

A46 Newark Bypass

Scheme Number: TR010065

7.64 Applicant's Responses to Questions from Report on the Implications for European Sites

APFP Regulation 5(2)(q)

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

The A46 Newark Bypass
Development Consent Order 202[x]

**Applicant's Responses to Questions from Report on the Implications for
European Sites**

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1 Introduction

This document provides a comprehensive review and commentary on the Report on the Implications for European Sites (RIES) as part of the Development Consent Order (DCO) application process. The RIES is a critical component in assessing the potential impacts of proposed developments on protected European sites. Our comments aim to address key findings, highlight areas of concern, and suggest recommendations to ensure compliance with relevant environmental regulations and policies. Through this analysis, we seek to contribute to a thorough and balanced evaluation of the project's implications for biodiversity and conservation.

1.1 Purpose of this document

- 1.1.1 The Development Consent Order (DCO) application for the A46 Newark Bypass (the "Scheme") was submitted by National Highways (the "Applicant") on 26 April 2024 and accepted for Examination on 23 May 2024.

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ID	Potential impact pathway	Details of issue	ExA observation/ question	Applicant's response
In-combination effects				
Secti on 2.3	In-combination effects	<p>Section 3.4 of the HRA Report [APP-185] detailed the applicant's approach to assessing in-combination effects. The projects included in the in-combination assessment are detailed in table 4-2 of the HRA Report [APP-185] and their locations are depicted on figures 15.2 to 15.9 of the ES [AS-078 to AS-085].</p> <p>No additional plans or projects have been highlighted by IPs in the examination to date. However, in their relevant representation, NE (NE6 [RR- 044]) noted that it is unclear whether the in-combination assessment has considered projects that are not Nationally Significant Infrastructure Projects (NSIPs). Non-NSIPs are listed in table 4-2 of the HRA Report [APP-185]; however, the HRA Report states that "non-NSIPs have not been detailed within the below table as the potential for in-combination effects is considered unlikely". NE [RR-044] requested that the applicant clarify whether non-NSIPs were included in the in-combination assessment.</p> <p>The applicant confirmed that non-NSIPs were included in the in-combination assessment and that the sentence referenced in paragraph 2.3.2 of this RIES was included in error [REP1-009]. This sentence has been removed from the updated HRA Report [REP3-024]. However, the SoCG [REP4-024] states that NE have requested that rather than deleting this sentence it should be amended to clarify that both NSIPs and non-NSIPs were included in the assessment. The applicant [REP4-024] confirmed that the HRA Report will be updated further to address this wording but it will not affect the conclusions of the HRA.</p> <p>The HRA Report [REP3-024] was also updated to include additional non-NSIPs in the in-combination assessment [REP3-024]. NE have not provided any comments on the additional projects included in the assessment.</p>	<p>QR1 - NE are requested to confirm that they are in agreement with the non-NSIPs that have been included in the in-combination effects assessment within the updated HRA Report [REP3-024]?</p>	<p>The Applicant confirms that the HRA [REP3-024] was updated at Deadline 3 of the Examination and Natural England confirmed they were in agreement with the updated HRA (captured in issue 17 of the Statement of Common Ground with Natural England [REP4-024] issued at Deadline 4 of the Examination). During a meeting held between the Applicant and Natural England on 29/01/25, Natural England re-confirmed they are in agreement with the content of the updated HRA [REP3-024]. This will also be captured in issue 17 (NE6) of the Statement of Common Ground with Natural England to be submitted at Deadline 5.</p> <p>The Applicant has also taken Natural England's additional non-material comments on board and has further amended the HRA [REP3-024] to clarify that both NSIPs and non-NSIPs were included in the assessment. This will be submitted at Deadline 5 of the Examination</p>
Humber Estuary SAC and Humber Estuary Ramsar site				
2.1	Construction Construction silt management measures	<p>NE (NE1 [RR-044]) requested that further details on temporary drainage and silt management techniques needed to be provided to assess the likely impact of construction works on the Humber Estuary SAC and Ramsar site and their qualifying features. NE [RR-044] also advised that the Environment Agency's (EA) Pollution Prevention Guidelines (PPG) should be adhered to.</p> <p>The applicant [REP1-009] set out that the Drainage Strategy Report [APP-179] covers the permanent works design and does not include temporary works. The applicant [REP1-009] explained that references</p>	<p>QR2 – The applicant is requested to confirm that the measures proposed to protect the water environment during construction are not specifically intended to avoid or reduce significant adverse effects of the proposed development on the European sites. The applicant should signpost to relevant information within the HRA Report and supporting documents.</p> <p>NE are requested to confirm that they are content that the measures proposed by the applicant are not necessary to avoid or reduce adverse significant effects of the proposed development on the European sites and are satisfied that potential construction impacts on the water environment</p>	<p>The Applicant confirms that, as detailed in para 3.3.6 and 4.2.3 of the HRA [REP3-024], only general embedded mitigation measures to prevent, avoid and reduce the effects of the Scheme (including protection of the water environment) were included in the Stage 1 screening of the assessment. These measures are not specifically intended to avoid or reduce significant adverse effects of the Scheme on the European sites. These embedded measures will be adopted as part of the Scheme delivery to protect the general natural environment, regardless of functionally linked land between the Scheme and the SAC/Ramsar.</p> <p>Embedded mitigation to protect the general water environment is detailed in Table 4-2 (<i>Stage 1 HRA screening matrix Humber Estuary SAC/Ramsar</i>) of the HRA [REP3-024], against the heading '<i>Distance from the European Site or key features of the site (from edge of the Scheme assessment corridor)</i>' on pages 39-41 and against the heading '<i>Emissions (e.g., polluted surface water runoff - both soluble and insoluble pollutants, atmospheric pollution)</i>' on pages 42-43.</p>

