



## **Application by National Highways for the A46 Newark Bypass**

### **The Examining Authority's written questions and requests for information (ExQ3)**

**Issued on 12 March 2025**

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information – ExQ3.

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

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

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

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

**Responses are due by Deadline 7: Tuesday 25 March 2025.**



## Abbreviations used in Written Questions Tables:

<b>PA2008</b>	The Planning Act 2008	<b>LLFA</b>	Lead Local Flood Authority
<b>AADT</b>	Annual Average Daily Traffic	<b>LOAEL</b>	Lowest Observed Adverse Effect Level
<b>AEoI</b>	Adverse Effects on Integrity	<b>LPA</b>	Local Planning Authority
<b>AIL</b>	Abnormal Indivisible Loads	<b>LSE</b>	Likely Significant Effect
<b>ALC</b>	Agricultural Land Classification	<b>LTN</b>	Local Transport Note
<b>AMP</b>	Archaeological Management Plan	<b>LUP</b>	Late Upper Palaeolithic
<b>AQMA</b>	Air Quality Management Area	<b>µg/m<sup>3</sup></b>	Microgrammes per square metre
<b>AQS</b>	Air Quality Strategy	<b>MMC</b>	Modern Methods of Construction
<b>Art</b>	Article	<b>mph</b>	Miles Per Hour
<b>ATE</b>	Active Travel England	<b>Mt</b>	Metric tonne
<b>ATP</b>	Active Travel Partnership	<b>NCC</b>	Nottinghamshire County Council
<b>BNG</b>	Biodiversity Net Gain	<b>NDHA</b>	Non-Designated Heritage Asset
<b>BoR</b>	Book of Reference	<b>NHA</b>	National Highways Authority/ National Highways
<b>BW</b>	Bridleway	<b>NE</b>	Natural England
<b>C&amp;APS</b>	Consents and Agreements Position Statement	<b>NH</b>	National Highways
<b>CA</b>	Compulsory Acquisition	<b>NMU</b>	Non-motorised User
<b>CCTV</b>	Closed Circuit Television	<b>NO<sub>2</sub></b>	Nitrogen Dioxide
<b>CftS</b>	Case for the Scheme	<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>CLRA</b>	Contaminated Land Risk Assessment	<b>NPPF</b>	National Planning Policy Framework
<b>CMAR</b>	Combined Modelling and Appraisal Report	<b>NPS</b>	National Policy Statement
<b>CO<sub>2</sub></b>	Carbon Dioxide	<b>NPSNN</b>	National Policy Statement – National Networks



<b>COP26</b>	2021 UN Climate Change Conference in Glasgow	<b>NSDC</b>	Newark & Sherwood District Council
<b>CRT</b>	Canal and River Trust	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>CWTAP</b>	Construction Worker Travel and Accommodation Plan	<b>NTS</b>	Non-technical Summary
<b>dDCO</b>	Draft DCO	<b>OMMP</b>	Outline Materials Management Plan
<b>Defra</b>	Department for Environment, Food & Rural Affairs	<b>OSMP</b>	Outline Soil Management Plan
<b>DfT</b>	Department for Transport	<b>OSWMP</b>	Outline Site Waste Management Plan
<b>DL</b>	Deadline	<b>OTMP</b>	Outline Traffic Management Plan
<b>DMRB</b>	The Design Manual for Roads and Bridges	<b>PCP</b>	Pre-commencement Plan
<b>DSR</b>	Drainage Strategy Report	<b>PM<sub>10</sub></b>	Particulate matter with an aerodynamic diameter smaller than 10 µm
<b>DWMP</b>	Dewatering Management Plan	<b>PM<sub>2.5</sub></b>	Particulate matter with an aerodynamic diameter smaller than 2.5 µm
<b>EA</b>	Environment Agency	<b>PRoW</b>	Public Right of Way
<b>EM</b>	Explanatory Memorandum	<b>PP</b>	Protective Provisions
<b>EMP</b>	Environmental Management Plan	<b>PPG</b>	Planning Practice Guidance
<b>ES</b>	Environmental Statement	<b>R</b>	Requirement
<b>EU</b>	European Union	<b>REAC</b>	Register of Environmental Actions and Commitments
<b>ExA</b>	Examining Authority	<b>RIS2</b>	Road Investment Strategy 2: 2020 to 2025
<b>ExQ</b>	Examining Authority's Questions	<b>RNAG</b>	Reason Not Achieving Good
<b>FCA</b>	Flood Compensation Area	<b>RR</b>	Relevant Representation
<b>FC</b>	Forestry Commission	<b>RSA</b>	Road Safety Audit
<b>FIEMP</b>	First Iteration Environmental Management Plan	<b>SAC</b>	Special Area of Conservation
<b>FP</b>	Footpath	<b>SATURN</b>	Simulation and Assignment of Traffic to Urban Road Network
<b>FRA</b>	Flood Risk Assessment	<b>SI</b>	Statutory Instrument
<b>GHG</b>	Greenhouse Gas	<b>SLR</b>	Southern Link Road
<b>GLD</b>	Government Legal Department	<b>SMP</b>	Soil Management Plan



