

## **A46 Newark Bypass**

**Scheme Number: TR010065**

### **7.75 Comments on submissions received at the previous deadline**

**APFP Regulations 5(2)(q)**

**Planning Act 2008**

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

**April 2025**

**Volume 7**

Infrastructure Planning

Planning Act 2008

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

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

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**Comments on submissions received at previous deadline**

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<b>Regulation Number:</b>	<b>APFP Regulations 5(2)(q)</b>
<b>Planning Inspectorate Scheme Reference</b>	TR010065
<b>Application Document Reference</b>	7.75
<b>Author:</b>	A46 Newark Bypass Project Team, National Highways

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01	April 2025	Deadline 8

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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<sup>th</sup> April 2024 and accepted for Examination on 23<sup>rd</sup> May 2024.
- 1.1.2 This document has been prepared by the Applicant to set out its Comments on submissions received at Deadline 7 issued on 25<sup>th</sup> March 2025. This document is submitted at Deadline 8 of the Examination.

## **2 Comments on submissions at previous Deadline**

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Applicant’s Responses to Comments received at previous deadline

Adrian Hatton	The Applicant Responses
<p>I refer to my Representation submitted at the outset of the examination for my client Mr Adrian Hatton. Since submitting these my client (Adrian Hatton) and I (Lucie Muddiman Savills Land Agent representing Mr Hatton) have worked with the project team to attempt to reach an agreement for the temporary acquisition of my clients land at Kelham to create a flood compensation area.</p> <p>The main barrier to reaching an agreement for this is the delays from the project team; they have failed on numerous occasions to produce a correct plan showing the temporary acquisition of land with rights and the areas impacted by the proposed works to enable us to extrapolate into a set of Heads of Terms for an agreement and calculate compensation.</p> <p>The first email I have on file requesting plans is 18.7.2023, however they had been requested in our previously weekly meetings since the start of the 2023 year.</p> <p>To demonstrate the traffic on this (and we still don't have a correct plan) I set out below a history of the email/meeting correspondence.</p> <p>We urgently request proper considered engagement from the project team to get these/this plan completed and so we can conclude discussions to formalise an Option Agreement for temporary / permanent acquisition. The land is subject to a planning application for solar which is shortly due to go to appeal, the land needs to be returned to Mr Hatton for this future use (if planning is granted, or for agricultural use if not); permanent acquisition is not necessary by National Highways to fulfil their requirement to provide flood compensation.</p> <p>Em from [REDACTED] 'KM' to LM 25.07.23 with 'a' and plan (not the correct one)</p> <p>Em from Lucie Muddiman 'LM' (Adrian Hatton's agent) to KM 7.8.23 requesting the Heads of Terms plan</p> <p>Em from LM to KM (and the project team) 4.9.23 chasing a response to em sent on 7.8.23</p> <p>Response received from 'KM' 11.9.23 advising they were working on the DCO and there would be delays</p> <p>LM chaser em to KM 3.10.23 requesting an update</p> <p>Em response from KM 13.10.23 no update</p> <p>Em from KM 30.10.23 with plans (but not sufficient for Heads of Terms)</p> <p>Em from LM to KM 14.11.23 asking for amends to plan</p> <p>Em from KM to LM 17.11.23 with amends</p> <p>Em response from LM to KM 20.11.23 requesting amends</p> <p>Em from KM to LM 21.11.23 apologising for delays</p> <p>Meeting booked for 15.1.24 but then cancelled by KM rebooked</p> <p>Em from KM to LM 25.1.24 attaching revised plan</p> <p>Em from LM to KM 16.2.24 highlighting differences in the plan to what had been discussed.</p> <p>Em from KM to LM 23.02.24 saying she had asked [REDACTED] 'MS' to review and get back to us.</p> <p>Em from KM to LM 19.04.24 with updated plan</p> <p>Em from LM to KM 22.04.24 advising there was a data error with the plan, requesting a new one, further em from LM asking for corrections on the 25.04.24</p> <p>Em from LM to KM 29.4.24 requesting updated plan</p> <p>EM from KM to LM 29.04.24 advising she had gone back to the design team</p>	<p>The Applicant's view is that they have fully engaged with Mr Hatton and his land agent ahead of and throughout the development consent process. The Applicant has been in regular communication with the land agent via their appointed valuer and stakeholder lead, through regular email and call communication (in additional to what is listed in Mr Hatton's response).</p> <p>The Applicant has updated the agreement detailing the land plans multiple times during the Examination period, as discussions have progressed. The Applicant has agreed to change the amount of land it will permanently acquire and what land the Applicant will be acquiring temporarily. Due to ongoing discussions there have been a number of changes Mr Hatton has requested throughout Examination, which the Applicant has agreed to and has amended the land plans set out in the agreement as a result.</p> <p>The Applicant has been engaging with Mr Hatton and his land agent to progress discussions and find a solution on land acquisition. Land plans have been progressed over a number of weeks. The Head of Terms including the land plan have been finalised to Mr Hatton's specification and will be sent to Mr Hatton on Wednesday 2 April 2025.</p>

Applicant’s Responses to Comments received at previous deadline

Adrian Hatton	The Applicant Responses
<p>Em from LM to KM 1.5.24 requesting various updates on Heads of Terms and updated plans</p> <p>Em from KM to LM 3.5.24 apologising for errors in overlay on plans</p> <p>Em chaser from LM to KM 15.5.24 chasing correct plans</p> <p>Em from KM to LM 15.5.24 advising she had chased and we would have it within (hopefully) 24 hrs</p> <p>Em from LM to KM 6.6.24 chasing update on the above email.</p> <p>Em from KM to LM 6.6.24 with updated plan</p> <p>Em from LM to KM 11.6.24 correcting where the access points should be</p> <p>Em from KM to LM 13.6.24 saying she would revise the access plan</p> <p>Em from LM to KM 12.11.24 chasing the plan and email 13.6.24</p> <p>Em from KM to LM 29.11.24 with plans</p> <p>Em from LM to KM 2.12.24 advising the plans are still inadequate could we sit down and go through</p> <p>Em from KM to LM 3.12.24 advising we would have a meeting on site</p> <p>Meeting 17.12.24 with [REDACTED] 'MS' [REDACTED] 'SP' AH, KM and LM</p> <p>Em from [REDACTED] 'MS' to all the above 20.12.24 with plans</p> <p>Em from AH to MS 30.12.24 advising of the errors</p> <p>Em from LM to KM 7.1.25 with amends required</p> <p>Em from KM to LM 7.1.25 advising she would pick up with the project team and come back with a revised drawing</p> <p>Em from LM to KM 27.1.25 chasing plans</p> <p>Em from LM to KM 3.2.25 chasing plans</p> <p>Em from LM to KM 10.02.25 chasing plans</p> <p>Em from KM to LM 10.2.25 advising she was chasing the project team</p> <p>Em from KM to LM 11.2.25 with updated plans</p> <p>Em from LM to KM 11.2.25 advising that they were still incomplete</p> <p>Em from KM to LM 14.2.25 advising that they would send one plan with all the different land uses on</p> <p>Em from LM to KM 14.2.25 advising that we need three separate plans showing: Permanent and temporary acquisition of land and rights, Working area and accommodation works.</p> <p>Em from LM to KM 3.3.25 chasing plan</p> <p>Em from KM to LM 12.3.25 with updated plans</p> <p>Em from LM to KM 13.3.25 asking for minor tweaks which don't reflect what has been discussed.</p> <p>No further response</p>	

Applicant’s Responses to Comments received at previous deadline

Dawn Hill	The Applicant Responses
Hopefully proposed plan is give the go ahead	The Applicant notes this comment of support for the Scheme.

