REP5-025], Natural England and the Environment Agency will be consultees on the Second Iteration Environmental Management Plan, including provision of future iterations of the fish escape passage design.</p> <p>This is documented at issue 19 (NE8) of the Statement of Common Ground with Natural England [REP5-051] submitted at Deadline 5 of the Examination. The Statement of Common Ground with Natural England will be updated to reference the amended Register of Environmental Actions and Commitment (B9) contained within the First Iteration Environmental Management Plan [REP5-025] and submitted at Deadline 6 of the Examination.</p> <p>The Environment Agency confirmed via email on 30 January 2025 and formally through their Deadline 5 submission [REP5-065] that they accept the fish escape passage mitigation and proposed maintenance measures.</p>
QR9	Natural England	<p>Fish escape passage design</p> <p>NE are requested to provide any further comments in relation to this matter and/ or state agreement of the amended wording used in the updated HRA Report [REP3-024].</p>	Please refer to Natural England's response to QR7 for our position on the fish escape passage design	N/A

Nottinghamshire County Council Response				The Applicant Response
1. General overarching matters including Policy, Need and alternatives				
Q1.0.1	The Applicant, Host Authorities and all other IPs	National Planning Policy Framework A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. All Parties confirm whether there are any changes to your case resultant from changes to the Framework and if so, set out the amended policy and how this changes your case. Furthermore whether you consider this changes the scope of any of the Applicant's Assessments or the basis for the Secretary of State's conclusions.	NCC has no additional comments	No response required by the Applicant.
Q1.4.1	NSDC, NCC, LLFA, Natural England, the EA	Mitigation – Pre-commencement Plan a) Do you have any unresolved comments on the Pre-commencement Plan (PCP) [REP4-012]? b) Are there any matters which you consider should be included in the PCP which have not yet been included? c) Where relevant, does the PCP satisfactorily reflect the provisions on the First Iteration EMP so that there would be a consistent approach to mitigation across all stages of development	NCC has no additional comments at this stage	No response required by the Applicant.
3. Biodiversity, Ecology and Natural Environment				
Q3.0.7	NSDC, NCC Local Nature Recovery Strategy	Local Nature Recovery Strategy Are the Host Authorities content that the Proposed Development supports the aims of the Local Nature Recovery Strategy?	The LNRS is still in preparation with the BNG offsetting site at Doddington Hall located within a separate LNRS Site (Lincolnshire). Lincolnshire are also still preparing their LNRS. We therefore cannot provide any detailed comments on whether the proposed development supports the aims of the LNRS. Although any habitat enhancement proposed is likely to meet the aims of the LNRS.	The Applicant thanks Nottinghamshire County Council for their update and comments. In addition, the Applicant has contacted Lincolnshire County Council to offer any additional support needed in the development of their LNRS.
4. Climate and Carbon Emissions				
Q4.0.3	NSDC, NCC	Additional Information in Response to Finch Judgement a) Does [REP4-036] affect any of the comments that you have made in relation to Climate and Carbon Emissions. If yes, how? b) Following your review of [REP4-036], do you have any additional observations to make in relation to Climate and Carbon Emissions?	NCC has no additional comments	No response required by the Applicant.
6. Draft Development Consent Order (dDCO)				
Q6.0.2	The Applicant, NCC	Article 3 Disapplication of legislative provisions Confirm whether any further dialogue or agreement has been reached in respect of the County Council's permit scheme and how this is to be addressed through the Draft Development Consent Order.	The applicant has agreed to use the Street Manager booking system and has informed the council they will be updating their Outline Traffic Management Plan to reflect this. No further amendments are required.	No response required by the Applicant.