<b>GRT</b>	Gypsy, Roma and Traveller	<b>SoCG</b>	Statement of Common Ground
<b>GS</b>	Geology and Soils	<b>SoP</b>	Standard of Protection
<b>Ha</b>	Hectare	<b>SoR</b>	Statement of Reasons
<b>HEWRAT</b>	Highways England Water Risk Assessment Tool	<b>SoS</b>	Secretary of State
<b>HDV</b>	Heavy Duty Vehicle	<b>SPD</b>	Supplementary Planning Document
<b>HGV</b>	Heavy Goods Vehicle	<b>SSEW</b>	Soilscapes England and Wales
<b>HPI</b>	Habitat of Principle Importance	<b>SU</b>	Statutory Undertaker
<b>HRA</b>	Habitat Regulations Appraisal	<b>SuDS</b>	Sustainable Drainage System
<b>IAP</b>	Inclusion Action Plan	<b>TAR</b>	Transport Assessment Report
<b>ID</b>	Identity	<b>TP</b>	Temporary Possession
<b>IDB</b>	Internal Drainage Board	<b>ULEV</b>	Ultra Low Emission Vehicle
<b>INNS</b>	Invasive Non-Native Species	<b>UK</b>	United Kingdom
<b>IP</b>	Interested Party	<b>UKCP</b>	United Kingdom Climate Projections
<b>ISH</b>	Issue Specific Hearing	<b>WCH</b>	Walking, cycling and horse riding
<b>LCRM</b>	Land Contamination Risk Management	<b>WCHAR</b>	Walking, Cycling and Horse-Riding Assessment & Review
<b>LEMP</b>	Landscape and Ecology Management Plan	<b>WFD</b>	Water Framework Directive
<b>LIA</b>	Local Impact Area		

## The Examination Library

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

## Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ3 1.0.1 – refers to question 1 in this table.



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**ExQ3: Wednesday 12 March 2025****Responses due by Deadline 7: Tuesday 25 March 2025.**