  

Caroline Atkinson	The Applicant Responses
<p>I am in favour of the proposed Newark by-pass that Lincolnshire County Council in November 2016 suggested as the solution to HGV's using tthe village of Collingham as a shortcut - this is evidenced from the final paragraph of page 3 of the Report to Transport and Highways</p> <p>Committee</p> <p>17th November 2016</p> <p>Agenda Item: 7</p> <p>REPORT OF CORPORATE DIRECTOR – PLACE THE NOTTINGHAMSHIRE COUNTY COUNCIL (A1133, NOTTINGHAMSHIRE) (WEIGHT RESTRICTION) EXPERIMENTAL ORDER 2016 (3237)</p> <p>As a frequent visitor to Langford where my sister lives on the A113, I have experienced first hand traffic delays, the need for traffic lights on the roundabouts, and the house shaking as HGV's thunder past at all hours of the day and night.</p>	<p>The Nottinghamshire County Council Report to the Transport and Highway Committee <sup>1</sup> considers the objections received by Nottinghamshire County Council on their proposals to implement a 7.5t experimental environmental weight restriction on the A1133 between the villages of Griton and Spalford.</p> <p>Lincolnshire County Council objected to the proposals and their objection is considered on page 3 of the report. The final paragraph on page 3 states: <i>“LCC suggests that the correct solution in the long term is the need to by-pass Collingham and that the current proposal transfers the issue elsewhere onto roads and communities in an adjacent Authority.”</i></p> <p>The Applicant is aware that Nottinghamshire County Council considered a bypass scheme around Collingham as part of the North Nottinghamshire Local Transport Plan 2006 to 2011<sup>2</sup> but that the bypass proposal failed to produce a positive benefit to cost ratio.</p> <p>The proposals for a bypass around Collingham are not considered as part of the Development Consent Order the Applicant has developed for the Scheme. The Applicant would advise contacting Nottinghamshire County Council for any questions that they may have on their proposals.</p>

<sup>1</sup> Nottinghamshire County Council, Report to Transport and Highway Committee, Consideration of objections to the Nottinghamshire County Council (A1133, Nottinghamshire) (Weight Restriction) Experimental Order 2016 (3237) [online] available at [Document.ashx](#) (last accessed March 2025).

<sup>2</sup> North Nottinghamshire Local Transport Plan, Chapter 12 five year programme 2006/7 – 2010/11, Nottinghamshire County Council [online] available at [North Nottinghamshire Local Transport Plan - Chapter 12 Five Year Programme](#) (last accessed March 2025).

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## Applicant's Responses to Comments received at previous deadline

Natural England				The Applicant Responses
ExQ3:	Question to:	Question:	Natural England Response:	The Applicant Responses:
Q3.0.3 (f)	Natural England	<p><b>Barn Owl, Kestrel and Bat Boxes</b></p> <p>In respect of Requirements 21 and 22 [REP6-004] of the dDCO which propose that offsite boxes will be installed in advance of the commencement of development per [EV-002]:</p> <p>f) Is Natural England satisfied with the proposed means of securing the boxes?</p>	<p>Natural England is satisfied that bat boxes and their management, required as part of the bat license, would be secured by a Section 253 agreement or similar, to be confirmed at the time of formal licence submission. Natural England has no comments to make on the wording of Requirement 22 of the draft DCO and is satisfied with the proposed means of securing the bat boxes.</p> <p>In addition, the Applicant has produced a draft Bat Box Specification, which was received by Natural England on 21/03/2025 (Rev. 1, March 2025, Deadline 7 Submission). The bat box proposed in this document is acceptable to Natural England and is considered suitable for the species of bat and roost type being impacted.</p> <p>Natural England is not responsible for licencing impacts to barn owl from development proposals; therefore, we have no comments regarding the proposed means of securing the barn owl boxes.</p>	No response required
Q3.0.4 (b)	The Applicant (a), NSDC and Natural England (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 [APP-052]?</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>	<p>It should be noted that in the absence of mandatory Biodiversity Net Gain for NSIPs, there is not currently a mandatory requirement for the Applicant to secure a bespoke agreement with Natural England regarding the lowland meadow compensation and woodland works at Doddington Hall. Whilst Natural England welcomes the Applicant's commitment to securing a compensation strategy, due to the lack of mandatory requirement we have no further comments.</p>	No response required
Q7.0.1	The Applicant, Natural England	<p><b>Agricultural Land Classification (ALC) Surveys</b></p> <p>Please provide an update on the further ALC survey noted in [REP5-066]. In the event that acceptable/ agreed ALC survey information is not available before the close of the examination, is proposed R23 [REP6-004]</p>	<p>Natural England welcomes the Applicant's commitment to undertake further ALC surveys to address the data gaps. It is understood that these surveys are planned for May 2025 (see Statement of Common Ground with Natural England, issue ref. 30, Applicant's response) and a requirement has been added in the draft DCO (Requirement 23) to ensure no works</p>	The Applicant confirms that Requirement 23 of the draft Development Consent Order [REP7-006] was updated in line with Natural England's request at Deadline 7 of the Examination.

Applicant’s Responses to Comments received at previous deadline

Natural England				The Applicant Responses
ExQ3:	Question to:	Question:	Natural England Response:	The Applicant Responses:
		satisfactory to Natural England?	<p>are undertaken on the land prior to the survey being undertaken, which is welcomed.</p> <p>Natural England has requested that Requirement 23 of the draft DCO is updated as follows (email sent to Applicant 12 March 2025):</p> <p><i>“Prior to any works commencing on the land shown hatched green on the agricultural land plan the undertaker must carry out agricultural land classification surveys on that land and update the Soils Management Plan accordingly based on the new data”.</i></p> <p>This requirement to update the SMP (as opposed to sending the survey data to Natural England) is designed to ensure the data is used to inform soil management during construction, ensuring appropriate handling, reuse and, where applicable, effective reinstatement.</p> <p>If Requirement 23 is updated in line with our recommendation, Natural England has no further comments on this matter.</p>	

## Applicant's Responses to Comments received at previous deadline

Natural England				The Applicant Responses
ExQ3:	Question to:	Question:	Natural England Response:	The Applicant Responses:
Q9.0.1	Natural England	<p><b>Fish Escape Passages</b></p> <p>NE's response to the REIS QR7 [REP5- 066] stated that it agrees with the EA's previous concerns [REP4-044] and acknowledged that this was a change to its earlier position.</p> <p>The EA's DL5 submission [REP5-065] 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 [REP6-012] 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 [REP5- 075]. 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 [REP6-012].</p> <p>Please update your position on this matter and confirm any outstanding information or concerns you may have from your initial response [REP2-045]. 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>	<p>Natural England is content with the commitment to consult both Natural England and the Environment Agency on the Second Iteration EMP (including future iterations of the fish escape passage design). At detailed design, the specific number, location and design of fish escape passages will be finalised. Natural England welcomes the opportunity to be involved in this process to ensure the fish escape passages are fit for their intended purpose. Therefore, Natural England has no further comments.</p>	No response required
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 [REP5- 065], 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>	<p>The mitigation measures set out in the Appropriate Assessment (Section 5 of the HRA report) to prevent entrapment/ isolation of lamprey during flooding of the Farndon East FCA and Farndon West FCA include provision of fish escape passages. Without this mitigation, or if the mitigation is not appropriately designed, managed or maintained, an adverse effect on integrity (AEoI) may occur due to entrapment/ isolation of lamprey, which are a designated feature of the Humber Estuary SAC/ Ramsar.</p> <p>At present, Natural England consider the fish escape passages to be broadly acceptable</p>	No response required

Applicant’s Responses to Comments received at previous deadline

Natural England				The Applicant Responses
ExQ3:	Question to:	Question:	Natural England Response:	The Applicant Responses:
			<p>but small (0.5 m width and 0.3 m depth). As a result of the small dimensions, poor vegetation management may affect their use, for example if the fish passages were to become blocked with vegetation. This may cause fish difficulty in actively identifying the escape passage routes, especially given the relatively large flood plain area. If the fish passages become too small, lamprey may become trapped and die whilst attempting to pass through the passages, and this risk would increase if vegetation is not appropriately maintained.</p> <p>Whilst the maintenance of the Fish Escape Passages is secured (First Iteration EMP, REAC Reference RDWE10), the implementation of wider fish escape passages would be advantageous.</p> <p>Natural England acknowledge the risk of lamprey becoming trapped is low due to the distance between the Humber Estuary SAC/ Ramsar and</p> <p>the Farndon FCAs and the presence of existing barriers along the River Trent. Nonetheless, we welcome the Applicant's commitment to involve both Natural England and the Environment Agency in the detailed design stage to ensure the mitigation measures are designed and managed appropriately to minimise risk.</p> <p>Natural England does not have any further comments to make in addition to those already submitted on this matter.</p>	

