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Friday, 4 October 2024

**Chair: Councillor A Freeman
Vice-Chair: Councillor D Moore**

Members of the Committee:

**Councillor A Amer
Councillor C Brooks
Councillor L Dales
Councillor P Harris
Councillor K Melton
Councillor E Oldham
Councillor P Rainbow**

**Councillor S Saddington
Councillor M Shakeshaft
Councillor T Smith
Councillor M Spoor
Councillor L Tift
Councillor T Wildgust**

MEETING:	Planning Committee
DATE:	Monday, 14 October 2024 at 6.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.

AGENDA

Page Nos.

1. Notification to those present that the meeting will be recorded and streamed online
2. Apologies for Absence
3. Declarations of Interest by Members and Officers

Part 1 - Items for Decision

4. Local Impact Report A46 Newark Bypass 3 - 106

Part 2 - Items for Information

There are none.

Part 3 - Statistical and Performance Review Items

There are none.

Part 4 - Exempt and Confidential Items

5. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

There are none.



Report to Planning Committee 14 October 2024

Acting Business Manager Lead: Oliver Scott - Planning Development

Lead Officer: Lynsey Preston, Senior Planner (Development Management), ext 5329

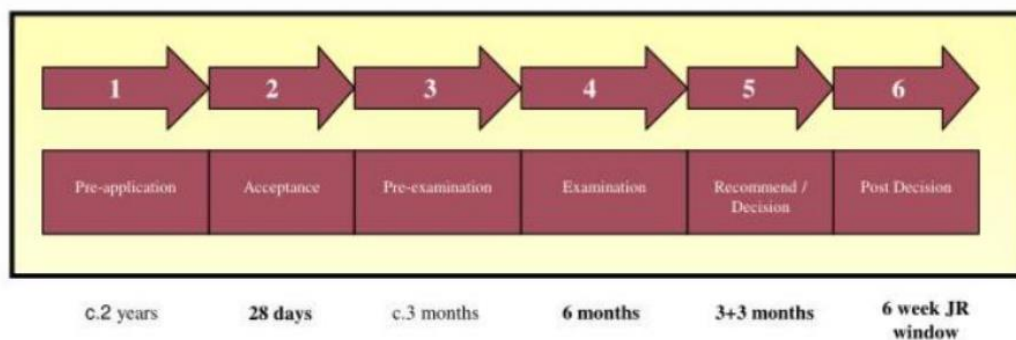
Report Summary			
Report title	Local Impact Report A46 Newark Bypass		
Location	Newark and the surrounding area		
Applicant	National Highways	Agent	N/A
Web Link	A46 Newark Examination Library (planninginspectorate.gov.uk)		
Registered	-----	Target Date	To be submitted to the ExA by 22 October 2024
Recommendation	That Members of the Planning Committee Approve the submission of the report to the Examining Authority.		

1.0 Background

- 1.1 In accordance with the agreed protocol which was presented to Members of the Planning Committee on 6th June 2024 this item is for agreement of the submission of the Local Impact Report for the A46 Newark Bypass to be submitted on behalf of Newark and Sherwood District Council as or assessment of the Scheme.
- 1.2 Members will recall that the A46 Newark Bypass has been long-lobbied for by several tiers of government and industry locally, regionally and nationally. The then-titled A46 Newark Northern Bypass was accepted as nationally significant as part of the National Road Investment Strategy 2 (2020-2025).
- 1.3 Given the scale and complexity of this project, much like any other major highway scheme, there is a lengthy process involved. To date, there has been non-statutory public consultation (December 2020), statutory consultation (October 2022), and various technical consultations and negotiations with this Council and other Councils, alongside affected landowners and communities along the route of the proposed Bypass. National Highways submitted a Development Consent Order (DCO) earlier this year with the formal acceptance having been made by the Planning Inspectorate on the 23 May 2024.

What is a Nationally Significant Infrastructure Project (NSIP), Development Consent Order, and the process.

- 1.4 Nationally Significant Infrastructure Projects (NSIP) are large scale projects falling into five general categories (Energy; Transport; Water; Waste Water and Waste), which are considered by the Government to be so large and nationally important that permission to build them need to be given at a national level, by the responsible Government minister (the 'Secretary of State'). Thresholds for infrastructure developments considered to be nationally significant are set out in the Planning Act 2008, with amendments under the Localism Act 2011.
- 1.5 Instead of applying to the local authority for Planning Permission in the normal way, the developer/applicant must apply to the Planning Inspectorate for a different permission called a Development Consent Order (DCO).
- 1.6 A DCO follows a strict timetable and procedure as set out by the Planning Inspectorate and removes the need to obtain several separate consents and is intended to be a quicker process. The final decision is taken by the Secretary of State, the elected minister with responsibility for the area of policy.
- 1.7 The Planning Act 2008 introduced the NSIP process to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicant alike. There are six stages in the process which are outlined below and the bold text refers to the statutory timescales which have to be adhered to. If the Application is successful, the Secretary of State will grant the DCO in respect of the Application. The relevant Local Authority then becomes responsible for discharging and monitoring any requirements (similar to planning conditions) of the DCO and associated legal agreements.



- 1.8 Newark & Sherwood District Council is a statutory consultee for these projects which means we can make comments **but do not make the final decision** on whether the schemes are approved or not.
- 1.9 Members will note that given the change in Government some Infrastructure schemes have been put at risk or are now not progressing. Given that the A46 Newark Bypass scheme is now in its Statutory period it now has to run that 6month timeframe until the Inspector makes their recommendation to the Secretary of State. It is at that point the Scheme could then be reviewed again. However at this point we must engage in the process as is our Statutory function to do so.

2.0 Next Steps

- 2.1. Following the acceptance of the DCO, the Examining Authority (ExA) has set the timetable for the rest of the process and how it will be examined. This is set out in the Rule 6 letter published by the ExA¹. This is mainly a paper based exchange with questions being asked by the ExA to all parties and variations submitted, but there are three scheduled hearing periods within the 6month timeframe commencing on the 8th October, again in December and the final one in February 2025. A recommendation from the ExA is expected to the Secretary of State in April 2025.
- 2.2. The Local Impact Report is the Council's only chance to explain the impacts of the Scheme to the ExA in its fullest form, which is why it was considered necessary to gain Members approval for its submission. It sets out the extent of the impact and the positives and negatives the Scheme will bring, along with any mitigation and amendments that will be needed. This is not a balancing exercise as with a regular planning application and Members should be mindful of that fact.
- 2.3. The report is long and has been produced in conjunction (in part) with Nottinghamshire County Council, who in turn will be producing their own Local Impact Report for submission to the ExA too.
- 2.4. The Local Impact Report has to be submitted to the ExA by Deadline 1 as outlined in the Rule 6 letter which is 22 October 2024.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

The Planning Inspectorate webpages for the A46 Newark Bypass can be found here:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010065/TR010065-000343-5b.%20Examination.Library.pdf>

¹ [TR010065-000506-Rule 6 letter V4 FINAL.pdf \(planninginspectorate.gov.uk\)](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010065-000506-Rule%206%20letter%20V4%20FINAL.pdf)



LOCAL IMPACT REPORT

A46 NEWARK BYPASS

OCTOBER 2024



Introduction

Newark and Sherwood District Council has worked with Nottinghamshire County Council on the production of the following sections with the County Council producing the advice in conjunction with District Council evidence (where applicable). Sections have been amended and more local emphasis has been added by the District Council and conclusions have been derived from the evidence and analysis.

- Landscape and Visual Impact;
- Biodiversity (including Net Gain) not including Arboriculture;
- Water (however this has been significantly changed by the District Council as stated within this section;
- Archaeology;
- Noise and Vibration;
- Air Quality and Land Contamination;
- Land Use and Agriculture;

The Transport, Access and Public Right of Way section, the District Council is not a Highway Authority and so this section is reliant on Nottinghamshire County Council's Local Impact Report, however it is explained within the section the District Council's main concerns relating to this matter.

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1. Terms of Reference and Introduction

- 1.1. This report comprises the Local Impact Report (LIR) of Newark and Sherwood District Council (NSDC) and has had regard to the LIR of Nottinghamshire County Council (NCC) whom NSDC as the Local Planning Authority have worked in conjunction with in producing the report. The Council has also had regard to the purpose of LIRs as set out in s60(3) of the Planning Act 2008 (as amended), DCLG's (now DLUHC) Guidance for the examination of applications for development consent and the Planning Inspectorate's Advice Note One, Local Impact Report, Republished April 2012 (version 2).

2. Scope, Purpose and Structure of the Local Impact Report

- 2.1. Unless otherwise specified, the LIR only relates to the proposed development insofar as it affects the administrative area of NSDC. Specifically, it describes the impact of 'Works' (as described in the Development Consent Order (DCO)) as described in section 3 below. It should be noted that the development is solely within the administrative boundary of NSDC and does not cross into any other District Authority. As the proposal affects the adopted highway NCC will prepare and submit a separate LIR.
- 2.2. This LIR has been prepared to highlight the ways in which the proposed development will affect the locality and local communities and the associated impacts. It is not intended as a precise technical document – the application is accompanied by a great deal of technical information from the applicant – but as a broad overview of the likely issues (positive, negative and neutral) that might arise from the proposed development.
- 2.3. The LIR is intended as a factual document and does not attempt to come to a conclusion on the acceptability of the proposals. It does, however, seek to identify where there is compliance (or conversely where there is a tension or conflict) with national but, in particular, local plan policy, and to distinguish between matters that are of most potential impact and those that are either temporary or less significant in the longer term.

3. The Scheme

- 3.1. The LIR does not describe the proposed development any further, relying on the applicant's description as set out in paragraph 2.5 (Scheme Description) of document 6.1 Environmental Statement Chapter 2 The Scheme, namely;

The section of the A46 that would be upgraded is approximately 6.5 kilometres (approximately 4 miles) in length. The Scheme comprises on-line widening for the majority of its length between Farndon Roundabout and the A1. A new section of off-line dual carriageway would be provided between the western and eastern sides of the A1 before the new dual carriageway ties into the existing A46 to the west of Winthorpe Roundabout. The widening works include earthwork widening

along the existing embankments, and new structures where the route crosses the Nottingham to Lincoln and ECML railway lines, River Trent, Brownhills link and the A1.

- 3.2. The key components of the proposed development, as set out in paragraph 2.5.3 of document 6.1 Environmental Statement Chapter 2 The Scheme. This list determines the permanent elements, temporary elements are detailed within Section 2.6 of this chapter.

The provision of a dual carriageway for a distance of 6.5 kilometres (approximately 4 miles) to provide two traffic lanes in both directions.

- 3.3. This consists of the following key highways elements:

- Partial signalisation of Farndon Roundabout at the southern extents of the Scheme
- Widening of the existing A46 for a length of 4.5 kilometres
- A new grade separated junction at Cattle Market Roundabout
- A new off-line section to bypass the existing Brownhills and Friendly Farmer roundabouts for a length of 1.3 kilometres
- A new grade separated link between Brownhills Roundabout and a new roundabout that is situated to the north of the new dual carriageway. These are linked to the new dual carriageway via a new northbound off-slip and southbound on-slip.
- Retention of the existing dual carriageway between Winthorpe Roundabout and the A1 for a length of 0.8 kilometres
- An upgraded roundabout with partial signal controls at Winthorpe Roundabout
- A two-way parallel link road from Friendly Farmer to Winthorpe Roundabout situated to the south of the existing dual carriageway
- Tie in with local roads at Farndon, Cattle Market and Winthorpe Junctions
- New bridge structures over the Nottingham to Lincoln and ECML railway lines, River Trent and the A1.
- New culverts and extensions of existing culverts.
- A parking lay-by near Brownhills Junction.
- Improvements/amendments to walking and cycling routes.
- Floodplain compensation at the following three floodplain compensation areas (FCAs):
 - Kelham and Averham FCA
 - Farndon West FCA
 - Farndon East FCA
- Three potential borrow pit areas to support the creation of embankments required for the Scheme:
 - Farndon West
 - Farndon East
 - Brownhills Junction

- The provision of drainage systems including attenuation ponds to drain carriageways and adjacent land.
- The provision of road lighting.
- The provision of road markings and new traffic signs.
- The provision of new road restraint systems.
- Earthworks in order to establish the road foundation (including cuttings and embankments) and also to provide visual screening and noise attenuation.
- Environmental mitigation including landscape planting, noise attenuation and areas identified for ecological mitigation.
- Boundary treatments such as boundary fencing, hedgerow planting and trees.
- Perimeter drainage ditches.
- Technology installations.
- Diversionary and protection works to public utilities including telephone, fibre-optics, electricity, gas, water supply and sewers.
- Associated accommodation works and maintenance access tracks.

4. Site description

- 4.1. The A46(T) is the 6.5km (4 mile) single carriageway section of carriageway between Farndon to the south and Winthorpe to the north. The carriageway to the south between Widmerpool and Newark (Farndon) was dualled and opened in April 2012 and the connection to Lincoln from Winthorpe much earlier. This 6.5km stretch is seen as the missing link to this connection.
- 4.2. Farndon roundabout is located at the western extent of the Scheme where the B6166 Farndon Road joins the A46(T). Along its route it crosses the River Trent twice, the Nottingham to Lincoln railway line twice and the East Coast Main Line once, As well as crossing the A617 and B6326 at the Cattle Market Roundabout and the A1 between the Friendly Farmer and Brownhills Roundabouts.
- 4.3. The existing A46 is elevated as it crossed the above restrictions of the rail lines and rivers and due to the low-lying floodplain of the River Trent below. The floodplain is located to the west of the route with the exception of land to the southern side which is to the east of the carriageway.
- 4.4. The route is currently lined with well established vegetation, softening its appearance in the locale. However, there are areas of industry along the route due to the Sugar Factory and Severn Trent Water works, disrupting wider views. Many built features can be experienced from the route including designated heritage assets of church spires and bridges.

5. Information on Newark and Sherwood and the surrounding area

- 5.1. The settlement of Newark on Trent is the main settlement within the District of Newark and Sherwood and is located along the navigable River Trent. The District of Newark and Sherwood, at over 65,000 ha, is the largest in Nottinghamshire and is situated in the northern part of the East Midlands Region.
- 5.2. Adjoining the District to the west are the Nottingham and Mansfield conurbations; whilst Lincoln lies to the north-east and Grantham to the south-east.
- 5.3. In Newark and Sherwood, the population size has increased by 7.0%, from around 114,800 in 2011 to 122,900 in 2021¹ (Office for National Statistics, 2024) This is higher than the overall increase for England (6.6%), where the population grew by nearly 3.5 million to 56,489,800. Nearby Districts of Rushcliffe, North Kesteven and South Kesteven have seen population increases by around 7.1%, 9.5% and 7.2% respectively, while others such as Gedling saw an increase of 3.3% and Melton 2.8%. In Newark and Sherwood between 2011 to 2021 there has been an increase of 26.7% in people aged 65 years and over living in the District, an increase of 2.9% in people aged 15 to 64 years and an increase of 1.3% on children aged under 15 years. The largest increase is people between 70 to 74 years at 47%.
- 5.4. The settlement pattern of the District is dispersed, given its large rural nature, and ranges from market towns and large villages to smaller villages and hamlets. Newark, Southwell, Ollerton and Boughton act as a focus for their own communities and those in the wider area, whilst the larger villages function in a similar role for their immediate rural areas. Outside of this however, services are limited and some higher level and specialist facilities are only found in larger urban areas adjoining the District. Public transport services are limited outside of the main centres and routes, and as a result accessibility to employment and services is more difficult in rural areas, making the use of a private car more preferable.
- 5.5. The District's economy supported 65,400 people aged 16 and over in employment in the year ending December 2023. This is up from the previous year when there were 60,600 people who were employed. However of people living in the District aged between 16 to 64 years, 77.5% were employed in the year ending December 2023. This is a decrease of the previous year when I was 79.0%. Unemployment has however risen to 3.7% which is comparable to the East Midlands as a whole (Office for National Statistics, 2024)².

¹ <https://www.ons.gov.uk/visualisations/censuspopulationchange/E07000175/> Last accessed 26/09/2024

² <https://www.ons.gov.uk/visualisations/labourmarketlocal/E07000175/> Last accessed 26/09/2024

- 5.6. Key to the District's distinctiveness is its rich and diverse natural and built heritage, reflected in the unspoilt and open countryside and many traditional settlements. The District has an outstanding built heritage with over 1,300 listed buildings and structures and 47 Conservation Areas. Complementing the built environment are a number of sites important in nature conservation and biodiversity terms. The River Trent, and its associated floodplain, along with the remnants of the historic Sherwood Forest are the two most dominant landscape features within the District.
- 5.7. The distinctive character is integral to the District's significant tourism appeal, with on average 466,250³ visitors were recorded as having visited Newark in 2023. The District's historical heritage and especially the attractive Market Town or Newark, is an attractive destination with the Castle (partially destroyed in the English Civil War), National Civil War Centre, traditional Market Place, buildings of special architectural or historical interest and an extensive Conservation Area.
- 5.8. In terms of connectivity, Newark is well placed to provide quick rail links to wider settlements such as London, Leeds, Edinburgh and Nottingham due to its two stations providing both north to south (East Coast Main Line) and east to west connections. A central bus station located within the town is a hub for the connections on the extensive bus network. To the east of the Newark settlement is the A1(T) which provides the main road connection north and south with links east provided via the A17 connection and the A46(T) also joining this connection. The A46(T) is a key link from the Humber ports to Tewkesbury.

6. Planning History

- 6.1. National Highways have been in contact with the Council gathering information consented developments in the area of the Scheme and those allocated as part of the Development Plan. The result of those discussions is displayed within the Table 15-5 (existing developments) within document titled ES Volume 6.1 Chapter 15 (Combined Cumulative Effects) (DCO APP-059). It is not sought to reiterate this information as the applicant has already provided it. However, it is worth noting that ID13 (A46T Roundabout) states that they anticipated that the final phase will be completed by Spring 2024. Due to delays, this scheme is now not likely to be completed until Summer/Autumn 2026 which may cause a conflict with the A46 Scheme.

³ <https://www.newark-sherwooddc.gov.uk/media/newark-and-sherwood/images-and-files/strategies-and-policies/pdfs/Visitor-Economy--Strategy-2020-23---FINAL.pdf> Last accessed 26/09/2024

7. Legislative and Policy Context

National Policy Statements

- 7.1. In accordance with Part 3, section 14(1)(h) of the 2008 Planning Act, the A46 Newark Bypass scheme is classed as ‘nationally significant infrastructure project’ (NSIPs). In accordance with the 2008 Planning Act, Newark and Sherwood District Council has been invited to submit a local impact report (LIR) giving details of the likely impact of the proposed development on the authority’s area. The definition of an LIR is given in s60(3) of the Act as ‘a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)’.
- 7.2. Local authorities are identified as consultation bodies under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, in accordance with s43 of the PA 2008 (Planning Act 2008 Section 43 (3)). NB. It is acknowledged that The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 came into force on 30 April 2024 and amend the Infrastructure Planning (Applications: Prescribed Forms and Procedure (APFP)) Regulations 2009. However, it is understood that, as the DCO application was submitted prior to this date, these amendments are not applicable to this application.
- 7.3. The A46 Newark Bypass DCO application was accepted for examination by the Examining Authority on 23rd May 2024. As such, the 2015 National Policy Statement for National Networks⁴ has effect for any application for development consent accepted for examination prior to 24th May 2024 and will inform decisions made by the Secretary of State in relation to the A46 Newark Bypass scheme.

National Planning Policy Framework (NPPF), NPPG and Written Ministerial Statements

- 7.4. The National Planning Policy Framework⁵ (NPPF) was first published in 2012 and updated in 2018, 2019, 2021, and 2023. Paragraph 5 of the NPPF states that the document does not contain specific policies for NSIPs. These are to be determined in accordance with the decision-making framework set out in the Planning Act and relevant National Policy Statements (NPS) for nationally significant infrastructure, as well as any other matters that are considered both important and relevant (which may include the NPPF).
- 7.5. Other statements of government policy may also be material when deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.

⁴ <https://assets.publishing.service.gov.uk/media/6650b0c5d470e3279dd3325e/npsnn-print.pdf>

⁵ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 7.6. Whilst the NPPF isn't used to determine DCO applications, there are elements which relate to various aspects of the A46 scheme, such as Transport, Natural Environment, Historic Environment, and Climate Change. The NPPF advocates partnership working between local authorities and highway authorities so that strategies and investments for supporting sustainable transport and development patterns are aligned and NSDC has worked in close partnership with Nottinghamshire County Council (Highway Authority) on the production of this LIR.
- 7.7. In terms of the economy, the NPPF indicates that planning policies should seek to address potential barriers to investment, such as inadequate infrastructure or a poor environment.
- 7.8. National Planning Policy Guidance (NPPG) provides more detailed guidance to support policies in the NPPF. The following matters are covered by NPPG and are considered relevant to the A46:
- Air quality
 - Noise
 - Biodiversity Net Gain
 - Climate Change
 - Design
 - EIA
 - Flood risk
 - Healthy and Safe Communities
 - Historic Environment
 - Land affected by Contamination.
 - Minerals
 - Natural Environment
 - Open Space and public rights of way
 - Transport evidence bases in plan making and decision taking.
 - Tree preservation areas and trees in conservation areas
 - Use of planning conditions
 - Water supply, wastewater and water quality

To summarise, NPSs provide the predominant policy context; and whilst the applicant's DCO application has cross referred to the NPPF and NPPG where applicable, where there are any inconsistencies between the NPPF and the relevant NPSs, it is policies within the latter that prevails. This report is not sought to come to a balanced judgement on the policy context but will provide a local policy perspective for the Examining Authority to consider.

Newark and Sherwood Local Development Framework

Newark and Sherwood Amended Core Strategy (2019)

7.9. Newark Local Development Framework (LDF) is made up of two development plan documents, the Amended Core Strategy (2019) and the Allocations and development management development plan document (2013). Newark and Sherwood Amended Core Strategy (ACS), adopted in March 2019, provides the Strategic planning policies which provide the framework for the delivery of sustainable development in the district. Appendix D of the Amended Core Strategy identifies A46 Newark Bypass upgrades as a project required to support the delivery of the Newark and Sherwood Amended Core Strategy. The following ACS policies are relevant to the A46 Newark Bypass scheme.

Relevant Policies:

Amended Core Strategy Policy	Summary of relevant aspects of the policies
Spatial Policy 1: Settlement Hierarchy	<p>This policy defines Newark as a Sub Regional Centre.</p> <p>Features - Major centre in the Sub-Region, containing services and facilities for the District.</p> <p>Function - To be the focus for housing and employment growth in Newark & Sherwood and the main location for investment for new services and facilities within the District. The Sub-Regional Centre is defined as Newark Urban Area which is made up of Newark, Balderton and Fernwood.</p>
Spatial Policy 2: Spatial Distribution of Growth	<p>Newark Urban Area will be the main location for new housing and employment growth in the District. Newark Town Centre will act as a focus for new retail, cultural and leisure development. To support such growth the District Council and its partners will work together to secure and provide new infrastructure, facilities and services.</p>
Spatial Policy 5: Delivering the Strategy	<p>To ensure that the housing and employment needs of the District are delivered over the plan period, sufficient sites have been allocated to more than meet the requirements. There are three large urban extensions in Newark which, combined, will deliver approximately 7500 new homes and associated infrastructure (Middlebeck to the south, Fernwood to the south east, and Land east of Newark.</p>
Spatial Policy 6: Infrastructure for Growth	<p>To ensure the delivery of infrastructure to support growth in the District, the District Council will secure Strategic Infrastructure via its Community Infrastructure Levy. Strategic Infrastructure is defined as improvements to the strategic highway network and other highway infrastructure as identified within the IDP and secondary education provision across the District;</p>

	Local Infrastructure, including facilities and services that are essential for development to take place on individual sites, will be secured through Planning Obligations.
Spatial Policy 7: Sustainable Transport	<p>Sets out the Council’s commitment to work with Nottinghamshire County Council and National Highways to reduce the impact of roads and traffic movement and support alternative transport methods.</p> <p>Safeguarded locations of highway or public transport schemes identified within the Nottinghamshire Local Transport Plan and its implementation plan. The locations of these schemes are identified on the Policies Map.</p> <p>High quality, safe, cycle, footpath and bridleway networks will be safeguarded and extended to provide opportunities to reduce the number of short car journeys and for cycling, walking and horse riding for recreation in the countryside.</p>
Core Policy 5 Criteria for considering sites for Gypsies and Travellers and Travelling Showpeople	<p>In terms of criteria used to guide site allocations, Point 4 indicates that:</p> <p><i>“The site would offer a suitable level of residential amenity to any proposed occupiers, including consideration of public health”⁶</i></p>
Core Policy 9: Sustainable Development	The District Council will expect new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.
Core Policy 10: Climate Change	<p>This policy seeks to mitigate the impacts of climate change by ensuring that new development proposals minimise their potential adverse environmental impacts during their construction and eventual operation. New proposals for development should therefore:</p> <p>Ensure that the impacts on natural resources are minimised and the use of renewable resources encouraged; and</p> <p>Be efficient in the consumption of energy, water and other resources.</p> <p>positively manage its surface water run-off through the design and layout of development to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime.</p>

⁶ This policy is included in relation to the Tolney Lane GT site which adjoins the A46.