ExQ3	Question to:	Question:
1.	<b>General overarching matters including Policy, Need and alternatives</b>	
Q1.0.1	The Applicant	<b>Application Document Updates</b> In providing the final set of updated application documents, please ensure that: a) any references to the 2023 draft NPSNN are updated to reflect the designation of NPSNN in 2024. b) any other changes to policy documents are reflected in the submission, for example the updated NPPF. c) all errata have been addressed in the application documentation such that the need for an errata document has been eliminated.
2.	<b>Air Quality and Emissions</b>	
Q2.0.1	The Applicant, NSDC	<b>First Iteration EMP</b> NSDC says <a href="#">[REP5-068]</a> that the Pre-commencement Plan and the Air Quality and Dust Management Plan align with each other, but that the First Iteration EMP seems to contradict both of these plans. Please ensure that the EMP aligns with the aforementioned documents and submit an agreed and updated version of the EMP.
3.	<b>Biodiversity, Ecology and Natural Environment</b>	
Q3.0.1	The Applicant	<b>First Iteration EMP</b> Does all planting and habitat creation in the Environmental Masterplan <a href="#">[AS-026]</a> contribute to BNG and will be monitored and maintained for a 30-year period per REAC commitment B12 <a href="#">[REP6-012]</a> ? If not, please illustrate the relevant areas on a drawing and include a reference to that drawing in the REAC entry B12.
Q3.0.2	The Applicant	<b>First Iteration EMP</b> Given that REAC commitments B12 and B13 <a href="#">[REP6-012]</a> only cover the period up to 15 years post-completion, how would monitoring of the full 30-year BNG period be secured?  How would any shortfalls identified through monitoring be addressed through the dDCO?

ExQ3	Question to:	Question:
Q3.0.3	The Applicant (a) – (e), Natural England (f)	<p><b>Barn Owl, Kestrel and Bat Boxes</b></p> <p>In respect of Requirements 21 and 22 <a href="#">[REP6-004]</a> of the dDCO which propose that offsite boxes will be installed in advance of the commencement of development per <a href="#">[EV-002]</a>:</p> <p>a) how are R21 and R22 consistent with the relevant paragraphs of the National Planning Policy Framework and associated Planning Practice Guidance (PPG) concerning conditions in that they should be:</p> <ul style="list-style-type: none"> <li>• precise</li> <li>• enforceable</li> <li>• necessary</li> <li>• relevant to the development</li> <li>• relevant to planning</li> <li>• reasonable in all other respects.</li> </ul> <p>Please set out how these Requirements meets each of these tests. In particular but not limited to:</p> <ol style="list-style-type: none"> <li>how would non-compliance with these Requirements be enforceable if the DCO development has not yet been commenced (and therefore the DCO is not in operation)?</li> <li>how the Requirements are enforceable if the applicant does not have control over the land to which they relate?</li> <li>how the Requirements are reasonable when they could prevent any development from taking place when it may be possible that some works could proceed without affecting protected species and their habitats?</li> <li>how the Requirements are precise in the absence of measurable time periods to allow the nesting boxes to become established?</li> </ol> <p>b) is it appropriate to control land outside of the Order limits by Requirement? Please give examples of where this has been done in other DCOs and provide a justification as to why such an approach is appropriate in this instance, including the consideration of paragraph 010 of the PPG on the use of planning conditions.</p> <p>c) would installation of offsite boxes need to take place before any activities set out in the Pre-Commencement Plan <a href="#">[REP6-014]</a> occur? If so, R21 and R22 should be amended to make the timescale for installation clearer so they are more precise. You should also update the</p>

**ExQ3: Wednesday 12 March 2025**

**Responses due by Deadline 7: Tuesday 25 March 2025.**

ExQ3	Question to:	Question:
		<p>Pre-Commencement Plan as relevant. If not, please detail how species will be protected during any works that are undertaken prior to the naturalisation of the boxes.</p> <p>d) Please provide details of the timing of installation of onsite boxes and how any prior works might affect the relevant species. The Pre-Commencement Plan may need to be updated to reflect this.</p> <p>e) are any other agreements needed to enable the boxes to be installed? If yes, what is the status of those agreements?</p> <p>f) Is Natural England satisfied with the proposed means of securing the boxes?</p>
Q3.0.4	The Applicant (a), NSDC and NE (b)	<p><b>Compensatory Habitat Provision</b></p> <p>Please provide an update on the agreements to secure the lowland meadow compensation that is subject to a separate discussion with Natural England and the agreement to provide the woodland works at Doddington Hall.</p> <p>a) If these are not secured by the end of the examination how will this affect the conclusions of ES Chapter 8 <a href="#">[APP-052]</a>?</p> <p>b) Should the compensation not be secured by the close of the examination, how might this alter the responses from NE and NSDC?</p>
Q3.0.5	The Applicant, NCC, NSDC	<p><b>Habitat Severance</b></p> <p>During ISH 4 <a href="#">[EV10-002]</a> it was confirmed that NSDC no longer had any concerns relating to habitat severance. NCC commented that it is still in discussion on this point and would address this through the SoCG.</p> <p>Can all parties please ensure the matter of habitat severance is included in their SoCG and confirm if they are content that this issue has been resolved. If NCC continues to have concerns, please detail these and how might they be reasonably addressed.</p>
Q3.0.6	The Applicant	<p><b>Species Rich Grassland</b></p> <p><a href="#">[REP6-001]</a> states that the ES will be updated to include the removal of approximately 0.13ha of proposed species rich grassland planting from within the Order limits. Please provide the</p>