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		<p>made in the ES [APP-052] and the First Iteration Environmental Management Plan (EMP) [APP-184], which stated that temporary drainage and silt management techniques were included in the Drainage Strategy Report, were an error.</p> <p>The applicant [REP1-009] highlighted that measures to protect the water environment during construction (eg silt curtains, cut-off ditches, silt traps etc) are outlined in the First Iteration EMP [APP- 184] and would be detailed in the Pollution Prevention Plan and the Erosion and Sediment Management Plan as part of the Second Iteration EMP.</p> <p>The applicant [REP1-009] confirmed that these construction management measures comprise "embedded mitigation" that has been used to inform the assessment of the likely impact of construction works on the European sites and concludes that no likely significant effect would occur as a result of construction silt or water quality impacts. The applicant [REP1-009] also confirmed adherence to relevant guidance including the EA's PPG.</p> <p>NE [REP2-045] agreed that with the implementation of these plans it is considered likely to avoid an impact upon the qualifying features of the Humber Estuary SAC and Ramsar site.</p> <p>Requirement 3 of the Draft DCO [REP1-001] was updated to add NE as a consultee on the Second Iteration EMP.</p> <p>In light of these updates, NE now considers this matter resolved [REP2-045].</p>	<p>are not required to be considered in the applicant's assessment of effects on integrity.</p>	<p>Under the 'Initial Assessment' of 'Changes in key indicators of conservation value (e.g., water quality)' within Table 4-2 (Stage 1 HRA screening matrix Humber Estuary SAC/Ramsar) of the HRA [REP3-024] (page 51-52), it states "Due to the distance of the SAC/Ramsar from the Order Limits and the embedded [general] mitigation measures within the Scheme, it is not considered that the Scheme would result in adverse changes to key indicators or reduce the conservation value of the SAC/Ramsar.". Therefore, only entrapment and temporary disturbance from artificial light spill were potential impact pathways progressed to Stage 2 Appropriate Assessment.</p> <p>The Applicant set out the details of the embedded mitigation considered within the HRA [REP3-024] to Natural England during a meeting on 29/01/2025. Natural England confirmed that they agree that the silt management measures proposed are not necessary to avoid or reduce adverse significant effects of the proposed development on the European sites. This will also be captured in issue 9 (NE1) of the Statement of Common Ground with Natural England to be submitted at Deadline 5.</p>
2.2	Construction and operation Loss of lamprey individuals	<p>NE (NE2 [RR-044]) queried whether a statement in the HRA Report [APP-185] referring to "the loss of lamprey individuals" was included in error.</p> <p>The applicant [REP1-009] confirmed that the loss of lamprey individuals is not an additional pathway and has already been considered in stage 1 of the HRA in relation to the low risk of lamprey entrapment in the Farndon Flood Compensation Areas (FCAs) prior to mitigation.</p> <p>Following the clarification provided by the applicant, NE consider this matter resolved [REP2-045].</p>	N/A – matter resolved.	No comment from the Applicant required.
2.3	Construction and operation Loss of lamprey individuals	<p>NE (NE2 [RR-044]) noted that electro-fishing was proposed in the First Iteration EMP to mitigate potential direct impacts on fish during sheet piling at Windmill Viaduct and works to Slough Dyke. NE [RR-044] advised that if there is any possibility of direct harm or loss of lamprey individuals, this should be clearly set out within the HRA Report, along with associated prevention measures.</p> <p>The applicant [REP1-009] confirmed that only works with the potential to have an impact on the qualifying features of the Humber Estuary SAC and Ramsar (eg river and sea lamprey) have been assessed and</p>	N/A – matter resolved.	No comment from the Applicant required.