	Proposals for new development in flood risk areas will need to demonstrate that the safety of the development and future occupants from flood risk can be provided for, over the lifetime of the development.
Core Policy 12: Biodiversity and Green Infrastructure	The Policy sets out how the District Council will seek to conserve and enhance the biodiversity and geological diversity of the District by working with partners to implement the aims and proposals of the Nottinghamshire Local Biodiversity Action Plan, the Green Infrastructure Strategy and the Nature Conservation Strategy.
Core Policy 13: Landscape Character	This policy sets out, based on the comprehensive assessment of the District's landscape character, provided by the Landscape Character Assessment Supplementary Planning Document, the District Council will work with partners and developers to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
Core Policy 14: Historic Environment	Newark & Sherwood has a rich and distinctive historic environment and the District Council will work with partners and developers in order to secure the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy. There are several heritage assets, including two Conservation Areas, within close proximity to the A46 (Winthorpe Conservation Area and Newark Conservation Area).
Area Policy NAP1 Newark Urban Area	The policy supports growth (including the three strategic sites) and associated infrastructure in and around Newark, including the implementation of strategic highway schemes at the following locations as identified within Appendix D: Southern Link Road from Farndon to Balderton; A46 Link Capacity, Newark-on-Trent Bypass; A46/A617 Cattle Market Roundabout; A46 Roundabout at Farndon; A1/A17/A46 Roundabout; A1/A46 Brownhills Roundabout; A1 Overbridge, Fernwood; and A617 Kelham Bypass. <u>Historic Environment</u> Protect and enhance the architectural, historic and archaeological character of Newark and its riverside.

Area Policy NAP 2A Land South of Newark	This area, as shown on the Proposals Map, is identified as a strategic site for housing (in the region of 3,150 dwellings); employment land uses (B2 and B8 uses: 50 hectares); two local centres, comprising retail (including provision of an expanded foodstore or superstore in line with the approach set out in Core Policy 8), service, employment and community uses; and associated green, transport and other infrastructure. The distribution of proposed uses is indicatively illustrated on Figure 5 - Land South of Newark.
Area Policy NAP 2B Land East of Newark	This area, as shown on the Proposals Map, is identified as a strategic site for housing (in the region of 1000 dwellings) and a local centre, comprising retail, service, employment and community uses; and associated green, transport and other infrastructure. The distribution of proposed uses is indicatively illustrated on Figure 6 - Land East of Newark.
Area Policy NAP 2C Land around Fernwood	This area, as shown on the Proposals Map, is identified as a strategic site for housing (in the region of 3,200 dwellings); employment development (15 hectares) including provision of a high quality, landscaped B1 Business Park for individual regional and national HQ and high-tech businesses; a local centre, comprising retail, service, employment and community uses; and associated green, transport and other infrastructure. The distribution of proposed uses is indicatively illustrated on Figure 7 - Land around Fernwood.
Area Policy NAP 4: Newark Southern Link Road	The District Council will require the provision of the Newark Southern Link Road linking the A46 at Farndon to the A1 at Balderton as identified indicatively on the Policies Map and on Figure 5. Planning permission will not be granted for any development which would inhibit the implementation of this scheme.
Appendix D	Includes a list of strategic highways projects (including the A46) required to support the delivery of the Amended Core Strategy.
Policies Map	https://www.cartogold.co.uk/newark_sherwood/map.htm

Newark and Sherwood Allocations and Development Management DPD (2013)

7.10. Adopted in July 2013, the Allocations & Development Management DPD (ADMPDP⁷) forms part of the Local Development Framework and accords with the 2011 Newark and

⁷ <https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/supplementary-planning-information/allocations-and-development-management-dpd/Allocations-and-Development-Management-Development-Plan-Document.pdf>

Sherwood Core Strategy and its approach to settlement growth in identifying specific sites where new homes and employment sites should be built. The DPD illustrates the location and extent of the allocated land on the Policies Map and provides guidance on how and when the sites should be developed. This DPD has been subject to review in recent months to ensure its policies accord with the Amended Core Strategy (2019) and National Planning Policy Framework.

Relevant policies:

Policy	Summary
NA/MOA Newark Area – Main Open Areas	Main Open Areas represent those areas of predominantly open land that play an important part in defining a settlements form and structure. This policy covers areas around Newark.
NUA/OB/1 Newark Urban Area - Open Breaks	<p>In order to ensure that existing settlements retain their separate identities and characteristics, the District Council has identified certain areas that are under pressure for development which provide an open break between settlements. Areas designated include:</p> <ul style="list-style-type: none"> Newark and Farndon; Newark and Winthorpe; and Newark and Coddington. <p>Within land allocated on the Policies Map as Open Breaks in Newark Urban Area, planning permission will not normally be granted for development. Exceptions include development which does not unacceptably harm the openness of the Open Break.</p>
Policy NUA/MU/1 Newark Showground Policy Area	This area adjoins the A46 Newark Bypass to the south and east. Within the area defined on the Policies Map as Newark Showground Policy Area new development which supports and complements the East Midlands Events Centre (Newark & Nottinghamshire Agricultural Society Showground) and other leisure uses on site will be supported provided that it meets the wider requirements of the Core Strategy and the Development Management Policies in Chapter 7. The District Council will work with

	<p>the County Council, the Highways Agency, Parish Councils and the various landowners to prepare a Master Plan for the whole policy area to secure appropriate enhancement and development of the site.</p>
<p>Policy NUA/MU/1 Newark Urban Area - Mixed Use Site 1</p>	<p>Land North of the A17 has been allocated on the Policies Map for mixed use development. The site will accommodate a Hotel/Conference Facility, restaurant facilities to support the wider showground uses, and employment uses.</p>
<p>Policy NUA/MU/2</p>	<p>Land at the current Brownhills Motor Homes site has been allocated on the Policies Map for mixed use development. The site will accommodate employment (B1/B2/B8) development, roadside services including a hotel (which currently has outline Planning Permission), and the continued sui generis use of the site for the sale of Motor Homes.</p> <p>NB. This site is proposed for deallocation following review of the Allocations and DM DPD (2013) - in the AADMDPD.</p>
<p>Policy NUA/E/2</p>	<p>Land west of the A1 on Stephenson Way has been allocated on the Policies Map for employment development. The site is 12.24 hectares in size.</p>
<p>Policy NUA/E/3</p>	<p>Land off Telford Drive has been allocated on the Policies Map for employment development. The allocation is in three parcels, a total of 1.54 hectares in size.</p>
<p>NUA/E/4</p>	<p>Land at the former Nottinghamshire County Council Highways Depot on Great North Road has been allocated on the Policies Map for employment development. The site is 2.07 ha in size and B1/B2/B8 is appropriate in this location.</p> <p>NB. This site is to be used by National Highways as a compound when construction works commence on the A46 Newark Bypass.</p>

<p>NUA/Ho/2</p>	<p>Land south of Quibells Lane has been allocated on the Policies Map for residential development providing around 86 dwellings.</p> <p>NB. The site has been reallocated for 25 dwellings in the AADMDPD due to the lack of available land.</p>
<p>NUA/Ho/3</p>	<p>Land on Lincoln Road has been allocated on the Policies Map for residential development providing around 24 dwellings.</p> <p>NB. This site is proposed for deallocation in the AADMDPD plan review.</p>
<p>NUA/Ho/4</p>	<p>Yorke Drive Estate and Lincoln Road Playing Fields have been identified in the Bridge Ward Neighbourhood Study as locations for regeneration and redevelopment. The area has been identified on the Policies Map as the NUA/Ho/4 - Yorke Drive Policy Area.</p> <p>It is anticipated that approximately 230 net additional dwellings will be developed.</p>
<p>DM5 Design</p>	<p><u>Amenity</u></p> <p>The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Proposals resulting in the loss of amenity space will require justification.</p> <p>The presence of existing development which has the potential for a detrimental impact on new development should also be taken into account and mitigated for in proposals. New development that cannot be afforded an adequate standard of amenity or creates an unacceptable standard of amenity will be resisted.</p>

Local Distinctiveness and Character

The rich local distinctiveness of the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

Ecology

Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment, including a habitat survey and a survey for species listed in the Nottinghamshire Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.

Unstable Land

Development proposals within the current and historic coal mining areas of the district should take account of ground conditions, land stability and mine gas, and where necessary include mitigation measures to ensure they can be safely implemented.

Flood Risk and Water Management

Development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that

	<p>there are no reasonably available sites in lower risk Flood Zones.</p> <p>In accordance with the aims of Core Policy 9, development proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.</p>
DM7 Biodiversity and Green Infrastructure	<p>The policy requires development to protect, promote and enhance biodiversity and the ecological network of habitats, species and sites of international, national and local importance. Development proposals in all areas of the District should seek to enhance biodiversity. Proposals should take into account the latest information on biodiversity including Nottinghamshire Biodiversity Opportunity Mapping, and the forthcoming Local Nature Recovery Strategy.</p>
Policy DM9 Protecting and Enhancing the Historic Environment	<p>In accordance with the requirements of Core Policy 14, all development proposals concerning heritage assets will be expected to secure their continued protection or enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place.</p> <p>All development proposals affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets should utilise appropriate siting, design, detailing, materials and methods of construction. Particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible. Where development proposals requiring planning permission involve demolition, the resulting impact on heritage assets will be assessed under this policy.</p>

Policy DM12 Presumption in Favour of Sustainable Development	A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Where appropriate, the Council will work pro-actively with applicants jointly to seek solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions within the district.
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Newark and Sherwood Amended Allocations and Development Management DPD Submission (2024)⁸

7.11. Following a review of the ADMDPD (2013), the Amended Allocations & Development Management DPD (AADMDPD), along with its supporting documents has now been submitted for examination to the Secretary of State. The Submission Version of the Plan was approved at NSDC Full Council on 12th December 2023 with the recommendation to submit the Plan to the Secretary of State which was done so on 18th January 2024. The examination has now been confirmed to commence on the 5th November 2024 and is expected to last until the 14th November 2024.

Relevant Policies:

Policy	Summary
NA/MOA Newark Area – Main Open Areas	Main Open Areas represent those areas of predominantly open land that play an important part in defining a settlements form and structure. This policy covers areas around Newark.
NUA/OB/1 Newark Urban Area - Open Breaks	In order to ensure that existing settlements retain their separate identities and characteristics, the District Council has identified certain areas that are under pressure for development which provide an open break between settlements. Areas designated include: Newark and Farndon; Newark and Winthorpe; and Newark and Coddington.

⁸ <https://www.newark-sherwooddc.gov.uk/aadm-represenatation/> Amended Allocations Document

	<p>Within land allocated on the Policies Map as Open Breaks in Newark Urban Area, planning permission will not normally be granted for development. Exceptions include development which does not unacceptably harm the openness of the Open Break.</p>
<p>Policy NUA/SPA/1 Newark Urban Area - Newark Showground Policy Area</p>	<p>Newark Showground adjoins the A46 Newark Bypass to the north and south. Within the area defined on the Policies Map as Newark Showground Policy Area new development which supports and complements the East Midlands Events Centre (Newark & Nottinghamshire Agricultural Society Showground) and other leisure uses on site will be supported provided that it meets the wider requirements of the Core Strategy and the Development Management Policies in Chapter 7. The District Council will work with the County Council, the Highways Agency, Parish Councils and the various landowners to prepare a Master Plan for the whole policy area to secure appropriate enhancement and development of the site.</p>
<p>Policy NUA/MU/1 Newark Urban Area - Mixed Use Site 1</p>	<p>Land North of the A17 has been allocated on the Policies Map for mixed use development. The site will accommodate a Hotel/Conference Facility, restaurant facilities to support the wider showground uses, and employment uses.</p>
<p>Policy NUA/E/2</p>	<p>Land west of the A1 on Stephenson Way has been allocated on the Policies Map for employment development. The site is 12.24 hectares in size.</p>
<p>Policy NUA/E/3</p>	<p>Land off Telford Drive has been allocated on the Policies Map for employment development. The allocation is in three parcels, a total of 1.54 hectares in size.</p>
<p>NUA/E/4</p>	<p>Land at the former Nottinghamshire County Council Highways Depot on Great North Road has been allocated on the Policies Map for employment development. The site is 2.07 ha</p>

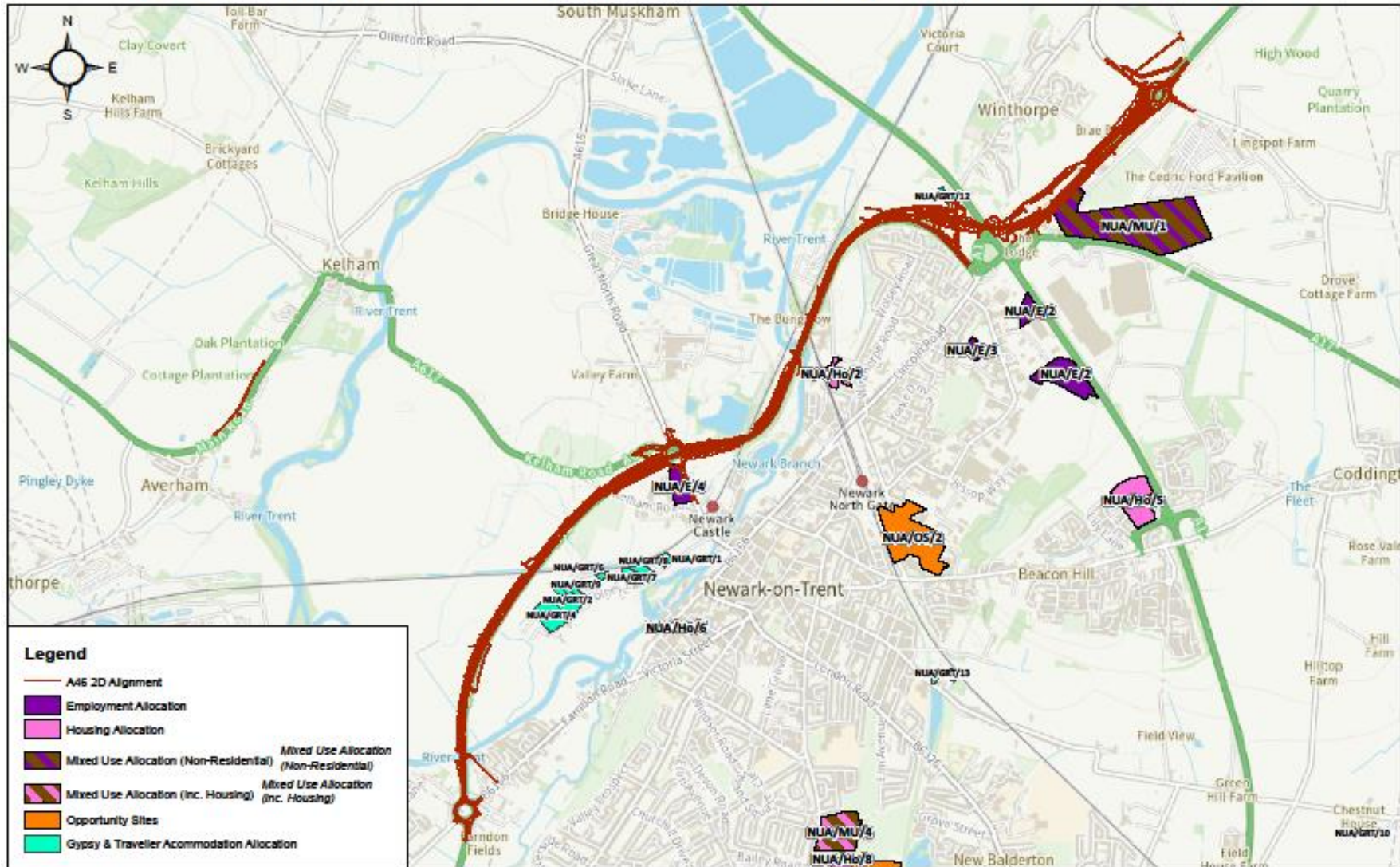
	<p>in size and B1/B2/B8 is appropriate in this location.</p> <p>NB. This site is to be used as a compound by National Highways during construction of the A46 Newark Bypass.</p>
NUA/Ho/2	Land south of Quibells Lane has been allocated on the Policies Map for residential development providing around 25 dwellings.
NUA/Ho/3	Lincoln Road (24 dwellings) Deallocated
NUA/Ho/4	<p>Yorke Drive Estate and Lincoln Road Playing Fields have been identified in the Bridge Ward Neighbourhood Study as locations for regeneration and redevelopment. The area has been identified on the Policies Map as the NUA/Ho/4 - Yorke Drive Policy Area.</p> <p>In allocating this site for housing development it is anticipated that approximately 230 net additional dwellings will be developed.</p>
DM5(b) Design	This policy sets out criteria to be used to assess planning applications against design principles set out in the National Design Guide and any local Design Codes. Of particular relevance are the aspects relating to landscape, accessibility
DM7 Biodiversity and Green Infrastructure	The policy requires development to protect, promote and enhance biodiversity and the ecological network of habitats, species and sites of international, national and local importance. Development proposals in all areas of the District should seek to enhance biodiversity. Proposals should take into account the latest information on biodiversity including Nottinghamshire Biodiversity Opportunity Mapping, and the forthcoming Local Nature Recovery Strategy. Except for exempt development proposals, the enhancement should be a net gain of at least 10% (or if different, the relevant percentage set out in the Environment Act) as measured by the applicable DEFRA metric or any successor document. These gains must

	be guaranteed for a period of at least 30 years.
DM9 Protecting and Enhancing the Historic Environment	All development proposals concerning heritage assets will be expected to conserve them in a manner appropriate to their significance, contribute to the wider vitality, viability and regeneration of the areas in which they are located (including its contribution to economic vitality), reinforce a strong sense of place and be enjoyed for their contribution to the quality of life of existing and future generations.
DM13 Regeneration Programmes and Schemes	<u>Newark Urban Area</u> The Council will work proactively to deliver the aims and objectives of the Newark Town Centre Masterplan and accompanying Design Code, Newark-on-Trent Town Investment Plan (TIP), Newark Conservation Area Character Appraisal and Newark High Street Heritage Action Zone (HSHAZ), their successor documents and related strategies. Development proposals which will assist in achieving this outcome will therefore be supported. This will include the bringing forward of appropriate regeneration schemes on sites in and around the Newark Urban Area. Any development proposals that, in the opinion of the Local Planning Authority, undermine the delivery of identified outcomes will be resisted.
Policy GRT2 - Additional Provision on Existing Sites (Gypsy, Roma, Traveller sites): NUA/GRT/1 - Park View, Tolney Lane 13 pitches NUA/GRT/2 – Sandhill Sconce, Tolney Lane 11 pitches NUA/GRT/3 – The Paddocks, Tolney Lane 3 pitches NUA/GRT/4 – Hiram’s Paddock, Tolney Lane 7 pitches NUA/GRT/5- Taylor’s Paddock, Tolney Lane 1 pitch	These existing GRT sites, as defined on the Policies Map, have been allocated for additional Gypsy Roma Traveller pitches and adjoin the A46 Newark Bypass (to the north of Tolney Lane). Proposals for new permanent pitches, consistent with the definition provided in Policy GRT 1, will be supported, subject to the detail of schemes being acceptable. The schedule below details the number of pitches allocated for each site.

<p>NUA/GRT/6 – Price’s Paddock, Tolney Lane 1 pitch</p> <p>NUA/GRT/7 – Land at Shannon Falls, Tolney Lane 21 pitches</p>	
<p>Policy GRT3 - Sites to be Brought Back into Gypsy Roma Traveller Use</p> <p>NUA/GRT/8 - Church View, Tolney Lane, Newark 10 pitches</p> <p>NUA/GRT/9 - Riverside Park, Tolney Lane, Newark 9 pitches</p>	<p>Proposals on these sites, as defined on the Policies Map, which would bring the sites back into use for Gypsy Roma Traveller households will be supported subject to the detail of schemes being acceptable.</p> <p>Schemes should provide for new permanent pitches, consistent with the definition provided in Policy GRT 1.</p>
<p>GRT5 Tolney Lane Policy Area</p>	<p>Tolney Lane has a historic connection to the Gypsy Roma Traveller settlement in Newark, with the occupation of some sites pre-dating establishment of the contemporary planning system in 1947. The area represents the largest focus of existing sites within the District, with 317 pitches being recorded across 14 sites as part of the GTAA in 2019. Therefore, to support the future management of the area a ‘Tolney Lane Policy Area has been defined on the Policies Map. This Policy Area sits inside the Urban Boundary for the Newark Urban Area.</p> <p>The area is acknowledged to be at flood risk, being split between Flood Zones 2 and 3. This results in a number of sites and the current single point of vehicular access/egress sitting within the functional floodplain of the River Trent.</p>
<p>NUA/GRT/12 – The Old Stable Yard</p>	<p>The site is allocated for around 14 pitches.</p>
<p>NUA/OS/2</p>	<p>This site lies within the Urban Boundary and where it becomes clear through the monitoring process that delivery is not taking place at the rates required, the Council will actively seek to bring forward opportunity sites by working with landowners and developers to release sites earlier in the plan period.</p> <p>NUA/OS/2 – NSK Factory (former NUA/MU/3) Northern Road, Newark</p>

	(around 150 dwellings and compatible employment, leisure, education and community uses)
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Submission Version Amended Allocations and Development Management DPD - Proposed Site Allocations



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8. Landscape and Visual Impacts – *Neutral to Negative (depends on the landscape character area)*

Local Policy

- 8.1. Core Policy 13 (Landscape Character) Amended Core Strategy Development Plan Document 2019:

New development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.

- 8.2. Policy DM5 (Design) Allocations and Development Management Development Plan Document 2013

Supporting text states - *The diversity of landscape and built form within the District displays much local distinctiveness which the Council is keen to see reflected in new development. Development proposals should take reference from the Landscape Character Assessment SPD, locally distinctive layouts, design, detailing and methods of construction as a means of integrating itself into the surrounding area.*

- 8.3. Policy DM5(b) Design Amended Allocations and Development Management Development Plan Document (for examination in November 2024)

- 8.4. Landscape Character Assessment Supplementary Planning Document 2013⁹

Landscape and Visual Impact Assessment (LVIA) Methodology

- 8.5. The LVIA methodology adopted for this application is in line with the methodology as set out within the Design Manual for Road and Bridges (DMRB) LA 107 Landscape and Visual Effects assessing construction and operational impacts for Year 1 and Year 15. It also follows industry best practice which is currently:

Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and the Institute for Environmental Management and Assessment Third Edition 2013), Landscape Character Assessment (Natural England 2014)

and for the visualisations:

TGN 06/19 Visual Representation of Development Proposals (Landscape Institute 2019) Summary - *The correct methodology and guidance document have been followed and the applicant has applied these to the assessment.*

⁹ [Landscape Character Assessment SPD | Newark & Sherwood District Council \(newark-sherwooddc.gov.uk\)](https://www.newark-sherwooddc.gov.uk/landscapes/landscape-character-assessment-spd)

Study Area

- 8.6. The study area (shown on Figure 7.1 to Figure 7.3 of the Environmental Statement) is identified as two km from the Scheme alignment. This has been determined by the extent of the Scheme using the guidance within DMRB LA 107. Chapter 7 Landscape and Visual Effects, paragraph 7.7.1. (Application document reference: TR010065/APP/6.1) sets out the factors that were considered to determine the study area.
- 8.7. Beyond the study area the applicant did not consider that there would be significant effects upon landscape character due to intervening built form and existing vegetation (Chapter 7 Landscape and Visual Effects, paragraph 7.7.3). We agree with this conclusion. However, we noted that the last sentence of this paragraph is repeated. Clarification on whether this is referring to visual receptors is required from the applicant as built form and existing vegetation would also limit the extent of visibility of the Scheme from visual receptors at this distance.

