

A46 Newark Bypass

Scheme Number: TR010065

7.81 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]**

Comments on submissions received at previous deadline

Regulation Number:	APFP Regulations 5(2)(q)
Planning Inspectorate Scheme Reference	TR010065
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Author:	A46 Newark Bypass Project Team, National Highways

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Contents

1	Introduction	Page 4
2	Comments on submissions at previous Deadline	Page 4

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 26th April 2024 and accepted for Examination on 23rd 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 25th March 2025. This document is submitted at Deadline 8 of the Examination.

2 Comments on submissions at previous Deadline

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|---------------------------------------|--------|
| 1. Newark & Sherwood District Council | Page 5 |
| 2. Environment Agency | Page 5 |
| 3. Network Rail | Page 6 |

Applicant's Responses to Comments received at previous deadline

Comments	The Applicant Responses
Newark & Sherwood District Council	
2.1. The Council has reviewed the information submitted at Deadline 7 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 are set out below.	No response required
2.2. Q14.0.1 of the Examining Authority's questions responded to by the Applicant (REP7- 103), the Applicant has stated that the Council has not provided any further comments on the Outline Construction (Communications) Management Plan since it was updated at Deadline 6 (REP6-012). The Council has reviewed this and as we were satisfied with the changes made as we had shared them with the applicant when we saw their copy prior to submission, we had no further need to comment on it.	This is noted by the Applicant
<p>2.3. The finishing materials of the Cattle Market Grade Separated Junction (Q10.0.1 REP7-103).</p> <p>This was raised by NSDC in REP5-067 (para 2.11) in response to the applicant's submission of REP4-040, where we raised a concern of the use of a single band at very low level on the structure. It was acknowledged by the applicant in later submissions that the use of the pale blockwork was as discussed prior to the submission, however this was when NSDC and other parties did not know the full extent of the flyover so was not in a position to understand its harm and the impact the colour of the finish would have. NSDC and NCC have had a meeting with the Applicant to discuss this (01.04.2025) and a solution to amend the wording in the Design Report was discussed in order to capture a change to the colour of the external materials. NSDC and NCC are both seeking a design which incorporates more red banding as opposed to the grey. Newark and the Nottinghamshire area is notorious for red brick, and this would be more akin to its character. The matter of creating a clash or competing with Smeaton's Arches is not considered to be an issue given the extent of the Arches which are visible above the highway level. The flyover would, if consented, still be the most dominant infrastructure in the landscape regardless of the colour of the material proposed.</p>	The Applicant has reached agreement with Newark and Sherwood District Council and Nottinghamshire County Council to include Requirement 24 in the draft Development Consent Order [REP8-004]. This Requirement provides that Newark and Sherwood District Council and Nottinghamshire County Council are to be consulted and have approval of the red banding detail for the split block facing to the retaining walls at Cattle Market junction.
Environment Agency	
<p>3.1 Draft Development Consent Order (dDCO) - Rev 8 [REP7-006 / REP7-007]</p> <p>We note the updates to the dDCO (Rev 8) and we wish to confirm that we are satisfied with the document, as submitted.</p>	No response required
<p>6.3 Environmental Statement Appendix 13.2 Flood Risk Assessment - Rev 3 [REP7-064 / REP7-065]</p> <p>The updated Flood Risk Assessment (FRA), which includes the updated Floodplain Compensation Areas Technical Note (Appendix I), satisfactorily addresses our outstanding concerns regarding the Kelham and Averham Flood Compensation Area (FCA).</p> <p>In particular, the access crossing culverts have been included within the hydraulic model, which we have verified, and confirm the culverts have been correctly represented. The updated FCA Technical Note confirms there is no notable impact on flood levels due to the addition of two access crossings (each comprising 5no. x 600mm diameter culvert pipes).</p> <p>We understand why the Applicant has opted for this form of culvert crossing. However, we voiced the preference for a single span structure, given there would be less impact on flows, but the modelling confirms the current configuration is not impactful and the Applicant has chosen a precautionary representation. If the Applicant decides to go down the route of a single span representation at the detailed design stage modelling will not be required.</p> <p>All the necessary information has been included in the FRA pertaining to the above, and the Applicant has clarified (in 3.3.17 of the FRA) that detailed design for the access crossings over the Kelham and Averham FCA will be provided for our approval under DCO Requirement 14.</p> <p>We are therefore satisfied, insofar as it relates to our remit, that the FRA demonstrates the development will be safe without exacerbating flood risk elsewhere.</p>	No response required
<p>6.9 Pre-commencement Plan - Rev 5 [REP7-072 / REP7-073]</p> <p>The updated Pre-commencement Plan (PCP) satisfactorily addresses our outstanding concerns regarding the pre-commencement works associated with the Kelham and Averham FCA.</p> <p>In particular, the updated PCP includes details of works required to prepare for the implementation of the Kelham and Averham FCA, which includes activity specific mitigation measures.</p> <p>We therefore have no outstanding concerns regarding this document.</p>	No response required