**ExQ3: Wednesday 12 March 2025****Responses due by Deadline 7: Tuesday 25 March 2025.**

<b>ExQ3</b>	<b>Question to:</b>	<b>Question:</b>
		justification for this reduction and how this affects the BNG calculations. Please update any plans and/ or documents as relevant.
<b>4. Climate and Carbon Emissions</b>		
No further questions at this stage.		
<b>5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>		
Q5.0.1	Applicant, Belal Ahmed and Monjur Rahman Choudhury	<b>Land Rights – Tracker URNs 009 and 029</b> These are identified as linked and it is stated these are agreed but conveyance not yet occurred, with completion expected before the end of March, please update. Also confirm any necessary update to BoR and land plans and CA request.
Q5.0.2	Applicant Canal and River Trust	<b>Land Rights – Tracker URN 012</b> It appears that Protective Provisions are agreed, Article 58 in the DCO is also agreed and close to agreeing acquisition by agreement. Can CRT provide, or can the applicant obtain, a letter withdrawing objection to CA from CRT.
Q5.0.3	Applicant, Edmund George William Thornhill, Francis Michael Hare 6th Earl of Listowel	<b>Land Rights Tracker URN 018 and 020</b> It appears both of these landowners are close to finalising, confirm if acquisition will be/ is completed and if the individuals are in a position to remove their objection to CA / TP and provide confirmation of such, if appropriate.
Q5.0.4	Applicant	<b>Land Rights Tracker URN 021</b> It is stated acquisition completed, please confirm the BoR and Land plans have been updated as appropriate.
Q5.0.5	Applicant, John James Miller	<b>Land Rights Tracker URNs 024 and 025</b> Applicant's comments reference s253 management agreement and acquisition by agreement with HoTs issued and Applicant confident of reaching agreement within the examination window. Please update and ensure any necessary changes to the Land Plans and requests for CA / TP are captured in updated documents and any consequent agreements (s253) are provided or fully detailed.

**ExQ3: Wednesday 12 March 2025****Responses due by Deadline 7: Tuesday 25 March 2025.**

<b>ExQ3</b>	<b>Question to:</b>	<b>Question:</b>
Q5.0.6	Applicant, Kevin Briggs-Price, Royston Briggs-Price	<b>Land Rights Tracker URNs 26 and 41</b> It is confirmed that contact has been made and discussion about acquisition by agreement is on-going. Please update on progress.
Q5.0.7	Applicant, Latham Farms Limited (Including Diana Gay Latham, Tessa Caroline Rentoul & Zoe Elizabeth Latham)	<b>Land Rights Tracker URN 027</b> It appears agreement reached for management of land rather than acquisition – confirm position and ensure any necessary changes to CA / TP request and land plans is made.
Q5.0.8	Applicant, Lindum Developments Ltd, NDC Group	<b>Land Rights Tracker URN 028 and 032</b> <ol style="list-style-type: none"><li>1) Please update the ExA on progress of the proposed draft agreement and your intentions with regard to the CA request and whether changes to the land plans will be forthcoming if that agreement is concluded. As CA is a course of last resort and there appears to be an alternative solution to providing a footway cycleway connecting route either by the proposed agreement or other public routes as referenced by other IPs, in the event an agreement is not reached, how does this affect the applicant's position on the necessity of the CA of this land for the provision of the connection, as it appears a connection can be made on other land. The applicant should use its best endeavours to conclude this position as a matter of urgency.</li><li>2) It is stated NDC Group hold a 50% share of the land with Lindum; are NDC to be a party to the agreement being discussed with Lindum. Has the applicant reached separate agreement with NDC? How is this to be progressed?</li></ol>
Q5.0.9	Applicant, Motor Fuel Group, Shell UK Ltd, St Albans Operating Company.	<b>Land Rights Tracker URNs 030, 042 and 043</b> The applicant indicates matters are awaiting detail of signage strategy and access / egress which is being progressed as part of detailed design. If the detailed design is not going to be progressed until after the examination closes and the agreement is dependent on the provision of this information, how are matters to be progressed and how are you moving things forward to ensure that all effort is being pursued to avoid CA?
Q5.0.10	Applicant, National Grid	<b>Land Rights Tracker URN 031</b>