Zone of Theoretical Visibility

- 8.8. The applicant's Zone of Theoretical Visibility (ZTV) is based on the operational Scheme and shown on Figure 7.3. This is based on a viewer height of 1.6m and a maximum height of 4.2m for heavy goods vehicles (HGVs) (Chapter 7, paragraph 7.5.5). The applicant's ZTV was based on a Digital Surface Model (DSM) with woodland/buildings beyond the highway corridor included as screening elements but to give a worst-case scenario the existing vegetation alongside the road corridor had not been included.
- 8.9. To check the validity of the ZTV, we mapped the ZTV using the same parameters (in terms of viewer height and HGV height) using both a digital terrain model (DTM) that uses contour heights only and DSM that uses both contour and heights of surface features buildings/vegetation. Our results were broadly similar with the applicant's ZTV but gave a slightly reduced coverage of area of ZTV likely to be due to the inclusion of existing roadside vegetation acting as a screen/filter along the road corridor.
- 8.10. Whilst the applicants ZTV shows the ZTV being clipped at the 2km study area boundary the ZTV goes beyond this. However, we agree that due to the distance, low lying land in proximity to the scheme and extent of intervening overlapping vegetation that impacts to visual receptors would be negligible and beyond this there would not be significant visual impacts.
- 8.11. The areas of greatest magnitude of visual change are where there will be new elevated sections of carriageway introduced into the landscape where currently the road alignment is at grade. The applicant's typical cross sections (Application document reference:

TR010065/APP/2.6) show these are located at the Cattle Market Junction (Sections E, F) and around the Brownhills junction (Sections M, N, O). The applicant doesn't specifically reference the height of the proposed structures around the Brownhills Junction but for the Cattle Market Junction the proposed grade separated junction is estimated to be around 7- 8 metres above the existing ground level (p. 2.5.11 ES Volume 1 Chapter 2 The Scheme). Further information on the height of proposed earthworks above the existing ground level around the Brownhills junction should be provided within Chapter 7.

- 8.12. *Summary - The ZTV captures the extent of theoretical visibility within the Study area and has been used as suitable aid to identify key visual receptors. We agree with the ZTV as shown on Figure 7.3. Clarification on the height of the proposed carriageway, and embankments around the proposed Brownhills Junction should be provided.*

Local Designations

- 8.13. Local designations within the study area are shown on Figure 2.2 Environmental Constraints Plan and listed in Table 7.6 of the ES Chapter 7. The table has listed five conservation areas of which two are in close proximity to the Scheme (within Order Limits). These are Winthorpe Conservation Area and Newark Conservation Area. Other designations are listed buildings, scheduled monuments, Newark Castle Gardens Registered Park and Garden and designated trees (those identified as notable, veteran and with TPOs). Nature conservation designations have not been within Table 7.6. and whilst Chapter 7 Landscape and Visual Effects does not cover the ecological value and significance (contained in Chapter 8 Biodiversity) these designations do contribute to the landscape character and visual qualities of the Scheme's location. This is particularly relevant for those visual receptors on Public Rights of Way (PRoW) along the River Trent where Local Wildlife Sites (LWS) contribute to the local character of the area. Examples of these receptors are:

VP11 - PRoW Farndon Bridleway within River Trent Staythorpe LWS to the southwest of the Scheme.

VP13 - PRoW Newark Bridleway 5 within Newark Trent Grasslands LWS

- 8.14. Representative views covered by VP 31 and 32 - PRoW Newark Bridleway 5, Trent Banks/Wharves, Newark Local Wildlife Site (LWS) which extends over the section of the River Trent between Farndon Marina to the southwest to the southern side of Nether Lock Viaduct to the north.

- 8.15. *Summary - The applicant has not identified all key designations that contribute to Landscape Character or visual matters which include nature conservation sites. These designations haven't been listed in Table 7.6. though they have been identified on the Constraints Plan Figure 2.2 Environmental Constraints Plan. These should be included within Chapter 7 Landscape and Visual Effects assessment.*

Landscape Character

8.16. The study area lies within National Character Area 48 Trent and Belvoir Vale (Natural England 2014) and at a county level the Newark and Sherwood (NSDC) Character Areas and Policy Zones as set out in the Landscape Character Assessment Supplementary Planning Guidance (Newark and Sherwood District Council 2013). Refer to Figure 7.1 Published Regional Character Areas and Policy Zones.

8.17. The applicant has identified landscape character areas, LCAs (shown on Figure 7.2 Landscape Character Areas) which broadly reflects the Character Areas within NSDC SPD providing further level of definition particularly to the urban areas around Newark, Farndon and the area around Winthorpe. The sensitivity to change of each of these LCAs was determined as follows:

LCA 1 Trent Washlands – Medium sensitivity

LCA 2 Winthorpe Village and Farmlands – High sensitivity

LCA 3 East Nottinghamshire Sandlands – Low sensitivity

LCA 4 Newark - High sensitivity

LCA 5 South Nottinghamshire Farmlands - Medium sensitivity

LCA 6 Farndon Village - High sensitivity

LCA 7 Mid- Nottinghamshire Farmlands – Medium sensitivity

8.18. The applicant determined the levels of magnitude of change for the construction and operational stages for each of the LCAs as set out below.

Magnitude of Change

Landscape Character Area	Magnitude of Change Construction	Magnitude of Change Operation Yr1	Magnitude of Change Operation Yr15
LCA 1 Trent Washlands	Moderate adverse	Moderate adverse	Minor adverse
LCA 2 Winthorpe Village and Farmlands	Major adverse	Major adverse	Moderate adverse
LCA 3 East Nottinghamshire Sandlands	Moderate adverse	Minor adverse	Minor adverse
LCA 4 Newark	Negligible	No change	No change
LCA 5 South Nottinghamshire Farmlands	Negligible	No change	No change
LCA 6 Farndon Village	Negligible	No change	No change
LCA 7 Mid- Nottinghamshire Farmlands	Negligible	No change	No change

As the Scheme directly impacts on the Trent Washlands, Winthorpe Village and Farmlands and East Nottinghamshire Sandlands LCAs these will be the areas that will experience change to landscape character. We agree with these findings.

Landscape Effects

LCA	Landscape Effect Construction	Landscape Effect Operation Yr1	Landscape Effect Operation Yr15
LCA 1 Trent Washlands	Moderate adverse	Moderate adverse	Slight adverse
LCA 2 Winthorpe Village and Farmlands	Large adverse	Large adverse	Moderate adverse (residual significant effect)
LCA 3 East Nottinghamshire Sandlands	Slight adverse	Slight adverse	Slight adverse
LCA 4 Newark	Slight adverse	No change	No change
LCA 5 South Nottinghamshire Farmlands	Neutral	Neutral	Neutral
LCA 6 Farndon Village	Slight adverse	Neutral	Neutral
LCA 7 Mid- Nottinghamshire Farmlands	Slight adverse	Neutral	Neutral

8.19. The resulting level of significance of effect are a combination of level of sensitivity and magnitude of change summarised above and shown in Table 7-7 Chapter 7 Landscape and Visual Effects. Significant effects are those that are classed as Moderate adverse or above. Winthorpe Village and Farmlands is the only LCA that still has a residual Significant Impact in Year 15. We agree with these findings but consider further mitigation could provide improved landscape integration into the surrounding area as outlined in the Table 1 below setting out additional mitigation.

8.20. *Summary - The defined landscape character areas within the study area and their baseline levels of sensitivity to change are appropriate. We agree with the levels of effect for the character area for the construction and operational period as set out in paragraphs 7.11.3 to 7.11.20, 7. 7.11.27 to 7.11.37 and summarised in Table 7-7. However, there may be scope for additional planting particularly within Trent Washlands LCA (focussed on Cattle Market Junction) and within Winthorpe Village and Farmlands the latter being where the residual impact is still significant at year 15. Refer to Table 1 for recommendations.*

Viewpoint Selection and Assessment of Visual Receptors

8.21. The applicant assessed 63 visual receptors of which seven are associated with the proposed works to accommodate Kelham and Averham Flood Compensation Area. Residential visual receptors were grouped with a representative viewpoint of the most severe impact for the group.

8.22. Visual Baseline and Impact Schedules (Appendix 7.2 Visual Baseline and Impact Schedules) described the sensitivity, baseline changes in view and effect on visual receptors for construction Year 1, winter and Year 15 summer for the Scheme. A number of these were classed as key visual receptors of which baseline winter and summer photographs were provided for Viewpoints 9, 10 11, 18, 31, 32, 36, 47 and 49 with photo montages and visualisations (LI Type 4) provided for 3, 24, 41, and 43.

- 8.23. We carried out a site visit to check key viewpoints on site that were identified following a review of the development proposals. These particularly focused on those areas where new structures would be introduced into the landscape and from visual receptors in closer proximity to the proposed development.
- 8.24. The majority of residential receptors are to the southeast of the scheme along the northwestern edge of Newark as it fringes the River Trent and existing infrastructure corridor. The A46 is primarily being widened to the north which allows for existing vegetation to be retained along the southeast facing road embankment. Should existing vegetation subsequently need to be removed in localised areas or ash die back be found to thin the canopy allowing views out to the road then replacement planting should be provided.
- 8.25. The proposed Scheme will be most visible where the road is a new element in the landscape particularly where it is elevated. This is notably around the Cattle Market Junction and Brownhills Junction. These areas are also in closer proximity to more sensitive areas of landscape, form the approach to the castle and historic core of Newark (lying within Newark Town conservation area) and Winthorpe Conservation Area respectively.
- 8.26. Viewpoints where we consider there could be additional mitigation are listed below.

Viewpoint number	Comments	Recommendation
Viewpoint 11	In the winter there will be medium distance views east from the bridleway (Farndon BW1 bridleway) located further north from viewpoint 11 across to Farndon West Borrow Pits Area and to the new road embankment. Aerial photography shows some gaps in existing riverside vegetation along the River Trent in this location	Sensitively placed additional planting would help filter views across the river from this bridleway.
Viewpoint from Great North Road, Newark in a north-northwest direction towards Castle Market Roundabout	Viewpoint 18 view is representative of elevated views to the north from the top of the castle Gate House. North of the Nottingham-Lincoln railway line crossing there are also views experienced by pedestrians/road users along Great North Road heading towards Cattle	The views from receptors leaving Newark travelling towards Cattle Market junction should be considered from Great North Road. Additional street tree planting would filter views on the approach to this junction from Newark.

	Market Junction away from Newark. Although this is within a narrow field of view, framed by existing street trees, the elevated carriageway will be more apparent particularly as a lit structure with moving traffic.	
Viewpoint 24	We agree with the levels of visual effect for the elevated carriageway and retaining wall viewed from Sandhills park. These are: Construction year - Very large adverse Year 1 and Year 15 - Large adverse. However unclear as to why these visual effects cannot be reduced by additional planting to filter views of the retaining wall and lit elevated junction. The environmental function of proposed planting immediately northeast of Sandhills is water quality and nature conservation (coded EFH/D on Figure 2.3 Environmental Masterplan Sheet 3 of 7) presumably as this area is part of a Local Wildlife Site. Additional planting here should also have a visual screening function (EFA) and enhancing the built environment function (EFC).	Include additional planting between the proposed roundabout junction and the residential area along Sandhills Park to help screen the proposed retaining wall from residents and improve the road frontage.
Viewpoint 25	We agree with the levels of visual effect from this viewpoint. However closer to this junction, for pedestrians and road users approaching Newark from the Great North Road, the elevated road with lit traffic will be more visible and potentially in the same view	Given the gateway location of this junction and proximity to the town centre, the ability to contribute to the streetscape with sensitive design and street tree planting should be fully explored. As shown (Figure 2.3 Environmental Masterplan Sheet 3 of 7) the

		as the top part of St Mary Magdalene Church Spire for a short section of footway. This view is also the approach into Newark for road users, and users of the proposed footway/cycleway around the junction.	location of the proposed noise barrier along the southwestern corner of the roundabout leaves limited scope for planting. The reconfiguration of the noise barrier (tested by modelling if necessary) to allow for some additional visual mitigation should be carried out.
Viewpoint 41 (Photomontage 41) (Within Winthorpe Village and Farmlands LCA 2)		The photomontage representing the visual change for viewpoint 41 shows the proposed the elevated A46 on 1:2 gradient embankments with the A46 Brownhills roundabout junction in the midground with new light columns. The height of the new overbridge is not specified in Chapter 2 The Scheme or Chapter 7 Landscape and Visual Effects but is assumed to be around 8m in height. This structure could be better integrated by additional planting. Further planting to filter views south from properties to the southern end of the end of The Spinney in Winthorpe from impacts of lighting around the slip road to the service station.	Consider additional planting on the proposed embankment of the A46 and hedgerow trees within the proposed hedge along the connecting road between Winthorpe Lane and the new roundabout would help to filter views from visual receptors represented by viewpoint 41. Provision of additional tree planting (potentially with an evergreen component to reflect other similar species in LCA 2) north of the alongside the acoustic barrier along slip road to service station.

Table 1: Viewpoint analysis

Lighting proposals

8.27. Chapter 2 describes the extent of proposed lighting (p. 2.5.88) but does not explicitly show on a drawing where there is an introduction of lighting into the landscape which was previously unlit as opposed to an upgrade to existing lighting already present. We assume that lighting proposals will be modified/upgraded at junctions already lit (Farndon, Cattle Market Junction, Brownhills/Friendly Farmer Junctions Winthorpe Roundabout) with new lighting along the new Friendly Farmer link road and the new Brownhills roundabout junction to the west of the A1.

8.28. *Summary - We broadly agree with the applicants' findings for the levels of effect on visual receptors. Chapter 2 describes the extent of proposed lighting (p. 2.5.88) but does not explicitly show on a drawing where there is an introduction of lighting into the landscape which was previously unlit as opposed to an upgrade to existing lighting already present. This should be included in the descriptions within the LVA with an estimate as to the height of the columns. Further information is required for those viewpoints identified in Table 1.*

Mitigation

8.29. Mitigation proposals are shown on Figure 2.3 Environmental Masterplan where proposed indicative plant mixes for plant species mixes (e.g. LE2.1 Woodland Indicative mix etc.) have been set out on Sheet 1 of 7. The retention of existing roadside vegetation to the southern side of the road corridor along with its enhancement (so that it can continue to screen a large amount of the road corridor) is essential to minimise impacts to both landscape character and visual receptors within Newark and along the River Trent. The condition of existing trees has been discussed (paragraph 7.4.2 Chapter 7) in relation to the impact of proposed construction works. Gapping up of existing tree belts that are in decline should be incorporated into the detail design proposals.

8.30. Although the extent of mitigation provided is generally appropriate there is limited scope for any visual screening between the link road and between Friendly Farmer Roundabout and Winthorpe Roundabout to the north of Newark Showground. This is due to a proposed development (Nua/MU/1) A native hedge is proposed along this boundary. This would benefit from the inclusion of hedgerow trees to aid visual screening.

Landscape Character.

8.31. To reflect the landscape character of this part of Nottinghamshire the plant mixes along the route corridor should contain those species found within the character area of NSDC Landscape Character Assessment within which the Scheme crosses. The majority of the Scheme is within the Trent Washlands character area which covers the Scheme as set out on Figure 2.3 Sheet 1 to 4 and Sheet 7 (covering the Kelham and Averham flood compensation area). The northeastern end of the Scheme (Sheets 5 and 6) lies within a different character area East Nottinghamshire Sandlands and therefore should be based on the native plant species typical to this area. At a finer grain Winthorpe has its own local landscape character with established shelter belts and parkland trees. These characteristics should be incorporated into the detail design of the mitigation planting.

Visual Impact

8.32. Provision of additional planting to reduce visual effects for specific viewpoints is recommended in Table 1. The proposed planting to the north of the potential construction compound area south of Cattle Market junction should include a woodland mix to provide

the density of overlapping branches to screen the retaining wall as much as possible in the winter months.

- 8.33. Whilst the proposed acoustic barrier reduces the impact of noise to surrounding receptors this can be a visually intrusive element in the landscape particularly where this runs immediately adjacent to the carriageway. Providing some planting to break runs of acoustic barrier would be appropriate around Cattle Market Junction where it links to the Great North Road on the approach to Newark as well as on the northwest side of the A46 east of the Esso Service station.
- 8.34. *Summary - The landscape proposals shown on the Environmental Masterplan generally mitigate the majority of adverse impacts to surrounding receptors. Key points to note are: Existing mature vegetation (embedded mitigation) that filters the route corridor should be retained and enhanced so that it is still able to provide a visual screen beyond Year 15. Where there is scope to provide additional planting that reinforces landscape character, and reduces visual impacts, particularly those viewpoints where there are still residual effects that are significant this should be re considered. Refer to Table 1.*

Cumulative effects

- 8.35. Cumulative effects are considered in Chapter 15 (6.1 Environmental Statement Chapter 15 Combined and Cumulative Effects) for visual receptors experiencing a slight adverse effect or worse during construction and Year 1. A 1km Zone of Influence (ZOI) was established for landscape and visual impacts informed by the ZTV.
- 8.36. There were six developments that were considered to have temporary moderate to large adverse cumulative landscape and visual effect on visual receptors during construction and Year 1 of operation. The applicant concluded “that significant effects are due to the possible but unlikely overlap of unavoidable construction activities as well as temporary operational effects which will reduce to Not Significant by Year 15 between the above developments and the Scheme” Paragraph 15.5.6.
- 8.37. *Summary - As these significant effects are temporary no additional mitigation is deemed to be required other than that included in the first iteration Environmental Management Plan. We are satisfied that the cumulative effects have been assessed for landscape and visual receptors and agree with conclusions set out in Chapter 15.*

Landscape Conclusion

- 8.38. The above analysis concludes that the main effect to the landscape would be upon the Winthorpe Village and Farmlands Character Area which from construction to year 15 there would be a large adverse to moderate adverse (residual significant effect) with other areas being neutral to Slight adverse. Winthorpe Village and Farmlands Character Area

has a high sensitivity to change due to the designations, parkland setting, field patterns etc. and as a result this is the most impacted by the Scheme.

- 8.39. Further mitigation could provide improved landscape integration into the surrounding area which is stated in Table 1 with specific reference to viewpoint 41 and land around The Spinney.
- 8.40. The lighting scheme could result in harm in highlighting the infrastructure especially to areas which aren't already lit and it is unclear of the effects to the Cattle Market flyover and if this is lit this would have a greater impact on the character without mitigation.
- 8.41. Further mitigation is required especially to Sandhills Park (Trent Washlands) to benefit the residents and screening to mitigate the impact of the acoustic fence to Cattle Market roundabout. Gapping up of existing tree belts is required and some improvements around the allocation of Nua/MU/1 (Newark Showground) with the link from Friendly Farmer to Winthorpe roundabout. The native hedgerow along this boundary would benefit from hedgerow trees to aid visual screening.
- 8.42. Overall it is considered that the proposal could, with mitigation, comply with local policies listed above however the impact upon Winthorpe is so severe that this would need to be improved for the Council to be confident of the long term effect and the development making a positive enhancement to the landscape.

9. Biodiversity (including Net Gain) and Arboriculture – Positive

9.1. Newark and Sherwood's Vision as stated within the Council's Amended Core Strategy DPD 2019

By 2033, Newark and Sherwood will become, amongst other things which relates to providing improved, key transport improvements, safeguarding and enhancing the natural environment, strengthening green infrastructure, new green and woodland spaces will increase ecology, biodiversity and nature conservation, providing a resource for local people and encouraging personal well-being and health.

- 9.2. The Council is signposting the ExA to the Local Impact Report on the subject of Biodiversity submitted by Nottinghamshire County Council who have carried out a more indepth assessment of this. However the Council would like to bring to the attention of the Inspectors of the following matters.

Biodiversity

Baseline Conditions

- 9.3. The existing ecological features identified during the desk study, consultations and field surveys are summarised with full details including survey methods and field survey results being provided in appendices (with the Badger, Otter and Barn Owl appendices being confidential). The age and validity of environmental surveys should be considered in accordance with guidance on the Lifespan of Ecological Reports and Surveys from the Chartered Institute of Ecology and Environmental Management (CIEEM) and, where appropriate, surveys repeated prior to construction.
- 9.4. Apart from air quality, off-site impacts and in-combination effects have not been fully addressed, in some cases not all. The Scheme will be a significant feature in the landscape impacting ecological features such as habitat connectivity and it is not considered to comply with local policy.

Mitigation

- 9.5. The mitigation hierarchy, as dealt with in the DMRB, includes avoidance as part of the Design stage. However, evidence of avoidance is noticeable in its absence in Chapter 8: Biodiversity. This is particularly important given the loss of habitat (including Priority Habitats) to the Scheme. In order to comply with planning policy, such evidence is needed to demonstrate that avoidance was given due consideration and where successes were achieved.
- 9.6. Mitigation and compensation have been carefully considered and are dealt with in detail. Table 8-9 in Chapter 8: Biodiversity provides a valuable summary although it is not clear what is meant by “Not applicable” for some of the operational impacts, e.g. invertebrates, reptiles and Water Vole. Whilst the impact may be neutral, it is only applicable as a result of barriers being successfully implemented. Further clarification on this is required.

Design, mitigation, compensation and enhancement measures

- 9.7. Summary tables would provide a valuable focus on mitigation and compensation measures including actions needed and where detail was yet to be provided, e.g. the number, location and design of fish escape passages to be finalised with the Environment Agency.

9.8. Legislation

National Planning Policy

- 9.9. National Policy Statement for National Network (2024)
- 9.10. Chapter 8: Biodiversity includes a comprehensive review of the legislation and policies pertinent to the Scheme.

- 9.11. The National Policy Statement for National Network (NPSNN) (2024) states at paragraphs 5.46 and 5.47 that applicants should consider the direct and indirect impacts on habitats and protected species, showing how a scheme has taken advantage of opportunities to conserve and enhance biodiversity, including scheme specific mitigation. The NPSNN states a scheme should identify where and how mitigation measures will be secured in the long term. A First Iteration Environmental Management Plan (EMP) has been produced detailing construction mitigation measures. Chapter 8: Biodiversity states the First Iteration EMP will be developed into a Second Iteration EMP for the construction of the Scheme. As part of the Second Iteration EMP, a Landscape and Ecology Management Plan (LEMP), Invasive Non-Native Species Management Plan and Biodiversity Net Gain Management Plan will be produced. The outlined plans are considered applicable and proportionate to the Scheme.
- 9.12. At paragraph 5.47, the NPSNN recommends applicants look for opportunities “to enhance, expand or connect existing habitats and create new habitats in accordance with biodiversity net gain requirements”. Appendix 8.14: Biodiversity Net Gain (BNG) Technical report assessed the following predicted percentage change:
- 4.99% net gain in habitat units;
 - 8.17% net gain in hedgerow units; and
 - 36.93% net gain in river units.
- 9.13. The NPSNN, at paragraph 5.50, requires compensation measures if avoidance or bespoke mitigation measures are insufficient or not possible. The Scheme involves the loss of lowland meadow beyond what is acceptable under Biodiversity Metric 4.1 because it is a habitat of very high distinctiveness. A bespoke compensation agreement with Natural England is required. Following the completion of a bespoke compensation agreement, the Scheme’s mitigation would be in accordance with the NPSNN.
- 9.14. No concerns have been identified in relation to the requirements of the NPSNN and the provided assessment set out within Chapter 8: Biodiversity and its associated appendices.

Local Planning Policy

- 9.15. Newark and Sherwood District Council produced a Green Infrastructure Strategy 2010, responding to the need to plan for predicted growth, enhance quality of life and ensure environmental sustainability in the District for generations to come.
- 9.16. Core Policy 12 (Biodiversity and Green Infrastructure) Amended Core Strategy Development Plan in 2019.
- Seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District.*

Policy DM7 (Biodiversity and Green Infrastructure) Allocations and Development Management DPD 2013 (Amended plan currently proposed for examination in November 2024)

New development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both as part of on site development proposals and through off-site provision.

Conflicts

9.17. Whilst the majority of the survey and assessment is considered to be proportionate and adequately derived, some matters require further clarification:

- The provisions of the Animal Welfare Act 2006 should be taken into account within the assessment by ensuring the welfare of any animals potentially affected by the Scheme are considered.
- Provision should be made within the ES to ensure that the Scheme is integrated as far as is reasonable within the Nottinghamshire and Nottingham LNRS.
- A summary should be provided, detailing deviations from the planned survey programme and identifying when follow-up surveys were undertaken.
- The area and percentage area of habitat types should be provided to enable an understanding of their extent and proportion within the Scheme area.
- It is recommended that it is differentiated whether identified breeding birds were breeding or only present.
- Clarification should be provided on how non-native plant and animal species were surveyed, as no clear account of this could be found.
- The INNS Management Plan and Biosecurity Risk Assessment should include measures to ensure construction vehicles do not spread non-native species within the Scheme footprint.
- Clarification should be provided on what “Not Applicable” means for some operational impacts as set out in Table 8-9, of Chapter 8: Biodiversity.