Nottinghamshire County Council Response			The Applicant Response	
8. Cultural Heritage				
Q8.0.1	NSDC, NCC	<p>Civil War Landscape</p> <p>Considering the contents of [REP4-041] and cross referencing this with the most up to date Works Plans [REP3-002], does either of the councils have any concerns over the potential impacts on the civil war landscape, including both designated and non-designated assets, with respect to the understanding and legibility of the landscape and its wider importance to the history and identity of Newark on Trent and the surrounding area.</p> <p>When responding, please consider the desirability of preserving the asset(s) and any efforts by the Applicant to enhance their setting.</p>	<p>The Civil War landscape features primarily impacted by the proposals include designated heritage assets, in particular the Scheduled Ancient Monuments 30201, 30208, 30204 which are all civil war redoubts to the north of the A46. The non-designated heritage asset which is the course of the medieval (pre-1770) London to Berwick road out of Newark (HER ref M3093) is also a key feature that played an important part during the Civil War and contributes to this heritage landscape. Along with other features, designated and non-designated, such as thetower of St Mary’s parish church, Newark Castle and ‘Edinburgh’ (the Scots army Civil War HQ, HER ref M3124) these are the components of the Civil War heritage landscape most impacted by the proposals. The existing A46 and other components of the modern road system around the Cattle Market roundabout already impact on the appreciation of the Civil War Landscape components. Although, it is possible to appreciate the inter-relationship of these various components from maps and the online Nottinghamshire Historic Environment Record, physical accessibility, via the existing rights-of-way network provides only very limited opportunities for on- the-ground interaction with the redoubts and other elements. The ‘Trent Valley Way’ is the main footpath opportunity, presently offering long views over the river flood plain towards Newark and including the Civil War Landscape, running immediately passed Edinburgh (Scots HQ) and allowing you to approach the town across a landscape that retains many of the C17th components that contribute to the town’s setting. The A46 in this area is already largely embanked to the west of Cattle Market roundabout and this detracts from views of Newark townscape the surrounding Civil War heritage.</p> <p>There is a similar situation when the heritage assets are experienced from the roads from Kelham (A617) and Muskham (A616). However, the present height and topography of the Cattle Market roundabout allows for views towards Beastmarket and Newark Castle, with St Mary’s tower beyond that are historic views, largely intact since the C17th and C18th. These views will be substantially altered by the embankment and retaining walls of the proposed elevated section of the A46. It is clear from the LVIA evidence that the views in and out of Newark along the ‘Great North Road’ (A616) will be truncated and the present scenario (which includes established mature trees around and, on the roundabout,) will be replaced by a distinctly-urban engineered barrier.</p> <p>It remains unclear from the information provided to what extent suitable weight was given to this matter during the development of options for the design of the elevated section of road. It is clear that the proposed mitigation (in particular the restrained approach to tree planting) will have minimal effectiveness in ‘softening’ these impacts and very little effect in preserving the present setting of the Civil War Landscape assets.</p>	<p>As set out in the Applicant’s response to Question 8.0.1 of the Examining Authority’s Second Written Questions [REP5-060], the Civil War Landscape receptor is not recognised by Historic England’s National Heritage List for England or the Nottinghamshire Historic Environment Record. It was developed by the Applicant in consultation with Heritage Stakeholders to enable an understanding of how the setting and interconnectivity of individual heritage receptors, and any land identified within the Cultural Heritage study area associated with the sieges of Newark during the Civil War, contribute to the understanding and legibility of the Civil War landscape. The Cultural Heritage study area is defined in Section 6.7 of Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] and illustrated in ‘Civil War Designated and Non-Designated Assets within the 1 kilometre and 500 metre study area’[REP4-041].</p> <p>Nottinghamshire County Council notes impacts to several designated and non-designated receptors. The predicted impacts, alongside the measures put in place to sustain the heritage value (significance) of these assets is summarised below and detailed within Appendix 6.3 (Assessment of Cultural Heritage Effects During Construction) of the Environmental Statement Appendices [APP-134] and Appendix 6.4 (Assessment of Cultural Heritage Effects During Operation) of the Environmental Statement Appendices [APP-135].</p> <ol style="list-style-type: none"><u>Three scheduled Civil War redoubts (MM007), (MM009) and (MM012) and Newark Castle (MM001):</u> The Applicant’s response to Question 8.0.2 of the Examining Authority’s Second Written Questions [REP5-060], details the predicted impacts and mitigation measures put in place for these designated receptors.<u>The Church of St Mary Magdalene (MM022):</u> The Scheme is predicted to result no change to this receptor._This receptor lies outside of the Scheme Order Limits, and as such no physical impacts are predicted. The proposed new road infrastructure at Cattle Market Roundabout will slightly detract from appreciating views to and from the tower of the receptor however, road infrastructure already exists within the wider townscape, and it will not alter the ability to understand the asset's relationship with the surrounding town.<u>Medieval road out of Newark (MM559):</u> The Scheme is predicted to result in minor adverse permanent impacts to this receptor. The road is no longer extant and is only visible along some sections of its route as low earthworks. Several sections of its route as plotted on the Nottinghamshire HER have been truncated by modern development including British Sugar, the existing A46 and Cattle Market Roundabout and Sandhills Park. A section of this route is plotted as crossing the Scheme Order Limits north of Cattle Market Roundabout however, no earthwork or below ground archaeological remains associated with this receptor were found during preliminary surveys or archaeological trial trenching.<u>The ‘Edinburgh’ (the Scots army Civil War HQ, (MM625):</u> The Scheme is predicted to result in no change to this receptor. This receptor comprises the site of a large, entrenched camp located on flat land to the east of Kelham. The site has largely been ploughed out with only a fragment of its southern bastion surviving northeast of the Kelham Road. The receptor lies approximately 500m outside of the Scheme Order Limits and as such no physical impacts are predicted to this receptor as a result of the Scheme.<u>Historic Views from Great North Road:</u> The comments raised by the Interested Party are a wider issue not specifically related to the Civil War Landscape receptor. Views from the Great North Road looking south towards the Scheme have been assessed as part of the landscape and visual impact assessment contained in Chapter 7 (Landscape and Visual Effects) of the Environmental Statement [APP-051]. The Applicant’s responses to comments raised by the Interested Party on these historic views are contained within:<ul style="list-style-type: none">[REP2-019] - Applicant’s Comments on Nottinghamshire County Council’s Local Impact Report[REP2-020] - Supporting Historic Environment and Visual Impact Assessment[REP3-039] - Additional Visual Effects Information following Issue Specific Hearing 4 - Rev 1[REP4-040] - The Applicants Responses to Comments Received at Previous Deadlines