**ExQ3: Wednesday 12 March 2025****Responses due by Deadline 7: Tuesday 25 March 2025.**

ExQ3	Question to:	Question:
		It is identified as no objection to CA / TP however <a href="#">[RR-043]</a> refers to it as a holding objection whilst discussions are on-going so should be noted as objecting to CA / TP. Update on PPs and once agreed (if agreed) seek/ provide letter of withdrawal of objection from National Grid.
Q5.0.11	Applicant, National Rail	<b>Land Rights Tracker URN 033</b> It is stated permanent land acquisition reduced to permanent rights by agreement only. Please ensure necessary changes to land plans are made. Update on progress of bridge easement and with PPs and if to be agreed, obtain letter from NR withdrawing objection.
Q5.0.12	Applicant, Newark & Nottinghamshire Agricultural Society	<b>Land Rights Tracker URN 034</b> It appears that acquisition by agreement has been agreed and negotiations are on-going. Please update any progress and, if agreement reached, ensure land plans / BoR updated if necessary.
Q5.0.13	Applicant, NSDC	<b>Land Rights Tracker URN 035</b> It is stated parties to agree HoTs within Examination window, this suggests an agreement will not be finalised or concluded by the close of the examination and matters will therefore not be resolved by the close of the Examination. Please ensure there is a clear statement of the applicant's and NSDC's position in relation to the CA / TP of the affected land so that this can be adjudicated in the recommendation report and a recommendation put to the SoS.
Q5.0.14	Applicant, Newark Branch Line Co Ltd	<b>Land Rights Tracker URN 036</b> <ol style="list-style-type: none"> <li>1) Has any further progress been made?</li> <li>2) If the proposal amends the nature of the interest to be taken by agreement, does this reduce the necessity of CA / TP and will this require amendment to the Land Plans and CA / TP request?</li> <li>3) As this is identified as open space, is this consistent with your assessment in respect of open space in the SoR?</li> </ol>
Q5.0.15	Applicant, Newark Ransome and Marles Cricket Club (Including Luc Chignell, Patrick John Burke & Robert Doncaster in association with	<b>Land Rights Tracker URN 037 and 004</b> An intention to enter into agreement is identified and cross reference to URN004 where it is stated agreement to licence and easement in principle subject to resolution of practical matters such as drainage and fencing. Has any further progress been made and does this change the nature of interest sought and require amendment to land plans?