Biodiversity Net Gain – Positive

9.18. It is noted that Natural England’s Biodiversity Metric 3.1 was used to calculate net gains for the Scheme. Biodiversity Metric 4.0 was published on 19 April 2023 whereas Appendix 8.14 was published and submitted to the Planning Inspectorate on the 26 April 2024. Whilst Nottinghamshire County Council (and agreed by NSDC) accepts Natural England’s advice on the use of older metrics (i.e., users of previous versions of the Biodiversity Metric should continue to use that metric (unless requested to do otherwise by their client or consenting body) for the duration of the project it is being used for), just over one year had passed between the publishing of Biodiversity Metric 4.0 and the submission of the DCO application. It is the opinion of NSDC that there was available time to update the calculations using a more recent version of the Biodiversity Metric (specifically 4.0),

to provide Biodiversity Net Gain calculations that are more in-line with the most recent methodologies. It is accepted that updating the Statutory Biodiversity Metric, published 29 November 2023, could have required more effort, potentially including additional survey work, which could have unnecessarily delayed the applications submission. Can the Applicant provide justification for retaining the use of Metric 3.1, given the time that has elapsed between publication of Metric 4.0 and Appendix 8.14.

- 9.19. Appendix 8.14 states that compensatory measures are proposed off-site at Doddington Hall. These proposals and information provided to demonstrate that the proposed habitat is a Plantation Woodland and that it is feasible to transition this to Lowland Mixed Deciduous Woodland appear to be appropriate. Off-site compensation is subject to legal agreement with the relevant landowner, and the created habitat must be maintained for 30 years.
- 9.20. Legislation – Core Policy 12 (Biodiversity and Green Infrastructure) of the Amened Core Strategy DPD 2019 refers to securing opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District.

Policy DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD 2013 should protect, promote and enhanced green infrastructure and contribute to the ecological network both as part of on site development proposals and through off site provision.

Policy DM7 (Biodiversity and Green Infrastructure) of the Amended Allocations and Development Management DPD to be examined November 2024 states development proposals in all areas of the District should seek to enhance biodiversity. Gains should be guaranteed for 30years.

The Council is keen to secure measurable net gains within the local area which ensures a positive and direct enhancement to the District. The main concern is the off site works of Lowland Mixed Deciduous Woodland being met at Doddington Hall. It is not clear within the ES (Volume 6.3 Appendix 8.14 Biodiversity Net Gain Technical Report), whether suitable alternative provision can be met closer to the Scheme location. However despite this concern the Scheme would still bring positives and overall accord with local policy.

Arboriculture – *Positive*

National Policy

- 9.21. National Policy Statement for National Networks (NPSNN) and National Planning Policy Framework (NPPF) See paragraph 2.1 of the ES Volume 6.3 Appendix 7.4 Arboricultural Impact Assessment.¹⁰

Local Policy

Amended Core Strategy DPD 2019

- 9.22. Core Policy 9 (Sustainable Design)

The District Council will expect new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.

- 9.23. Core Policy 12 (Biodiversity and Green Infrastructure)

The District Council will expect proposals to:

take into account the need for continued protection of the District's ecological, biological and geological assets. With particular regard to sites of international, national and local significance, Ancient Woodlands and species and habitats of principal importance; Seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District;

Positively view proposals that seek to enhance the District's Green Infrastructure resource in support of tourism development. In Newark, new Green Infrastructure schemes that maximise the potential of the Trent Riverside area will be supported;

Allocations and Development Management DPD 2013

- 9.24. Policy DM5 (Design)

Trees, Woodlands, Biodiversity & Green Infrastructure - In accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits.

Supporting text states:

Features of natural importance such as trees and hedges significantly contribute to the landscape character of the District and can also be used to help integrate new development into it. Where a site contains or is adjacent to such features, proposals should take account of their presence and wherever possible incorporate or enhance them as part of the scheme of development in order to improve the connectivity of the Green Infrastructure. Where it is proposed to remove features, justification will be required and re-planting should form part of development proposals.

¹⁰ [TR010065-000230-TR010065_A46 Newark Bypass 6.3 Appendix 7.4 Arboricultural Impact Assessment Part 1.pdf \(planninginspectorate.gov.uk\)](#)

9.25. Policy DM7 (Biodiversity and Green Infrastructure)

New development, in line with the requirements of Core Policy 12, should protect, promote and enhance green infrastructure to deliver multi functional benefits and contribute to the ecological network both as part of on site development proposals and through off site provision.

For development proposals on, or affecting, Sites of Special Scientific Interest (SSSIs), planning permission will not be granted unless the justification for the development clearly outweighs the nature conservation value of the site.

On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.

All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP. On SSSI's and sites of regional or local importance, significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where they cannot be avoided.

9.26. The Amended Allocations and Development Management DPD (submission) is subject to examination in November 2024 by the Planning Inspectorate.

9.27. Policy DM5(b) (Design)

Trees, Woodland, Biodiversity and Green and Blue Infrastructure - In accordance with Core Policy 12 of the Amended Core Strategy, all natural features within or adjacent to development sites should not be unnecessarily adversely impacted and development should first seek to respect existing features before the Council will consider removal of such features. The starting point should be through integration and connectivity of Green Infrastructure to deliver multi-functional benefits and should be incorporated into a landscaping scheme that mitigates any loss and / or the effects of the development on the local landscape. A holistic approach shall be adopted with respect to the design and integration of green and blue infrastructure into new development, creating opportunities for habitat creation, water management and attractive and memorable places

9.28. Policy DM7 (Biodiversity and Green Infrastructure)

New development proposals should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both as part of onsite development proposals and through off site provision. This should be informed by the Council's Green Infrastructure Strategy, Open Space Assessment & Strategy and Natural England's (emerging) Green Infrastructure Framework.

Appraisal

9.29. The area within the Scheme boundary and immediately beyond, is heavily landscaped through self sown and planned landscaping. The roots can become easily damaged through insensitive construction methods and can affect the long term development of the tree through prevention of sufficient water and nutrients, instability due to insufficient anchorage or damage to the trunk and branches leaving the tree exposed to disease and decay.

Activities (but not the only) which can lead to root damage include:

Trenches

Compaction of soil

Changes to land levels

Root exposure

Activities (but not the only) which can lead to trunk/stem damage include:

Storage of materials against the trunk

Incorrect pruning

Storage of plant and equipment

9.30. Within the study area there is no ancient woodland or within 1km of the Order Limits. Eight veteran trees have been identified, four of which are within the Order Limits. Veteran trees can be any age, but it is a tree which shows ancient characteristics.

9.31. There are three Priority Habitats which have been confirmed as habitats of principal importance (HPI) which relate to trees as lowland mixed deciduous woodlands. In accordance with the NPPF, these should be preserved and enhanced.

9.32. The applicant has identified a total of 541 individual trees, nine woodlands, 386 tree groups and 90 hedges were recorded within the Order limits. The table below provides a summary of their quality and value as assessed by the applicant, in accordance with BS 5837:2012.

Tree Category	Description	Total number surveyed
Category A	Trees or groups of high quality	54 individual trees, 3 woodlands, and 7 groups.
Category B	Trees or groups of moderate quality	300 individual trees, 6 woodlands, 183 groups and 9 hedges.
Category C	Trees or groups of low quality	172 individual trees, 194 groups and 81 hedges.
Category U	Trees or groups recommended for removal irrespective of any proposed development	15 individual trees, 2 groups.

9.33. The Council would generally agree with the methodology for the assessment of the trees and the groupings and it is an overall good assessment. The concern however is within the 6.3 ES Appendix 7.4 Arboricultural Impact Assessment Part 1 (DCO APP-140) is

somewhat vague on the differing sections of construction and the impact on the specific trees. Given the scale of the Scheme it is understandably difficult to assess every impact, however given the green and environmental enhancement agenda of Central and Local Government with the introduction of BNG, it is considered necessary that a thorough assessment of tree retention (where possible) is achieved.

9.34. To facilitate the development of the Scheme, the following arboricultural features will require removal.

Tree Category	Removals
Category A	Two individual trees and a section of 1 woodland.
Category B	Forty-seven individual trees, 45 groups, 1 hedge, a section of 1 woodland, a section of 35 groups, and a section of 4 hedges.
Category C	Sixteen individual trees, 52 groups, 12 hedges, a section of 21 groups, and a section of 17 hedges.
Category U	Three individual trees and 1 group.

9.35. This is further broken down by species as seen in Table 4-2 (Actions for the Scheme) ES Volume 6.3 Appendix 7.4 Arboricultural Impact Assessment¹¹ however it is noted that no Veteran trees are to be felled as part of the construction of the Scheme which is welcomed. However it is noted at point 4.1.3 of the above report, that the RPAs of some veteran trees (T038, T136, T139) will be compromised through proposed earthworks, drainage and the footprint of the haul road. Whilst it is stated that arboricultural supervision would be carried out in accordance with the Arboricultural Method Statement, further specific information and a monitoring log is required on this matter to ensure adequate mitigation to these trees and any others where the RPA is impacted to prevent root damage.

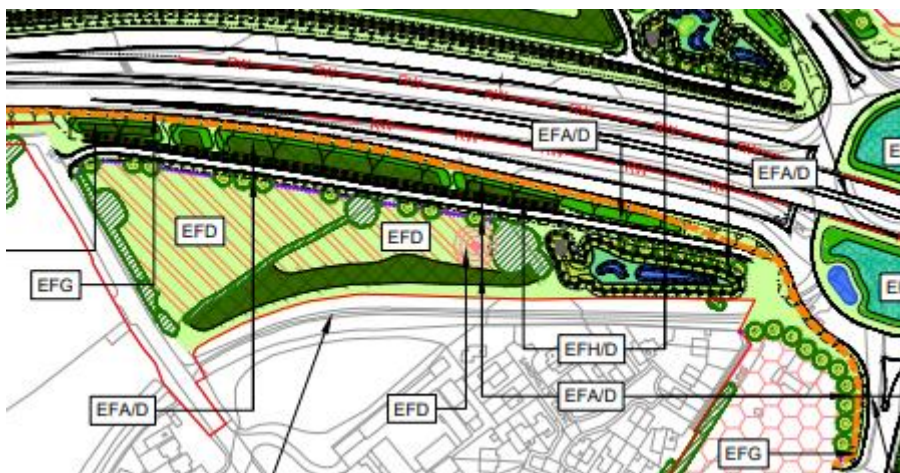
9.36. For those trees retained as part of the Scheme, standard protection measures have been proposed using Heras fencing as a means of root protection. However we have concerns that other specific site areas may need more detailed site protection whereby it affects ground levels and traffic or neighbouring uses. Therefore protection may not always be effective and the sweeping standard levels of protection may be best secured or demonstrated using site specific protection to existing groups of trees.

9.37. The main areas of tree removal are understandably to the north of the existing A46 alignment which comprise of Category B and C (moderate to low quality) with the main loss being around the Cattle Market Roundabout which sees the total loss of trees in and around the roundabout as well as to the north of the Lorry Park and both sides on all approaches to this junction. This would have a significant effect on the appearance of the area which is currently a verdant character despite the existing infrastructure and built development, as the existing trees and hedges contribute to the local rural character. It

¹¹ [TR010065-000230-TR010065 A46 Newark Bypass 6.3 Appendix 7.4 Arboricultural Impact Assessment Part 1.pdf \(planninginspectorate.gov.uk\)](#)

would also be a significant loss to existing biodiversity however the Council has reviewed the proposed Environmental Masterplan (EM) (6.2 ES Figure 2.3 DCO AS-026) and has specifically considered the landscaping of the Scheme following construction.

9.38. The EM is broadly acceptable but we would question the use of Horse Chestnut which is a species susceptible to miner moth infestation and bleeding canker infection which, long term, are likely to result in non viable retention. If trees are proposed to create focal points in the landscape then these should be larger in stock size than stated. This may be required for the Cattle Market roundabout given the proposed acoustic fence to the roundabout which could help to distract the eye. Another recommendation would be to improve the landscaping to the north of Sandhills Park and to the east of Newark Cricket Ground (see the extract below). From the photomontages submitted with the DCO, it is not considered that this adequately correlates to the EM as the EM alludes to a more intensive landscaping scheme than is depicted. We would welcome this containing more trees than the 3 shown on the photomontage to help to screen the impact of the A46 for existing residents.



Extract of 6.2 ES Figure 2.3 Environmental Masterplan Sheet 3 of 7

9.39. The applicant has stated that a Landscape and Ecology Management Plan will be prepared as part of the Second Iteration Environmental Management Plan to ensure the scheme landscape planting establishes, matures and fulfils its intended functions as set out in the ES. This is welcomed but we would request sight of this for completeness.

Tree Conclusion

9.40. The Council is generally satisfied with the methodology and compliance with local policy subject to suitable mitigation and enhancement whereby the lost trees and hedgerows are replaced in similar locations and are native. The ES Volume 6.3 Appendix 8.14 Biodiversity Net Gain Technical Report (para 5.1.8) states the net gain in habitat units is 4.99% and 8.17% net gain in hedgerow units. BNG is not yet mandatory for NSIP schemes until November 2025, however it illustrates to the Council that additional habitat and

hedgerow units would go in to the Scheme than is being lost. During construction there would be harm due to the intensive loss of green infrastructure, however the replacement units would, in the long term, contribute to mitigation which is seen as being positive but could be improved further.

- 9.41. Some improvements could be made especially to the area around Sandhills Park to improve amenity from the impact of the A46 and other matters can be resolved through the submission of a Management Plan and further information on construction within RPAs and site supervision.

10. Water – Negative

Baseline information

- 10.1. The Applicant has undertaken an assessment of the likely significant effects of road drainage and water environment as part of the Environmental Statement (ES), which has been reviewed by Nottinghamshire County Council (NCC). NSDC are not an authority with water responsibility and therefore the local impact has been added by us.
- 10.2. Chapter 13: Road Drainage and Water Environment is supported by the following documents which have also been reviewed:
- Figure 13.1 Surface Water Constraints;
 - Figure 13.2 River Waterbody Catchments;
 - Figure 13.3 Flooding Constraints;
 - Figure 13.4 Groundwater Constraints;
 - Appendix 13.1 Water Framework Directive Compliance Assessment;
 - Appendix 13.2 Flood Risk Assessment;
 - Appendix 13.3 HEWRAT Assessment;
 - Appendix 13.4 Drainage Strategy Report; and
 - Appendix 13.5 Surface Water Quality Monitoring.
- 10.3. The review of baseline information included watercourses, waterbodies, water quality monitoring, surface water environmental permits or discharge consents, flood risk areas, groundwater levels, groundwater abstraction, groundwater consented discharges, aquifer designations and vulnerability, Water Framework Directive (WFD) groundwater status, and designated sites within the study area. This information is considered relevant to the assessment to provide baseline conditions of the water environment within or in the vicinity of the Scheme.
- 10.4. The study area used for sensitive surface water receptors, drainage systems, fluvial flood risk, groundwater receptors and designated sites is 1 km from the Order Limits. The study

area is considered suitable as pollutants are expected to disperse and to have been diluted beyond a 1 km radius.

- 10.5. Risk assessment of the likely significant effects of the construction and operation stage has been conducted in accordance with the Design Manual for Roads and Bridges (DMRB) LA 113 – Road drainage and the water environment. In section 13.5 of Chapter 13: Road Drainage and Water Environment, a framework has been provided for assessing and managing effects associated with the water environment. Environmental Assessment and Monitoring guidance (DMRB LA 104) has been used to assess the significance of the effect on the receptor value and the magnitude of the impact. As part of the assessment, a worst-case scenario approach has been adopted in order to adequately account for all potential impacts. The assessment is considered appropriate.
- 10.6. Chapter 13: Road Drainage and Water Environment concluded that there are no likely significant construction or operational adverse effects. The assessment is considered to meet the policy requirements set out in the relevant national and local planning policy documents.
- 10.7. Local Impact - Comments from the Environment Agency during their Relevant Representations (DCO ref. RR-020) however does highlight some missing information. They state the detailed assessment described in Tables 5-1 to 5-4 of the 6.3 Environmental Statement - Appendix 13.1 Water Framework Directive Compliance Assessment (ref. TR010065/APP/6.3, Revision 1, April 2024) (APP-176), does not confirm whether a comparison of the proposed drainage impacts shows an improvement or deterioration of the existing baseline. Without this assessment the Environment Agency states it cannot be deemed that the Scheme achieves compliance with the WFD for Physio-Chemical, Specific Pollutant or Chemical elements. This is a conflict and one which NSDC would wish to see rectified to everyone's satisfaction as the impact on the Newark area would be acutely felt.

Flood Risk Assessment

- 10.8. Given that the Scheme is partly located within Flood Zone 3 and is over 1 hectare in size, a Flood Risk Assessment (FRA) has been undertaken and included as Appendix 13.2. The assessment provides the flood risk impact of the Scheme during the construction and operation phase. In order to inform the flood mitigation measures required, which would include the compensation of floodplains, hydraulic modelling has been conducted as part of the FRA.
- 10.9. The Sequential Test is applied as part of site selection and Exception Test has also been applied as part of the FRA. The Scheme seeks to improve an existing highway route that passes through Flood Zone 3. Therefore, it is not viable to relocate the works to a zone with a lower probability of flooding or to avoid crossing the A1, the River Trent and other watercourses. The Scheme alignment was developed following a comprehensive

assessment of different alignment options which considered all environmental impacts (inclusive of flood risk).

- 10.10. The FRA states that other options performed better with regard to flood risk but performed less well with regard to other potential impacts. Taking into account wider sustainability objectives, no reasonably available alternatives to locate the Scheme in areas of lower flood risk were identified. This review couldn't confirm that the potential impacts on other areas mean the alternative options are not "reasonably available" but it is assumed this will have been tested through the DCO process.
- 10.11. According to the FRA the Scheme is classified as Essential Transport Infrastructure, considering it forms part of the strategic road network and the need for the upgrade is set out in the Case for the Scheme. A part of the Scheme passes through Flood Zone 3b. This may be acceptable for Essential Transport Infrastructure subject to the application of the Exception Test.
- 10.12. The FRA was supported by hydraulic modelling to assess flood risk to and from the Scheme where it passes through Flood Zone 3. Changes in flood depth as a result of the combined permanent and temporary works elements have been compared to baseline depths. The inclusion of the Scheme with temporary works provided a conservative assessment of the flood risk impact of the temporary works. The FRA reports some increases in flooding resulting from the Scheme, both during construction and operation however the results are stated to demonstrate there is no significant impact on flooding based on the DMRB significance criteria and available information on affected receptors. According to the FRA, since the Scheme is a Nationally Significant Infrastructure Project (NSIP), the Exception Test was satisfied in terms of the benefits to the community and safety and flood mitigation measures have been incorporated into the design but finer details of these and their satisfaction are yet to be agreed. The new road would be at a low risk of flooding and would also be safe for the lifetime of the development without increasing flood risk to receptors elsewhere.
- 10.13. The flood risk impacts to the Scheme have been comprehensively assessed and the structure and content of the FRA are in accordance with the National Policy Statement for National Networks (NPSNN) Sections 4 and 5, and National Planning Policy Framework (NPPF).
- 10.14. Local Impact - NSDC however despite the above information would like to bring to the attention of the ExA the Environment Agency Relevant Representations (RR-020) whereby they conclude several items which locally we are concerned has not yet been addressed by National Highways when it concerns fluvial flooding. In 2023 the District of Newark and especially the tributaries of the River Trent and Devon, caused areas of mass flooding in and around areas of Newark and the A46. The Environment Agency have stated 9 requirements of flood risk impact when considering the Flood Risk Assessment (FRA), which the key ones have been summarised below. The FRA:

Failed to satisfy the second part of the flood risk exception test, insofar as it relates to fluvial flood risk;
Shows the Scheme would increase flood risk elsewhere over the lifetime of the development;
Fails to demonstrate that opportunities to reduce flood risk overall have been considered;
Fails to provide details on the amount and location of the flood storage being displaced;
Has no consideration of phasing works and when the floodplain compensation will become available so there is no loss in floodplain – *this is a particular concern given the floods already experienced when the floodplain is already available.*
Fails to consider the maintenance of the flood compensation;
Does not include drawings for the Slough Dyke realignment and the realignment has not been represented within the hydraulic modelling.

All of the above matters, NSDC consider to be important to the Scheme especially given the extent and volatility of the flooding experienced in 2023/2024.

Surface Water Quality Monitoring

10.15. Surface water quality monitoring was undertaken in January, April, and July 2023 to establish the baseline surface water quality within and in the vicinity of the Scheme during winter high flow and spring/summer lower flow conditions. The monitoring report is provided as Appendix 13.5 of the ES. The applicant states that surface water monitoring and groundwater monitoring would be undertaken during construction to ensure there is no deterioration in water quality as a result of the Scheme. Further monitoring will be undertaken as stated and is proposed to be undertaken quarterly. NSDC raise an issue with this and reaffirm the concerns of the Environment Agency (RR-020) whereby they state quarterly monitoring may be insufficient for identifying significant but short-term impacts. A reasonable level of assessment has been undertaken by the Applicant and the report is in accordance with the following legislation:

- The Environment Act 2021;
- Flood and Water Management Act 2010;
- Environmental Permitting (England and Wales) Regulations 2016 (as amended);
- Nitrate Pollution Prevention Regulations 2015;
- Water Act 2014;
- The Water Resources Act 1991 (Amendment) (England and Wales); and
- Environmental Damage (Prevention and Remediation) Regulations 2009.

National and Local Policy

Relevant National Policy

- 10.16. Chapter 13: Road Drainage and Water Environment assessed impacts according to the National Policy Statement for National Networks (NPSNN) and National Planning Policy Framework (NPPF) that was in effect at the time of writing, and was published for consultation in March 2023. Chapter 13: Road Drainage and Water Environment has been reviewed in accordance with the latest NPSNN published in March 2024.
- 10.17. The submission documents include the document ‘National Policy Statement for National Networks Accordance Tables’, outlining how the Scheme complies with each section of the NPSNN relevant to Chapter 13: Road Drainage and Water Environment.
- 10.18. When determining an application for development consent in relation to flood risk, the policies relating to climate change adaption in paragraphs 4.36 to 4.47 of the NPSNN should be taken into account. Paragraph 5.91 refers to advice in the NPPF (paragraphs 165 to 175) regarding directing development away from areas at the highest risk of flooding but where development is necessary, advising that it should be made safe without increasing flood risk elsewhere.
- 10.19. Advice on assessments is given to applicants in paragraphs 5.92 - 5.97 of the NPSNN which advises schemes located in Flood Zones 2 and 3 (medium and high probability of river and sea flooding), within Flood Zone 1 (low probability of river and sea flooding), or schemes of 1 hectare or greater or subject to other sources of flooding or critical drainage problems be accompanied by a FRA. This should identify and assess the risks of all forms of flooding to and from the Scheme and demonstrate how these flood risks will be managed, taking climate change into account. Applicants for schemes which may be affected by, or may add to, flood risk are advised to seek sufficiently early pre-application discussions with the Environment Agency and, where relevant, other flood risk management bodies such as lead local flood authorities, Internal Drainage Boards (IDB), and reservoir owners and operators.
- 10.20. The flood risks during construction and operation are outlined in the ES and further assessed in FRA (Appendix 13.2), as described previously. The site-specific FRA also takes into account the impacts of climate change listed above. The FRA concluded a low risk of flooding from all sources both to the Scheme and as a result of the Scheme. This considered the proposed mitigation which includes floodplain storage compensation areas and implementation of the proposed drainage strategy (Appendix 13.4 Drainage Strategy Report). The Scheme has followed the NPSNN in undertaking a site-specific FRA and included appropriate drainage mitigation.

Relevant Local Policy

- 10.21. Newark & Sherwood Local Development Framework Core Strategy & Allocations (Amended Core Strategy)

- 10.22. Core Policy 9 (Sustainable Design) states that new development proposals should demonstrate sustainable design that proactively manages surface water including, where feasible, the use of Sustainable Drainage Systems to protect and enhance the natural environment. Core Policy 9 states that the district council will prepare a Supplementary Planning Document (SPD) setting out guidance to developers on the sustainable design of development. This has not yet been published.
- 10.23. Core Policy 9 (Sustainable Design) also states that in areas at risk of flooding, and to direct development away from areas at highest risk, national planning policy requires a sequential approach to flood risk. A Strategic Flood Risk Assessment (SFRA) has been produced to inform decisions over site allocations in the determination of planning applications. The SFRA was reviewed and updated in 2016 to provide the necessary evidence base to inform 'Plan Review'. The District Council will expect developers, as part of proposals, to take the study into account.
- 10.24. The Newark and Sherwood District SFRA entirely covers the Scheme area and looks at flooding from a variety of different sources. The Level 2 SFRA identifies the Scheme as being partially within the functional floodplain (Flood Zone 3b).
- 10.25. With regards to meeting the requirement for Core Policy 9, the mitigation measures from the potential surface water impact during construction and operation of the newly proposed SuDS are not specifically defined within Chapter 13: Road Drainage and the Water Environment but a preliminary drainage design has been set out in the Drainage Strategy Report (Appendix 13.4).
- 10.26. Core Policy 10 (Climate Change) states the District Council is committed to tackling climate change's causes and impacts and delivering a reduction in the District's carbon footprint. Developments should take into account potential adverse environmental impacts that during construction and operation should be mitigated to minimise the impacts of climate change. New development proposals should be steered away from those areas at the highest risk of flooding, by applying the sequential approach to its location. Where appropriate the Authority will seek to secure strategic flood mitigation measures as part of the new development. Following the Sequential Test, the Exception Test should be applied in line with national guidance.
- 10.27. New development must also ensure that surface water runoff is positively managed through the design and layout of the development to make sure that there are no unacceptable impacts in runoff into surrounding areas or the existing drainage regime.
- 10.28. The appropriate climate change uplifts have been considered for the FRA and flood mitigation measures have been examined during the construction and operational phase. As part of the policy requirements, a Sequential Test as well as an Exception Test were completed. Nature based solutions (NbS) and Sustainable Drainage Systems (SuDS) were the primary principles implemented in draining, treating and attenuating the extended

catchment of the Scheme. Above-ground SuDS have been integrated with environmental and landscaping features to produce additional benefits where practical. A blue-green corridor has been utilised to tie attenuation features and landscaping into a holistic design.