Nottinghamshire County Council Response				The Applicant Response
				<p>As detailed within Chapter 6 (Cultural Heritage) of the Environmental Statement [APP-050] no individually designated or non-designated heritage receptors that make up the Civil War Landscape receptor are predicted to be physically impacted by the Scheme. There will be a minor change to the character and setting of some areas of the Civil War Landscape receptor through the creation of ponds and new road infrastructure as part of the Scheme.</p> <p>The historic setting of the Civil War Landscape receptor has already been eroded by successive interventions and the setting is now dominated by modern transport, residential and industrial development including the existing A46. As suggested by Nottinghamshire County Council this modern development has eroded any tangible connection between the individual heritage receptors that may have been important during the Civil War era and it is only possible to appreciate the inter-relationship of these receptors from maps and the Nottinghamshire HER. Physical accessibility, via the existing rights-of-way network including the 'Trent Valley Way' provides only very limited opportunities for on the-ground interaction with the redoubts and other elements.</p> <p>It is expected that the Scheme will make a positive contribution to the heritage value (significance) of the Civil War Landscape receptor and the individual heritage receptors it encompasses. The opportunity to investigate the Civil War Landscape receptor, through preliminary survey, archaeological evaluation and future archaeological excavation and monitoring, as outlined in the Archaeological Management Plan [REP5-026], will enhance our current knowledge of the landscape. The next stage of the Scheme will see the development of a Public Archaeology and Community Engagement programme as outlined in Sections 6.11 and 7.12 of the Archaeological Management Plan [REP5-026]. This will be developed in consultation with heritage stakeholders (Historic England, Nottinghamshire County Council and Newark and Sherwood District Council) with the aim of creating a programme to support local people to make stronger connections to a place, themselves and to each other and to empower people to use the historic environment as a stimulus for learning and well-being.</p>
10. Landscape and Visual Effects				
Q10.0.4	NSDC, NCC, the Applicant	<p>Setting of Protected Landscapes</p> <p>Do you consider the recently published 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes' (16 December 2024) by Defra to have any relevance to this proposal and, if so, please provide a statement detailing the relevant effects. If not, please detail why.</p>	<p>This development does not have relevance to this Guidance document. Protected landscapes as defined by DEFRA are National Parks, Norfolk and Suffolk Broads and National Landscapes in England. National Landscapes is the rebranded name for Areas of Outstanding Natural Beauty (AONBs). There are no protected landscapes designated within the study area of the development proposals.</p>	No response required by the Applicant.
11. Material Assets and Waste				
Q11.0.2	The Applicant, NCC	<p>Borrow Pits – Restoration</p> <p>Has there been any progress on agreeing restoration provisions? Do any amendments need to be made to the draft DCO or any of the documents that are proposed to be certified, e.g. the EMP?</p>	<p>The applicant has referred the Council to their written summary of Issue Specific Hearing 4 [REP4-034] [Item 3.3.18].</p> <p>The clarification on maintenance periods has provided some comfort that restoration is covered through other controls, and this should negate the need for additional wording to requirement 6 of the dDCO.</p> <p>The applicants written response states:</p> <p><i>"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 Environmental Action and Commitments (REAC) within the FEIMP [REP3-022] (to be developed into the TIEMP). In light of the above, the following periods apply:</i></p> <p><i>1. For the lifetime of the Scheme: all areas of proposed planting as depicted on the Environmental Masterplan], as</i></p>	<p>The Applicant confirms all habitats created within the Order Limits, as shown on Appendix A.2 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159], contribute to the increase in habitat units shown in the Biodiversity Net Gain Technical Report [APP-159]. Therefore all these habitats will be included in the Biodiversity Gain Management and Monitoring Plan that will form part of the Second Iteration Environmental Management Plan to ensure the expected habitat type and condition is achieved. This includes the reedbeds and other wetland habitats such as the ponds, grazing marsh and lake at Farndon West and Farndon East Floodplain Compensation Areas.</p> <p>Commitment B12 in the Register of Environmental Action and Commitments within the First Iteration Environmental Management Plan [REP5- 025] will be updated to confirm that the BNG Management and Monitoring Plan for the 30-year period applies to all habitats shown on Appendix A.2 of Appendix 8.14 (Biodiversity Net Gain Technical Report) of the Environmental Statement Appendices [APP-159]. The updated First Iteration Environmental Management Plan will be submitted at Deadline 6 of the Examination.</p>


Nottinghamshire County Council Response				The Applicant Response	
			<p><i>these contribute to essential mitigation</i></p> <p><i>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];”</i></p> <p>30 years for the BNG habitats which include the reedbeds is acceptable as this should allow the habitats to reach their target conditions - as long as it falls under the 30- year period as part of the BNG.</p> <p>The Council would appreciate further clarity on the what will be managed and monitored under BNG for the 30- year period as well an update to the FIEMP to reflect this (as per issue no. 29 of the SoCG to be submitted at deadline 5).</p>		
13. Population and Human Health					
Q13.0.1	The Applicant	<p>Public Rights of Way – Clarification</p> <p>Have Farndon FP3 and Farndon FP5 been incorrectly-labelled as Newark FP3 and Newark FP5 as suggested in [REP4- 049]? If yes, please update the application documentation accordingly.</p>	<p>To assist with this, please see appended a marked-up plan of definitive public rights of way in the Farndon area</p> 	<p>The Applicant thanks Nottinghamshire County Council for providing the plan. The Applicant has checked the plan and is satisfied that Farndon FP5 and Newark FP3 are correctly referenced in table 2-11 within the Outline Traffic Management Plan [REP5-038] (which was updated and submitted at Deadline 5 of the Examination to address this point).</p>	
Q13.0.2	The Applicant, NCC	<p>Public Rights of Way</p> <p>[REP4-023] notes in relation to Newark BW6, Newark FP66 and Newark FP48 that NCC would like to be further consulted on issues which are temporary in nature but which are likely to be in place for some time. Has a means to undertake such consultation been agreed / secured?</p>	<p>The council notes that consultation on the temporary diversion routes for the Public Rights of Way is secured through Requirement 11 of the Draft DCO [REP4-003], which requires submission and approval of a traffic management plan in accordance with the OTMP.</p> <p>The County Council requests that it is consulted as soon as the details emerge.</p>	<p>The Applicant will consult with Nottinghamshire County Council on the Traffic Management Plan in accordance with Requirement 11 of the draft Development Consent Order [REP5-002].</p>	