**ExQ3: Wednesday 12 March 2025****Responses due by Deadline 7: Tuesday 25 March 2025.**

ExQ3	Question to:	Question:
	Newark Ransome & Marles Cricket Club)	
Q5.0.16	Applicant, NCC	<b>Land Rights Tracker URN 038</b> It is stated a further meeting is being arranged for February to discuss acquisition by agreement, did this take place? Please ensure information provided as to the nature of any outstanding issues and the positions of the parties, as in the event agreement is not reached by the conclusion of the examination, the Panel will need to adjudicate and provide a recommendation to the SoS.
Q5.0.17	Applicant, Philip Freer	<b>Land Rights Tracker URN 040</b> Objected to the scheme and subsequently confirmed <a href="#">[REP2-061]</a> that a package of mitigation has been agreed but these have not yet been formally captured so the objection in effect is outstanding. Can you confirm how the package of mitigation is to be secured, the progress towards any required agreements being completed and confirmation that Mr Freer does not object to CA / TP of land or interests?
<b>5.1</b>	<b>Funding</b>	
Q5.1.1	Applicant	<b>General funding position</b> As a standing request, please provide any update to the funding position should matters change during the remaining time of the Examination.
<b>5.2</b>	<b>Special Considerations</b>	
Q5.2.1	Applicant	<b>Crown land plot 2/6a</b> Please provide an update on progress in respect of plot 2/6a which remains identified as Crown land.  <i>The Land Rights Tracker <a href="#">[REP6-022]</a> notes “Part of the existing A46 carriageway, following liquidation and dissolution of the existing registered owner, which was a registered company, it is presumed that the interest in land now vests in the Crown as bona vacantia land. The Applicant is in the process of making an adverse possession claim for the land in tandem with a Bona Vacantia application. The land was to be transferred to the SoS for Transport under an historical agreement dated 16/04/1991, which is still subsisting on the title.”</i>

**ExQ3: Wednesday 12 March 2025****Responses due by Deadline 7: Tuesday 25 March 2025.**

ExQ3	Question to:	Question:
		<p>a) Confirm the nature of the application you have made to the Bona Vacantia division, as to its precise type and nature.</p> <p>b) Is this something the Bona Vacantia division would entertain if the Land Registry is dealing with a simultaneous application for adverse possession?</p> <p>c) Has the Crown Estate, or is there a potential for the Crown Estate, to disclaim (or maybe already has disclaimed) the land in question, then it could become subject to “<i>escheat</i>” (ownerless and capable of being compulsorily acquired without the need for s135 PA 2008 consent). Because land subject to escheat is not Crown Land, the restrictions regarding compulsory acquisition of an interest in Crown Land under PA 2008 do not apply. Please comment.</p> <p>d) Confirm progress with getting Crown authority for inclusion of Crown Land for CA if either application referred to above is not concluded.</p> <p>e) Confirm if neither position is concluded by the end of the Examination how the Applicant intends to proceed, including whether it will remove the land parcel from the CA request and any effect this would have on the implementation of the proposed development. And if it is removed from the CA request, whether the Crown rights Article should remain in the DCO.</p>
5.3	Other Agreements	
Q5.3.1	Applicant	<p><b>Other Agreements</b></p> <p>Update the Consents and Agreements position statement. Confirm if it is the applicant’s intention to submit the agreements into the examination once completed or how it intends to inform the ExA of the completion and the matters secured in the various agreements.</p>
6.	Draft Development Consent Order (dDCO)	
6.0	Articles	
No further questions at this stage.		
6.1	Requirements - Schedule 2	
No further questions at this stage.		

ExQ3	Question to:	Question:
6.2 Other Schedules		
No further questions at this stage.		
7. Geology and Soils		
Q7.0.1	The Applicant, Natural England	<b>Agricultural Land Classification (ALC) Surveys</b> Please provide an update on the further ALC survey noted in <a href="#">[REP5-066]</a> . In the event that acceptable/ agreed ALC survey information is not available before the close of the examination, is proposed R23 <a href="#">[REP6-004]</a> satisfactory to Natural England?
8. Cultural Heritage		
Q8.0.1	NSDC and NCC	<b>Archaeology</b> Following a review of the most recent SoCGs <a href="#">[REP6-032]</a> and <a href="#">[REP6-030]</a> , are the host authorities content that the applicant has undertaken sufficient ground investigations to inform the most recent Archaeological Management Plan (AMP) <a href="#">[REP5-026]</a> and are they in agreement with this document?  Are all parties content with those matters included in the First Iteration EMP REAC CH1 to CH10 <a href="#">[REP6-012]</a> ?  Does any party have any outstanding concerns relating to archaeology? If so, please provide details and reasonable actions to address them.
8.1 Non-Designated Heritage Assets		
No further questions at this stage.		
9. Habitats Regulation Assessment (HRA)		
Q9.0.1	Natural England	<b>Fish Escape Passages</b> NE's response to the REIS QR7 <a href="#">[REP5-066]</a> stated that it agrees with the EA's previous concerns <a href="#">[REP4-044]</a> and acknowledged that this was a change to its earlier position.