Canal & River Trust - Responses to ExQ3	The Applicant Responses
<p>Question Q5.0.2 - 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</p> <p>The Trust thanks the Promoter for agreeing protective provisions, the wording of article 58 and continuing to seek agreement for the land and rights the Promoter requires for its project. Discussions are ongoing and the Trust is aware that the extent of the rights required over Trust land is less than that indicated on the latest Land Plans in examination. Whilst discussions are well advanced, the detail of the land plans has changed and the revised extent has not yet been agreed by all stakeholders. The Trust is not aware of anything that would prevent an agreement being reached. The Trust</p>	<p>The Applicant is in agreement with the Canal and River Trust that they are not aware of anything that would prevent an agreement being reached. The Applicant will continue to work with the Canal and River Trust so agreement can be made.</p>

Applicant’s Responses to Comments received at previous deadline

Canal & River Trust - Responses to ExQ3	The Applicant Responses
acknowledges the ExA's request for a letter withdrawing an objection to compulsory acquisition, but is unable to provide such a statement in absolute terms. The Trust maintains that the complexity of it network means that acquisition of its land, or rights over its land, by a third party by agreement is always better than by compulsory acquisition. An agreed position provides certainty to both parties for their future relationship and can address the nuances of working on or near to the Trust's network.	
<p>The Trust has liaised with the Federation that owns the rights to fish (a profit a prendre registered with title NT495012) on the stretch of the River Trent near the Promoter's project. This is because the Trust and Federation are parties to an agreement (a contract, granting no legal interest in land) governing access, over Trust land, to the river. The expectation by both these parties is that this agreement will be suspended in respect of the land to be temporarily used by the Applicant. For any lengths of the riverbank that the Applicant is to acquire permanently,</p> <p>rights under the agreement of the Federation will be terminated over those lengths. (For the avoidance of doubt, the Trust has no rights relating to the profit a prendre.) The Trust and the Federation will be compensated by the Promoter for any loss.</p>	The Applicant is in agreement with this response from Canal and River Trust.
Canal & River Trust - Comments on any submissions received at the previous deadline	The Applicant Responses
<p>Revised Book of Reference (REP6-008 4.3 Book of Reference (Clean))</p> <p>The Trust has a right of access on the east side of the river, along the east side of Work No. 62, part labelled plot 4/8b within the submitted land plans. This is used by the Trust to access Nether Lock.</p> <p>The Canal &amp; River Trust wishes to highlight that REP6-008 4.3 Book of Reference (Clean) – Rev 6 does not appear to include the Trust's access rights to Nether Lock (along the east side of Work No 62, over plot 4/8b). The Trust's surveyor has raised this with the valuation office and the expectation is that this will be addressed shortly by the promoter and ahead of DL8</p>	The Applicant has updated the Book of Reference submitted at Deadline 8 of the Examination, to include the Canal and River Trust's right of access over plot 4/8b, to ensure it includes the Canal and River Trust's continued access to Nether lock.

Newark and Nottinghamshire Agricultural Society	The Applicant Responses
<p>The Examining Authority’s written questions and requests for information (ExQ3) contain the following –</p> <p>Q5.0.12 ‘Applicant, Newark &amp; 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’</p> <p>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 or agreement and/ or disagreement, with a) NNAS and b) Lindum Group.</p> <p>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.</p> <p>The following information is relevant in considering these questions.</p> <p>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.</p> <p>In short whilst NH have agreed to meet some of these concerns by including provisions in the Outline Traffic Management</p>	<p>The Applicant has provided its response to this point in the Applicant's Responses to Examining Authority's Third Written Questions [REP7-103]. The Applicant stands by that response on the basis that the points raised by the Newark &amp; Nottinghamshire Agricultural Society (NAAS) that it wishes to see in a separate legal agreement are either:</p> <ul style="list-style-type: none"><li>• already appropriately secured through the control documents which will be approved should consent be granted for the Scheme, with which the Applicant is legally bound to comply, and are therefore enforceable by the local planning authority; or</li><li>• are matters of compensation which would either be dealt with at the time of any agreement to purchase the land or when any compulsory acquisition powers granted are exercised.</li></ul> <p>The Applicant notes that in this response NNAS have made the point that the Applicant has entered into other legal agreements with other interested parties and the Applicant does not dispute this. However, in each case where a legal agreement has been entered into it is on the basis that the required controls did not exist within the DCO documents and as such a separate mechanism to control specific aspects was required. This is particularly the case where the control was required for land outside of the Order Limits, for example the Applicant is in the process of negotiating a legal agreement with Lindum Development Ltd in relation to the relocation of a path. This agreement is necessary because the land required for the relocated path is outside of the Order Limits and as such the Applicant does not have the necessary powers within the Order to bring forward the alternative. A further example is the legal agreement that the Applicant has entered into with Nottinghamshire County Council in relation to Pelham Street. There is no mechanism to control or monitor the potential impacts at Pelham Street within the DCO documents and as such a separate legal agreement has been entered into.</p>

Applicant’s Responses to Comments received at previous deadline

Newark and Nottinghamshire Agricultural Society	The Applicant Responses
<p>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.</p> <p>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.</p>	<p>As the DCO documents can appropriately control the practical elements that NNAS are concerned about and the other elements relate to compensation the Applicant cannot see any justification in spending additional public money to secure the same again. The ethos behind obtaining a Development Consent Order is that it should limit duplication in consenting and look to streamline the process where possible and therefore it is appropriate to the resist request for additional legal agreements which this results in unnecessary duplication.</p>

Nottinghamshire County Council				The Applicant Responses
ExQ3:	Question to:	Question:	NCC comments:	The Applicant Responses:
Q3.0.5	The Applicant, NCC, NSDC	<p><b>Habitat Severance</b></p> <p>During ISH 4 [EV10-002] 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>	<p>NCC notes the applicant's response to comments on Habitat severance within REP3-037 and at EV10-002 and has no further concerns /comments. This has now been closed out on the SoCG.</p>	<p>No Response required</p>
Q5.0.16	Applicant, NCC	<p><b>Land Rights Tracker URN 038</b></p> <p>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</p>	<p>A meeting was held on 04/03/2025 to discuss Acquisition by agreement. The council doesn't hold any concerns on the proposed acquisition, and this has been agreed on the SoCG. NCC are expecting to receive draft Heads of Terms from the applicant presently.</p>	<p>The Applicant sent the Heads of Terms to Nottingham County Council on 28 March 2025 for them to review. The Applicant is not aware of anything that would prevent an agreement from being reached.</p>

## Applicant's Responses to Comments received at previous deadline

Nottinghamshire County Council				The Applicant Responses
ExQ3:	Question to:	Question:	NCC comments:	The Applicant Responses:
Q8.0.1	NSDC and NCC	<p><b>Archaeology</b></p> <p>Following a review of the most recent SoCGs [REP6-032] and [REP6-030], are the host authorities content that the applicant has undertaken sufficient ground investigations to inform the most recent Archaeological Management Plan (AMP) [REP5-026] and are they in agreement with this document?</p> <p>Are all parties content with those matters included in the First Iteration EMP REAC CH1 to CH10 [REP6-012]?</p> <p>Does any party have any outstanding concerns relating to archaeology? If so, please provide details and reasonable actions to address them.</p>	<p>The applicant has undertaken sufficient evaluation to inform the overall majority of the scheme. There are two small areas that were not subject to evaluation trenching due to circumstances beyond their control (flooding and landowner issues). To address this, the applicant has included trial trench evaluation in these areas as part of the post-consent Archaeological Mitigation Plan (AMP), with provision to revise the overall AMP once the evaluation results have been obtained. This is also secured through the Requirement wording and provides confidence in the data that the applicant will be using for the final version of the AMP.</p> <p>NCC are therefore satisfied that the applicant has undertaken sufficient ground investigation to inform the scheme.</p> <p>The First Iteration EMP REAC CH1 (REP6-012) references the separate AMP in para. 1.1.4 as an important part of the EMP. It provides further outline detail on the procedures for archaeological work in Table 3.2 (Pages 22 – 26 [CH1-CH10]) and implementation of the AMP. We are happy with the matters included.</p> <p>Overall, we are happy with the applicant's proposed approach to archaeology and the provisions made within the AMP, EMP and procedure for implementation set out at Schedule 2, Requirement 9 of the Draft DCO.</p>	No response required
Q10.0.1	The Applicant	<p><b>Finishing Materials of Cattle Market Grade Separated Junction</b></p> <p>In [REP4-040] 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>	<p>There is a need to identify the type and extent of red material being proposed, REP4-040 3.6 refers to 'blocks' rather than 'bricks', but clearly a red brick would be the most appropriate detail to tie in with the material palette of the Smeaton's Arches heritage. The use of coloured 'blocks' would offer very limited aesthetic mitigation (especially if this was simply a coloured concrete block).</p> <p>The precise details of the materials need to be submitted to NSDC and NCC and examined further to ensure that they are achieving the stated aims.</p>	<p>At a meeting on 1 April 2025 with the Applicant, Nottinghamshire County Council and Newark and Sherwood District Council it was agreed that the Applicant would introduce a specific Requirement into the draft Development Consent Order at Deadline 8 of the Examination to provide consultation and approval with Nottinghamshire County Council and Newark and Sherwood District Council on the aesthetic finish regarding the coloured banding of the split block facing to the reinforced soil walls that form Work Nos. 39A, 39B, 39C, 39D, 39E and 39F as shown on sheet 3 of the Works Plans the [REP3-002]. It was agreed that further review of the detailed design would be undertaken to agree the most appropriate level and banding sequence for the red block finish.</p> <p>The Applicant has also updated the Scheme Design Report [REP7-078]] and submitted at Deadline 8 of the Examination.</p>