Nottinghamshire County Council Response				The Applicant Response
Q13.0.3	NCC	<p>Public Rights of Way</p> <p>Various submissions to the Examination refer to Newark FP48 and Newark FP48#1. Are these different PRow? If yes, please provide a map showing the routes of the PRow. If no, which reference is used on the Definitive Map and should be used in the ExA's report to the SoS?</p>	<p>There is only Newark FP48. Please see appended plan to assist in identification.</p> 	<p>The Applicant thanks Nottinghamshire County Council for confirming that FP48 is the referenced used on the definitive map. This has been corrected in the Outline Traffic Management Plan submitted at Deadline 6 of the Examination [TR010065-7.7].</p>
Q13.0.5	NCC	<p>WCH / Public Rights of Way</p> <p>Do you consider that the Proposed Development safeguards the aspirations in the Local Cycling and Walking Infrastructure Plan (LCWIP). If no, which aspirations would be prejudiced, and in what way?</p>	<p>The proposed scheme does not fully safeguard the LCWIP aspirations. NCC has adopted LTN 1/20 as the design standard for new infrastructure on County Highway and expects projects to comply with those standards.</p> <p>However, in our opinion, the design of the routes (shared use) and – in one case – the actual routing of the path do not meet the standards or comply with the principles of LTN 1/20. Where these facilities interface with or are provided on County Highway, there is an expectation that NCC will be required to upgrade them at our expense in the event that we bring forward proposals to upgrade or create the remainder of these routes. This is of greatest concern on the B6326 Great North Road but there is also an issue on the A617 where NCC would like to extend the proposed shared use footway improvement further west than NH's current design provides for. This would require the relocation of a large direction sign which would be much easier to do if included in the A46 scheme than it would if NCC proposed to do it as part of a County-led project. It is noted however, that the applicant considers the scheme design to be LTN1/20 compliant.</p>	<p>The Applicant's position is that all new facilities comply with LTN 1/20 and that shared facilities as provided are acceptable due to low usage. As stated previously in Statement of Common Ground with Nottinghamshire County Council [REP5-050] and Q13.0.24 in the Applicant's Responses to the Examining Authority's First Written Questions (ExQ1) [REP2-037], the routes could be segregated within the 3.0m corridor by providing a white line and additional signage. This is a low cost solution should Nottinghamshire County Council wish to implement it at a later date but the Applicant's view is that providing this is a preference of Nottinghamshire County Council and not a requirement of LTN 1/20.</p>
Q13.0.6	NCC	<p>Effect on Allocated Sites</p> <p>With reference to 2.61 of [REP1-038], have you been provided with sufficient evidence to demonstrate whether the Proposed Development would impact the delivery of strategic sites in terms of traffic flows, accessibility by public</p>	<p>The Council's position is subject to the outcomes of the Traffic modelling. Please see response to Q14.0.1 for an update on this.</p>	<p>No response required by the Applicant.</p>

Applicants Responses to Comments received from at Deadline 5

Nottinghamshire County Council Response				The Applicant Response
		<p>transport and accessibility by active modes?</p> <p><i>Site allocations are a matter for NSDC; however, NCC would like to understand whether the A46 scheme will impact the delivery of strategic sites, particularly in terms of:</i></p> <ul style="list-style-type: none"> • any increase in traffic flow routing along key links and whether this may lead to congestion issues in future and / or undermine the ability to deliver key sites in future; • accessibility by public transport; • accessibility by active modes. 		
14. Transportation and Traffic				
Q14.0.1	The Applicant, NCC	<p>Transport Assessment / Traffic Modelling</p> <p>Are there any matters which remain unresolved? If yes, please set these out along with your opinion on whether a resolution is achievable during the Examination and indicative timescales for reaching a conclusion.</p>	<p>Via EM has reviewed the ARCADY junction modelling outputs [REP4-029] and the model input files on behalf of the Council. NCC has formally requested the applicant makes geometry amendments to the model input data and is awaiting the resubmission of outputs for review.</p> <p>The Council is also awaiting the Vissim model input files, we are in discussion with the applicant who are working to provide this.</p> <p>NCC is aiming for deadline six, in order to provide comment on the above, depending on when the additional information is received.</p>	<p>The Applicant has provided responses to Nottinghamshire County Council's comments on the Arcady files. A meeting was held on the 18th February 2025 to review the Vissum files with representatives from Nottinghamshire County Council and Via EMI. A further meeting to review the Applicant's responses to Nottinghamshire County Council's questions on the Arcady files was held on the 20 February 2025.</p> <p>The outcomes of the meetings were:</p> <ol style="list-style-type: none"> Nottinghamshire County Council and Via East Midlands are satisfied with the Arcady files. Nottinghamshire County Council and Via East Midlands have two comments on the Vissim files, the first is the flow rate of traffic within the model at the southern extent of the Great North Road and how it influences the queue length of the south bound traffic up to Cattle Market roundabout and the second is the modelled layout of the A17 at Long Hollow Way roundabout. Nottinghamshire County Council have advised that a formal response will be provided in advance of Deadline 6 of the Examination. The Applicant is preparing a response to these points.
Q14.0.2	The Applicant, NCC	<p>Mitigation – Pelham Street</p> <p>Has a means of monitoring and mitigating potential impacts on Pelham Street been agreed?</p> <p>If yes, please provide details of, and justification for, the proposed mitigation measures and an explanation of how these would be secured</p>	<p>The Council is confident we can reach an agreement on this matter, but no further discussions have taken place as yet. The applicant has recorded the intention within the Consents and Agreement Position Statement [REP4-007].</p>	<p>The Applicant has prepared the first draft of the agreement between it and Nottinghamshire County Council which addresses the proposals at Pelham Street, and this was shared with Nottinghamshire County Council on 17 February 2025 for their comment.</p>
Q14.0.3	Applicant, NCC, NSDC, Coddington Parish Council	<p>Mitigation – Outline Traffic Management Plan</p> <p>a) Do NCC and NSDC have any unresolved comments on the OTMP, including in relation to construction-phase diversions? If yes, please explain whether and how these could be resolved and whether OTMP Appendix A [REP3-026] needs to be amended.</p> <p>b) Should parish councils be specifically mentioned as consultees / stakeholders?</p> <p>c) Should parish councils be invited to monthly traffic management meetings as suggested by Farndon Parish Council [RR-022]?</p> <p>d) Have the comments from Coddington Parish Council [REP2-041] in respect of diversions been satisfactorily addressed?</p> <p>e) Bearing in mind what Applicant says in 3.3.3 of [REP4-032], does NCC have any remaining concerns about diversions and, if yes, how could these be resolved?</p>	<p>Ideally the A617 should not be used for construction access, we would advise traffic travelling on the A617 from Mansfield to use the A614 from Lockwell Hill Roundabout then A6097 to the A46 near East Bridgford, then on to the A46 to the works</p> <p>For all construction sections but especially section 6 (see page 106 of the TAR [APP-193])</p> <p>A617 Kelham Bridge should be out of bounds for Construction Traffic. It is narrow and has a caution on ESDAL "No Abnormal Loads"</p> <p>Abnormal Loads are advised to take this route, if they are on the A617.</p>	<p>As per the response provided by the Applicant at Deadline 5 of the Examination [REP5-060].</p> <p>a) The Applicant confirms the A617 will not be used for abnormal loads. Construction traffic for the Flood Compensation Areas (FCAs) at Kelham and Averham, Work Nos. 122 to 126 on sheet 7 of the Works Plans [REP3-002], will need to access the work area via the A617 from the A46 at Cattle Market roundabout. There is currently no restriction on this route for traffic therefore the Applicant considers it suitable for use during the construction activities for the Kelham and Averham flood compensation works. The alternative route shown on the map provided by Nottinghamshire County Council increases the distance from 2.19 miles to 4.57 miles and would require construction traffic to negotiate Ollerton Road, through a section of the village off the main road, as well as having to queue at the junction between the A617 and Ollerton Road. The Applicant's position is that this is less desirable than the current main route via the A617. The Applicant would also add that restrictions on this route have not been made on other development schemes which have recently been proposed through the local planning authority.</p>

