

A46 Newark Bypass

Scheme Number: TR010065

7.76 List of matters not agreed where SoCG could not be finalised

APFP Regulations 5(2)(q)

Planning Act 2008

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

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Infrastructure Planning

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

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This list of matters not agreed where a Statement of Common Ground (SoCG) could not be finalised has been prepared for submission at Deadline 8 of the Examination as requested by the Examining Authority (ExA) in the Rule 6 letter [PD-005] dated 09 September 2024.
- 1.1.2 This list only identifies those matters that are still indicated as being 'Under Discussion' in the final SoCG's submitted at Deadline 7 and 8. For each of these matters, the current position of National Highways (the 'Applicant') and the relevant Interested Party. A short summary is provided in the table. The Applicant's final position on each of these matters will be provided in the Applicant's Closing Statement of Final Position on Outstanding Matters not Resolved by the end of Examination at Deadline 9.

2 Statements of Common Ground

- 2.1.1 The SoCG's submitted at Deadline 7 and 8 to which this document relates to are listed in Table 1. Table 1 also shows the number of items agreed, under discussion or not agreed. The final column in Table 1 indicates whether a final signed SoCG has been submitted into the Examination.

Table 1

Stakeholder	Total number of Points	Agreed	Under Discussion	Not Agreed	N/A	SoCG Final
7.20 - Canal and River Trust - 'CRT'	13	13				✓
7.21 - Environment Agency - 'EA'	55	54			1	✓
7.22 - Historic England - 'HE'	15	15				✓
7.23 - Lincolnshire County Council - 'LCC'	5	5				✓
7.24 - Lindum Development Ltd	4	2	2			☐
7.25 - Newark A46 Active Travel Partnership - 'NATP'	2			2		✓
7.26 - Nottinghamshire County Council - 'NCC'	39	36		3		✓
7.27 - Natural England - 'NE'	33	33				✓
7.29 - Network Rail - 'NR'	13	13				✓
7.30 - Newark & Sherwood District Council 'NSDC'	60	52		7	1	✓
7.28 - Newark & Nottinghamshire Agricultural Society 'NNAS'	3	1		2		✓
7.31 - Think Again Winthorpe Action Group - 'TA'	30	24		5	1	✓
7.32 - Trent Valley Internal Drainage Board - 'TVIDB'	7	7				✓

- 2.1.2 A summary of the Under Discussion and Not Agreed items is included in Table 2 – Summary of Matters 'Under Discussion' and 'Not Agreed'.

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Table 2 – Summary of Matters 'Under Discussion' and 'Not Agreed'

Stakeholder	Item in SocG	Summary of Issue
Lindum Developments Ltd (Lindum)	1 and 2	Lindum have objected to the alignment of the combined footway/cycleway (Work No. 102 on sheet 5 of the Works Plan [REP3-002]). The Applicant and Lindum have agreed a suitable alternative alignment which requires land outside of the Order Limits. Heads of Terms have been drafted between both parties and the parties are well progressed in negotiating the detail of the agreement. However, signing of the legal agreement will be achieved after Deadline 9. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
Newark Active Travel Partnership (NATP)	1	NATP are not satisfied with the mitigation for active travel users at the eastern end of the Scheme. NATP do not consider that appropriate mitigation has been applied to active travel users as it has for other impacted items. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	2	NATP's position is that the three priority issues identified in the Statement of Common Ground (SoCG) should be delivered by the Scheme and secured within the draft Development Consent Order [REP7-006]. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
Nottinghamshire County Council (NCC)	15	NCC's position is that the 3m shared footway/cycleway facilities provided for in the design is not in accordance with the guidance provided within Local Transport Note (LTN)/120. The Applicant disagrees with this position. The Applicant has provided their position within the SoCG and in the Applicant's Responses to the Examining Authority's Third Written Questions [REP7-103] and the Comments on submissions received at the previous deadline, which has been submitted at Deadline 8. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	23	<p>NCC raised two issues on cultural heritage and built heritage. The first was that the NCC's building conservation officer was not included in a built heritage impact assessment meeting in May 2023. The Applicant has responded to this matter in the SoCG. The NCC heritage officer was invited but unable to attend, however the meeting minutes and presentation were subsequently provided and a reply was received that no additional input was required.</p> <p>The second issue was noting that there would be impacts from the works on the setting of heritage assets and that any harm to or loss of the significance of a designated heritage asset is covered in the NPPF. The Applicant provided a detailed response to this in the SoCG.</p> <p>The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.</p>