**ExQ3: Wednesday 12 March 2025****Responses due by Deadline 7: Tuesday 25 March 2025.**

ExQ3	Question to:	Question:
		<p>The EA's DL5 submission <a href="#">[REP5-065]</a> confirms it is content with the fish escape passages insofar as their statutory function is concerned. The applicant has confirmed in the First Iteration EMP REAC RDWE10 <a href="#">[REP6-012]</a> that the passages will be 500mm wide x 300mm deep naturalised channels. There will be two from each of the FCAs at Farndon discharging to the Old Trent Dyke allowing for fish to escape to the River Trent. This is detailed in the most recent Fish Escape Channel Technical Note in the Habitat Regulations Assessment <a href="#">[REP5-075]</a>. A commitment to the design and number of fish escape passages, with the precise location being agreed in consultation with the EA and NE, is captured through First Iteration EMP REAC B9 <a href="#">[REP6-012]</a>.</p> <p>Please update your position on this matter and confirm any outstanding information or concerns you may have from your initial response <a href="#">[REP2-045]</a>. If the location of the passages remains the only outstanding issue, please detail why this cannot be resolved via the applicant's commitment in the First Iteration EMP REAC B9.</p>
Q9.0.2	Natural England	<p><b>Fish Escape Passages</b></p> <p>In light of the comments provided by the EA at DL5 in response to QR7 <a href="#">[REP5-065]</a> , can NE provide an update to their position on this matter and, if necessary, set out how the design of the fish escape passage selected by the applicant could result in adverse effects on integrity (AEoI).</p>
<b>10. Landscape and Visual Effects</b>		
Q10.0.1	The Applicant	<p><b>Finishing Materials of Cattle Market Grade Separated Junction</b></p> <p>In <a href="#">[REP4-040]</a> 3.6, page 19 the applicant confirms that the material finish of the Cattle Market grade separated junction will include a banding of red brick material and that this, coupled with landscaping, will assist in reducing the potential adverse impacts on views towards Newark travelling south along the Great North Road. How is this secured through the dDCO and are there any drawings and/ or documents that require to be certified to be updated to reflect this? Does this need to be captured in the Requirements and if so, should NSDC be a consultee?</p>
<b>11. Material Assets and Waste</b>		
No further questions at this stage.		

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ExQ3	Question to:	Question:
12. Noise and Vibration		
Q12.0.1	The Applicant	<b>Figure 11.11</b> Please update Figure 11.11 <a href="#">[AS-065]</a> with a label showing the location of 95146.
12.1 Construction Noise		
No further questions at this stage.		
12.2 Operational Noise		
No further questions at this stage.		
13. Population and Human Health		
Q13.0.1	The Applicant, NCC	<b>LTN Standards</b> a) Why is there a difference in opinion on LTN standards between the Applicant and NCC? b) Can anything be done to address NCC’s concerns expressed in response to ExQ2 13.0.5 <a href="#">[REP5-069]</a> .
Q13.0.2	The Applicant, Canal & River Trust, Mr Miller	<b>Fishing Rights</b> Please provide an update in relation to fishing rights on Canal & River Trust and Mr Miller’s land.
Q13.0.3	NSDC	<b>Unoccupied Residential Unit at the Former Mint Leaf Restaurant</b> Do you have any comments relating to the loss of the residential unit at the former Mint Leaf restaurant which was noted in the applicant’s DL5 submissions?
Q13.0.4	The Applicant, NNAS, Lindum Group	<b>Update on Discussions</b> In the absence of updated SoCG at DL5, please provide an update on any discussions, including areas of agreement and/ or disagreement, with a) NNAS and b) Lindum Group.
14. Transportation and Traffic		
Q14.0.1	The Applicant	<b>Outline Traffic Management Plan</b>

