

NEWARK AND SHERWOOD DISTRICT COUNCIL

PROPOSED A46 NEWARK BYPASS DEVELOPMENT CONSENT ORDER

RELEVANT REPRESENTATION

1 Introduction

- 1.1 This is a relevant representation of Newark and Sherwood District Council (“**the Council**”) in respect of the application (“**the Application**”¹) made by National Highways (“**the Applicant**”) for The A46 Newark Bypass Development Consent Order (“**the Proposed Order**”) to authorise works for the improvement of part of the A46 and the construction of a new section of dual carriageway (“**the Scheme**”).
- 1.2 This representation is made by the Council as the owner of land affected by the Scheme. The Council’s representations as local planning authority are made separately.

2 Summary

- 2.1 The Council owns and operates the Newark Lorry Park (“**the Lorry Park**”). The Newark Lorry Park occupies a strategic location on the UK’s Transport Network. The Lorry Park provides a critical service to the freight community arriving from or heading to the Humber ports.
- 2.2 The Proposed Order includes powers (including powers of compulsory acquisition and temporary possession) in relation to the Lorry Park which reduce its size and affects its operations to the extent that requires its reconfiguration. Of particular concern to the Council is the timing and duration of the works proposed.
- 2.3 The Proposed Order also includes powers to temporarily occupy land comprising the main Council offices at Castle House on Great North Road and the adjacent Air Space Institute,

¹ Which term includes all documents submitted with the application

2.4 The Council requests that the Applicant enters into an agreement with it to minimise and mitigate the impact of the Scheme and the exercise of powers under the Proposed Order on the operation of the Lorry Park.

3 The Newark Lorry Park

3.1 The Freight industry continues to demonstrate strong signs of growth, which will result in more demand for parking spaces in Newark. Newark Lorry Park generated £0.755m gross income for NSDC in 2022/2023.

3.2 Due to regulations restricting working hours of goods vehicle drivers monitored by Tachograph, the Lorry Park provides an essential facility for such drivers using the A1. Newark Lorry Park has also developed a strong reputation amongst the freight community as a good location to stop. The combination of these two factors ensures that Newark remains a popular location for the industry. There is evidence that at peak times a number of lorries are forced to look elsewhere for parking as the Lorry Park achieves peak occupancy. This demonstrates the strong reputation the existing Lorry Park holds within the freight industry.

3.3 The Lorry Park employs five full time and seven-part staff in the café and lorry wash facility.

3.4 The Council have a development plot that requires vehicle access and egress to Great North Road. The proposal from National Highways is to remove the existing vehicular access to the Lorry Park and create a new one further south on Great North Road. Due to the size of the development plot and the massing required, it is not feasible, from a spatial or financial perspective, to construct it with an entrance from the existing Lorry Park access and then to relocate it once the new access is built to the south.

A portion of the site is highlighted blue on the submitted Land Plans Regulation 5 (2) (i) Sheet 3 of 7. The blue shading denotes 'land to be used temporarily and rights to be permanently acquired'.

The Council cannot determine whether the development is viable until the following is understood and agreed:

- Programme confirming when the new access is constructed.

- Agreement on the intended temporary use of a portion of the site and timescales.
- Agreement on what rights are to be permanently acquired on the relevant land.

4 The Proposed Order

4.1 The Land Plans, Work Plans, and the Book of Reference for the Scheme identify the following plots within the Proposed Order limits which form a part of the Lorry Park:

4.1.1 Plots 3/14a, 3/14e, 3/14g and 3/14j , which are subject to proposed powers of permanent acquisition (“**Permanent Acquisition Land**”); for the purposes of Works 40, 51, U9, U10 and environmental mitigation of the Scheme comprising, in summary, the construction of the A46 and Cattle Market Junction Circulatory, the diversion of low voltage cables, 11KV electricity distribution cables and electronic communications equipment, and for environmental mitigation, maintenance and monitoring commitments (“**the Works**”).