Conflicts

10.29. In summary, NSDC is indifferent on this matter given the Relevant Representations submitted by the Environment Agency and have to conclude that until a revised FRA is submitted to accord with the matters raised, we cannot conclude that the proposal would have a neutral or positive impact. This is largely due to the sensitive nature of the floodplain around Newark and the reassurance that adequate compensation and a timetable to achieve this compensation is made so as there is no loss of floodplain.

11. Cultural Heritage – Negative

11.1. The Environmental Statement (ES) dated April 2024 (TR010065/APP/6.1) has been produced by National Highways (NH). Chapter 6 of the ES (DCO documents APP-050) refers to Cultural Heritage.

11.2. The methodology used for the assessment of the heritage assets is set out in section 6.5 of the above document. The Council agree with the methodology used, however the methodology hasn't been followed correctly within the 'residual effect' assessment as set out in Table 6-7 Summary of Likely significant effects and mitigation requirements during construction of scheme. The residual effect for many of the heritage assets include 'not significant', which is not considered to be a sound assessment of the effect of the development.

11.3. The National Networks Planning Policy Statement (NNPPS) (2014)¹² which is applicable to this development over the latest publication from 24 May 2024 as the DCO was not accepted until 23 May 2024, states that the "*construction and operation of national networks infrastructure has the potential to result in adverse impacts on the historic environment.*" (para 5.120)

11.4. Built Heritage – Negative

11.5. The study areas for cultural heritage have been defined in accordance with Design Manual for Roads and Bridges LA 106 Cultural heritage assessment¹³ which states that the

¹² [Microsoft Word - 141210 FINAL NPS IAN \(publishing.service.gov.uk\)](#)

¹³ <https://www.standardsforhighways.co.uk/tses/attachments/8c51c51b-579b-405b-b583-9b584e996c80?inline=true>

assessment shall define a study area according to the sensitivity of the environment and the potential impacts of the Scheme. Where a new road or road improvement is proposed, the study area shall include the footprint of the Scheme plus any land outside that footprint which includes any heritage assets which could be physically affected. The study area should also include the settings of any designated or other heritage assets in the footprint of the Scheme or within the zone of visual influence. The study area has been consulted on by NH with Nottinghamshire County Council Senior Practitioner Archaeology and this Council's Conservation Officer. This study area is shown within DCO reference AS-035 Figure 6.2 Heritage Survey Areas.¹⁴

11.6. There are 4 designated heritage assets located within the Order Limits

Grade	List Entry Number	Reference number	Name	Designation Date
Grade II*	1297721	MM038	Concrete Footbridge across River Trent	23 rd October 1989
Grade II	1196289	MM141	Causeway Arches 650 metres Northwest of Level Crossing	designated 19 th May 1971
Grade II	1228733	MM228	Causeway Arches 500 metres Northwest of Level Crossing	designated 19 th May 1971
Grade II	1297727	MM389	Causeway Culvert 420 Metres Northwest of Level Crossing	designated 19 th May 1971

11.7. However an additional study area of 1km buffer from the Order Limits of the Scheme has been defined to capture and assess potential changes to the setting of designated heritage assets including schedule monuments, listed building, registered parks and gardens and conservation area. This is important to the settlement of Newark as this then includes the setting of key landmark buildings in the Newark Conservation Area.

11.8. Within the 1km buffer study area there are:

Designation type	Number
Schedule Monument	15
Grade I	7
Grade II*	15
Grade II	379
Conservation Area	5
Registered Park and Garden	1
Non-designated historic building	123
Non-designated historic landscape	5

11.9. Section 6.1 Environmental statement chapter 6 Cultural heritage identifies 37 of these designated heritage assets as having the potential to be impacted by the scheme. These heritage assets have been further assessed and it was concluded that 8 listed buildings and 1 conservation area would potentially experience **significant effects**.

¹⁴ [TR010065-000399-6.2 Figure 6.2 - Heritage Survey Areas.pdf \(planninginspectorate.gov.uk\)](#)

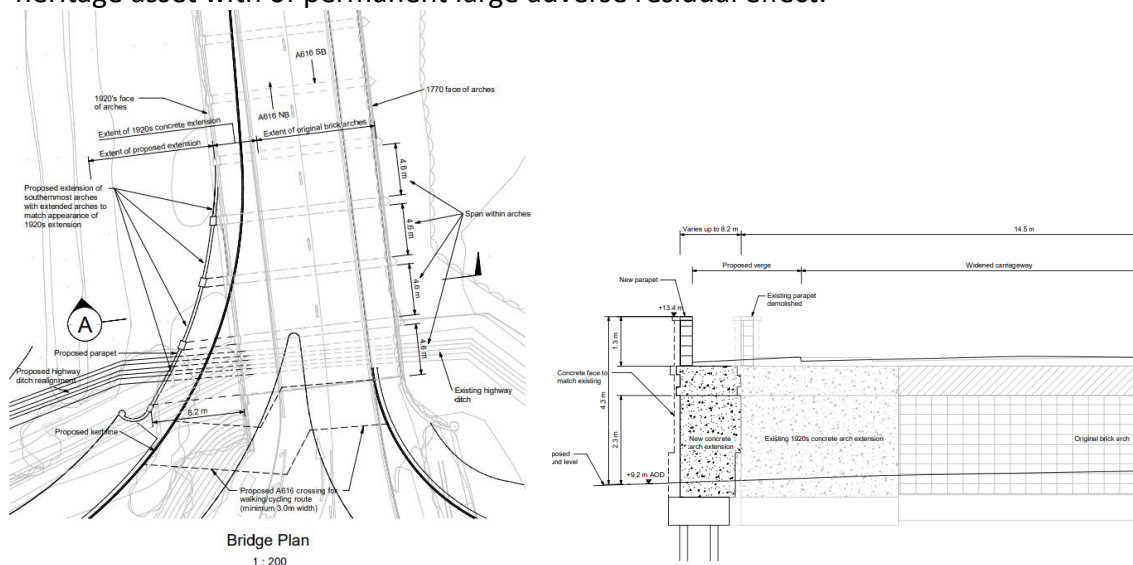
- 11.10. The National Planning Policy Framework (NPPF) (2023) Chapter 16 (Conserving and enhancing the historic environment), sets the national framework for assessing developments which impact upon heritage assets and the historic environment. This is in addition to Legislation of Planning (Listed Buildings and Conservation Areas Act) 1990 and National Policy Statement for National Networks (2014) and the Council's local policies within the Amended Core Strategy Development Plan Document (2019) (Core Policy 14 Historic Environment) and Allocation and Development Management Development Plan Document (Policy DM9 Protecting and Enhancing the Historic Environment) which is currently under review with examination taking place in November 2024.
- 11.11. It is accepted and is a running theme through the policy documents above, that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss. The Secretary of State should refuse consent unless it can be demonstrated that the substantial harm/less than substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm. Opportunities to better reveal the significance of heritage assets and preserve those elements of the setting that make a positive contribution to, should be treated favourably.
- 11.12. The Council have identified additional heritage assets that have the potential of being impacted by the scheme. These include.
The Causeway Culvert 420m Northwest of level crossing (LEN 1297727) has not been included within this further assessment even though this designated heritage asset is within the Order limits.
Grade I Church of St. Mary Magdalane and attached railings (LEN 1279450), which is located within the 1km designated heritage asset study area has not been included. The spire of the church is a significant focal point along the Great North Road when travelling south towards Newark.

Cattle Market Roundabout

- 11.13. *Smeaton's Arches*
Some of the heritage assets in the area of the Order have value in their group association, in particular the grade II listed Smeaton's causeway arches and viaduct. There is a total of 11 different designations, all of which are grade II listed however only 5 of these designations are located within or adjacent to the Order Limit. Part of the significance of these heritage assets is their alignment along a historic route into and out of Newark.
- 11.14. The Council would like it known that paragraph 6.11.9 outlines that the heritage asset 'Causeway Arches 650 metres Northwest of Level Crossing (MM141)' (also known as Smeaton's Arches) is located outside the Order Limits. Whereas it is stated that the heritage asset is located within the Order Limits in Table 6-7 (Summary of likely significant effects and mitigation requirements during construction of the Scheme) in Section 6.1 Environmental statement chapter 6 Cultural heritage document. The Council agree that the heritage asset is located within the Order Limits.

11.15. The proposal includes permanent alterations to Causeway Arches 500 Metres Northwest of Level Crossing (LEN 1228733) (MM228). The arches have previously been altered during phases of road alterations; however, these proposed alterations will have an impact on the heritage asset. As part of the Statement of Common Ground, the Council and Nottinghamshire County Council have been in discussions with NH on the proposed impact to this structure which has helped to secure an acceptable development and mitigation works for the structure. The alterations to Causeway Arches 500 metres Northwest of Level Crossing are permanent.

11.16. The extent of the works include some demolition to the structure on the southern side which was extended in the 1920s, to include the widening of the road and will result in the loss of historic (although not original) fabric and an alteration in its dimensions. This will affect the ability to appreciate its historic interest. Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the alterations will be 'Permanent large adverse' to the heritage assets. The realignment will have an effect on the associated heritage assets located along Great North Road, due change in alignment. The Council consider that the development will have a less than substantial harm on the heritage asset with of permanent large adverse residual effect.



(Extract from drawing no. HE551478 Rev C03 Structures general arrangements Sheet 6 of 12)

11.17. *Church of St. Mary Magdalene*

The 5 mile stretch along the A46 experiences views of various heritage assets with the most prominent heritage asset being the Church of St. Mary Magdalene and the Council is disappointed that this has not been given more consideration by NH in the development and assessment of the scheme with the production of visual information. This church and its prominence is an important visual consideration in part due to the height and elevated position provided by the C13th spire of the Church which is a prominent feature within the landscape.

11.18. As the parish church, the prominence of the spire is an intentional design feature meant to promote the siting and presence of the church within the vicinity. The church spire is also a significant landmark while travelling south along the Great North Road

(A616) and can be seen on the approach to the Cattle Market roundabout. The Council considers that the submitted Key Visual Receptors shown on DCO ref. APP-138 and 139 do not adequately reflect the impact of the Cattle Market roundabout and the changes to the visual impact. Specifically there is no representation of photographic montages or existing baseline data on the existing or proposed impact or relationship on the gateway in to Newark from this elevation.

11.19. The new flyover at the Cattle Market roundabout elevates the road infrastructure and from reviewing the only photomontage which has been provided at viewpoint 24 (Sandhills Park), the design of the elevated sections would be harsh infrastructure which is expected to continue on both sides of the roundabout (see below). This infrastructure has the potential of disrupting and dominating views of the Church of St. Mary Magdalene when travelling along the Great North Road (A616) into Newark.



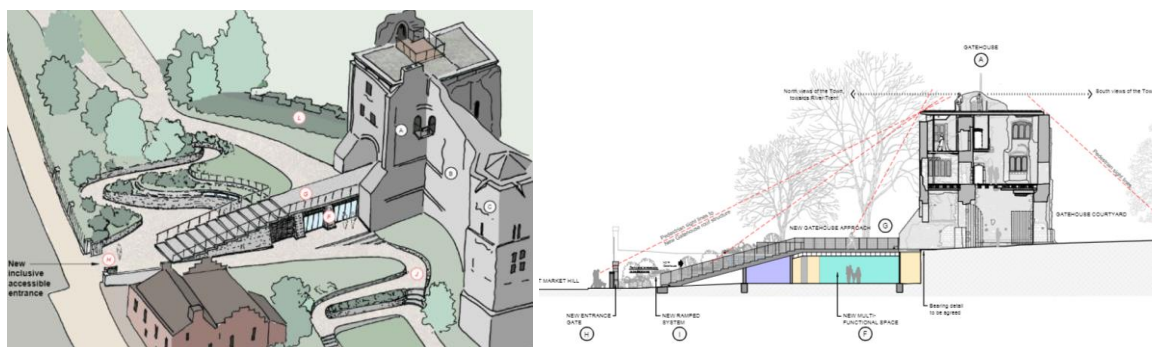
VP24 Year 1



VP24 Year 15

11.20. Newark Castle

Other significant heritage assets within Newark, includes Newark Castle (MM001). Developed from an original timber episcopal fortress built 1135-39. The Castle is large in scale, however there are only limited glimpses of the structure as you enter Newark along the Great North Road. However, there are long ranging views northwards from the Castle. Recent planning permission approved (21/02690/FUL¹⁵ and 24/01268/S73) at the castle to provide a larger viewing platform on the gatehouse will retain and likely enhance these views as visitors will be able to stand at the top of the currently inaccessible castle.



Extract of plans from submission of 21/02690/FUL, Newark Castle

¹⁵ <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage> Newark Castle Gatehouse project

11.21. The existing A46 is currently largely screened with mature trees, however with the approach along Great North Road and the Newark Lorry Park being opened up with the felling of trees (see DCO ref.AS-088 Sheet 7 and 8), this aspect will open up, making the presence of the A46 more apparent and dominating in the locale, especially given the committed development allowing an elevated public vantage from the Castle.

11.22. DCO ref. AS-041 categorises the harm around the Cattle Market as neutral to slight adverse and the impact on both Newark Castle and Church of St. Mary Magdalene have not been considered in Table 6-7 Summary of likely significant effects, which the Council considers they should. Without photographic evidence on this proposal to show this relationship and how the spire of the church and the presence of the Newark Castle is impacted upon, the Council reserves the right to disagree with this conclusion. It is acknowledged that the Examining Authority have requested additional viewpoints from NH which are unfortunately not due until Deadline 1 (22 October 2024) which is the same deadline as the LIR is required. Therefore the Council will amend their comments on this section (if necessary) through their subsequent Written Representations submission.

Concrete footbridge

11.23. During the construction phase of the A46, the Grade II* Concrete Footbridge across the River Trent (MM038) (Elbow Bridge) will be closed to the public and have a temporary works area.

11.24. The bridge is of concrete construction from around 1915 and restored in the C20. The single span bridge is an early example of the structural use of reinforced concrete which makes it of high significance.



The bridge is located along an existing network of footpaths (Newark FP66 and Newark BW5 & 6) that takes walkers along the west side of the river Trent. This will affect the accessibility and appreciation of the heritage asset during this phase although accepted it is temporary. The other pedestrian crossing point over the Trent is approximately 600m south (off Cow Lane).

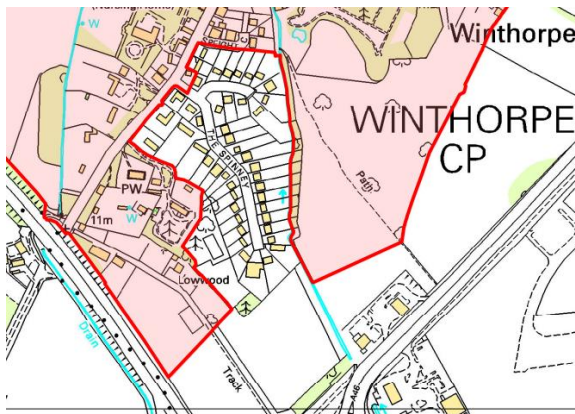
In addition, with the asset being located within the Order Limits, during the construction phase, the presence of construction machinery, traffic, lighting, noise and vibration will have a negative impact on the setting of the heritage asset. Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the

construction will have 'Temporary Moderate adverse' effect on the heritage assets. The potential structural impacts during the construction phase has the potential of causing some permanent adverse effects that may require significant repairs to the structure.

11.25. The setting of the Concrete Footbridge is already dominated by the existing A46 and with the new carriageway for the A46 located to the west of the existing carriage way, the Council considers therefore it will have a neutral effect.

Brownhills Roundabout and Friendly Farmers Roundabout

11.26. Winthorpe Conservation Area (CA) (MM432) was first designated in 1974 with a subsequent review and extension in 2007¹⁶ and extends up to the A1 to the southwest.



Extract of the Winthorpe CA 2007

11.27. Historically the Grade II listed high-status dwellings, such as Lowwood (MM053) and the Grove (MM062), orientated with a view to the south. This view today and the southern boundary of the CA along the A1 is now largely screened behind a mature treeline. Many of the individual listed buildings located in Winthorpe are screened from wider views, however the spire of the Church of All Saints (MM063) is a key landscape feature from both the A46 when travelling north and A1 when travelling south. The prominence of the spire is due to the height of the building. The broach spire is unusual in the landscape with its tiled roof. There is potential that the Brownhills Junction flyover and A1 flyover, due to its more elevated positions could affect these wider views and the dominate the existing views of the spire of The Church of All Saints.

11.28. The viewpoint from Bridge Farm (VP41) shows the only photomontage of the intended structure with a sloped green embankment as opposed to the harsh flyover at the Cattle Market. Whilst this is appreciated it is not representative of the experience from within the CA.

11.29. The eastern boundary of Winthorpe Conservation Area is more open, due to the historic parkland associated with Winthorpe House (LEN 1302281), with views that extends towards the A46. The setting and wider views from the eastern boundary of the CA is impacted by the existing A46 network at the Friendly Farmer roundabout and the industrial buildings beyond. However, the proposed A46 works brings the road network closer to the CA.

¹⁶ <https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-services/heritage-and-tree-conservation/conservation-areas/Winthorpe-1.pdf>

11.30. The photomontage from VP43 along the footpath (Winthorpe FP2), in the Council's opinion does not include a sufficient representation of the experience around this area and the photo should be angled towards the flyover which is likely to result in the greatest harm to the setting of the CA.

11.31. Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the alterations to the infrastructure will have 'Permanent slight adverse (not significant)' to the heritage assets. The use of the term 'not significant' isn't clear and doesn't follow the criteria. The council consider the works will have a less than substantial harm to Winthorpe Conservation Area, Lowwood and Church of All Saints. The full extent of the effect is unknown due to the limited visuals of the A1 flyover and the Council therefore requests that additional information by way of photomontages is submitted by National Highways to cover this matter.

Winthorpe Roundabout

11.32. Langford Hall (MM026) is a Grade II* listed country house C1780/90 by John Carr of York. Within the grounds there are also Grade II stables and Grade II Coach House. The house enjoys a rural setting located within its own parkland that extends eastwards toward the A46. The alterations to the Winthorpe roundabout, including embankments and traffic lights will increase the prominence of the road infrastructure, moving it slightly closer to the listed building and its parkland setting.

11.33. The historic driveway for Langford Hall is currently accessed from the A46, north of the current Winthorpe roundabout, continuing west through the parkland. It is proposed to alter this creating a new access to the south from the A1133, through land which isn't associated with the Hall and detaches Langford Hall from its original lodge and entrance. The harm to which is considered Less than substantial permanent slight adverse.

11.34. During the construction phase it is proposed to have a temporary works area which will also alter the setting of the heritage assets during this period. But it is accepted that this is only temporary and thus as a result the harm would be transient.

11.35. Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the alterations to the driveway will have 'Permanent slight adverse (not significant)' to the heritage assets. The use of the term 'not significant' isn't clear and doesn't follow the criteria. The council considers that the development will have a Less than substantial harm on the heritage asset of permanent slight adverse residual effect.

Farndon Roundabout

11.36. Over the last couple of years, the river Trent has experienced higher water levels than normal and especially during the storms in late 2023. Listed buildings, such as Farndon Windmill (Grade II Listed) have suffered from damage from the flooding from the River Trent. This needs to be taken into account when carrying out structural assessments of relevant heritage assets and potential impact of vibrations during the construction.

- 11.37. During the construction phase, the presence of construction machinery, traffic, lighting, noise, and vibration will have a negative impact on the setting of the heritage asset. Section 6.1 Environmental statement chapter 6 Cultural heritage concludes that the effect of the alterations will have 'Permanent slight adverse (not significant)' to the heritage assets. The use of the term 'not significant' again isn't clear and doesn't follow the criteria. Due to the potential structural impacts during the construction phase, has the potential of causing some permanent adverse effects that require significant repairs to the structure.
- 11.38. The new A46 carriageway will be at the same height as the existing and the Council considers the development will have Less than substantial harm on the heritage asset of permanent slight adverse residual effect.

Mitigation measures

- 11.39. In terms of mitigation, measures that ensure the appropriate recording of the structure at Smeaton's Arches should be included in the Construction Environmental Management Plan (CEMP) and that appropriate mitigation is sought for surveying the buildings which could be impacted by vibration. The council's conservation team would encourage their involvement agreeing recording methodology for Smeaton's Arches and the surveying and repair methods for those buildings affected.
- 11.40. As part of the noise assessment within the ES Volume 6.1 Chapter 11 this identifies various areas within the study area which would be impacted by either operation or construction noise as a result of the development. As part of that, additional mitigation measures have been embedded in the Scheme which is stated at paragraph 11.10.3 and 11.10.4 and reiterated below, which include:
- three landscape bunds at a height of 2.0-2.5 metres would be included north of the A46 section between the A1 and Winthorpe Roundabout which will also provide noise screening;
 - Six noise barriers at a height of 2 metres from the road surface (or from local ground, if not positioned along the A46) would be included along the Scheme, including:
 - Two located along the southbound entry slip from Cattle Market Roundabout extending part way down the west side of the Great North Road south of Cattle Market Roundabout;
 - One located at the southbound entry slip road at Brownhills Junction;
 - One along the northbound carriageway from the Brownhills Junction to the Esso Service Station;
 - Two located from the Esso Service Station to the Winthorpe Roundabout at the northern extreme of the Scheme, transitioning at the midpoint from barrier at the roadside to barrier on the crest of the adjacent bund.
- 11.41. The Council is mainly concerned with regards to the impact of the acoustic barriers at the Cattle Market roundabout. No design details are shown of how this will interact with the roundabout and the Council raise concerns that a potential 2.5m high close boarded fence around the roundabout, which is an existing verdant and rural character would

result in harm to this key gateway into Newark. Figure 2.3 Environmental Masterplan of Chapter 6.2 ES illustrates the siting of the acoustic fence and the Council request that although trees are proposed to the south of the fence this does not mitigate for the visual harm caused to the setting of the heritage assets. A balanced judgement on this matter would be required however a solution could be sought which softens this aspect but still able to achieve the same outcome, however the Council currently considers this to be harmful.

- 11.42. The construction of the bunds around Winthorpe to the east of the CA will alter the rural/parkland setting of the CA and will erode into this relationship whilst still maintaining a verdant character.

Built Heritage Conclusion

- 11.43. The A46 development will have an impact on a wide range of different heritage assets of various significance. The magnitude of harm on some of the heritage assets cannot be concluded due to the limited information and therefore at present the Council must conclude that the proposal fails to accord with local policy and objectives of National Policy. Should further information such as mitigation and a demonstration of visual impact in the form of additional montages be submitted then the Council's position on this matter may change. However, the Council considers the works will cause less than substantial harm, with some areas being of permeant large adverse effect.

11.44. *Archaeology – Negative*

- 11.45. Local Policy – Newark and Sherwood DC

Core Policy 14: Historic Environment (Local Development Framework, Amended Core Strategy 2019);

Policy DM9: Protecting and Enhancing the Historic Environment (Allocations and Development Management DPD 2013);

Policy DM9: Protecting and Enhancing the Historic Environment (Amended Allocations and Development Management DPD for examination in November 2024)

- 11.46. National Policy

- 11.47. National Networks National Policy Statement, 2024:

- Section 5.204 acknowledges that the construction, of national networks infrastructure has the potential to result in adverse impacts on the historic environment.
- Sections 5.210 to 5.211 lay out requirements to provide an assessment of the significance of heritage impacts from the development and also to describe the significance of the affected heritage assets;
- Sections 5.212 to 5.215 present requirements for mitigation of development impacts on archaeology identified within the order limits, stating 'Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of

State should require the applicant to record and advance understanding of the significance of the heritage asset before it is lost’.