**ExQ3: Wednesday 12 March 2025**

**Responses due by Deadline 7: Tuesday 25 March 2025.**

ExQ3	Question to:	Question:
		<p>a) Can NSDC's <a href="#">[REP5-068]</a> comments in respect of the OTMP/ diversions be accommodated/ addressed? If yes, please provide an updated OTMP which you have sought to agree with NSDC. If no, please explain why.</p> <p>b) Two of the diversions in <a href="#">[REP6-018]</a> are referred to as A.1.4 (pages 38 and 49) and therefore do not accord with the diversions referenced by NCC in <a href="#">[REP6-037]</a>. Please rectify this in the final version of this document.</p>
Q14.0.2	The Applicant, NCC	<p><b>Pelham Street Mitigation</b></p> <p>a) If an agreement relating to mitigation is listed in the Consents and Agreement Position Statement as opposed to being entered into before a decision is made on the DCO application, how could it be guaranteed that mitigation would be secured?</p> <p>b) If mitigation is not secured or implemented, please describe the impact(s) that you consider would occur and the weight that you consider should be given to the impact(s) in the overall planning balance.</p>
Q14.0.3	The Applicant, NCC	<p><b>A17/ Godfrey Drive/ Long Hollow Way Mitigation</b></p> <p><a href="#">[REP6-037]</a> states that NCC's proposed solution in relation to this junction would be to enter into an agreement with the applicant to adopt a monitor and mitigate approach at this junction.</p> <p>a) What is the applicant's position on this matter?</p> <p>b) Will an agreement be presented to the examination?</p> <p>c) If an agreement is not in place by the time that a decision is made on the DCO application, please explain the impact(s) that could occur, to inform the ExA's / SoS's assessment.</p>
Q14.0.4	NCC	<p><b>Great North Road Southbound</b></p> <p><a href="#">[REP6-037]</a> states that ARCADY modelling outputs "<i>provide a level of comfort on this matter</i>". Are there any outstanding issues which you consider should be addressed. Is any mitigation needed?</p>
<b>15. Water Environment and Road Drainage (incl Flooding)</b>		
<b>15.0 Flooding</b>		
Q15.0.1	The EA	<b>Fluvial Flood Risk – Exception Test</b>

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ExQ3	Question to:	Question:
		Please confirm that the proposed development does meet the requirements of the Exception Test as detailed in NPPF paragraph 178. If concerns remain, please detail these and update the SoCG in full
Q15.02	The Applicant, The EA	<b>Flood Risk Zone Update March 2025</b> Given the recent update by the EA to their Flood Risk Zones please advise if this has any implications for modelling and/ or the conclusions of the Flood Risk Assessment <a href="#">[REP6-010]</a> and the conclusions for ES Chapter 13 Road Drainage and Water <a href="#">[APP-057]</a> for this proposal.  Given the timescale to the close of the Examination will this matter be resolved within the Examination period.  If so, please provide an update to relevant documents.
<b>15.1 Water Framework Directive</b>		
No further questions at this stage.		
<b>15.2 Surface Water Drainage</b>		
Q15.2.1	NCC, The Applicant	<b>Surface Water Discharge Flows/ Volume</b> Please provide an update with respect to the discussions between the LLFA and the applicant on surface water drainage and detail all outstanding matters. This should relate to only those statutory functions of the LLFA.  Considering the SoCG with the EA <a href="#">[REP6-028]</a> , the LLFA should detail any outstanding concerns that relate only to their statutory function.
Q15.2.2	NSDC, The Applicant	<b>Kelham and Averham FCA</b> Please consider and provide a response to <a href="#">[REP6-039]</a> .