## Applicant's Responses to Comments received at previous deadline

Nottinghamshire County Council				The Applicant Responses
ExQ3:	Question to:	Question:	NCC comments:	The Applicant Responses:
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 [REP5-069].	<p>NCC's understanding is that the applicant considers the design acceptable based on the number of users.</p> <p>There is a table in LTN 1/20 that offers guidance on the width of potential shared use facilities, based on the number of users.</p> <p>However, it is the Council's understanding that regardless of the pedestrian/cycle volumes, the over-riding design principle is that shared use footways should be introduced only as a last resort. Para 6.5.4 states: "In urban areas, the conversion of a footway to shared use should be regarded as a last resort."</p> <p>In NCC's experience ATE has not supported designs that incorporate shared use at locations where the pedestrian/cycle volumes are well below the threshold set out in the document.</p>	<p>The Applicant refers to the Applicant's Responses to Examining Authority's Third Written Questions [REP7-103] and the response to part a) of question 13.0.1.</p> <p>Section 6.5 of LTN/120 permits shared use facilities and the Scheme has been designed to achieve the minimum 3-metre-wide pedestrian/cycleway that table 6-3 requires. Section 6.5.4 referred to by Nottinghamshire County Council does state that shared facilities are generally not favoured when flows are high. This is not the case for the solution developed for the Scheme. The Applicant considers the term Urban Areas in Section 6.5.4 to mean the central area of the town and not the arterial route into it. This position is supported in Section 6.5.6 in which LTN/120 lists situations in which shared use facilities may be appropriate:</p> <ul style="list-style-type: none"> <li>i) Alongside interurban and arterial roads where there are few pedestrians.</li> <li>ii) At and around junctions where cyclists are generally moving at slow speed, including in association with Toucan facilities.</li> <li>iii) In situations where a length of shared use may be acceptable to achieve continuity of a cycle route.</li> <li>iv) In situations where high cycle and high pedestrian flows occur at different times.</li> </ul> <p>Point i) is applicable to the proposed 3m wide combined footway/cycleway at the Great North Road, Brownhills Junction and Friendly Farmer Link.</p> <p>Point ii) is applicable to the proposals at Cattle Market junction, Brownhills Junction and Friendly Farmer Roundabout.</p> <p>Points iii and iv are not applicable to the Scheme.</p> <p>While the Applicant notes Nottinghamshire County Council's comment regarding what Active Travel England (ATE) have or have not supported in the past without the context of these designs the Applicant cannot respond on why ATE decided in those cases that the guidance in LTN/120 was not appropriate. The Applicant notes that ATE are not a prescribed consultee under the Planning Act 2008 and have not made representation on the Scheme.</p>
Q14.0.2	The Applicant, NCC	<b>Pelham Street Mitigation</b> 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? 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>The applicant has issued a draft agreement, a meeting was held 13th March 25 and the details regarding the termination date and mitigation proposals have been agreed.</p> <p>We are currently negotiating the maximum cost limit, NCC has put forward an alternative value it considers more appropriate to cover the mitigation options presented, if required.</p> <p>The council is awaiting a response from the applicant and is aiming to have the agreement in place by deadline eight.</p>	<p>The Applicant and Nottinghamshire County Council have completed an agreement which secures the process of monitoring and potentially mitigating possible impacts at Pelham Street. The completed agreement requires that monitoring is to occur at Pelham Street to understand whether there are any impacts arising from the Scheme on the local traffic in that area. If any impacts do occur and these impacts are agreed to require mitigation the parties will agree on the form of mitigation and it will be provided by the Applicant.</p>

## Applicant's Responses to Comments received at previous deadline

Nottinghamshire County Council				The Applicant Responses				
ExQ3:	Question to:	Question:	NCC comments:	The Applicant Responses:				
Q14.0.3	The Applicant, NCC	<p><b>A17/ Godfrey Drive/ Long Hollow Way Mitigation</b></p> <p>[REP6-037] 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>	<table><tr><th>Applicant's response 05/03/25</th><th>NCC comments</th></tr><tr><td>Godfrey Drive at the time of VISSIM modelling was not deemed to be a significant source of traffic and was still in development and was not included. However, ARCADY modelling has been produced for this junction and does not show capacity issues (maximum RFC of 0.79). For the 2 lanes on the eastbound carriageway, 2 lanes are required to alleviate the potential queues beyond the A1 southbound slip road onto the A1 mainline. It is therefore necessary for the Scheme to revert back to the 2019 two lane layout.</td><td>There are no further outstanding matters on this junction. NCC accepts the ARCADY modelling provided by the applicant and Issue 2 is now agreed on the SoCG.</td></tr></table>	Applicant's response 05/03/25	NCC comments	Godfrey Drive at the time of VISSIM modelling was not deemed to be a significant source of traffic and was still in development and was not included. However, ARCADY modelling has been produced for this junction and does not show capacity issues (maximum RFC of 0.79). For the 2 lanes on the eastbound carriageway, 2 lanes are required to alleviate the potential queues beyond the A1 southbound slip road onto the A1 mainline. It is therefore necessary for the Scheme to revert back to the 2019 two lane layout.	There are no further outstanding matters on this junction. NCC accepts the ARCADY modelling provided by the applicant and Issue 2 is now agreed on the SoCG.	No response required
Applicant's response 05/03/25	NCC comments							
Godfrey Drive at the time of VISSIM modelling was not deemed to be a significant source of traffic and was still in development and was not included. However, ARCADY modelling has been produced for this junction and does not show capacity issues (maximum RFC of 0.79). For the 2 lanes on the eastbound carriageway, 2 lanes are required to alleviate the potential queues beyond the A1 southbound slip road onto the A1 mainline. It is therefore necessary for the Scheme to revert back to the 2019 two lane layout.	There are no further outstanding matters on this junction. NCC accepts the ARCADY modelling provided by the applicant and Issue 2 is now agreed on the SoCG.							
Q14.0.4	NCC	<p><b>Great North Road Southbound</b></p> <p>[REP6-037] states that ARCADY modelling outputs "provide a level of comfort on this matter". Are there any outstanding issues which you consider should be addressed. Is any mitigation needed?</p>	Since comments at the last deadline, 2043 AM Vissim modelling was presented by the applicant, with sensitivity testing of a proxy reduction in flow rate via application of reduced speed areas. The outputs of this were accepted and there are no further outstanding matters on this point.	No response required				
Q15.2.1	NCC, The Applicant	<p><b>Surface Water Discharge Flows/ Volume</b></p> <p>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 [REP6-028], the LLFA should detail any outstanding concerns that relate only to their statutory function.</p>	<p>Issue 31 has been agreed on the SoCG.</p> <p>The Applicant has confirmed that 40% climate change allowance is being used for the detailed design and that the 30year design standard has been consulted with the EA &amp; IDB.</p>	No response required				