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Stakeholder	Item in SocG	Summary of Issue
	24	NCC note that the proposed flyover at Cattle Market junction will increase visual impact for the residents on the northern edge of Newark. The Applicant provided a detailed response to this in the SoCG. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
Newark and Sherwood District Council (NSDC)	12	NSDC have concerns about the visual impact of the Cattle Market flyover structure. The Applicant provided a detailed response to this in the SoCG and recently agreed with NCC and NSDC that they have an approver role in relation to the aesthetic finish regarding the coloured banding of the split block facing. The Applicant has secured this through the inclusion of requirement 24 in the draft Development Consent Order [REP7-006] submitted at Deadline 8 to the Examination. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	24a	NSDC raised concerns on the landscape and setting impact on the Winthorpe Conservation Area and listed buildings from the new A1 bridge. NSDC are also concerned that the proposed landscaping being proposed would cause harm by changing the setting of the listed building, Lowwood. The Applicant provided a detailed response to this in the SoCG. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	26b	NSDC state that medium and larger trees will need to be considered at Cattle Market Flyover. The Applicant provided a response to this in the SoCG. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	35	NSDC have raised concerns on the visual interruption of the landscape at Cattle Market roundabout and that it will have negative impacts on key views. The Applicant provided a response to this in the SoCG. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	36	NSDC have raised concerns on the Cattle Market junction and the impacts to landscape and heritage assets. The Applicant provided a response to this in the SoCG. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	38	NSDC have concerns regarding the visual impact of the Cattle Market flyover on properties on and around Kelham Road (Sandhills Park and Sandhills Close). The Applicant responded to NSDC's concerns regarding mitigation during the Issue Specific Hearing 4; these discussions are documented under item 4.1.4 of the Applicant's Summary of the Issue Specific Hearing 4 (ISH4) - Rev 1 [REP4-034]. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	39	NSDC have concerns about visual impact and consider that it has not been demonstrated that this will be satisfactorily mitigated. The Applicant provided a detailed response to this in the SoCG. The Applicant will provide a final position in the Closing Statement at Deadline 9.

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Stakeholder	Item in SocG	Summary of Issue
Newark and Nottinghamshire Agricultural Society (NNAS)	1, 2 and 3	The specific items in the SoCG are agreed. However, NNAS' position is that they require a separate legal agreement to secure these matters. The Applicant disagrees as these matters are secured within the Outline Traffic Management Plan [REP7-082] (as further updated at Deadline 8 of the Examination) or other control documents. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
Think Again Winthorpe Action Group (TA)	6	TA consider that the impact on Lowwood is has not been assessed sufficiently. The Applicant has provided a response to this within the SoCG, detailing out how the assessment for Lowwood has been undertaken. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	8	<p>TA have stated in the SoCG that they acknowledge that the Applicant cannot consider the wider flooding consequences of future developments within the Fleet Catchment. However, TA have stated that they wish to keep this issue open during the DCO examination process to influence Nottinghamshire County Council, as the Lead Local Flood Authority, to examine the consequences of commercial and highway developments within the catchment on the Fleet.</p> <p>The Applicant is satisfied that the issues raised by TA in their SoCG with respect to flooding have been addressed. This item has been designated not agreed as the Applicant is unable to influence a position that would allow it to be agreed and that this is a matter for NCC and NSDC regarding future planning applications. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.</p>
	18	TA raised concerns that Lowwood did not appear in Appendix A of the Preliminary Environmental Information (PEI) and that the grade II listed building needed to be acknowledged and mitigation proposed. The Applicant has responded in the SoCG advising TA that the impacts to Lowwood have been assessed, and mitigation measures proposed, within Chapter 6 of the Environmental Statement [REP7-022]. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	24	TA raised concern about the impact of the Scheme on Air Quality. The Applicant has presented the air quality assessment to members of TA and provided a response in the SoCG. The Applicant will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.
	25	TA has raised reservations on the design and management of the flow and pollution control infrastructure for the Scheme, particularly relating to the road surface runoff to the Fleet. TA also raise a broader concern over the impact of future developments on flooding and surface water drainage on the River Fleet. The Applicant has provided a detailed response to these concerns in the SoCG and will provide its final position to the Examining Authority in its Closing Statement at Deadline 9.