11.48. National Planning Policy Framework, 2023:

- Chapter 16 (paragraphs 195-214) of the NPPF set out a framework for the management of the historic environment and provides guidance for proposals affecting heritage assets;
- Paragraph 200 sets out a requirement for assessment of impact on heritage assets during the application process ‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.’
- Paragraphs 205, 206 and 208 provide guidance on impact to designated heritage assets;
- Paragraph 211 makes provision for mitigation of development impacts ‘Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible’.

11.49. It is the Council’s position that the applicant must provide sufficient desk-based research, non-intrusive survey and intrusive field evaluation to adequately assess the archaeological potential of this scheme and provide an agreeable Outline Mitigation Strategy (OMS) for Examination. The Environmental Statement (ES) must present the full range of findings from this archaeological work to provide the evidential basis for the OMS.

11.50. The scheme runs through areas of known archaeological potential dating from the late Palaeolithic to post-medieval period and all archaeological periods in between are represented on the HER. Of particular note is the internationally significant late Upper Palaeolithic site at the north end of Farndon and southern end of the scheme. Known and notable Roman and Anglo-Saxon sites are also present within the order limits and there is a high potential for additional, currently unknown sites dating to these periods and further Civil War activity associated with the sieges of Newark in the 17th century.

11.51. The applicant has submitted an Environmental Statement in support of the application and considers Cultural Heritage at Chapter 6 (APP-050). Supporting appendices have also been submitted and comprise:

- 6.1 (Desk-based Assessment (DBA) APP-132),
- 6.2 (Assessment of Heritage Value APP-133),
- 6.3 (Assessment of Cultural Heritage Effects During Construction of the Scheme APP-134), and
- 6.4 (Assessment of Cultural Heritage Effects During Operation of the Scheme APP-135).

11.52. Chapter 6 and the DBA make reference to several surveys and field evaluations including geoarchaeological evaluation, metal detector surveys, field walking, monitoring of GI and trial trench evaluation. It is essential that the full reports for these should be

included as appendices so that a proper assessment of the data can be scrutinised and allow for a formal position on the extent to which the scheme has been sufficiently evaluated.

- 11.53. The applicant's archaeological consultants have engaged well with the Council and Nottinghamshire County Council and other stakeholders with regard to archaeology, as detailed in Section 6.4.
- 11.54. Chapter 6 incorporates the data derived from the DBA, metal detector and fieldwalking surveys, geoarchaeological investigation and geophysical survey. Crucially, it has not included the data from the trial trench evaluation work which was undertaken in 2023/24, which the report acknowledges at Section 6.8.116. The inclusion of this data in the assessment in Chapter 6 is essential to understanding the development impacts and the assessment will not have been completed to a satisfactory standard until it has been.
- 11.55. Section 6.9 details potential impacts which includes the removal or truncation of heritage assets as a result of excavation, ground disturbance, de-watering and compaction associated with the construction of the Scheme and associated works (Section 6.9.3). Where archaeology is present this would be a significant, adverse, negative impact.
- 11.56. It also identifies operational impacts, particularly the depreciation in value of below ground heritage assets as a result of damage caused by compaction, vibration, dewatering and changes in hydrology for the Scheme and associated floodplain compensation works. It should also include potential impacts from maintenance and other works. Where archaeology is present this would be a significant, adverse, negative impact.
- 11.57. Section 6.10 provides a very broad mitigation proposal based on the evidence presented, although there is some detail of design alterations, which is welcomed. However, this is necessarily lacking crucial information from the evaluation trenching and other reports that have not been included with the DCO submission.
- 11.58. The mitigation proposals in Section 6.10 that relate to archaeology comprise avoidance and excavation/surveys to understand and record the heritage encountered along the route creating a greater knowledge of the area's heritage. While this high-level approach would be broadly agreeable (as with any scheme), it is essential that a detailed Mitigation Strategy be presented for examination and this be based on the full range of reports rather than the limited submission to date.
- 11.59. The Mitigation Strategy must identify each archaeologically sensitive area, the impacts from the proposed development and a detailed programme of archaeological works for each that will offset the impacts. This will include excavation, monitoring, preservation in-situ (archaeological exclusion zones) and design solutions. The current proposals are insufficient and limited and the impact from development remains adverse and negative until such time as additional detail is provided.
- 11.60. This office is aware of the level of archaeological work that has been undertaken by the applicant and has monitored much of it. We can advise that the archaeological work

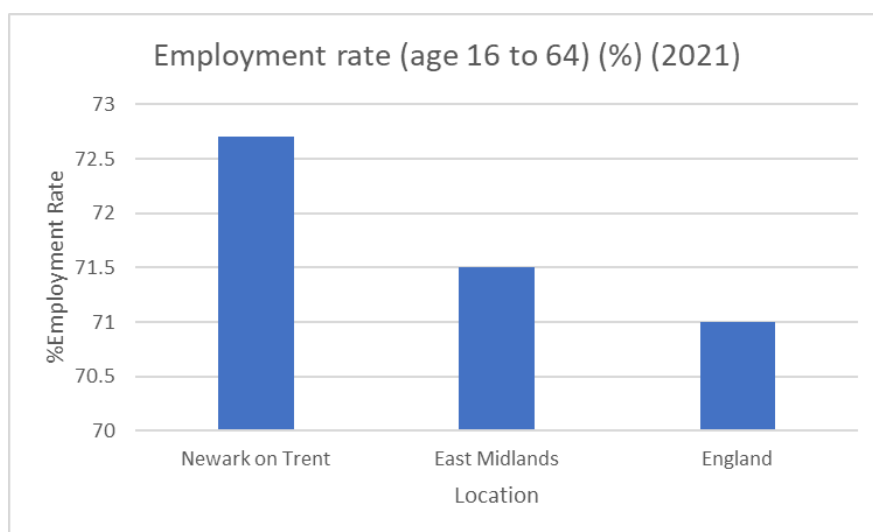
to date is of a sufficient level to appropriately inform the ES Chapter, however it has not been presented in full and consequently the ES Chapter is lacking sufficient detail for Examination.

11.61. The evidence presented to date indicates the presence of significant archaeology, but does not provide sufficient site specific detail on the extent, character, depth, state of preservation of the archaeology and therefore cannot provide specific detail on the development impacts or an agreeable programme of mitigation work to offset those impacts. Therefore, the Council’s position must be that the development will have a significant, adverse and negative impact on the archaeological resource encountered in the Order Limits and thus fail to accord with local policy.

11.62. This position would alter if the applicant submits a detailed Outline Mitigation Strategy for Examination based on all the archaeological work to date including the outstanding reports. The ES Chapter will need to be updated accordingly to reflect the current level of work undertaken.

12. Socio Economic – Positive

12.1. The English Index of Multiple Deprivation (2019)¹⁷ finds that over 30% of Lower Layer Super Output Areas (LSOAs) in Newark-on-Trent are in the top 20% most deprived in England in terms of Education, Skills and Training. Despite this, the town fares quite well in terms of employment. With more than 8,000 businesses, Newark is home to many industries, including logistics, data management and tourism. The town supports a wide range of jobs and compares well at a regional and national level in terms of employment rates¹⁸ (age group 16 to 64 is 72.7% in Newark compared with 71.5% in East Midlands and 71 in England).



¹⁷ <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>

¹⁸ <https://assets.publishing.service.gov.uk/media/660445c591a320001182b116/Newark-on-Trent.pdf>

12.2. As a strategic point intersecting the A1, M1 and connecting larger cities such as Birmingham, Coventry, Leicester, Nottingham, Lincoln and the Humber Ports, businesses are technically well positioned on the A46. However recent research, undertaken in April and May 2024¹⁹, indicates that the A46 in its current form is a hindrance to economic growth. Midlands Connect commissioned a qualitative study, 'Unlocking the Potential of the A46 Newark Bypass' (May 2024), which sought views from local businesses in and around Newark (including Newark Showground, Vodaphone, and British Sugar) on how they and the region are being held back by the lack of investment in the A46 Newark bypass. The following messages were consistently drawn from interviews with local businesses and stakeholders:

The A46 in its current form is **negatively affecting business** operations, as well as the wider community;

Traffic is **costing businesses** and the local economy money;

An improved A46 would **improve the prospects** of Newark and the businesses based there; and

Despite concerns about the interruption caused by the improvement works, there is **widespread support** for the proposals and a desire for them to be commenced without delay.

12.3. It was reported that delays caused by traffic congestion are a concern for the Newark Showground as it holds several events per annum and can have up to 15,000 people accessing the showground on a given day. The interviewee from Newark Showground indicated that queues can be miles long at busy times. If you are trying to attend an event at the show ground, it can mean that visitors are up to two hours delayed. This impacts everyone in the area, delayed through traffic congestion. There is a perception that when people regularly struggle to access events, it affects reputation and future commercial confidence.

12.4. British Sugar (British Sugar processes all the sugar beet grown in the United Kingdom and supplies 60% of the UK's sugar market) reported that they factor in more time for their drivers to complete journeys as they know taking the A46, technically most direct route, will lead to delays. As a result, drivers are taking less direct routes, spending more time on their journey and money on fuel.

12.5. Local businesses also argued that excessive traffic around the A46 makes it harder for employees to access work with reliability and makes Newark Town Centre effectively unreachable on a Friday in particular, impacting on local investment into the town centre.

¹⁹ <https://www.midlandsconnect.uk/media/sggnpnk/0306-a46-newark-perceptions-report.pdf>

Vodafone is a large local employer with a significant base in Newark. In its current layout, the Vodafone representative indicated that the A46 hinders peoples' ability to reliably travel to the office and this risks Vodafone pulling their investment from Newark and look elsewhere if the situation doesn't improve.

- 12.6. The report concludes that the A46, in its current format, acts as a hindrance to making the most of this strategic location. Improvements to the strategic network would inevitably improve the free flow of traffic around this currently bottlenecked junction in the A46 network, improve business confidence in the area as well as productivity thus providing a boost to the local economy. For this reason the Council sees this as a positive outcome.

13. Noise and Vibration – Neutral

Baseline

- 13.1. Existing road and rail noise sources are identified in the ES as the dominant noise sources in the vicinity of the scheme, in particular the existing A46 and A1. With some additional contributions from aircraft and natural sounds such as birdsong.
- 13.2. Baseline noise monitoring was undertaken in 2022 at seven long term sites and two short term sites along the scheme. As stated in Appendix 11.2 of the Environmental Statement (ES) states the Environmental Health Officer (EHO) at Nottinghamshire County Council (NCC) was consulted on the proposed locations and methodology in February 2022.
- 13.3. Further detail on meteorological conditions during the survey, in particular information on the wind direction and any periods excluded due to adverse weather, which are not provided, would be beneficial. However, overall the baseline monitoring is considered to be suitable and sufficient for the purposes of the noise impact assessment.
- 13.4. The identification of noise sensitive receptors along the scheme, in particular residential dwellings and noise important areas (NIAs), is set out in the ES and captures the main areas of receptors with the potential to be impacted. No information is provided on other noise sensitive receptors in the study area such as educational, medical and community facilities. Based on section 11.11 'Assessment of likely significant effects' a large number of other sensitive receptors have been included in the assessment. It is assumed educational, medical, and community facilities are included in these other sensitive receptors. Section 11.11 identifies potentially significant effects at a number of commercial properties, although such properties would not normally be considered as potentially noise sensitive.

13.5. Overall the baseline set out in the ES is considered to be proportionate and adequately derived.

13.6. National and Local Policy

National Policy

13.7. The National Policy Statement for National Networks (NPSNN) is the key policy the scheme must comply with. The ES is based on the 2014 version which was current at the time of the assessment and the draft revision which was published in March 2023. A revised version was issued in May 2024. With regard to noise, there are no material differences between the various versions of the NPSNN.

13.8. The DCO application includes the document 'National Policy Statement for National Networks Accordance Tables', which sets out how the scheme complies with each section of the NPSNN, mainly through reference to the relevant sections of Chapter 11: Noise and Vibration of the ES.

13.9. The noise/vibration prediction/assessment methodologies are stated as being in accordance with the relevant UK guidance for assessing road schemes: the Design Manual for Roads and Bridges (DMRB) LA 111: Noise and Vibration.

Construction – Nottinghamshire County Council (NCC) and Newark and Sherwood District Council (NSDC)

13.10. No significant adverse noise effects due to construction traffic on local roads during the day are identified, as the magnitude of the predicted change in traffic noise levels along affected roads is only negligible or minor. No construction traffic is anticipated at night.

13.11. No significant adverse effects due to the various temporary night-time road diversions are identified as it is assumed that the duration of each diversion can be managed to not exceed the duration significance criteria set out in DMRB of 10 days in 15 consecutive days or 40 days in 6 consecutive months. However, this assumption is not secured by a commitment in the First Iteration Environmental Management Plan (FIEMP). NCC and NSDC request that a commitment is made in the FIEMP to night-time diversions not exceeding the duration significance criteria set out in DMRB LA 111, i.e. 10 days in 15 consecutive days or 40 days in 6 consecutive months.

13.12. As would be expected, exceedances of the levels at which a potentially significant adverse construction noise/vibration effect occurs are predicted at the closest receptors to some of the construction activities.

- 13.13. Each construction activity has been assessed individually. While it is potentially reasonable to assume the worst-case impacts of multiple activities will not coincide at individual receptors, without specific information on the timing and duration of activities it is not possible to determine if multiple activities could coincide resulting in additional significant adverse effects. For example, the use of the haul routes within the site and the site compounds at the same time as other construction activities would not be unexpected.
- 13.14. The ES concludes that all the identified potentially significant adverse construction noise and vibration effects can be mitigated to either reduce the levels at the receptors to below the relevant noise/vibration level or to reduce the duration of the exceedance to below the duration criteria set out in DMRB. Therefore, no residual significant adverse noise or vibration effects during construction are identified. The FIEMP includes the majority of the specific commitments set out in the ES. **However, implementing such measures, in particular, limiting the operating times of specific plant and the duration of works in specific locations may not be practical. There is therefore a risk of significant adverse construction noise/vibration effects at the closest receptors to the works.**
- 13.15. However, some residual significant adverse effects would not necessarily indicate non-compliance with the NPSNN, as the avoidance of significant adverse effects and the requirement to mitigate and minimise adverse effects is within the context of government policy on sustainable development.
- 13.16. To identify sustainable noise mitigation measures, various factors must be considered, including the nature/source of the adverse effect to be mitigated, the circumstances of the receptor, the cost versus the benefit, engineering practicality, safety considerations, generation of knock-on impacts (such as access issues, ecological impacts, landscape and visual impacts), and consultation and stakeholder engagement responses.
- 13.17. The ES and FIEMP contain industry standard mitigation measures, such as the requirement to implement Best Practicable Means (BPM), and specific mitigation measures such as temporary barriers in specific locations. Therefore, all sustainable mitigation measures have been identified.
- 13.18. To conclude, whilst the conclusion of the ES that all significant adverse construction effects can be avoided is not completely certain, the assessment is considered to comply with the policy requirements of the NPSNN. In addition, powers are available to the Local Authority NSDC to control construction noise/vibration during the works.

Construction – NSDC

- 13.19. NSDC have specific powers to control noise/vibration during construction under section 60 and 61 of the Control of Pollution Act (CoPA) 1974, and the statutory nuisance

provisions in Part 79 of the Environmental Protection Act (EPA) 1990 Part 3, Section 60 of the CoPA grants NSDC the power to serve a notice on the contractor specifying the plant to be used (or not used), the hours of working and the levels emitted from the site. Section 61 allows for the contractor to apply for 'prior consent' in advance detailing the works to be completed, the methods to be adopted, and the mitigation measures to be applied. If prior consent is granted, and the works are carried out in accordance with the application and any conditions included in the consent, a notice under section 60 cannot be served. Construction noise/vibration also falls under the more general statutory nuisance provisions of the EPA. If the construction noise/vibration is deemed to result in a statutory nuisance the Local Authority must serve an abatement notice setting out the works required to abate the nuisance. Demonstrating 'best practicable means' have been applied to control the noise/vibration is a defence under the EPA.

- 13.20. NSDC would not require a Section 61 prior consent application for all the construction works, however, they would expect the contractor to consider an application for works outside of normal daytime hours, particularly noisy works and works in very close proximity to sensitive receptors. NSDC request that a commitment is made in NV1 of the FIEMP to the Noise and Vibration Management Plan (NVMP) setting out that the use of Section 61 applications will be agreed with NSDC.
- 13.21. NSDCs standard construction hours are 07:30-18:00 Monday to Friday and 08:00-13:00 on Saturdays'. NSDC request that commitment G2 in the FIEMP regarding core hours is amended to match these.

Operation – NCC & NSDC

- 13.22. Traffic noise impacts on the NIAs in the vicinity are identified in the ES as negligible or minor beneficial. The impact at the two NIAs for which NCC are responsible on the A617 is minor beneficial.
- 13.23. Potentially significant operational traffic noise effects, based on the DMRB noise change criteria, are identified in the ES at the following number of sensitive receptors in the opening year:
- Moderate increase (3.0 to 4.9 dB) - 23 (15 residential) daytime and 66 (54 residential) night-time;
 - Major increase (≥ 5 dB) – 67 (59 residential) daytime and 22 (18 residential) night-time;
 - Minor increase (1.0 to 2.9 dB) combined with existing 'high' noise levels (at or above the Significant Observed Adverse Effect Level (SOAEL)) – 13 (3 residential) daytime and 12 (3 residential) in the night-time;
 - Moderate decrease (3.0 to 4.9 dB) – 244 (226 residential) and 170 (154 residential) night-time; and
 - Major decrease (≥ 5 dB) – 4 (4 residential) and 2 (2 residential) night-time.

- 13.24. In the long term (comparing the opening year without the scheme to 15 years after opening with the scheme) the number of moderate (5.0 to 9.9 dB) and major (≥ 10 dB) increases and decreases is reduced. This is primarily because the DMRB criteria are larger to allow for changes in traffic that would have occurred even without the scheme over the 15 years.
- 13.25. DMRB requires that the effects that are initially identified as significant, based on the impact in the opening year, are considered in light of a range of other factors including: how close the change is to the noise change category boundary, the long-term change, the absolute level, the location of sensitive parts of a receptors, the acoustic character of the area and the likely perception of the change by occupiers.
- 13.26. Applying these additional factors the ES concludes that all the initially identified potentially significant adverse effects are not significant. No discussion details are provided on the location of the potentially significant decreases in traffic noise is provided in the ES.
- 13.27. Whilst some of the locations identified in the ES as potentially experiencing a significant adverse effect are concluded to be not significant as they are commercial non-sensitive receptors, some are residential. In particular, the 74 residential properties on Pelham Street and Victoria Street/Portland Street/Clinton Street/Albert Street in Newark, are predicted to experience a moderate or major increase in traffic noise in the opening year. At these locations, an argument can be made that a significant adverse effect would occur.
- 13.28. However, some residual significant adverse effects do not indicate non-compliance with the NPSNN as the avoidance of significant adverse effects and the requirement to mitigate and minimise adverse effects is within the context of government policy on sustainable development.
- 13.29. As stated above with regard to construction effects, to identify sustainable noise mitigation measures, various factors must be considered, including the nature/source of the adverse effect to be mitigated, the circumstances of the receptor, the cost versus the benefit, engineering practicality, safety considerations, generation of knock-on impacts (such as access issues, ecological impacts, landscape and visual impacts), and consultation and stakeholder engagement responses.
- 13.30. There are unlikely to be any additional locations where sustainable mitigation would be effective and feasible. The minor roads in Newark which experience a moderate or major increase in traffic noise are not adjacent to the scheme, and the impact is due to traffic re-routing on surrounding roads. It is possible the predicted moderate and major

impacts are due to a simplification of the traffic model if not all the local roads are incorporated. In any case, mitigation, such as noise barriers on an existing road with many properties fronting onto the road, would not be practicable and would not constitute sustainable mitigation.

13.31. Therefore, the operational noise mitigation measures set out in the ES are in accordance with the NPSNN requirement to demonstrate good design.

13.32. To conclude, whilst the conclusion of the ES that none of the operational adverse effects are significant could be open to debate, the operational noise assessment is considered to comply with the policy requirements of the NPSNN.

Local Policy

13.33. The Nottinghamshire Local Transport Plan 2011-2026 identifies addressing noise issues as a means to improve health, wellbeing and quality of life. It therefore states, 'priority will be given to highway measures that reduce noise in areas where there are high levels of road traffic and significant noise sensitive properties affecting a high number of people'.

13.34. As illustrated in Figure 11.9 of the ES, which displays the change in traffic noise levels in the opening year due to the scheme, there are areas where the scheme provides a reduction in traffic noise levels. Areas of predicted increases in traffic noise levels are generally negligible or minor in magnitude.

13.35. Whilst the noise section of the Local Transport Plan does not explicitly state that noise impacts should be considered in the context of sustainable development the over-arching principle of sustainability is inherent within the plan.

13.36. With the inclusion of the embedded mitigation, the scheme is considered to comply with local policy.

Potential Conflicts

Nottinghamshire County Council and Newark and Sherwood District Council

13.37. Whilst the conclusions of the ES that none of the construction or operational adverse effects are significant could be open to debate, it is our opinion that it complies with the policy requirements of the NPSNN.

13.38. No significant adverse effects due to the various temporary night-time road diversions are identified as it is assumed that the duration of each diversion can be managed to not exceed the duration significance criteria set out in DMRB of 10 days in 15 consecutive days or 40 days in 6 consecutive months. NCC and NSDC request that a commitment be made in the FIEMP to night-time diversions not exceeding the duration significance criteria set

out in DMRB LA 111, i.e. 10 days in 15 consecutive days or 40 days in 6 consecutive months.

- 13.39. The initial assessment as part of the ES indicates no residential properties are likely to qualify under the Noise Insulation Regulations 1975 (as amended 1988). However, if the scheme goes ahead National Highways have a statutory obligation to complete a final assessment within six months of the scheme opening, using the final scheme design and traffic data.

Newark and Sherwood District Council

- 13.40. NSDC would not require a Section 61 prior consent application for all the construction works, however, they would expect the contractor to consider an application for works outside of normal daytime hours, particularly noisy works and works in very close proximity to sensitive receptors. NSDC request that a commitment is made in NV1 of the FIEMP to the Noise and Vibration Management Plan (NVMP) setting out that the use of Section 61 applications will be agreed with NSDC.
- 13.41. NSDCs standard construction hours are 07:30-18:00 Monday to Friday and 08:00-13:00 on Saturdays'. NSDC request that commitment G2 in the FIEMP regarding core hours is amended to match these.

14. Air Quality – Neutral

Baseline

- 14.1. The Applicant describes the air quality baseline conditions in Section 5.8 of the Environmental Statement (ES) Chapter 5: Air Quality (Ref: TR010065/APP/6.1). The information presented in the ES regarding baseline air quality has been derived from information held by Newark and Sherwood District Council (NSDC), National Highways and The Department for Environment, Food and Rural Affairs (Defra).
- 14.2. The air quality assessment has been undertaken in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 Air Quality. The assessment uses the most recent (at the time of undertaking the assessment) air quality tools and spreadsheets provided by National Highways and Defra.
- 14.3. Within Section 5.8 of the ES, annual mean nitrogen dioxide (NO₂) monitoring data from NSDC has been provided for 2018 to 2022 for the 12 monitoring locations within 0.6 km of the Scheme or affected road network ((ARN) i.e. air quality study area). Paragraph 5.8.10 states that there were no exceedances of the annual mean NO₂ objective in 2022, with the highest annual mean NO₂ concentration of 26.6 µg/m³ monitored at 16N, located

less than 10 m from the Scheme. The ES notes that there are no air quality management areas (AQMAs) declared by NSDC.