Applicant’s Responses to Comments received at previous deadline

Nottinghamshire County Council				The Applicant Responses								
ExQ3:	Question to:	Question:	NCC comments:		The Applicant Responses:							
			<table><tr><th>NCC comment</th><th>Applicant’s comments</th><th>NCC position</th></tr><tr><td>A requirement for site investigations to confirm potential for infiltration and to incorporate infiltration where feasible should be considered as a condition of the scheme.</td><td>11/03/25 This can be added to the Statement of Common Ground and agreed at detailed design stage. There is no need for a condition to be applied. However as stated within the DSR the majority of the Scheme lies within a flood plain and ground water is present at ground level or just below and a review undertaken to the east of the A1 shows that conditions are not suitable.  18/03/25 If infiltration tests are required it is proposed to undertake one within the southern section flood zone and one between Friendly Farmer Link Road and Winthorpe Roundabout. However, the Applicants would assess the materials used for the swales and ponds as these need to be</td><td>Justification for why infiltration testing cannot occur has been accepted.</td></tr></table>		NCC comment	Applicant’s comments	NCC position	A requirement for site investigations to confirm potential for infiltration and to incorporate infiltration where feasible should be considered as a condition of the scheme.	11/03/25 This can be added to the Statement of Common Ground and agreed at detailed design stage. There is no need for a condition to be applied. However as stated within the DSR the majority of the Scheme lies within a flood plain and ground water is present at ground level or just below and a review undertaken to the east of the A1 shows that conditions are not suitable.  18/03/25 If infiltration tests are required it is proposed to undertake one within the southern section flood zone and one between Friendly Farmer Link Road and Winthorpe Roundabout. However, the Applicants would assess the materials used for the swales and ponds as these need to be	Justification for why infiltration testing cannot occur has been accepted.		
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			<table><tr><td></td><td>90% impermeable to prevent highways rainfall run-off entering the ground prior to cleaning within each basin. Infiltration therefore can’t be incorporated into the design solution due to this impermeability requirement of the swale and pond linings and there seek agreement not to undertake filtration tests in accordance with BRE363.</td><td></td></tr></table>			90% impermeable to prevent highways rainfall run-off entering the ground prior to cleaning within each basin. Infiltration therefore can’t be incorporated into the design solution due to this impermeability requirement of the swale and pond linings and there seek agreement not to undertake filtration tests in accordance with BRE363.						
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Savills UK Ltd_Miller et al			The Applicant Responses
Q5.0.3	Edmund George William Thornhill,	We are close to finalising Heads of Terms for an Option to dispose of the landowners land by agreement and will remove our objection once these are signed by both parties	The Applicant confirms Heads of Terms have now been agreed and signed by both parties. The landowner’s objection was removed on 31 March 2025.
Q5.0.3	Francis Michael Hare 6th Earl of Listowel	We are close to finalising Heads of Terms for an Option to dispose of the landowners land by agreement. Heads of Terms are agreed, however Lord Listowel’s solicitor is requesting we include in the Heads of Terms that an undertaking for their fees will be provided to cover legal costs. The AA have refused to do this, discussions on going. This is the only outstanding point.	The Applicant confirms Heads of Terms have been agreed and signed by both the landowner and tenant.  The Applicant has signed the Heads of terms on 2 <sup>nd</sup> April. Lord Listowel’s agent confirmed on 31 <sup>st</sup> March that the objection has been withdrawn.
Q5.0.5	John James Miller	We are yet to finalise commercials for a disposal of my clients land by agreement, however we are otherwise close. My client is willing to dispose of their land subject to commercials being agreed and subject to my client retaining fishing rights. Once Heads	The Applicant’s appointed Valuer made a proposal to settle matters on 27 March 2025 Both parties also met on 1 April 2025 to reach a final settlement in respect of acquisition by agreement and associated matters. Following on from this meeting, the only outstanding discussion is in relation to land compensation and these are ongoing conversations between the Applicant’s valuer and

Applicant’s Responses to Comments received at previous deadline

Savills UK Ltd_Miller et al			The Applicant Responses
		<p>of Terms are signed we will remove our objection.</p> <p>The delays in figures being agreed is largely due to long delays from NH and their agent responding to our Heads of Claim.</p>	<p>the landowner's agent.</p> <p>Draft Heads of Terms were issued 17 February 2025, and the key element is now agreeing the overall compensation figure. Both parties are seeking to reach agreement before the end of the Examination.</p>
Q5.0.15	Newark Ransome and Marles Cricket Club (Including Luc Chignell, Patrick John Burke & Robert Doncaster in association with	My client is still waiting on a licence agreement and Heads of Terms for an easement. This has been ongoing for some time with no documentation forthcoming. The practical issues around drainage and fencing are being dealt with separately and progress is happening.	The Applicant confirms Heads of Terms were issued on 24 March 2025 and discussed in a meeting held the same day. These Heads of terms include for the easement that the Applicant require to access assets (attenuation pond and retaining wall) over part of the existing access road. The landowner’s agent has contacted the Applicant on the 31 <sup>st</sup> March with a request for further technical information on drainage and additional information relating to utilities design. The Applicant has provided a response on this matter on 2 <sup>nd</sup> April 2025. The Applicant will continue to engage with the landowner to get all these questions addressed so heads of terms can be agreed, but this will likely occur after the Examination has concluded. There will be no permanent land acquisition required from the Cricket Club.
Q3.0.1	The Applicant	We have raised this question on behalf of Mr Hatton in relation to whether reinstatement of the FCA (affecting his property at Rectory Farm, Averham) to agriculture counts towards the AA BNG calculation. As the proposal is for the FC work to be undertaken under licence and the land handed back to Mr Hatton, if reinstatement to arable does count towards the AA BNG calculations then it would restrict any future BNG schemes on the land and therefore needs to be reflected in a legal agreement and compensation. We have emailed the project team requesting an answer to this question 6.2.25and 5.3.25 but have not had a response. Without an answer (to this as well as the provision of an accurate plan reflecting temporary and permanent acquisition and land rights) we are unable to finalise Terms for an agreement.	<p>The Applicant confirms that the reinstatement of this land to an arable field has been captured in the Biodiversity Net Gain (BNG) calculation for the Scheme. However, this would not of itself preclude any future use of the land for BNG purposes. For any future changes in this location that need to consider BNG the baseline should be the final habitat type and condition used in the Scheme biodiversity metric. If Mr Hatton sought either to provide BNG in respect of his own development elsewhere or to register the land as a biodiversity gain site, then the required statutory biodiversity metric tool calculations should record this as the baseline. Mr Hatton's own BNG plan or application to register the site would also need to include a habitat management and monitoring plan and legal agreement securing the land for at least 30 years. This would need to recognise that the land is to be used as flood compensation land for the life of the Scheme and so would influence the type of habitat that can be considered in this location. Therefore, should Mr Hatton wish to use the land for BNG purposes in the future and if the value of the biodiversity units proposed is shown to be impacted by the Scheme, then any compensation arising from this impact would be determined in accordance with the Compensation Code at the time that the Applicant takes possession of the land.</p> <p>The Applicant has been actively engaging with Mr Hatton in land matters. The Applicant has finalised the updated Heads of Terms Land plan (following on from discussions between the Applicant and Mr Hatton). These will be sent to Mr Hatton on Wednesday 2nd April.</p>

Network Rail Infrastructure Limited		The Applicant Responses
<p><b>Q5.0.11 Network Rail, Applicant</b></p> <p>Land Rights Tracker URN 033 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.</p>	<p><b>NR Response:</b></p> <p>NR has commenced discussions with the Applicant with regards to the inclusion of NR's standard protective provisions and copies of such have been provided to the Applicant. Discussions with the Applicant are ongoing and the parties will confirm the position on the form of Protective Provisions to be placed on the Order in due course.</p> <p>We hope to be able to confirm agreement with the Application on Network Rail's preferred form of Protective Provisions, by deadline 9, 7 April 2025.</p> <p>Should you have any queries, please don't hesitate to contact us on the details below.</p>	<p>The Applicant understands that (subject to entering into the side agreement) Network Rail are no longer negotiating the Protective Provisions , and that Network Rail’s preferred form of Protective Provisions have been included in the draft Development Consent Order [REP7-006] and Network Rail hope to be able to write to the Examining Authority soon to confirm that the side agreement has been entered into and that Network Rail's objection is withdrawn.</p> <p>Further it is the Applicant's understanding that the terms of the side agreement are agreed with Network Rail, and it is a matter of completing internal governance before it can be signed and completed.</p>