4.1.2 Plots 3/14b, 3/14b1, 3/14c, 3/14d, 3/14f, 13/14h, 3/14i and 3/14k, which are subject to powers of temporary use for the purposes of the Works (“**Temporary Possession Land**”) (such powers also apply in relation to the Permanent Acquisition Land); and

4.1.3 Plots 3/14b, 3/14c, 3/14d, 3/14f, 3/14i and 3/14k (“**the Easement Land**”) which are subject to proposed powers for the creation and acquisition of easements and the creation of restrictive covenants. As noted above, some of these plots are also part of the Temporary Possession Land. The extent of the easements and restrictive covenants are set out at schedule 5 to the Proposed Order and vary by plot but include in each case a right to pass and repass and to remain on the land with or without vehicles which would prevent the use of the plots affected by the Council for most purposes.

5 Effect on the Lorry Park

5.1 The loss of the Permanent Acquisition Land and the imposition of rights over the Easement Land will reduce the size of the Lorry Park and the number of parking

spaces available and will have a significant impact on both the current operation of the Lorry Park and the ability to expand the Lorry Park to meet future demand.

- 5.2 The Applicant's proposals include the provision of a new access to the Lorry Park which, alongside of the loss of the Permanent Acquisition Land, the use of the Temporary Possession Land as a worksite and the sterilisation of the Easement Land will require a complete reconfiguration of the site to ensure sufficient space to meet demand and to allow for HGVs to safely turn and navigate the Lorry Park. Site security, lighting, fencing, the café, lorry wash and fuel bunker and welfare facilities will have to be reassessed in any reconfiguration.
- 5.3 The costs of reconfiguration and the loss of an estimated 30% of current spaces will affect the Council financially and risks making the Lorry Park unviable. There is a significant risk that lorry drivers will instead need to park in Newark town centre.
- 5.4 The Council has CCTV and lighting towers which appear to be affected by the scheme proposed by the applicant. Consideration to the impact on this equipment will be required by the applicant as this forms a vital part of community safety service offered by the Council. Therefore, as part of any compensation/ works on site the Council would request to the applicant that there is no disruption to the vital service this equipment provides.
- 5.5 The proposed Works and exercise of powers will prevent the Council from seeking planning permission for new commercial development ("**the Proposed Development**") which would provide further income for the Council and facilities for lorry drivers and the wider public.

6 Access to Castle House and the Air Space Institute

- 6.1 Plot 3/14h (land to be occupied temporarily) includes the entrance to Castle House (the head offices of the Council) and the adjacent Air Space Institute, both owned by the Council. It is essential that agreement is reached to ensure that any temporary possession by the Applicant of this land and any works undertaken by the Applicant do not impede or interrupt the safe access and egress of users of those buildings.

7 Additional land parcels outside of the areas mentioned above.

- 7.1 The Council has additional land parcels affected by the proposed scheme. The Council requests that any activities on these land parcels be of minimal disruption to the Council's operations and to third parties or members of the public who may use the land.

8 Negotiations with the Applicant

- 8.1 The Council has engaged with the Applicant in relation to its proposals, but these have focussed primarily on the location of the new access and the Applicant's proposals rather than on how the impact of the Scheme on the Lorry Park might be mitigated.

- 8.2 The Council welcomes the Applicant's statement in the Statement of Reasons that *"Negotiations will be commencing shortly, and it is hoped that the required land and rights in land can be acquired by agreement."*

- 8.3 The Council wishes to enter into a land and works agreement with the Applicant which will, amongst other things:

8.3.1 ensure that the Applicant consults with (and in some cases) secure the Council's approval to the detailed design of and construction methodology for the Works;

8.3.2 ensures that the Lorry Park can be accessed while the Works are taking place;

8.3.3 provides sufficient certainty as to the detailed design and timing of the Works to enable the Council to advance the Proposed Development;

8.3.4 provides forward funding for any reconfiguration works required to the Lorry Park and a mechanism for compensating the Council for loss of income;

8.3.5 provides for clarity as to the commencement and duration of the Works;

8.3.6 ensures the maintenance of utilities and services required for the operation of the Lorry Park;

8.3.7 protects the safe entrance to and egress from Castle House and the Air Space Institute

- 8.3.8 Mitigates against any operational impact to CCTV/ lighting masts and compensates the Council for the relocation of these structures.
- 8.4 Until such an agreement is completed and despite its support of the Scheme, the Council will be obliged to maintain its position to the Proposed Order in relation to the matters referred to above.
- 8.5 The Council reserves the right to expand on these representations as the examination progresses.

12 July 2024