Applicants Responses to Comments received from at Deadline 5

Nottinghamshire County Council Response				The Applicant Response
				
Q14.0.4	The Applicant, NCC	<p>Mitigation – Public Transport</p> <p>NCC has noted [REP4-049] that it would value funds being made available by the Applicant should the bus operators identify a requirement for additional buses to be put into operation to maintain existing bus timetables, to combat the increased congestion caused by the works. Is this justified and reasonable? If yes, how would this be secured?</p>	The Council is awaiting a response from the applicant.	As per the response provided by the Applicant at Deadline 5 of the Examination [REP5-060]. The Applicant is not able to provide funds to bus operators during construction of the Scheme in the event there is disruption to bus services. The Applicant will engage and communicate with the bus operators leading up to and during construction to minimise disruption to services. Bus and Coach operators have been identified in table 2-1 of the Outline Traffic Management Plan [REP5-038] which states that that bus companies will be provided advanced warning of closures impacting their routes. The Applicant provided an update to the Outline Traffic Management Plan [REP5-038] submitted at Deadline 5 of the Examination in which the interaction with the bus companies is further expanded with regard to updates to the traffic management schedule and changes to traffic management layouts.
Q14.0.5	The Applicant, NCC	<p>Other Agreements</p> <p>Does potential cross boundary agreement under the relevant sections (4 or 8) of Highways Act 1980 noted in [REP4-023] need to be reflected in the Consents and Agreements Position Statement?</p>	The need for an agreement if required should be referenced in the Consents and Agreements Position Statement.	The Applicant refers Nottinghamshire County Council to its response to this question in the Applicant's Responses to Examining Authority's Second Written Questions [REP5-060].
15. Water Environment and Road Drainage (incl Flooding)				
Q15.0.1	The Applicant, NCC, the EA, NSDC	<p>Averham and Kelham FCA In [REP4-033], it was confirmed that Peridot Solar had submitted an amended plan relative to their application for a solar panel installation on part of the Averham and Kelham FCA to remove the panels from the FCA</p> <p>Does this resolve the fundamental concern over how the FCA and the panels would operate and their relative development timescales?</p>	The EA removed their holding objection following the amended plan submitted by Peridot Solar as the proposed development is no longer within the FCA. NSDC Members have since voted to refuse the application however, this decision is followed by an appeal window.	No response required by the Applicant.
Q15.0.2	The Applicant, NSDC, NCC, the EA	<p>EA Flood Map Update</p> <p>Does the recent update to the EA flood mapping data, published on 17 December 2024, result in any alterations to the findings of Chapter 13 Road Drainage and Water Environment [APP057] or Appendix 13.2 Flood Risk Assessment [APP-177]. Equally, does this update alter the comments made by the Host Authorities or the EA?</p>	NCC has commissioned consultants to assist the Council to undertake a review of submitted evidence regarding the applicant's drainage strategy. Due to recent flooding in the County and the impact on Officer capacity the outputs of this review have been delayed. Q15.0.2 will be taken into consideration within the review and incorporated within the County's response, which is expected by deadline 6.	The Applicant would request that Nottinghamshire Council Council provide their comments at the earliest opportunity to allow the Applicant to be able to respond. The Applicant presented an update of discussions held with the Environment Agency together with an update on the sensitivity testing work, to Nottinghamshire County Council and Newark and Sherwood District Council on the 29 January. The updated sensitivity testing is detailed in Hydraulic Modelling Note [REP5-056] which has also been included as Appendix H of the updated Appendix 13.2 (Flood Risk Assessment) of the Environmental Statement Appendices, which will be submitted at Deadline 6 of the Examination.