- 14.4. Paragraph 5.8.9 discusses the effect of the national lockdowns during the COVID-19 pandemic on air quality concentrations in 2020 and 2021; however, by 2022 concentrations are considered to be representative of 'normal' conditions post-COVID-19 lockdowns.
- 14.5. Paragraph 5.8.7 confirms that NSDC undertakes no automatic monitoring and therefore no monitoring of particulate matter (PM₁₀ or PM_{2.5}) is undertaken within the study area.
- 14.6. Paragraphs 5.8.11 to 5.8.14 provide details of Scheme specific monitoring undertaken in 2022 to support the assessment and to update the Applicant's monitoring survey previously undertaken in 2016. Monitoring was undertaken at 27 locations between May 2022 and November 2022. The monitored concentrations were bias adjusted and annualised as described in Appendix 5.3 Air Quality Monitoring Report (Ref: TR010065/APP/6.3). The results indicated that there were no exceedances of the NO₂ annual mean objective. The highest NO₂ annual mean concentration of 33.0 µg/m³ was recorded at a site on the A113 adjacent to Winthorpe Roundabout.
- 14.7. Consultation with the NSDC Environmental Health Officer (EHO) was held on 14th September 2022, with agreement on the location of the monitoring sites for the Scheme specific survey.
- 14.8. Paragraphs 5.5.55 to 5.5.59 describe the comparison exercise which has been undertaken between the Defra modelled background NO_x and NO₂ concentrations and two NSDC and nine Scheme specific background sites which are considered representative of air quality conditions across the study area. The comparison indicated that the Defra modelled background concentrations were lower than the monitored concentrations in 2022. Therefore, the Defra modelled NO_x, NO₂ and PM₁₀ background concentrations applied to the assessment have been uplifted by an average factor of 1.46.
- 14.9. The Applicant has referred to the Defra Pollution Climate Mapping (PCM) model to confirm that there are no PCM links which intersect the ARN.
- 14.10. Baseline information for habitat type, critical loads and background nitrogen deposition rates for designated sites sensitive to nitrogen have been derived using data on the Air Pollution Information System (APIS) website.
- 14.11. Overall the baseline set out in the ES is considered to be proportionate and adequately derived.

Wider ES Review

- 14.12. Construction phase dust mitigation measures are discussed in Chapter 5: Air Quality paragraphs 5.10.1 and listed in paragraph 5.10.2. Paragraph 5.10.1 states that an air quality and dust management plan will also be prepared in full prior to construction commencing. These dust mitigation measures are included in the First Iteration of the Environment Management Plan (FIEMP) (Ref: TR010065/APP/6.5) which will be developed into a Second Iteration Environment Management Plan (SIEMP). As stated in the FIEMP the air quality and dust management plan will include measures to monitor the effectiveness of mitigation, and will form part of the SIEMP. Measures include daily on site and off site inspections and a record of complaints/exceptions of dust events to be included in the EMP. **It would be beneficial for an outline air quality and dust management plan to be submitted as part of the DCO Examination to enable Nottinghamshire County Council (NCC), NSDC and relevant parties to undertake a review and provide comments if necessary.**
- 14.13. Paragraph 5.4.2 states that consultation was undertaken on 21st June 2023 with EHO from NSDC to discuss and agree on the assessment findings and proposed mitigation for air quality.
- 14.14. It is noted that there is no consideration of the potential combined air quality effects associated with construction vehicle flows and traffic management measures during the construction phase. **Further information is required to understand the combined effects associated with the Scheme during the construction phase for air quality.**
- 14.15. The operational phase air quality assessment set out in the ES is considered to be proportionate and adequately derived. **Further information is requested regarding the combined effects of construction vehicle flows and traffic management measures during the construction phase.** In addition, the FIEMP (Ref: TR010065/APP/6.5) states that an Air Quality and Dust Management Plan will be created and submitted with the Second Iteration Environmental Management Plan (SIEMP). It is requested that NCC and NSDC be consulted on the contents of this management plan.

Summary of Legislative and Policy Framework Review

National Policy

- 14.16. The National Policy Statement for National Networks (NPSNN) sets out the policy which the Scheme should comply with and forms the basis for informing the judgement on the impacts of the Scheme. The ES is based on the 2014 version which was current at the time of the assessment and the draft revision was published in March 2023. A revised version was issued in May 2024.

14.17. The DCO application includes the document ‘National Policy Statement for National Networks Accordance Tables’, which sets out how the Scheme complies with each section of the NPSNN published in 2014, mainly through reference to the relevant sections of Chapter 5: Air Quality of the ES. It also includes the document ‘draft National Policy Statement for National Networks Accordance Tables’ which sets out how the Scheme complies with each section of the draft NPSNN published in March 2023.

14.18. Table 2 below outlines the requirements of the NPSNN (version 2014) for air quality and following the review of the DCO application, whether the requirement is adequately met. Based on the number of requirements for the Air Quality discipline included in the NPSNN, these are presented in a tabulated format.

Table 2: Compliance with NPSNN for air quality

Paragraph of NPSNN	Requirement of the NPSNN	Does the ES comply with the requirement
5.3	Increases in emissions of pollutants during the construction or operation phases of projects on the national networks can result in the worsening of local air quality (though they can also have beneficial effects on air quality, for example through reduced congestion). Increased emissions can contribute to adverse impacts on human health and protected species and habitats.	Yes. ES Chapter 5: Air Quality, Section 5.9, describes the results of the assessment of the impacts of the Scheme during the construction and operational phases. Further information is needed on the construction phase, as set out above.
5.4	Current UK legislation sets out health-based ambient air quality objectives. In addition, the European Union has established common, health-based and eco-system based ambient concentration limit values (LVs) for the main pollutants in the Ambient Air Quality Directive (2008/50/EU) (‘the Air Quality Directive’), which Member States are required to meet by various dates.	Yes. Relevant air quality standards and objectives are outlined in the ES Chapter 5: Air Quality, Section 5.3.
5.6	Where the impacts of the Scheme (both on- and off-Scheme) are likely to have significant air quality effects in relation to meeting EIA requirements and/or affect the UK’s ability to comply with the Air Quality Directive, the applicant should assess the impacts of the Scheme as part of the ES.	This requirement has been addressed in Chapter 5: Air Quality in Sections 5.9 and 5.11, where the assessment of the impacts of the Scheme has been presented. This is in line with DMRB LA105, which meets the requirements of the NPSNN.

5.7	<p>The environmental statement should describe: existing air quality levels;</p> <p>forecasts of air quality at the time of opening, assuming that the Scheme is not built (the future baseline) and taking account of the impact of the Scheme; and</p> <p>any significant air quality effects, their mitigation and any residual effects distinguishing between the construction and operation stages and taking account of the impact of road traffic generated by the project.</p>	<p>Yes</p> <p>Baseline air quality concentrations are adequately described in Section 5.8 of the ES Chapter 5: Air Quality.</p> <p>Modelled air quality concentrations have been predicted for the DM and DS scenarios in the Scheme's opening year. Concentrations are presented and discussed in Section 5.9 of the ES Chapter 5: Air Quality.</p> <p>The significance of the air quality effects is described in the ES Chapter 5: Air Quality, Section 5.11. Appropriate mitigation is discussed in Section 5.10 of the ES Chapter 5: Air Quality and secured in the FIEMP. Noting, further information on the management of dust is requested, as described above.</p>
5.8	<p>Defra publishes future national projections of air quality based on evidence of future emissions, traffic and vehicle fleet. Projections are updated as the evidence base changes. Applicant's assessment should be consistent with this but may include more detailed modelling to demonstrate local impacts</p>	<p>Yes. The operational phase assessment methodology is described in the ES Chapter 5: Air Quality, Section 5.5. The most recent (at the time of undertaking the assessment) Defra's Emissions Factors Toolkit EFT (v11.0) has been used, as well as Defra background concentrations and the long-term trend gap analysis factors.</p>
5.9	<p>In addition to information on the likely significant effects of a project in relation to EIA, the Secretary of State must be provided with a judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive.</p>	<p>This requirement is addressed in paragraph 5.11.38 of the ES Chapter 5: Air Quality in accordance with DMRB LA 105, therefore meeting the requirements of the NPSNN.</p>
5.14/5.15	<p>The Secretary of State should consider whether mitigation measures put forward by the applicant are acceptable. A management plan may help codify mitigation at this stage. The proposed</p>	<p>Yes. Detail regarding appropriate mitigation measures is provided in Section 5.10 of the ES Chapter 5: Air Quality. These measures are also included in the FIEMP which</p>

mitigation measures should ensure that the net impact of a project does not delay the point at which a zone will meet compliance timescales.

Mitigation measures may affect the project design, layout, construction and operation, and/or may comprise measures to improve air quality in pollution hotspots beyond the immediate locality of the Scheme. Measures could include but are not limited to, changes to the route of the new Scheme, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse emissions, and speed control. The implementation of mitigation measures may require working with partners to support their delivery.

will be developed into a SIEMP. As stated in the FIEMP an air quality and dust management plan will be prepared and include measures to monitor the effectiveness of mitigation. Measures include daily on site and off site inspections and a record of complaints/exceptions dust events to be included in the EMP. **It is requested that NCC and NSDC be consulted on the contents of this management plan.**

Overall, the requirements of the NPSNN for air quality are adequately met in the DCO application documents, with limited additional information requested for the construction phase.

14.19. In May 2024, the NPSNN was updated and includes additional requirements for air quality, as described in Table 2.

Table 3: Compliance with NP SNN (May 2024) for air quality

Paragraph NPSNN	of Requirement of the NPSNN	Does the ES comply with the requirement
5.9	The government has legally binding targets to reduce emissions of five key air pollutants (PM _{2.5} , nitrogen oxides, sulphur dioxide, ammonia and non-methane volatile organic compounds) by 2030. In addition, 2 new air quality targets for 2040 – one for annual mean concentrations of PM _{2.5} and a population exposure reduction target for PM _{2.5} – have been set under the Environment Act 2021. These targets are in addition to the maximum permissible levels for pollutants in ambient air as set out in the Air Quality Standards	Paragraphs 5.3.2 to 5.3.14 of the Chapter 5: Air Quality describes the relevant air quality objectives. More specifically paragraphs 5.3.10 to 5.3.13 describe the PM _{2.5} targets and include the two new PM _{2.5} targets: an annual mean concentration target for PM _{2.5} of 10 µg/m ³ at any monitoring station by 2040. A population exposure reduction target of 35% by 2040 compared to a 2018 baseline.

Regulations (2010) and reiterated in the Air Quality Strategy. Local authorities and relevant public authorities must also meet local air quality objectives under the Environment Act 1995.

<p>5.13</p>	<p>The assessment should describe: the predicted emissions, concentration change and absolute concentrations of the proposed project after mitigation methods have been applied. any potential impacts on nearby designated habitats from air pollutants the proximity and nature of nearby receptors which could be impacted, including those more sensitive to poor air quality</p>	<p>Yes. The operational phase concluded that the air quality effects associated with the Scheme were not significant and therefore no mitigation is required. As such, an assessment of a 'with mitigation' scenario is not required. Potential impacts on designated habitats are included in the air quality assessment. The results are described in the ES Chapter 5, paragraphs 5.11.33 to 5.11.35. Figure 5.1 Air Quality Receptors clearly illustrates the location of each receptor and the proximity of the receptors to the affected road network. Paragraph 5.5.40 describes how worse case receptors were selected and includes residential properties, schools and hospitals; however, the receptor list in Appendix 5.1: Air Quality Receptor Results does not distinguish between the type of receptor selected e.g. whether it was a school or residential property.</p>
<p>5.14</p>	<p>In addition, applicants should consider The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 by following available Defra guidance, including interim guidance.</p>	<p>The PM_{2.5} targets are discussed in paragraphs 5.3.10 to 5.3.13 of the ES Chapter 5: Air Quality.</p>
<p>5.20</p>	<p>With respect to The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, the applicant should take all reasonable steps to reduce emissions of PM_{2.5} and its precursor pollutants in the construction and operational stage of the development by</p>	<p>The assessment does provide an assessment of potential PM_{2.5} impacts and states that the reason for not including this pollutant is in accordance with DMRB LA 105. The DMRB LA 105 states that <i>"there should be no need to model PM_{2.5} as the UK currently meets its legal requirements for the achievement of the PM_{2.5} air quality thresholds and the modelling of PM₁₀ can be used to</i></p>

following available Defra *demonstrate that the Scheme does not impact on the PM_{2.5} air quality threshold*”, In paragraph 5.5.21 of the ES Chapter 5: Air Quality, the results of the PM₁₀ modelling have been used to indicate that the current and future PM_{2.5} concentrations are lower than the target value of 20 µg/m³ and the Scheme will not impact the PM_{2.5} air quality threshold at any of the human health receptors considered.

Local Policy

- 14.20. Newark and Sherwood Amended Core Strategy Development Plan sets out policy up until 2023 and presents the objectives for development in the area. The policy of relevance to this assessment is Core Policy 12, Biodiversity and Green Infrastructure.
- 14.21. This policy states that the council will:
“work with partners to develop a strategic approach to managing air quality in the Sherwood Area, including through the development of a Supplementary Planning Document”.
- 14.22. The Scheme does not adversely affect the above local air quality policy.
- 14.23. The ES Chapter 5: Air Quality states that the air quality supplementary planning document (SPD) is currently under review and is yet to be adopted as either policy or guidance. This document, ‘Air Quality and Emissions Mitigation, Guidance for Developers’ is now available on the NSDC website.
- 14.24. The guidance describes the air quality assessment methodology and appropriate mitigation measures for new developments. For ‘large’ developments, Type 1, 2 and 3 mitigation are required and the calculation of damage costs.
- 14.25. As described in ES Chapter 5: Air Quality an air quality assessment has been undertaken following an appropriate methodology (DMRB LA 105). Construction phase dust mitigation measures are discussed in Chapter 5: Air Quality paragraphs 5.10.1 and listed in paragraph 5.10.2 as well as within the FIEMP. Operational air quality damage costs have been calculated and are included in the Transport Assessment (Ref TR010065/APP/7.4). According to the Transport Assessment, the damage costs for local air quality are £1,747,000. These costs should be compensated for with regards to mitigation in the local area as opposed to monetary compensation to NSDC.

14.26. Typically for nationally significant infrastructure schemes Applicants do not present mitigation against damage costs as they are considered as part of the overall business case. However, NSDC would require further information on how these air quality damage costs are being addressed locally and also request that the ExA consider any response by the Applicant against local planning policy in their recommendations.

Potential Conflicts

14.27. The air quality assessment is considered to overall comply with the policy requirements of the 2014 version of the NPSNN. The updated version published in 2023 includes additional requirements such as the inclusion of potential air quality impacts at designated habitats and potential PM_{2.5} impacts associated with the Scheme. The ES Chapter 5: Air Quality meets the overall requirements of the 2023 version of the NPSNN.

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14.28. In summary, the baseline and operational phase air quality assessment set out in the ES Chapter 5: Air Quality, is considered to be proportionate and adequately derived. Further information is requested regarding the combined effects during the construction phase of construction vehicle flows and traffic management measures. In addition, NSDC requests to be consulted with regard to a draft version of the air quality and dust management plan.

14.29. Typically for nationally significant infrastructure schemes Applicants do not present mitigation against damage costs as they are considered as part of the overall business case. However, NSDC should still ask the Applicant to provide further information on how these air quality damage costs are being addressed locally and also request that the ExA consider any response by the Applicant against local planning policy in their recommendations.

15. Land Use and Agriculture including Geology and Soils – *Neutral*

Geology and Soils

15.1. The Applicant has assessed the likely significant effects on Geology and Soils for the A46 Newark Bypass Scheme as part of the Environmental Statement (ES).

Baseline

15.2. Preliminary Sources Study Report

15.3. The Preliminary Sources Study Report (PSSR) includes baseline information summarised from a Landmark Envirocheck report (dated July 2018) which includes historical mapping,

a geo-insight report and an enviro-insight report. The historical mapping of the site is dated up until 2018 with the most recent walkover undertaken in January 2021. The Applicant has reviewed additional reports on the existing available information on the Scheme from the Highways Agency (now known as National Highways) which include Geotechnical Data Management System Documents which are dated between 1978 and 2023.

- 15.4. A number of online sources have been used to establish the baseline conditions at the Scheme and are referenced within Section 9 of the PSSR. These sources have been used to identify the geology, coal mining history, hydrogeology, designated sites, history, agricultural land classification and unexploded ordnance. Using this data, the Applicant has identified potential sources, pathways and receptors of contamination from this data which is considered to be an appropriate and proportionate assessment of the Scheme.
- 15.5. An assessment of more recent mapping and a walkover to assess any changes at the Scheme within the past three years would identify any changes to the site and ensure that the most up to date information to inform the CSM contamination sources, pathways and receptors that have been assessed in the risk assessment.
- 15.6. It is that further ground investigation at the Scheme is undertaken to delineate point sources of contamination and produce an updated risk assessment for identified receptors and to determine possible geo-environmental constraints of the proposed route options and inform any required remediation.

Contamination Assessment

- 15.7. The PSSR included as Appendix 9.1 identifies the potential sources of contamination that may affect the Scheme and Section 7 includes a Preliminary Land Contamination Assessment conceptual site model. This assesses the risks to human health, controlled waters and property receptors from potential contamination associated with the previous development on-site including Made Ground highway infrastructure and a Chemical Manure manufacturing & malthouse. As well as off-site including Made Ground associated with previous developments and historical and present-day contaminative land uses.
- 15.8. Appendix 9.2 includes a Contaminated Land Risk Assessment which includes the same preliminary CSM as Appendix 9.1. Following a review of ground investigation data, a revised CSM is included as part of the assessment. The sources, pathways and receptors which have been identified within the CSM are reasonable given the nature of the site and given the baseline information identified by the Applicant. The CSM could account for unknown contamination and hotspots in unexplored areas of the site and the potential for construction workers to come into contact with these. The assessment could include consideration for other sources of ground gases, although given the nature of the site, the risk is likely to be negligible, the probability and risk should still be assessed. On-site

sources of ground gases could include the Made Ground and other sources could include consideration for alluvial deposits comprising organic layers such as peat that may be present beneath the site or in backfilled areas such as borrow pits. The impacts and risk ratings are proportionate to the severity and risk of the sources.

Agricultural Land Classification Report

15.9. Desk-based studies and fieldwork at the Scheme have been undertaken to establish the agricultural land classification (ALC) and anticipated geology at the Scheme. The spread of survey boreholes across the Scheme where reasonably practicable has been undertaken to provide an accurate classification of the land areas. Where data gaps are missing from the assessment and could not be surveyed, the Applicant has used Soil Survey England and Wales (SSEW) soils data to ensure a comprehensive assessment of the entire Scheme area has been undertaken. NCC and NSDC has assessed the application and is of the opinion that the level of survey effort, methodology and desk-based research to categorise the ALC at the Scheme is proportionate and adequate for the current stage of the application.

Soil Nutrient Survey

15.10. A Soil Nutrient Survey has been undertaken to establish the baseline soil conditions at the Scheme as included in Appendix 9.4 to the ES. The analysis undertaken of soils at the Scheme identifies the pH, concentrations of available phosphorous, potassium, magnesium and soil organic matter (SOM). This data was used to identify areas of low fertility Topsoil, multipurpose Topsoil, and atypical nutrient profiles which informs the Soils Management Plan (SMP) to allow for appropriate soil management during the construction stage of the Scheme. A reasonable assessment has been undertaken by the Applicant and the report is in accordance with the Specification for Topsoil (British Standard BS3992) and Soils and Agri-environment Schemes: Interpretation of soils analysis (Natural England TIN036 guidance).

15.11. Overall, it is considered that the baseline is proportionate and adequate for the current stage of the application.

Environmental Statement

15.12. Chapter 9: Geology and Soils encompasses the three subtopics of soils, geology and contamination within the Scheme area. The review of baseline information has included site reconnaissance, topography, geological mapping, an Envirocheck insight report with historical mapping, designated sites review, geology, ground stability, hydrogeology, hydrology and assessment of previous ground investigations. This information is considered relevant to the assessment to provide an accurate ground model and to inform the risk assessment.

- 15.13. The Study Area used for Contaminated Land sources and sensitive receptors (including groundwater and surface waters) is 500m from the Order Limits. The Study Area for Geology and Soils is the Order Limits as these receptors are only likely to be impacted where the Scheme directly crosses them. The Study Area is considered suitable.
- 15.14. It is considered that the baseline assessment undertaken within Chapter: 9 Geology and Soils provides a proportionate and reasonably adequate estimate of the geology and soils that may be affected by the Scheme. However, some of the information is considered outdated and more up to date information would be required for the historical mapping and site reconnaissance to ensure an accurate conceptual site model for the Scheme in its current state.
- 15.15. A Risk Assessment of the likely significant effects of the construction stage of the scheme has been undertaken whereby the sensitivity (value) of receptors has been determined in accordance with the Design Manual for Roads and Bridges (DMRB) (LA 109 guidance) by National Highways. Section 9.5 of Chapter 9: Geology and Soils follows the framework for assessing and managing the effects associated with geology and soils that the Scheme may have by identifying the magnitude of impact on receptors. The significance of effect from the receptor value and magnitude of impact has been assessed in line with DMRB LA 104 Environmental Assessment and Monitoring. The assessment has adopted a worst-case scenario approach to adequately account for all possible impacts. This assessment is considered appropriate for the nature of the Scheme and the DCO submission.

National and Local Policy

National Policy

- 15.16. Within Chapter 9: Geology and Soils, an assessment of compliance with the National Policy Statement for National Networks (NPSNN) that was current at the time of writing, published for consultation in March 2023, has been undertaken. NCC and NSDC has assessed the compliance of the Scheme and its assessments in accordance with the latest NPSNN published in March 2024, as there have not been any substantive changes to policy relating Geology and Soils. Table 4 below sets out relevant paragraphs of the NPSNN (2024) and a statement setting out NCC's and NSDC's opinion as to whether the policy has been met or not. Based on the number of requirements relating to Geology and Soils within in the NPSNN, these are presented in a tabulated format.
- 15.17. The requirements of NPSNN 2014 are generally the same as those set out in NPSNN 2024 and therefore, a review against NPSNN 2014 has not be undertaken.
A review of the information is shown in Appendix 1 of this report labelled as Table 4.

Local Policy

15.18. The local policies assessed which are pertinent to Chapter 9: Geology and Soils are as follows:

The Newark & Sherwood Local Development Framework Core Strategy (adopted 2019) Spatial Policy 3 – Rural Areas deals with agriculture, stressing the need to protect agriculture in developments within a rural setting; and

Newark & Sherwood District Council's contaminated land strategy is in the process of being updated at the time of writing. The Newark & Sherwood District Council's website states that a link to the new contaminated land strategy will be provided once it is complete. For the purpose of this Local Impact Report Chapter, the 2007 (outdated) version has been reviewed.

15.19. Appendix 1 (Table 5) provides a review of these local policies in respect of the Geology and Soils assessment and information provided as part of the Applicant's DCO application.

15.20. Summary of loss of agricultural land issue relative to Newark and Sherwood
The applicant has identified that the Scheme survey area comprises of Agricultural Land Classification (ALC) Grade 3 (good to moderate quality agricultural land) with a small area of ALC Grade 2 (very good quality agricultural land) in the north. Kelham and Averham contain mainly Grade 2 with a small area of Grade 3 in the north-west and on the east side of the A617.

15.21. The Applicant has identified that the construction works would result in the loss of ALC grade of 2 (very high sensitivity) land of 5.9 hectares Land graded between 1 – 3a is assessed as Best and Most Versatile (BMV). The Applicant highlights that this would be only a temporary loss and mitigation for this is highlighted in the Outline Soil Management Plan. However surveys carried out on the land states that the Scheme alignment predominantly comprises of non-BMV land including Grade 3b (70.8 ha, 77% of the area) and Grade 4 (6ha, 7%).

Potential Conflicts

15.22. Based on the review of Chapter 9: Geology and Soils and associated appendices, NCC and NSDC note that baseline data has been relied upon from the Envirocheck Report that was obtained in 2018 and a site reconnaissance was undertaken in 2021. The data used in the baseline is generally old and it may be worthwhile updating this data. However, it is not anticipated to have changed significantly based on the rural nature of the site area.

16. Transport, Access and Public Rights of Way – *Neutral*

16.1. The Local Planning Authority of Newark and Sherwood District Council is not the Local Highway Authority, which is Nottinghamshire County Council. Newark and Sherwood will

rely on the Examining Authority to consider the Local Impact Report of Nottinghamshire County Council on this matter.

- 16.2. The main points the District Council would wish to bring to the Inspectors attention, are our concerns on the increased pressure on the Cattle Market Roundabout due to the increased average annual daily traffic figures within the Transport Assessment which been produced by modelled data. Due to the increased capacity and reduced delay on the A46 (making the A46 more attractive to road users), the forecast is for there to be an overall reduction in the volume of traffic using the A1 corridor (which is a positive) as traffic switches to the A46.
- 16.3. Conversely by 2028 the forecast is that there is a reduction in traffic using the Farndon Roundabout entrance to Newark by 4,700 vehicles which reduces pressure to the south of Newark, taking into account also that the Southern Link Road would also be open by this time. However, there is an increase of **4,400 vehicles using the Cattle Market Roundabout** as shown in Figure 6-1 of the A46 Transport Assessment²⁰. This is considered a negative for the scheme in the Council's opinion and puts more pressure on this entrance into Newark which can already become congested when the railway line barriers at Castle Station are down. In addition, under the Statement of Common Ground, the Council and Nottinghamshire County Council are yet to agree an acceptable approach with the Great North Road connection as National Highways scheme is stated by Nottinghamshire Council that it would fail a safety audit. The connection into Newark to this main gateway approach, which is heritage rich, is the key link for the Council and if the highway is not suitable then this puts increased pressure on the rest of the town's infrastructure and accessible reputation.
- 16.4. Conversely however, without the Scheme the traffic flows and continued congestion in and around Newark would only get worse and National Highways predict that traffic is expected to grow in the area by 8% between 2019 and 2028 and by 18% between 2019 and 2043. This is already a congested network and pressure is felt in all areas which is affecting the economy of attractiveness of Newark as a means of investment. This Scheme coming on board, whilst there could be some disadvantages could bring long term benefits for the area as a result.
- 16.5. The Council is keen to ensure connectivity is maintained for pedestrians, equestrian and cyclists who use the many footpaths and bridleways in the area which would be affected, however we will defer to the County Council's expertise on this matter. The River Trent towpaths are very popular as a leisure route in to Newark and we would like to make sure that disruption to this is kept to a minimum.