## Applicant's Responses to Comments received at previous deadline

NSDC - Comments on any submissions received at the previous deadline		The Applicant Responses
2.1.	The Council has reviewed the information submitted at Deadline 6 and in our opinion it does not raise any further information that we consider requires substantial explanation. The only matters we wish to comment on set out below.	No response required
2.2.	Outline Traffic Management Plan (REP6-018). The Council previously raised concerns about the use of Hawton Bridge as a means of diversion for local traffic. This is still a concern for us and can see that the Applicant has taken those concerns on board, in part at paragraph A.1.4.5 of the document. In this they state "This diversion route is to only permitted for overnight closures and limited to two successive nights. This diversion route is to be reviewed with NCC following the opening of the Southern Link Road to assess if an improved route is available." This is welcomed and in our experience of dealing with the Southern Link Road and the part closure of the A46 for the connecting roundabout (currently underway) this area of the network is very sensitive to change, and thus early consultation with the Parish or advanced notice would be appreciated. This is expected as part of the County Council process for road closures (TROs) so is expected to be out of their control as it is on Nottinghamshire's network.	The Applicant confirms that they have reached agreement with Nottinghamshire County Council on the proposed diversion route for local traffic traveling from Farndon to Newark, as shown in section A.1.4 of the Outline Traffic Management Plan [REP7-082]. The agreement is detailed in point 38 of Nottinghamshire County Councils' Statement of Common Ground [REP7-093].  Newark and Sherwood District Council and Parish Councils will be notified of closures as set out in table 2-1 and section 2.17 of the Outline Traffic Management Plan [REP7-082].
2.3.	Within the Pre-commencement Plan (REP6-014) para 3.6.12, it is assumed, although not stated, that there would be no stockpiling of soils within the floodplain but if this is required (such as the excavating of the FCAs) this would be permitted (if necessary) by the Environment Agency. Para 3.8.34 states that stockpiles within flood zones 2/3 will not exceed 40m in length and with a minimum 25m gap between adjacent stockpiles. It is expected that the Environment Agency have had sight of this information and are accepted of it and as part of the permitting procedure will set timeframes as to when the works can be carried out i.e. out of Newark's wettest periods of October – Jan/Feb. It has also been stated previously that the FCAs will be the first part of the works to be constructed. In our opinion these should be fully operational before ground levels within the flood zones are raised. Flooding is a particular problem in the area and especially around the Farndon area, which have experienced recent bouts of frequent flooding episodes since October 2023.	The Applicant confirms that any stockpiling of materials within the flood zone would be undertaken within the requirements of a Flood Risk Activity Permit as stated in section 3.8.12 of the Pre-commencement Plan [REP7-072]. Reference RDWE10 in Table 3-2 (Register of Environmental Actions and Commitments) within the First Iteration Environmental Management Plan [REP6-012] details the requirement for sufficient flood compensation in place in advance of above ground works.
2.4.	The revised dDCO (REP6-004) with regard to amendments to Requirement 5.2 is now acceptable and the construction hours and activities not taking place between the hours of 07:00 – 07:30 weekdays is now agreed as per the Statement of Common Ground.	No response required
2.5.	We have no further comments to make at this point on information submitted at Deadline 6.	No response required

NSDC - Responses to ExQ3, if required				The Applicant Responses
ExQ3:	Question to:	Question:	NSDC Responses:	The Applicant Responses:
2. Air Quality and Emissions				
Q2.0.1	The Applicant, NSDC	<b>First Iteration EMP</b>  NSDC says [REP5-068] 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	NSDC has agreed all outstanding matters in the Statement of Common Ground regarding the First iteration EMP, Pre-commencement Plan, and Air Quality and Dust Management Plan.	No response required

## Applicant's Responses to Comments received at previous deadline

NSDC - Responses to ExQ3, if required				The Applicant Responses
ExQ3:	Question to:	Question:	NSDC Responses:	The Applicant Responses:
		agreed and updated version of the EMP.		
3. Biodiversity, Ecology and Natural Environment				
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 [APP-052]?</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>	<p><b>b) Lowland Meadow Compensation</b></p> <p>In paragraph 9.12. of the Local Impact Report [ REP1-035 ] Newark and Sherwood District Council (NSDC) were of the view that completion of the proposed bespoke compensation (i.e., the creation of 'lowland meadow' habitat of principal importance) would result in accordance with the National Networks National Planning Statement (NNNPS) requirements to provide as a last resort appropriate compensation measures where avoidance and mitigation measures are insufficient or not possible. If compensation for impacts on this habitat type are not secured by the close of examination, it would be NSDC's view that the applicant has not taken adequate measures to ensure that this priority habitat has been protected and would therefore not be in accordance with the NNNPS requirements, or relevant local policy. Therefore, in accordance with paragraph 5.69 of the NNNPS, the Secretary of State (SoS) would have to decide if the uncompensated loss of this priority habitat is outweighed by the wider benefits of the proposed development.</p> <p><b>Woodland Works at Doddington Hall</b></p> <p>The proposed woodland enhancement works at Doddington Hall are intended to provide compensation for the loss of 'lowland mixed deciduous woodland' habitat of principal importance. If compensation for impacts on this habitat are not secured by the close of examination, it would be NSDC's view that the applicant has not taken adequate measures to ensure that this priority habitat has been protected and would not be in accordance with the NNNPS requirements, or relevant local policy. Therefore, in accordance with paragraph 5.69 of the NNNPS, the Secretary of State (SoS) would have to decide if the uncompensated loss of this priority habitat is outweighed by the wider benefits of the proposed development. In making that judgement, should the lowland meadow compensation also not be secured at close of examination, NSDC are of the view that any decision by the SoS should consider the cumulative effect of failure to compensate for both habitat types.</p>	<p>The Applicant has provided a full response to this question within its '7.72 Applicant's Responses to Examining Authority's Third Written Questions' [REP7-103] submitted at Deadline 7 of the Examination.</p> <p>The agreement with the landowners of Doddington Hall is in the process of being signed by each party. The Applicant has signed and sealed the agreement and is now awaiting confirmation that the agreement has been signed by the landowners of Doddington Hall before it can be completed and shared with the Examining Authority</p>

## Applicant's Responses to Comments received at previous deadline

NSDC - Responses to ExQ3, if required				The Applicant Responses
ExQ3:	Question to:	Question:	NSDC Responses:	The Applicant Responses:
Q3.0.5	The Applicant, NCC, NSDC	<b>Habitat Severance</b>  During ISH 4 [EV10-002] 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. 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.	As set out in Issue 40 of NSDC's Statement of Common Ground with National Highways, following further review of 6.1 Environmental Statement – Chapter 8 Biodiversity [APP-052] and discussions under Agenda Item 3 'Biodiversity' during Specific Hearing 4 on Thursday 05 December, NSDC are of the view that whilst there are potential adverse impacts on designated sites, habitats and species, the evolution of the scheme design has followed the mitigation hierarchy appropriately, and acknowledges that the process does not necessarily mean that potential adverse impacts will always be avoidable. Therefore, NSDC is now in agreement with the Applicant regarding this matter.	No response required
5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations				
Q5.0.13	Applicant, NSDC	Land Rights Tracker URN 035  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.	As of 18th March 2025, we have a draft agreement which our solicitors have stated is acceptable and will be followed up with National Highways to ensure this is secured within the timeframe.	The Applicant and Newark and Sherwood District Council have had ongoing discussions with the aim to reach an agreement. The parties have agreed that in lieu of a legal agreement a letter of undertaking from the Applicant to the Council setting out the steps agreed would be sufficient.  On 17 March 2025, (after a meeting between the parties on 12 March 2025), the Applicant sent the Council an updated draft letter of undertaking. The Council have confirmed by email dated 24 March 2025 that the letter of undertaking is agreed in principle and that the only outstanding issue relates to the payment of the Council's reasonable costs. The Applicant has asked the Council to provide evidence of the costs sought so that this final matter can be resolved and is currently waiting to receive that evidence. Therefore, it is the Applicant's understanding that when the matter of costs is resolved the undertaking will be agreed and will be provided by the Applicant to the Council.
8. Cultural Heritage				
Q8.0.1	NSDC and NCC	<b>Archaeology</b>  Following a review of the most recent SoCGs [REP6-032] and [REP6-030], are the host authorities content that the applicant has undertaken sufficient ground investigations to inform the most recent Archaeological Management Plan (AMP) [REP5-026] 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 [REP6-012]? Does any party have any outstanding concerns relating to archaeology?  If so, please provide details and reasonable actions to address them.	NSDC is content for Nottinghamshire County Council's Archaeologist to respond to this question as they have been in negotiation with the Applicant throughout this process.	No response required