Environment Agency				The Applicant Responses
1. Comments on any submissions received at the previous deadline				
Draft Development Consent Order (dDCO), Rev 5 [REP4-003 / REP4-004] We wish to confirm that we are satisfied with the updated dDCO (Rev 5), as submitted.				The Applicant notes the response.
First Iteration Environmental Management Plan (FIEMP) Rev 4 [REP4-010 / REP4-011] We wish to confirm that we are satisfied amendments as presented within this revision of the FIEMP, however we are awaiting further amendments to item RDWE10 in the Record of Environmental Actions and Commitments table in relation to flood compensation area fish escape mitigation and maintenance to manage flood risk. We have reviewed a draft update to RDWE10 which the Applicant provided to us for reviewed. We have confirmed that we are satisfied with the draft amendment and expect a further revision of the FIEMP to be submitted at Deadline 5. Following this we should be able to consider our comments concerning FCA fish escape mitigation and flood risk issue (EAFR-005 – please see section 4 further below) as resolved.				The Applicant confirms that RDWE10 within the First Iteration Environmental Management Plan [REP5-025] submitted at Deadline 5 of the Examination was updated in line with discussions with the Environment Agency. The Statement of Common Ground between the Applicant and the Environment Agency was updated to reflect this agreement (Issue 4 and 11) and submitted at Deadline 6 of the Examination.
Pre-commencement Plan (PCP), Rev 2 (December 2024) [REP4-012 / REP4-013] We are satisfied that this version of our Statement of Common Ground with the Applicant reflected our position at that point in time. However, since then we have liaised with the Applicant and progress towards resolving the outstanding matters continues to move forward.				The Applicant confirms that the Pre-Commencement Plan [REP5-028] submitted at Deadline 5 of the Examination was updated to include all relevant activities, including remedial work. The Statement of Common Ground between the Applicant and the Environment Agency has been updated to reflect this agreement (Issue 49) and submitted at Deadline 6 of the Examination.
Applicant's Summary of the Issue Specific Hearing 3 (ISH3) [REP4-033] A minor point of clarification: item 3(b) 13 on page 13 mentions the “sustainable places scheme”. This should be “Sustainable Places Team”.				The Applicant acknowledges this error and that the text should refer to the Sustainable Places Team.
Detailed Quantitative Risk Assessment (DQRA), Rev 1 (December 2024) [REP4- 038] Please see our comments on the DQRA in section 2 of this letter in response to ExQ2 Q7.0.2.				The Applicant thanks the Environment Agency for their comments. Responses are provided below.
2. Responses to the ExQ2				
ExQ2	Question to:	Question:	EA Response	The Applicant Response
Q1.0.1	The Applicant, Host Authorities and all other IPs	National Planning Policy Framework A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. All Parties confirm whether there are any changes to your case resultant from changes to the Framework and if so, set out the amended policy and how this changes your case. Furthermore whether you consider this changes the scope of any of the Applicant's Assessments or the basis for the Secretary of State's conclusions.	The revised National Planning Policy Framework (December 2024) does not alter the Environment Agency's position on the Development Consent Order application or otherwise affect our case.	No response required by the Applicant.
Q1.4.1	NSDC, NCC, LLFA, Natural England, the EA	Mitigation – Pre-commencement Plan a) Do you have any unresolved comments on the Pre- commencement Plan (PCP) [REP4-012]? b) Are there any matters which you consider should be included in the PCP which have not yet been included? c) Where relevant, does the PCP satisfactorily reflect the provisions on the First Iteration EMP so that there would be a consistent approach to mitigation across all stages of	a)The list of pre-commencement activities, as listed in 1.1.2 of the PCP [REP4-012/REP4-013], differs from that in the draft Development Consent Order Rev 6 (see REP4-004, PDF page 10/11) – there are 3 activities missing in the PCP document; of relevance to our remit, "remedial work in respect of any contamination or other adverse ground conditions" is not mentioned in the 1.1.2 of the PCP, however section 3.12 does cover contaminated land, which we are satisfied with. b) See above comment regarding the pre-commencement activities concerning remediation. We have raised this directly with the Applicant (via email dated 07/01/2025). The Applicant has confirmed that the list in the PCP will be updated and a revised PCP document submitted at Deadline 5. While we are satisfied with what has been included within the PCP at this current stage in relation to flood risk, it should be noted that as further details are provided about the Averham and Kelham Flood Compensation Area (FCA) regarding the access crossing from the A617, additional pre- commencement activities may required. Progress	a) and b) The Applicant confirms that the Pre-Commencement Plan [REP5-028] submitted at Deadline 5 of the Examination was updated to include all relevant activities, including remedial work. The Statement of Common Ground between the Applicant and the Environment Agency has been updated to reflect this agreement (Issue 49) and submitted at Deadline 6 of the Examination. The Applicant can confirm that pre-commencement activities at Kelham and Averham Flood Compensation Area would be limited to the installation of the culvert under the A617 and the installation of haul roads, including a section of haul road with a piped under section to allow for the flow of water from the FCAs once the compensation areas are constructed during the main construction works. The Applicant does not consider any further mitigation measures are required within the Pre-commencement Plan and has contacted the Environment Agency on 20 February 2025 to request their feedback on this position. c) No response required by the Applicant.

