

We act for Newark and Nottinghamshire Agricultural Society ('NNAS'). NNAS operate the Newark showground which holds significant events throughout the year and is an important asset to the region. On their behalf we are writing to you in respect of concerns regarding the DCO for the A46 Bypass.

The Examining Authority's written questions and requests for information (ExQ3) contain the following –

Q5.0.12 'Applicant, Newark & Nottinghamshire Agricultural Society Land Rights Tracker URN 034 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'

Q13.0.4 The Applicant, NNAS, Lindum Group Update on Discussions 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.

5.3 Other Agreements Q5.3.1 Applicant Other Agreements 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.

The following information is relevant in considering these questions.

The provisions in the DCO will have an unacceptable negative impact on the operation of the showground if not adequately controlled. Discussions between National Highways ('NH') and NNAS have only partly resolved these matters. The position is set out in the Statement of Common Ground which we understand NH have submitted to you today and a further copy of which is attached.

In short whilst NH have agreed to meet some of these concerns by including provisions in the Outline Traffic Management Plan ('OTMP'), NH has not agreed to enter into a direct agreement incorporating these provisions with NNAS. NH have informed NNAS that a direct agreement with them is not necessary because any noncompliance with the DCO if granted will be a criminal offence for which the Local Planning Authority can prosecute. NNAS do not consider this is sufficient protection as the Local Planning Authority does not have the same concerns as NNAS, would not be obligated to prosecute and may choose not to. A prosecution is clearly a bigger step than requiring compliance with a direct agreement with the party who would be impacted by any non-compliance and may not in any event result in compliance. Further, as Q5.3.1 shows NH are entering into direct agreements with other parties and there is no justification to treat NNAS differently, especially given the importance of the showground to the region.

NNAS would therefore like the examiners to assist in ensuring that if the DCO goes ahead the operation of the Newark Showground will not be unacceptably compromised and encourage NH to enter into a direct agreement with NNAS for the reasons stated above.