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		<p>reported in the HRA Report [APP-185].</p> <p>The applicant [REP1-009] explained that the impact of sheet piling on lamprey at Windmill Viaduct was scoped out at stage 1 of the HRA with no LSE concluded and further explained that electro-fishing is mitigation for other non-designated fish species with potential to be adversely impacted by piling.</p> <p>The applicant [REP1-009] noted that the Slough Dyke is considered unsuitable for river and sea lamprey and any works are unlikely to impact qualifying features of the Humber Estuary SAC and Ramsar site.</p> <p>In light of these updates, NE consider this matter resolved [REP2-045].</p>		
2.4	Construction Impact of construction piling on lamprey	<p>NE (NE3 [RR-044]) advised that it is unclear whether a detailed appraisal has been undertaken to conclude a 'de-minimis' level impact on resting and larval lamprey due to daytime piling works. NE [RR-044] requested that further explanation is provided to rule out potential adverse impacts on resting and larval lamprey.</p> <p>The applicant [REP1-009] confirmed that a worst-case scenario was assessed in the HRA Report [APP-185]. The applicant [REP1-009] also provided information to explain how the lamprey physiology and habitat features used by each life stage of lamprey led to the conclusion of a 'de-minimis' level impact. For example, the applicant [REP1-009] clarified that lamprey are a low hearing sensitivity fish with greater resilience to underwater sound and vibration, and the risk of more significant responses, such as startle reactions is low, in part due to the vibration disturbance pathway needing to pass through earth then water.</p> <p>The applicant [REP3-024] updated the HRA Report to include this further justification.</p> <p>The SoCG [REP4-024] submitted at DL4 between the applicant and NE, indicated that NE have no material concerns with the information provided in the updated HRA.</p>	N/A	No comment from the Applicant required.
2.5	Operation Operational lighting	<p>NE (NE4 [RR-044]) noted that the HRA does not make reference to operational light spill and its potential effects on migrating lamprey. NE requested that the applicant assess operational lighting within the HRA.</p> <p>The applicant [REP1-009] explained that there is no existing lighting over Nether Lock Viaduct and Windmill Viaduct and that the proposed development would not introduce any new lighting in closer proximity to the River Trent than is currently present.</p> <p>Following the information provided by the applicant, NE consider this matter resolved [REP2-045].</p>	N/A – matter resolved.	No comment from the Applicant required.
2.6	Construction and	NE (NE5 [RR-044]) noted that the in-combination	QR3 – In the SoCG [REP4-024], NE requested that the	The Applicant has updated the HRA [REP3-024] to include the non-material updates requested by Natural