## Applicant's Responses to Comments received at previous deadline

NSDC - Responses to ExQ3, if required				The Applicant Responses
ExQ3:	Question to:	Question:	NSDC Responses:	The Applicant Responses:
10. Landscape and Visual Effects				
Q10.0.1	The Applicant	Finishing Materials of Cattle Market Grade Separated Junction In [REP4-040] 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>Although this is not directed to NSDC we would wish to provide helpful comment to the Inspector on it.</p> <p>NSDC considers that the use of materials and final design should be captured in the dDCO and secured through the Requirements, and given that we have raised the design of the junction as an issue throughout this process, we would request to be a consultee.</p>	<p>At a meeting on 1 April 2025 with the Applicant, Nottinghamshire County Council and Newark and Sherwood District Council it was agreed that the Applicant would introduce a specific Requirement into the draft Development Consent Order at Deadline 8 of the Examination to provide consultation and approval with Nottinghamshire County Council and Newark and Sherwood District Council on the aesthetic finish regarding the colored banding of the split block facing to the reinforced soil walls that form Work Nos. 39A, 39B, 39C, 39D, 39E and 39F as shown on sheet 3 of the Works Plans the [REP3-002]. It was agreed that further review of the detailed design would be undertaken to agree the most appropriate level and banding sequence for the red block finish.</p> <p>The Applicant has also updated the Scheme Design Report [REP7-078] and submitted at Deadline 8 of the Examination.</p>
13. Population and Human Health				
Q13.0.3	NSDC	<p>Unoccupied Residential Unit at the Former Mint Leaf Restaurant</p> <p>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?</p>	<p>NSDC is aware that the restaurant has closed and has been closed for some time.</p> <p>The residential unit is located above the restaurant and does not appear (from reviewing our records) to have a separate planning consent and is assumed it was created in association with the restaurant or is an historical use. The loss of this use, although the Council does not now have a 5year housing land supply due to the changes to the NPPF, is not considered harmful to the Council's housing supply given the undesirable location outside of the Newark Urban Area. The Council does not raise an objection to this.</p>	No response required
14. Traffic and Transport				
14.0.1	The Applicant	<p>Outline Traffic Management Plan</p> <p>a) Can NSDC's [REP5-068] 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. b) Two of the diversions in [REP6-018] are referred to as A.1.4 (pages 38 and 49) and therefore do not accord with the diversions referenced by NCC in [REP6-037].</p> <p>Please rectify this in the final version of this document.</p>	<p>Although this is not directed to NSDC we would wish to provide helpful comment to the Inspector on it.</p> <p>REP6-034 from the Applicant has sought to try to explain this. However from the Council's own conversations with Nottinghamshire County Council/VIA on other infrastructure projects which affect the A46, namely the construction of the SLR, whereby Hawton Bridge was at risk of becoming a rat run for traffic diverting from the A46, even though this was not an approved diversion route, to save a long diversion or waiting in traffic, the stance has been to close Hawton Bridge. Whilst this has not been well received with residents of Hawton, if this is night- time closures, this is potentially less disruptive. However, the impact on Hawton Bridge was only deemed high priority</p>	<p>The Applicant confirms that they have reached agreement with Nottinghamshire County Council on the proposed diversion route for local traffic traveling from Farndon to Newark, as shown in section A.1.4 of the Outline Traffic Management Plan [REP7-082]. The agreement is detailed in point 38 of Nottinghamshire County Councils Statement of Common Ground [REP7-093].</p> <p>Nottinghamshire County Council will be notified of closures as set out in table 2-1 and section 2.17 of the Outline Traffic Management Plan [REP7-082]</p>

## Applicant's Responses to Comments received at previous deadline

NSDC - Responses to ExQ3, if required				The Applicant Responses
ExQ3:	Question to:	Question:	NSDC Responses:	The Applicant Responses:
			<p>given the SLR is not yet complete with the tie-in to the A46. Once the A46 roundabout is complete (expected by September 2026), then the impact on Hawton Bridge from use by local traffic should be alleviated. We would however expect NCC/Via to be notified in advance of the works to assess any impact as Hawton and Hawton Bridge are not suitable for strategic highway traffic given its configuration.</p>	
15. Surface Water Drainage				
Q15.2.2	NSDC, The Applicant	<p>Kelham and Averham FCA</p> <p>Please consider and provide a response to [REP6-039]</p>	<p>NSDC understand, from comments submitted by the Environment Agency (REP6- 034), that they have agreed that part two of the Exceptions Test has been satisfied. This is reflected in Issue 44 of the Statement of Common Ground between NSDC and National Highways. Matters of flood risk, culverts and the suitability of the FCAs to compensate for the water displacement is a matter which the LPA would expect to be dealt with by the more experienced Environment Agency.</p> <p>With regard to the Kelham FCA, it is clear from the EA reps (REP6-034) that the FCA access crossing from the A617 to the fields over the FCA channel are still being discussed and that the EA are awaiting further information on this matter. Given this was submitted at deadline 6, like the comments from Mr Hatton, he would not have had chance to see these. The EA continue to state that more detailed design works are taking place and to be submitted at deadline 7 by the applicant. Of note however is that, if the Haha is located within the grounds of Kelham Hall, this is a Grade 1 Listed Building and therefore of high significance, and any changes within its grounds may be subject to separate consent/consideration. The Haha is not noted on the listing description from Historic England and are planned ditches to prevent livestock from entering the 'formal' grounds. It is therefore highly likely that they are associated with the Hall in some way. If there are no historic features, such as a brick wall, then changes are likely to be acceptable if needed.</p> <p>NSDC notes that the Environment Agency has two unresolved issues:</p> <p>1. There is limited information available on the Scheme's interaction with the existing Environment Agency flood defences. The FRA mentions that the Scheme will 'tie-in' with existing Environment Agency flood but there is no explanation for how this will occur, or how it will be ensured that there will be no detriment to the defences. The EA has indicated that progress is being made.</p>	<p>The Applicant confirms the ditch referred to as the Ha-Ha ditch in the Newark and Sherwood District Council response to Q15.2.2 is an existing ditch which flows north alongside the A617 and then heads west towards the River Trent to the south of the Kelham Hall boundary wall. The Applicant is not proposing any new works to the wall or the ditch and there are no works to be undertaken within the grounds of Kelham Hall. The Applicant will be undertaking inspection and maintenance activities along the ditch to ensure that it functions correctly as part of the hydraulic link for the Kelham and Averham Flood Compensation Area.</p> <p>The Applicant can confirm that the Environment Agency have now agreed all issues in the Statement of Common Ground. The final version of the Statement of Common Ground has been submitted at Deadline 8 of the Examination.</p>

Applicant’s Responses to Comments received at previous deadline

NSDC - Responses to ExQ3, if required				The Applicant Responses
ExQ3:	Question to:	Question:	NSDC Responses:	The Applicant Responses:
			<p>2. The EA is satisfied with the amendments to the PCP (Rev 3). However, following the receipt of further information from the Applicant (by email dated 20 February 2025) in relation to the Kelham and Averham FCA, the PCP will need to be further updated to include additional activities for the preparation of this FCA.</p> <p>NSDC consider these matters fall within the remit of the Environment Agency and it is for them to determine if National Highways response is acceptable.</p>	

NSDC - Q5.0.13	The Applicant Responses
<p><b>Proposed A46 Newark Bypass Development Consent Order</b></p> <p>We write further to the Examining Authority’s further written questions (ExQ3) issued on 12 March 2025. This letter relates only to Q5.0.13 with respect to NSDC’s capacity as affected landowner.</p> <p>We are pleased to inform the Examining Authority that agreement has been reached with the Applicant in principle on most points and it is hoped an agreement can be completed before the end of the examination period.</p>	<p>The Applicant is in agreement with the response provided by Newark and Sherwood District Council. The Applicant is content with what has been agreed and will continue to work with the Council to get the agreement signed off.</p>