Applicants Responses to Comments received from at Deadline 5

Environment Agency				The Applicant Responses
			<p>is being made regarding the access crossing, but we are currently still awaiting further detail from the Applicant.</p> <p>Otherwise, we have no further matters to raise regarding the PCP.</p> <p>c) Yes, we are satisfied with this.</p>	
Q7.0.2	Environment Agency	<p>Detailed Quantitative Risk Assessment</p> <p>Does [REP4-038] address your outstanding queries in relation to contamination? If no, please outline whether and how any outstanding matters could be resolved.</p>	<p>As submitted, the Detailed Quantitative Risk Assessment (DQRA), Rev 1 (December 2024) [REP4-038], does not fully address our concerns in relation to contamination, insofar as it relates to our remit (impacts on controlled waters). While we are largely satisfied with the input parameters that have been used, there are two exceptions:</p> <ul style="list-style-type: none"> • bulk density of soil • compliance point distance <p>We provided detailed comments on these points directly to the Applicant on 09/01/2025 so they had the opportunity to resolve them before Deadline 5. Since then, we have reviewed a draft revised DQRA (Rev 2, January 2025, Deadline 5 submission draft), which the Applicant provided to us for review outside of the Examination. We completed our review of the revised DQRA and confirmed to the Applicant, on 27/01/2025, that we are now satisfied that the revised DQRA fully addresses our concerns, and the issue can be closed out pending the submission of the document into the Examination.</p> <p>The Applicant has informed us that the revised DQRA (Rev 2) will be submitted into the Examination at Deadline 5. Following this, we will be able to consider the issue regarding the contamination at hotspot WS46 as formally agreed/resolved. We expect to complete this at Deadline 6 and it should then be reflected in an updated Statement of Common Ground.</p>	<p>Following consultation with the Environment Agency and making updates to the Detailed Quantitative Risk Assessment (DQRA) in line with the Environment Agency's comments, the Applicant submitted the revised DQRA [REP5-057] at Deadline 5 of the Examination. The Statement of Common Ground between the Applicant and the Environment Agency has been updated to reflect this agreement (Issue 31 and 36) and submitted at Deadline 6 of the Examination.</p>
Q9.0.1	The Applicant, Natural England, the EA	<p>Report on Implications for European Sites (RIES)</p> <p>Please respond to the questions raised in the RIES published alongside these further written questions.</p>	<p>Please see below comments in response to RIES questions QR7 and QR8, in section 3 of this letter.</p>	<p>The Applicant's responses to these comments are provided in Section 3 below.</p>
Q15.0.1	The Applicant, NCC, the EA, NSDC	<p>Averham and Kelham FCA</p> <p>In [REP4-033], it was confirmed that Peridot Solar had submitted an amended plan relative to their application for a solar panel installation on part of the Averham and Kelham FCA to remove the panels from the FCA.</p> <p>Does this resolve the fundamental concern over how the FCA and the panels would operate and their relative development timescales?</p>	<p>We have no concerns regarding the solar panels in relation to Averham and Kelham FCA. Solar panels are not located within the FCA. Our main outstanding concern is regarding an access crossing over the FCA channel from the A617. The design details for this crossing are not yet finalised. Once finalised the impact of this crossing on the FCA needs to be tested within the hydraulic model. The Applicant is aware of this requirement and is working towards resolving our concerns.</p>	<p>The Applicant confirms the access track crossing is discussed further in Appendix I (Floodplain Compensation Area Technical Note) of the updated Flood Risk Assessment (FRA), submitted at Deadline 6 of the Examination.</p>
Q15.0.2	The Applicant, NSDC, NCC, the EA	<p>EA Flood Map Update</p> <p>Does the recent update to the EA flood mapping data, published on 17 December 2024, result in any alterations to the findings of Chapter 13 Road Drainage and Water Environment [APP-057] or Appendix 13.2 Flood Risk Assessment [APP-177]. Equally, does this update alter the comments made by the Host Authorities or the EA?</p>	<p>The update to the flood mapping data has no impact on the findings of Chapter 13 Road Drainage and Water Environment. The Applicant has undertaken site specific detailed hydraulic modelling which builds on the Environment Agency's hydraulic modelling which is used to inform the flood mapping data. This hydraulic modelling has been reviewed several times by the Environment Agency and reflects the best available information with regards to baseline and "with scheme" flood risk.</p>	<p>The Applicant welcomes the Environment Agency's confirmation that the hydraulic modelling reflects the best available information with regards to baseline and "with Scheme" flood risk.</p>