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	operation In-combination assessment location criteria	<p>assessment listed projects by distance from the European sites. NE [RR-044] highlighted to the applicant that the distance from the proposed development is also an important factor for consideration in the in- combination assessment.</p> <p>The applicant [REP1-009] agreed that distance from the proposed development is important and confirmed that both NSIPs and non- NSIPs within 2km of the River Trent have been included in the in- combination assessment, as well as those within 2km of the Humber Estuary SAC and Ramsar site.</p> <p>The applicant [REP1-009] also acknowledged that the heading of the second table within the HRA Report [APP-185] (starting on page 42) is misleading as it refers to non-NSIPs located within 2km of the Humber Estuary SAC/ Ramsar site. This was amended in the updated HRA Report [REP3-024] to read "non-NSIPs and impact pathways relevant to the in-combination assessment".</p> <p>The SoCG [REP4-024] submitted at DL4 between the applicant and NE, stated that NE have no material concerns with the information provided in the updated HRA. However, the SoCG [REP4-024] set out that NE provided a number of non-material comments and requested that the applicant clarify the spatial extent and screening criteria used for the in-combination assessment and that the NSIP table should include a column to set out the distance from the proposed development, as per the non- NSIP table.</p>	<p>applicant provide a number of non-material updates to the HRA Report. The applicant is requested to signpost to where these updates have been made in the HRA Report, provide an updated HRA Report to address these or robust commentary on why such amendments have not been made?</p>	<p>England as detailed in the SOCG with Natural England [REP4-024]. These are as follows:</p> <ul style="list-style-type: none"> Section 3.4, para 3.4.1 (In-combination assessment) and footnote 19 detail the spatial extent and screening criteria used for the in-combination assessment i.e. text added to clarify the inclusion of: non-NSIPs within 2 kilometres of the Scheme; within the Newark & Sherwood District, located within 2 kilometres of the River Trent; and non-NSIPs within 2 kilometres of the Humber Estuary SAC/Ramsar. Para 3.4.2 includes clarifying text why it is not considered necessary to change the column heading in the NSIPs' table (page 54) to read '<i>Distance from SAC/Ramsar or A46 Scheme</i>' i.e. this assessment has taken a precautionary approach of the nearest distance, and so the table indicates that the NSIP projects or plans are all located in closer proximity to the Humber SAC/Ramsar, than to the Scheme. Text added to '<i>In-combination effects</i>', in Table 4-2 (<i>Stage 1 HRA screening matrix Humber Estuary SAC/Ramsar</i>) to clarify non-NSIPs were included in the in-combination assessment, as well as NSIPs and potential NSIPs. <p>The updated HRA [REP3-024] is submitted at Deadline 5 of the Examination.</p>
2.7	Construction and operation In-combination assessment detail	<p>NE (NE6 [RR-044]) state that the in-combination assessment lacks sufficient detail to rule out the possibility of significant in- combination effects. The applicant [REP1-009] acknowledged that further clarity is required regarding the in-combination assessment and how the conclusions have been reached. Additional information was provided by the applicant in the updated HRA [REP3-024].</p> <p>The SoCG [REP4-024], submitted at DL4 between the applicant and NE, set out that NE are in agreement with the information provided in the updated HRA Report [REP3-024].</p>	N/A	No comment from the Applicant required.
Humber Estuary SAC and Ramsar site				
3.1	Construction Prevention of light spill impact on migrating lamprey	<p>NE (NE7 [RR-044]) advised that prevention of light spill impacts on migrating lamprey should follow the mitigation hierarchy and the applicant should explore whether the bridge beam installation works could be programmed to avoid lamprey migration season and/ or nighttime works.</p> <p>The applicant [REP1-009] explained that bridge beam installation works would endeavour to avoid the lamprey migration season; however, the works are weather-dependent (ie they cannot be undertaken in high winds) and in some locations would be</p>	<p>QR4 – NE are requested to provide any further comments in relation to this matter and/ or state agreement of the applicant's conclusions of no adverse effects on integrity (AEoI).</p>	<p>The Applicant confirms that the HRA [REP3-024] was updated for submission at Deadline 3 of the Examination to provide further clarification that the mitigation hierarchy has been applied. These updates were discussed with Natural England during a meeting on 10/12/2024 at which point Natural England were happy to change the status of issue NE7 within the SOCG to Agreed, having no further comments on the issue. This is reflected in the Statement of Common Ground with Natural England submitted at Deadline 4 of the Examination [REP4-024].</p> <p>During a meeting held between the Applicant and Natural England on 29/01/25, Natural England re-confirmed they are in agreement with the content of the updated HRA [REP3-024]. This will also be captured in issue 18 (NE7) of the Statement of Common Ground with Natural England to be submitted at Deadline 5 of the Examination.</p>