Environment Agency	The Applicant Responses
1. Comments on any submissions received at the previous deadline	
<p><b>Draft Development Consent Order (dDCO) - Rev 7 [REP6-004 / REP6-005]</b></p> <p>We wish to confirm that we are satisfied with the updated dDCO (Rev 7), as submitted</p>	<p>No response required</p>
<p><b>6.3 Environmental Statement Appendix 13.2 Flood Risk Assessment - Rev 2 [REP6-010 / REP6-011]</b></p> <p>We are satisfied with the amendments to the Flood Risk Assessment (FRA) as submitted. However, we are expecting the document package to be further updated at Deadline 7 to address outstanding issues relating to the Kelham and Averham Floodplain Compensation Area (FCA). Please refer to section 3 of this response in relation to ‘Compensatory flood storage (EAFR-004)’ for more detailed comments.</p> <p>In summary, we are awaiting amendments to confirm Kelham and Averham FCA access crossings will be finalised as part of discharging DCO Requirement 14, and an updated FCA Technical Note as an appendix to the FRA.</p> <p>Given the above, we do not yet have a final position on the FRA, but we expect it to be ‘Agreed’ at Deadline 8.</p>	<p>The Applicant submitted the updated Flood Risk Assessment [REP7-064]. at Deadline 7 of the Examination. The Applicant can confirm that Issue 4 in the Statement of Common Ground with the Environment Agency, which relates to the Flood Risk Assessment, has now been ‘Agreed’. The final Statement of Common Ground with the Environment Agency has been submitted at Deadline 8 of the Examination.</p>
<p><b>Environmental Statement First Iteration Environmental Management Plan (FIEMP) - Rev 6 [REP6-012 / REP6-013]</b></p> <p>We wish to confirm that we are satisfied with the amendments as presented within this revision of the FIEMP, for items B9</p>	<p>No response required</p>

Applicant’s Responses to Comments received at previous deadline

Environment Agency				The Applicant Responses
(protection of fish) and B12 (Protection of habitats during operation to achieve expected Biodiversity Net Gain (BNG) score), insofar as it relates to our remit.				
<b>Pre-commencement Plan (PCP) - Rev 4 [REP6-014 / REP6-015]</b>  We are satisfied with the amendments to the PCP (Rev 4), insofar as it relates to our remit. However, we do not yet have a final position on this document, as we are awaiting a further updated PCP to be submitted at Deadline 7. Please refer to our comments below in section 3 of this response.				The Applicant submitted the updated Pre-Commencement Plan [REP7-072]. at Deadline 7 of the Examination. The Applicant can confirm that Issue 49 in the Statement of Common Ground with the Environment Agency, which confirms that the Environment Agency are now satisfied with the content of the Pre-Commencement Plan, has now been ‘Agreed’. The final Statement of Common Ground with the Environment Agency has been submitted at Deadline 8 of the Examination.
<b>Statement of Common Ground with the Environment Agency - Rev 3 [REP6- 028]</b>  We are satisfied that this version of our Statement of Common Ground (SoCG) 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 final Statement of Common Ground with the Environment Agency has been submitted at Deadline 8 of the Examination. All items have now been ‘agreed’.
2. Responses to ExQ3				
ExQ3:	Question to:	Question:	Environment Agency comments:	The Applicant Responses:
Q15.0.1	The EA	<b>Fluvial Flood Risk – Exception Test</b>  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	<p>We are satisfied that the proposed development meets the requirements of the Exception Test (paragraph 178 of the National Planning Policy Framework), insofar as it relates to our remit, regarding fluvial flood risk and part (b) of the Exception Test, i.e. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.</p> <p>For the clarity:</p> <ul style="list-style-type: none"><li>• It is for other consultees (for example, the Lead Local Flood Authority) to advise on flood risks arising from other sources, such as surface water, groundwater and sewers</li><li>• It is for the decision maker to satisfy themselves that the development meets the requirements of part (a) of the Exception Test.</li></ul> <p>Our position on this matter is reflected in our SoCG with the Applicant (Rev 3) [REP6-028] as ‘Agreed’ on 12 February 2025, which remains the case.</p>	No response required

Applicant’s Responses to Comments received at previous deadline

Environment Agency				The Applicant Responses
Q15.0.2	The Applicant, The EA	<p><b>Flood Risk Zone Update March 2025</b></p> <p>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 [REP6-010] and the conclusions for ES Chapter 13 Road Drainage and Water [APP- 057] for this proposal.</p> <p>Given the timescale to the close of the Examination will this matter be resolved within the Examination period.</p> <p>If so, please provide an update to relevant documents.</p>	<p>We have discussed the update to the flood mapping data (which is to be published on 25 March 2025) with the Applicant when we met with them on 11 March 2025.</p> <p>Our position remains that 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>This is also reflected in an update to our SoCG with the Applicant (Rev 4) as 'Agreed' on 11 March 2025 (SoCG issue 2a), which is to be submitted at Deadline 7.</p>	No response required
3. Update on resolution of outstanding issues				
<p><b>Compensatory flood storage (EAFR-004) – SoCG issue 4</b></p> <p><u>Kelham and Averham Floodplain Compensation Area (FCA)</u></p> <p>The Applicant presented to us culvert modelling details relating to access crossings in a virtual meeting on 11 March 2025, and subsequently the associated model files for verification.</p> <p>The proposals now comprise two sets of access crossings from the A617 (previously a single access crossing) which have been modelled as 5no. x 600mm diameter circular pipes, as a worst-case scenario. While our preference is for box culverts, as opposed to multiple pipe culverts, we are satisfied that the modelling demonstrates the two access crossings will have no notable impact on flood flows, and that the FCAs will function to their full capacity as intended. We are satisfied that the crossing design will be finalised as part of discharging DCO Requirement 14 and that this approach will to be confirmed in the forthcoming updated FRA.</p> <p>While we have agreed the above with the Applicant, the issue remains unresolved, pending the submission of an updated FCA Technical Note, as part of an updated FRA. Our understanding is that this information will be submitted at Deadline 7. As such, we expect this issue to be resolved and therefore 'Agreed' in the final SoCG at Deadline 8.</p> <p><u>Pre-commencement Plan (PCP) – SoCG issue 49</u></p> <p>We are awaiting an updated PCP to be submitted into the Examination at Deadline 7, which incorporates wording we have already agreed following a virtual meeting on 11 March 2025 where the information was presented to us. This is in relation to proposed works and mitigation measures for the installation of culverts/pipes for haul road crossings associated with the Kelham and Averham Floodplain Compensation Area (FCA).</p> <p>Our position on this will be reflected in our SoCG with the Applicant (Rev 4), which is to be submitted at Deadline 7. We expect</p>				<p><u>Kelham and Averham Floodplain Compensation Area (FCA)</u></p> <p>The Applicant submitted the updated Flood Risk Assessment [REP7-064]. at Deadline 7 of the Examination. The Applicant can confirm that Issue 4 in the Statement of Common Ground with the Environment Agency, which relates to the Kelham and Averham FCA, has now been 'Agreed'. The final Statement of Common Ground with the Environment Agency has been submitted at Deadline 8 of the Examination.</p> <p><u>Pre-commencement Plan (PCP) – SoCG issue 49</u></p> <p>The Applicant submitted the updated Pre-Commencement Plan [REP7-072] at Deadline 7 of the Examination. The Applicant can confirm that Issue 49 in the Statement of Common Ground with the Environment Agency, which confirms that the Environment Agency are now satisfied with the content of the Pre-Commencement Plan, has now been 'Agreed'. The final Statement of Common Ground with the Environment Agency has been submitted at Deadline 8 of the Examination.</p>

Applicant’s Responses to Comments received at previous deadline

Environment Agency	The Applicant Responses
<p>this to be 'Agreed' in the final version of the SoCG to be submitted at Deadline 8.</p>	
<p><b>Interaction with Environment Agency flood defences (EAFR-008) – SoCG issue 5</b></p> <p><u>Newark Roundabout / Cattle Market Junction flood defence embankment</u></p> <p>The Applicant presented to us, in a virtual meeting on 11 March 2025, details relating to the Scheme’s interaction with the Environment Agency maintained flood defence embankment at Kelham Road. Following this meeting, further detail was provided which we have reviewed.</p> <p>We have confirmed to the Applicant we are satisfied that the detail provided to us demonstrates the new tie-ins to the existing flood defence embankment will not adversely impact the stability and level of protection that the embankment provides. The works will also require a flood risk activity permit (FRAP) therefore the proposals will be finalised as part of the detailed design and permitting process.</p> <p>While we have agreed the above with the Applicant, the issue remains unresolved, pending the submission of the details into the Examination. Our understanding is that this information will be submitted at Deadline 7. As such, we expect this issue to be resolved and therefore ‘Agreed’ in the final SoCG at Deadline 8.</p>	<p>The Applicant submitted an updated version of document 7.67 ‘Cross Sections required by the Environment Agency’ [REP7-098] at Deadline 7 of the Examination. The Applicant can confirm that Issue 5 in the Statement of Common Ground with the Environment Agency, which relates to the interaction with Environment Agency flood defences, has now been ‘Agreed’. The final Statement of Common Ground with the Environment Agency has been submitted at Deadline 8 of the Examination.</p>