Environment Agency				The Applicant Responses
Q15.1.1	The Applicant	<p>Exception Test</p> <p>In the EA’s deadline 4 response [REP4-044] it confirms that the proposal will increase flood risk elsewhere during 1 in 20 and 1 in 30 year events, i.e. more frequent events than the designed event in the FRA. The Exception Test within NPPF 2024 does not make a distinction between sensitive and non-sensitive receptors, nor does it use the term ‘significant’, it simply requires that proposals do not increase the risk of flooding elsewhere. Please detail how the proposal meets with the requirements of the Exception Test.</p> <p>If the proposal cannot meet the requirements of the Exception Test, please provide reasoning as to justify a departure.</p>	<p>While this question is not directed to the Environment Agency, we wish to make the following comments:</p> <p>The Applicant is making positive steps towards our concerns regarding the Exception Test and increases in flood risk. The Applicant has explained and provided supporting evidence that some of the increases within the model are due to model precision limitations and boundary effects, which we are satisfied with. The Applicant has provided us with additional technical detail and evidence which we are currently in the process of reviewing.</p> <p>Additionally, we are having discussions with the Applicant to ensure all possible opportunities to reduce food risk overall are taken and the Applicant is presenting evidence of this.</p>	<p>The Applicant has engaged in further discussions with the Environment Agency between Deadline 5 and Deadline 6 of the Examination. Following the Environment Agency’s review of the updated Hydraulic Modelling Technical Note [REP5-056], the Environment Agency confirmed to the Applicant in email correspondence that they are now satisfied that the updated Hydraulic Modelling Technical Note and associated model output data provides sufficient evidence that some of the small, localised increases in modelled water levels are due to modelling precision errors and boundary effects and reported that they are now satisfied that there are no outstanding concerns with the second part of the Exception Test. The Statement of Common Ground between the Applicant and the Environment Agency has been updated to reflect this agreement (items under Issue 3) and submitted at Deadline 6 of the Examination.</p>
3. Responses on the RIES and any associated questions				
Humber Estuary SAC and Ramsar site				
<p>ID 3.4 - QR7</p> <p>We discussed this question with the Applicant and their proposed response in a virtual (MS Teams) meeting on 23/01/2025. The Applicant subsequently provided a written draft of their response and further clarification and email (24/01/2025 and 31/01/2025 respectively). Following this, we have a better understanding of the fish escape mitigation, and we are now satisfied that the proposed minimum dimensions for the fish escape passage are acceptable. As such, we consider that this matter is now resolved, insofar as it relates to our remit. This should be reflected in the updated Statement of Common Ground.</p> <p>In relation to the Habitat Regulation Assessment, we defer to Natural England as the lead adviser on this topic.</p>				<p>The Applicant welcomes the Environment Agency’s confirmation that they accept the fish escape passage mitigation. The Statement of Common Ground between the Applicant and the Environment Agency has been updated to reflect this agreement (Issue 11) and submitted at Deadline 6 of the Examination.</p>
<p>ID 3.5 – QR8</p> <p>As per our response to QR7, having discussed this with the Applicant and have been provided with further details, we are now satisfied with the proposed maintenance measures and that it defined in detail at the next stage of the design. As such, we are now satisfied that this matter is resolved, insofar as it relates to our remit. This should be reflected in the updated Statement of Common Ground.</p>				<p>The Applicant welcomes the Environment Agency’s confirmation that they accept the fish escape passage mitigation and proposed maintenance measures. The Statement of Common Ground between the Applicant and the Environment Agency has been updated to reflect this agreement (Issue 4 and 11) and submitted at Deadline 6 of the Examination.</p>
4. Update on resolution of outstanding flood risk issues				
<p>Flood risk exception test (part 2) – fluvial flood risk (EAFR-001); Increase in fluvial flood risk elsewhere (EAFR-002) & Overall reduction in fluvial flood risk (EAFR-003)</p> <p>We are currently reviewing updated analysis that the Applicant has undertaken to address our concerns with the increases in flood risk. The Applicant presents the case that some of the increases in flood risk observed are because of model precision limitations and boundary effects. The Applicant has undertaken further detailed hydraulic modelling to demonstrate the sensitivities and precision limitations associated with hydraulic models. We are currently reviewing this information and will provide a detailed response to the Applicant. We will provide a further update to the ExA at the next Examination deadline.</p> <p>This issue remains under discussion. The Applicant submitted an updated technical report (Hydraulic Modelling Technical Note, Rev 2) on the 24 January 2025 and additional model results on the 31 January 2025, which we are currently reviewing. Once we have completed our review, we will feed back directly to the Applicant and provide a further update to the ExA at the next Examination deadline.</p>				<p>The Applicant has further engaged in further discussions with the Environment Agency between Deadline 5 and Deadline 6 of the Examination. The Environment Agency has reviewed the Hydraulic Modelling Technical Note, at Appendix H of the updated Flood Risk Assessment (FRA), together with associated model output data submitted at Deadline 6 of the Examination. The Environment Agency confirmed via email correspondence with the Applicant on 13 February 2025 that they are now satisfied that small, localised increases in modelled water levels are due to modelling precision errors and boundary effects. The Environment Agency reports that there are no outstanding concerns with the second part of the Exception Test. The Statement of Common Ground between the Applicant and the Environment Agency has been updated to reflect this agreement (items under Issue 3) and submitted at Deadline 6 of the Examination.</p>
<p>Compensatory flood storage (EAFR-004)</p> <p>The Applicant has provided additional information about the location and size of culverts in our most recent meeting with them, on 27 January 2025. However, the design of the access crossing from the A617 over the Kelham and Averham FCA channel has yet to be finalised. Any proposed designs are yet to be tested within the hydraulic model.</p> <p>As such, we are still awaiting further information about the access crossing and an understanding of the impacts this will have on flood risk. Overall, this is moving positively towards resolution.</p>				<p>The Applicant is currently undertaking culvert modelling for the Kelham and Averham FCA and will liaise with the Environment Agency once results are obtained to discuss the findings. The Applicant hopes to complete this work for Deadline 7.</p>
<p>Compensatory flood storage – phasing of works (EAFR-005)</p> <p>We are now satisfied that this issue has been resolved on the following basis:</p> <ul style="list-style-type: none">• The solar panels (Peridot Solar planning application, LPA ref. 23/01837/FULM) have been removed from within Kelham and Averham FCA.				<p>No further response required by the Applicant at this stage.</p>

Environment Agency	The Applicant Responses
<ul style="list-style-type: none">• The First Iteration Environmental Management Plan (Rev 2) [REP4-010/011] includes the following for item RDWE10 in the Record of Environmental Actions and Commitments (REAC) table: <i>Prior to commencing any above ground works (including above ground pre- commencement works) there must be sufficient replacement floodplain storage in place to compensate for those works.</i>	
<p>Compensatory flood storage – maintenance (EAFR-006)</p> <p>The Applicant has presented to us (31 January 2025) further revised draft wording for item RDWE10 in the REAC table of the First Iteration Environmental Management Plan (FIEMP). We have indicated to the Applicant that we are satisfied with this in relation to flood risk, therefore once this is included in an update to the FIEMP and together with the commitment to providing a full maintenance plan as part of the Third Iteration EMP, we will be able to consider this issue as resolved.</p>	<p>The Applicant confirms that RDWE10 within the First Iteration Environmental Management Plan [REP5-025] submitted at Deadline 5 of the Examination was updated in line with discussions with the Environment Agency. The Statement of Common Ground between the Applicant and the Environment Agency has been updated to reflect this agreement (Issue 4 and 11) and submitted at Deadline 6 of the Examination.</p>
<p>Slough Dyke (main river) realignment (EAFR-007)</p> <p>The Applicant has provided draft plans to us for our review in relation to this issue. We are satisfied that positive progress is being made. We will feed back to the Applicant directly once we have concluded our review of the details and provide a further update to the ExA at the next Examination deadline.</p>	<p>No further response required by the Applicant at this stage.</p>
<p>Interaction with Environment Agency flood defences (EAFR-008)</p> <p>While the issue has been briefly covering in a meeting we had with the Applicant on 27 January 2025, we have not yet received sufficient detail (cross-sections, plans) or evidence that the Scheme will not have an adverse impact on the defences.</p>	<p>The Applicant provided plans, cross sections and further details regarding the Scheme’s interaction with the flood defence bunds in [REP5-063] provided at Deadline 5. The Applicant understands that the EA will be responding to this detailed at Deadline 6. The Applicant will consider that response and hopes to be able to agree with issue with the Environment Agency in its Statement of Common Ground.</p>