Applicant's Responses to Comments received at previous deadline

Comments	The Applicant Responses
7.21 Statement of Common Ground with the Environment Agency - Rev 4 [REP7-094] We are satisfied that this version of our Statement of Common Ground (SoCG) with the Applicant reflected our position at the time of submission. However, since then we have agreed the Final SoCG (Rev 5) with the Applicant for submission at Deadline 8, which reflects that all our issues have been satisfactorily resolved and are 'Agreed'.	No response required
7.67 Cross sections requested by the Environment Agency - Rev 2 [REP7-098 / REP7-099] The updated cross sections document satisfactorily addresses our outstanding concerns regarding the Scheme's tie-in with Kelham Road flood defence embankment at the Newark Roundabout / Cattle Market Junction. In particular, the Applicant has now submitted detailed drawings, cross-sections and additional details of the mitigation measures they will be putting in place to protect the stability and level of protection the flood defence embankment provides. As such, we have no outstanding concerns regarding the Scheme's interaction with Environment Agency maintained flood defences.	No response required
Other documents submitted at Deadline 7 We wish to confirm that we have reviewed the other documents not listed above, as submitted at Deadline 7, insofar as it relates to our remit, and we have no comments to make. We are therefore satisfied with the DCO application as submitted.	No response required
2. Update on resolution of outstanding issues We can confirm that the following outstanding issues, which were unresolved as of Deadline 7, have now satisfactorily been resolved: <ul style="list-style-type: none"> • Compensatory flood storage (EA Relevant Representation issue EAFR- 004; SoCG issue 4) – in relation to Kelham and Averham FCA access crossings and pre-commencement activities, following the submission of the updated FRA [REP7-064 / REP7-065] and updated PCP [REP7-072 / REP7- 073]. • Interaction with Environment Agency flood defences (EA Relevant Representation issue EAFR-008; SoCG issue 5) – in relation to the Newark Roundabout / Cattle Market Junction flood defence embankment tie-in, following the submission of the updated cross section document [REP7-098 / REP7-099] We therefore have no remaining issues with the DCO application as submitted. Please refer to Appendix 1 for an overview of the issues we raised and resolution status.	No response required
Network Rail	
This Firm is instructed by Network Rail Infrastructure Limited (NR) in relation to the DCO Scheme and we write in further response to our response dated 21 March 2025. Further to discussions with the Applicant with regard to the inclusion of NR's standard protective provisions in the draft Order, we confirm that (subject to completion of the side agreement): <ul style="list-style-type: none"> • NR and the Applicant have agreed the form of Protective Provisions; and • It has been confirmed that NR's preferred form of Protective Provisions have been submitted to the Examining Authority for inclusion in the Order (if granted). Accordingly, we hope to be able to write to the Examining Authority soon to confirm that the side agreement has been entered into and, following this, we will be in a position to write to the Examining Authority to confirm that NR's objection can be withdrawn.	The Applicant notes the response from Network Rail and agrees with this summary.