²⁰ [TR010065-000135-TR010065_A46 Newark Bypass 7.4 Transport Assessment.pdf \(planninginspectorate.gov.uk\)](#)

17. Residential Amenity – *Negative*

Local Policy

- 17.1. Policy DM5 of the Allocations and Development Management DPD 2013
Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Analysis

- 17.2. Each of the sections of the LIR would have an element of impact on residents within the Newark area. However the main consideration on residents amenity would be acutely felt by those of Sandhills Park and within the Winthorpe area.
- 17.3. The ES concludes that all the identified potentially significant adverse construction noise and vibration effects can be mitigated to either reduce the levels at the receptors to below the relevant noise/vibration level or to reduce the duration of the exceedance to below the duration criteria. Therefore, no residual significant adverse noise or vibration effects during construction are identified. As would be expected, exceedances of the levels at which a potentially significant adverse construction noise/vibration effect occurs are predicted at the closest receptors to some of the construction activities. However, implementing measures, in particular limiting the operating times of specific plant and the duration of works in specific locations may not be practical. There is therefore a risk of significant adverse construction noise/vibration effects at the closest receptors to the works.
- 17.4. Visual impact from Sandhills Park is currently considered harmful due to the increased scale of the Scheme and the lack of sufficient mitigation. This impact is considered the most harmful with regards to neighbour amenity and should be addressed to ensure it is more acceptable for those residents.
- 17.5. Consideration should be given to the visual impact of the Scheme upon the residents of Winthorpe and Newark due to the use of lighting which would significantly alter the landscape character and thus the experience of the existing residents in that vicinity.
- 17.6. At present the proposal is considered to result in harm and thus fail to accord with local policy due to the impact to local residents and the insufficient mitigation shown at present.

18. Summary

- 18.1. The purpose of this Local Impact Report has been to outline the likely effects of the A46 Newark Bypass Scheme at a local level and to briefly evaluate these effects in the context of local planning policy and not to come to an overall balanced conclusion which is the responsibility of the Examining Authority.
- 18.2. Newark and Sherwood District Council (NSDC) in general supports the Scheme as its objective is for it to alleviate the congestion and ease traffic flow around the Newark area and to dual the last section of single carriageway on this route. Therefore, NSDC is considered to benefit from this Scheme as congestion is currently causing issues to local businesses who find it difficult to navigate the area on certain days and times due to poor traffic flow which increases travel times. There are some negative effects to the scheme which relate specifically to the impact on cultural heritage, landscape character, flood risk and residential amenity. These matters will require significant mitigation to be considered acceptable and thus compliant with local policy. However the development of the scheme is likely to improve the reputation of Newark due to improved accessibility and remove the stigma of not attending due to poor traffic and increase the local economy and tourism.
- 18.3. NSDC has sought to signpost where further work is considered necessary so that the likely effects can be fully understood at local level.
- 18.4. NSDC will continue to engage with the Applicant to secure the required benefits and mitigation to the local area during the Examination period and beyond.

Appendix 1

Table 4: Review of NPSNN 2024 policy in respect of Geology and Soils

NPSNN (2024)	Nottinghamshire County Council and Newark and Sherwood District Council Review
<p>Paragraph 4.45 sets out that planning systems and pollution control must both be considered within applications to ensure that developments protect and improve the natural environment as well as controlling the development and use of land in the public interest. This allows pollution prevention measures which limit the release of substances into the environment to the lowest practicable level and that environmental quality standards are met.</p>	<p>The Applicant has provided the baseline conditions and initial assessment of the Scheme in accordance with guidance and legislation to ensure appropriate control measures are in place to protect and improve the local environment.</p>
<p>Paragraph 4.46 states the following: <i>“Issues relating to discharges, emissions or abstractions from a proposed project which lead to other direct and indirect impacts on air quality, water quality and land quality, or which include noise, light and vibration, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes. Relevant permissions will need to be obtained for any activities within the development that are regulated under those regimes before the activities can be operated.”</i></p>	<p>The Applicant has identified any possible relevant discharge consents and abstractions on and within the Order Limits of the Scheme which may be impacted by the development. The potential impacts to water and land quality are discussed within Chapter 9: Geology and Soils in line with the appropriate guidance and legislation.</p>
<p>Paragraph 4.47 details that pollution from industrial installations will be controlled by the Environmental Permitting (England and Wales) Regulations 2016 (the Environmental Permitting Regulations). The Applicant is required to demonstrate that processes are in place to meet all relevant Environmental Permit requirements.</p>	<p>The Applicant has identified the existing Environmental Permit data relating to the Scheme within the Enviro Insights report. During the construction phase of the Scheme, the Applicant has identified that during excavations there is a risk from sediment run-off to controlled water receptors and dewatering activities which will require appropriate discharges. The Outline Materials Management Plan (MMP) identifies</p>

Paragraph 5.190 details that field surveys should be undertaken, if necessary, to establish the Agricultural Land Classification grades (ALC) to the current criteria at the time to identify soil types to inform soil management at the construction, operation and decommissioning phases in line with the Defra Construction Code. Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and to minimise adverse impacts on soil health and land contamination.

where environmental permits may be required for re-use of waste. The First Iteration Environmental Management Plan (FIEMP) details where discharges from the Scheme are required, appropriate environmental permits and consents would be obtained and followed. The Consents and Agreements Position Statement included in Appendix 3.3 details the consents are permits for the Scheme.

This should be in-line with the ambition set out in the FIEMP for sustainable management of agricultural soils. An Outline SMP (Appendix B.3 to the FIEMP) has been produced by the Applicant. ALC surveys were undertaken at the site on behalf of the Applicant in 2021 and further surveys were undertaken in 2023 to fill data gaps. The area south of Farndon was unable to be surveyed on both occasions due to access constraints and SSEW soils data was used to determine suitable soil management guidance for the Outline SMP. The ALC Report is included as Appendix 9.3. The Applicant has assessed the ALC of the land and identified the potential impacts to the soils within the construction and operation phases and the decommissioning phase is not required given the Scheme is to be a road.

Paragraph 5.43 states that – *“Biodiversity is the variety of life in all its forms and encompasses all species of plants and animals, the genetic diversity they contain and the complex ecosystems of which they are a part. Geological conservation relates to the sites that are designated for their geology and/or their geomorphological importance. The policy set*

Within the assessment, the Applicant has reviewed sites of geological interest under European or UK Legislation. There are no sites located within the Scheme or the Order Limits. The Applicant is recommended to

out in the following sections recognises the need to protect and enhance biodiversity and geological conservation interests.”

Paragraph 5.45 states that – *“The wide range of international and national legislative provisions impacting planning decisions affecting biodiversity and nature conservation issues are set out in the National Planning Policy Framework. The Natural Environment Planning Practice Guidance (NEPPG) document sets out good practice in England in relation to planning for biodiversity and geological conservation”.*

Paragraph 5.47 – the applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.

Paragraph 5.55 sets out that as a general principle and subject to specific policies, the development should first avoid significant harm to biodiversity and geological conservation interests including through mitigation and reasonable alternatives. Where harm cannot be avoided or mitigated, it should be compensated on-site before consideration is given to off-site.

Paragraph 5.51 states that – *“The applicant should not just look to mitigate direct harms but should show how the project has taken advantage of opportunities to conserve and enhance biodiversity, having due regard to any relevant local nature recovery strategies and species*

reference the NEPPG document to ensure that good practice is followed in relation to planning for biodiversity and geological conservation.

Within Chapter 9: Geology and Soils, the Applicant describes the impacts required during the construction phase of the Scheme. Impacts include loss of BMV land, temporary removal of land from agriculture, deterioration of ALC from flooding due to soil reprofiling and deterioration of soil resources during construction and stockpiling, as well as impacts from contamination have been identified for groundwater and surface waters. **There are not considered to be any effects of loss of agricultural land during the operational phase.** The Outline SMP details the mitigation measures to minimise land loss to ALC graded land. A decommissioning phase is unlikely to be required due to the nature of the Scheme as a road. There are no designated or non-designated geological sites or features of interest within 500 m of the scheme.

The Applicant identified the principal receptors of the Scheme within Table 9-8 of Chapter 9: Geology and Soils and statutory designations within Appendix 9.1. The current NSPNN includes the provision for irreplaceable habitats and areas prioritised for nature recovery in the

conservation strategies. Opportunities will be taken to enhance, expand or connect existing habitats and create new habitats in accordance with biodiversity net gain requirements. Habitat creation, enhancement and management proposals should include measures for climate resilience, including appropriate species selection. Maintaining and improving habitat connectivity is important for climate resilience and the biodiversity of ecological networks.”

Paragraph 5.56 sets out that the appropriate weight should be attached to designated sites of international, national, and local importance; irreplaceable habitats; protected species and habitats; other species of principal importance for the conservation of biodiversity; biodiversity and geological interests within the wider environment and to areas prioritised for nature recovery in the relevant local nature recovery strategies.

Paragraph 5.57 sets out that advice must be sought from Natural England and/or the Marine Management Organisation and/or the Environment Agency as regards to any mitigation measures and whether these organisations will grant or refuse any relevant licenses or permits including protected species mitigation licenses.

relevant local nature recovery strategies to minimise the impact on the local area. **The Applicant has identified that the construction works would result in the loss of ALC grade of 2 (very high sensitivity) land of 5.9 hectares. The Applicant highlights that this would be only a temporary loss and mitigation for this is highlighted in the Outline Soil Management Plan, included as Appendix B.3 of the FIEMP (Ref. TR010065/APP/6.5). (DCO APP-184)**

The Applicant is encouraged to engage with Natural England and use their Letter of No Impediment (LONI) approach. The Applicant has stated that for the protection of surface waters ‘*Necessary consents and permits for activities such as discharging into surface water will be sought and details regarding these consents are detailed in the Scheme Consents and Agreements Position Statement (TR010065/APP/3.3). There is to be no uncontrolled discharges to surface water and/or groundwater.*’ Natural England was consulted and gave their approval on the methodology for ALC surveys in March 2023. Consultation is currently being undertaken with the EA’s Groundwater and Contaminated Land (GWCL) Officer as discussed within Section 9.4 of Chapter 9: Geology and Soils, it is understood the GWCL Officer will provide further comment regarding the known contamination hotspot and the risk to controlled waters once they

Paragraph 5.65 summarises that sites of regional and local biodiversity and geological interest include Local Geological Sites, Local Nature Reserves and Local Wildlife Sites, and Nature Improvement Areas. These are important for conservation, ecological networks and nature recovery. Development should not be refused based on harm to biodiversity and geological features of regional or local importance given the need for new infrastructure and the mitigation hierarchy shall apply.

Paragraphs 5.152 to 5.159 summarise the importance of considering land contamination and instability effects on the development and in the context of the surrounding area. The section also states that where possible, remediation should be undertaken to prevent issues to human health and controlled water receptors. To prevent the land being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The Applicant is required to consider land contamination and instability as part of the development proposal and prevent unacceptable risks. Advice should be sought and consultation undertaken if necessary to carry out appropriate assessment. Applicants are also required to carry out investigations in accordance with LCRM guidance to identify the risk to the site and identify sensitive receptors.

Paragraph 5.155 sets out that applicants should ensure and demonstrate that they have considered the risks posed by land contamination in accordance with the Land Contamination Risk Management (LCRM) Guidance. The Applicant should carry out a preliminary assessment of

have received the contaminated land risk assessment report. It is understood that this will be provided at a later date.

The Applicant has identified that these sites of importance are not located on the Scheme or within the Order Limits.

The Applicant has identified the potential sources of contamination and ground instability at the site and within the Order Limits and conducted risk assessments in accordance with LCRM guidance to identify the risks to the site and receptors. The Applicant states within Section 9.6.2 that if any previously unidentified contamination or unforeseen ground conditions are encountered then any required remediation will take place.

Appendices 9.1 and 9.2 to the ES include a Preliminary Sources Study Report and a Contaminated Land Risk Assessment in accordance with the LCRM assessment framework and guidance.

land contamination and/or ground instability at the earliest possible stage before a detailed DCO application is produced.

Paragraph 5.189 states that – *“Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil health and protect and improve soils, taking into account any mitigation measures proposed. Soil is an important natural capital resource, providing many essential services such as storing carbon (also known as a carbon sink), reducing the risk of flooding, providing wildlife habitats and delivering global food supplies. Guidance on sustainable soil management can be found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. As a first principle, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value (see paragraphs 5.152 to 5.159).”*

Paragraph 5.190 states that – *“The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales. If necessary, field surveys should be used to establish the Agricultural Land Classification grades in accordance with the current grading criteria, or any successor to it and identify the soil types to inform soil management at the construction, operation and decommissioning phases in line with the Defra Construction Code. Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise*

The recent NSPNN update highlights the importance of soil as a natural capital resource and to improve soils as well as minimising impacts and utilising mitigation and using Defra’s Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. As the first principle, the proposal should be on previously developed (brownfield) sites provided that it is not of high environmental value. **The Applicant has highlighted that the total area of BMV land identified within the Order Limits (grades 2 and 3a) is 24.1 hectares, with 89.3 hectares of non-BMV land (grades 3b and 4 and other land).** The Applicant has undertaken ALC surveys where reasonably practicable and has used reliable data sources to fill data gaps where required to grade the site in accordance with the ALC grading system. The Applicant has adopted the worst-case scenario for areas where the ALC is not available. The ALC Report is included as Appendix 9.3. The Outline SMP (Appendix B.3 to the FIEMP) is written in accordance with Defra’s Construction Code of Practice.

adverse impacts on soil health and potential land contamination. This is to be in line with the ambition set out in the Environmental Improvement Plan for sustainable management of agricultural soils.”

Paragraph 5.196 states that – *“Where a proposed development has an impact on a Mineral Safeguarding Area, the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources.”*

Paragraph 5.192 states that – *“Applicants can avoid, or minimise, the direct effects of a project on the existing use of the proposed site or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction”.*

Paragraph 5.202 details that economic and other benefits of the best and most versatile land should be accounted for and where significant development of agricultural land is necessary, areas of poorer quality should be preferred to those of higher quality.

The Applicant has undertaken appropriate research into available mining records within the PSSR and has identified that there are no known records of coal mining directly on the site. Non-coal mining activity was identified to the north-west of the Nottingham-Lincoln railway line and was determined to not be directly adjacent to the Scheme. Mineral Safeguarding areas are identified within Chapter 10: Material Assets and Waste.

The SMP, to be produced by the Applicant, will detail the protection of soils during construction and is considered appropriate mitigation to minimise impacts to soils or soil resources.

Table 5: Review of local planning policy in respect of Geology and Soils

Local Policy	Nottinghamshire County Council and Newark and Sherwood District Council Review
<p>Nottinghamshire County Council’s Minerals Local Plan</p> <p>Development Management (DM) Policy 15 – Borrow Pits – The policy states that proposals for borrow pits will be supported where:</p> <p><i>“a) They are adjacent to or close to the project/s they are intended to serve;</i></p> <p><i>b) They are time limited to the life of the project and material is to be used only for the specified project;</i></p> <p><i>c) They can be worked and reclaimed without any unacceptable environmental impacts;</i></p> <p><i>d) There are overriding environmental or other benefits compared to obtaining materials from alternative sources;</i></p> <p><i>e) Proposals provide for appropriate restoration measures which include full use of surplus spoil from the project.”</i></p> <p>DM3: Agricultural Land and Soil Quality – The policy states that proposals that where alternative options are limited to varying grades of best and most versatile land (BMV), the development should be located within the lowest grade. The policy also states that measures will be taken to ensure that soil quality will be adequately protected and maintained throughout the life of the development and in particular during stripping, storage, management and final placement of soils, subsoils and overburden arising’s as a result of site operations.</p>	<p>Within paragraph 9.11.2 of Chapter 9: Geology and Soils the Applicant details that borrow pits will be required during the construction phase of the Scheme. The Applicant has identified Borrow Pits within initial desk-top studies of the main Scheme area from provisional ALC mapping. The mapping similarly indicated that the main portion of the Farndon East and West Borrow Pits FCA consists of grade 3 land, with an area of grade 2 (‘very good’) in the northern extent. ALC surveys were undertaken throughout the main Scheme alignment and in both the Farndon East and West Borrow Pits FCA. The 2021 ALC survey was conducted by Atkins along the main Scheme alignment, with only minor coverage of the Farndon East and West Borrow Pits. The ALC survey conducted in 2023 (undertaken by Skanska Mott MacDonald) found the Farndon East and West Borrow Pits FCA to consist of grade 3b (35.9 hectares, 84%), 4 (6.0 hectares, 14%) and non-agricultural (0.7 hectares, 2%).</p> <p>The Applicant has identified the ALC of the Scheme and the effects on BMV land which would arise from the Scheme construction. Mitigation measures within the Outline SMP (included as Appendix 3.B to the FIEMP) include design to minimise the area of land lost and to minimise loss of soil function as a resource.</p> <p>The Applicant has identified how the soil quality will be maintained and is detailed within the Outline SMP (included as Appendix 3.B to the FIEMP). This report accounts for pre-construction planning, soil handling constraints, appropriate weather and ground conditions, soil stripping for</p>

topsoil and sub-soil, stockpiling including formation and maintenance, soil reinstatement and reuse, soil placement and aftercare and monitoring. **The consideration to ensure that soil quality will be adequately protected and maintained is considered to be adequate.**

DM4 - Protection and Enhancement of Biodiversity and Geodiversity – The policy states that where impacts on designated sites of priority habitats or species cannot be avoided, the following applies:

“ a) In the case of European sites, mitigation must be secured which will ensure that there would be no adverse effect on the integrity of the site(s). Where mitigation is not possible and the applicant relies upon imperative reasons of overriding public interest, the Council will need to be satisfied that any necessary compensatory measures can be secured.

b) In all other cases, adequate mitigation relative to the scale of the impact and the importance of the resource must be put in place, with compensation measures secured as a last resort.”

Waste Core Strategy

SO2 Care for our environment – protect our landscape, countryside, wildlife and valuable habitats from harmful development and make the most of opportunities to enhance existing open space and provide new habitats. Protect water, soil, and air quality across the county. Protect our heritage assets and their settings, including archaeological remains and protect the character of our townscapes.

The Newark & Sherwood Local Development Framework Core Strategy (adopted 2019)

The Applicant has identified designated and non-designated sites which are of geological and biological interest such as Special Areas of Conservation, Special Protection Areas and RAMSAR sites.

The Applicant has assessed the impact to designated sites and receptors within the PSSR and CSMs where necessary and identified where mitigation measures are required if appropriate.

The Applicant has assessed the proximity to sites of importance for nature conservation, landscape, open space and cultural heritage within the local area to assess the impacts that the Scheme may have on these within the ES. The Scheme involves widening the current A46 road and so utilises existing infrastructure.

Paragraph 5.63 highlights the Natural England designated sites which the District Council is required to protect for nature and geological conservation on local, national and international scales.

Core Policy 12 for Biodiversity Infrastructure states that the District Council will expect proposals to take into account the need for the continued protection of ecological, biological and geological assets of the District with particular regard to sites of international, national and local significance. The District will also seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity. Provide Suitable Alternative Natural Green Space to reduce visitor pressure on the District’s ecological, biological and geological assets, particularly in the Newark area.

Newark & Sherwood District Council’s Contaminated Land Strategy – Development on land Affected by Contamination (October, 2007)

Newark and Sherwood District Councils priorities in dealing with Land Contamination are detailed as follows:

- To protect human health
- To protect controlled waters
- To protect designated ecological receptors
- To prevent damage to property
- To prevent damage to designated historical sites
- To prevent further land contamination

The Applicant identifies the designated sites which are on or within the vicinity of the Scheme within Appendix 9.1. The Applicant did assess the impacts to Local Nature Reserves (LNRs), Sites of Interest in Nature Conservation and Conservation Areas within the Order Limits of the Scheme as shown on the Policies Map as part of the Newark and Sherwood Local Plan. The Farndon Ponds and Devon Park Pastures LNRs and Conservation Areas are present at Farndon and Newark within the 500 m buffer of the Order Limits. This ensures that the application protects nature and geological conservation on a local level.

Continued protection of geological assets by using the existing road and brownfield land and lower ALC grades where possible should be undertaken. No Regionally Important Geological Sites (RIGS) have been identified as part of the assessment within 500m of the Scheme.

It is anticipated that the Contaminated Land Strategy will be updated to account for update LCRM guidance.

The Applicant has undertaken a Preliminary Sources Study Report summarising the sites location, topography, geography, geology, hydrogeology, hydrology, regulatory information, historical development, a site walkover, preliminary engineering assessment and preliminary land contamination assessment. **The preliminary conceptual site model**

To encourage voluntary remediation

To encourage re-use of brownfield sites

The strategy reiterates the suitable for use approach, government legislation, local policy and defines Contaminated Land. Part 2 of the report summarises Newark and Sherwood's geographical size and location, population, geology, hydrogeology and hydrology, land ownership and current/historical land use and the approach to identifying contaminated land within the district. The report also identifies potential sources of contamination and receptors.

Part 3 identifies potentially contaminated sites and their prioritisation according to risk making reference to significant pollutant linkages (source – pathway – receptor) and undertaking risk assessment using the CLEA model and CLR series reports, soil guideline values, desk top information and site inspection.

Part 4 summarises the statutory consultees (i.e., Environment Agency) and non-statutory consultees and determination of contaminated land.

Part 5 refers to specifying remediation and remediation by the local authority.

With regards to Section 6.8.1. Development and Planning (on contaminated land) it details that the applicant shall submit a Phase 1 Report, Phase 2 Report, detailed scheme for the remedial works and contingency plan. Prior to the occupation of the development the applicant shall submit a Validation Report.

(CSM) and risk assessment identified Low to Moderate/Low risks from potential contamination at the site.

The Applicant has undertaken a Contaminated Land Risk Assessment based on historical GI data and a supplementary GI undertaken by Strata Geotechnics (2022 – 2023). The report identified a localised area of soil contamination near Nether Lock, found during Tetra Tech specific GI, identifying contaminant levels above soil generic screening criteria for arsenic, aromatic hydrocarbons and naphthalene (WS46). The 2022/2023 supplementary GI included delineation of the hotspot contamination (S3BH05). BH11 identified human health exceedances and is in the Order Limits, it is within the likely extent of the temporary works. The temporary works will include piling matt area and a heavy lift crane pad area which would provide a hard to dig layer, providing permanent hard standing to break the potential pollutant linkages to the site end users. Maintenance users will also not be accessing the location of BH11.

Direct consultation with the Newark and Sherwood District Council was undertaken regarding an identified hotspot of contamination located near Nether Lock. **The Environmental Health Technical Officer agreed to the proposals of leaving the identified contamination in-situ from a human health perspective. Even though the risk is low, the Council would expect a verification report to be submitted for the hotspot locations identified at Photo 9-1 (ES Volume 6.1 Chapter 9 Geology and Soils) and paragraph 9.8.60 of the same report, to confirm the contamination remains at depth post construction.**

[The Development of Land Affected by Contamination guidance by the Yorkshire and Lincolnshire Pollution Advisory Group](#)

The Development of Land Affected by Contamination guidance by the Yorkshire and Lincolnshire Pollution Advisory Group specifies what information should be submitted to the Local Planning Authority in accordance with LCRM best practice. The guidance explains the requirement for a Preliminary Risk Assessment, Site Investigation and Risk Assessment, Remediation Strategy if required and subsequent Verification reporting.

The Applicant has provided the Preliminary Risk Assessment as the Preliminary Sources Study Report and the Contaminated Land Risk Assessment included as Appendix 9.1 and 9.2 in line with LCRM guidance. Chapter 9: Geology and Soils states in Section 9.12.4 that if contaminated land or groundwaters are encountered which have not been previously identified within the ES if required, a remediation strategy including a programme for the remedial measures will be provided and carried out once approved by the EA and relevant planning authority.

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