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		<p>constrained by possession availability on the East Coast Mainline.</p> <p>The applicant updated the HRA Report [REP3-024] to provide further clarification that the mitigation hierarchy has been applied.</p> <p>The SoCG [REP4-024] between the applicant and NE indicated that this matter has been agreed. However, it is noted that NE have not provided any further comments on this matter since [REP2-045].</p>		
3.2	Construction Prevention of light spill impact on migrating lamprey	<p>If programming bridge beam installation works to avoid the lamprey migration season is not possible, NE (NE7 [RR-044]) requested that the applicant provide a construction lighting strategy, containing further details of light spill mitigation measures and using language that promotes a stronger commitment to their implementation.</p> <p>The applicant [REP1-009] noted that the Register of Environmental Actions and Commitments (REAC) contained within the First Iteration EMP [APP-184] includes measures to prevent light spill during construction. The applicant [REP1-009] explained that the use of imprecise language was in relation to mitigation measures to avoid direct illumination of the River Trent when a crane slews and the accompanying lighting on the boom casts across the water before coming to rest on the beam lift. The applicant [REP1-009] advised that this would likely only ever be for short periods of time (four 30-minute intervals during a night shift) and only a section of the width of the watercourse would be illuminated at any one time.</p> <p>The applicant updated the REAC within the First Iteration EMP [REP3-022] to include the wording suggested by NE [REP2-045] to support a stronger commitment to mitigation.</p> <p>The SoCG [REP4-024] between the applicant and NE indicated that this matter has been agreed. However, it is noted that NE have not provided any further comments on this matter since [REP2-045].</p>	<p>QR5 – NE are requested to provide any further comments in relation to this matter and/or state agreement of the applicant's conclusions of no adverse effects on integrity AEOI.</p>	<p>The Applicant confirms that the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [REP4-010] and the HRA [REP3-024] was updated for Deadline 3 of the Examination to include wording provided by Natural England around mitigating light spill. These updates were discussed with Natural England during a meeting on 10/12/2024 at which point Natural England were happy to change the status of issue NE7 within the SOCG to Agreed, having no further comments on the issue. This is reflected in the Statement of Common Ground with Natural England submitted at Deadline 4 [REP4-024].</p> <p>During a meeting held between the Applicant and Natural England on 29/01/25, Natural England re-confirmed they are in agreement with the content of the updated First Iteration Environmental Management Plan [REP4-010] and HRA [REP3-024]. This will also be captured in issue 18 (NE7) of the Statement of Common Ground with Natural England [REP4-024] to be submitted at Deadline 5 of the Examination.</p>
3.3	Construction and Operation Terminology	<p>NE (NE7 and NE8 [RR-044]) advised that the terminology used within paragraphs 5.2.4 and 5.3.7 of the HRA Report [APP-185] are incorrect and section 5 of the HRA Report [APP-185] should be reviewed to ensure impacts are considered with regard to site integrity.</p> <p>The applicant [REP1-009] confirmed that this was an error and has amended the terminology in the updated HRA Report [REP3-024].</p>	<p>QR6 – NE are requested to provide any further comments in relation to this matter and/ or state agreement of the amended terminology used in the updated HRA Report [REP3-024].</p>	<p>The Applicant confirms that the HRA [REP3-024] was updated for Deadline 3 of the Examination to provide clarification that there will be no Adverse Effect on Integrity of the Humber Estuary SAC/Ramsar. These updates were discussed with Natural England during a meeting on 10/12/2024 at which point Natural England were happy to change the status of issue NE7 and NE8 within the SOCG to Agreed, having no further comments on the issue. This is reflected in the Statement of Common Ground with Natural England submitted at Deadline 4 [REP4-024].</p> <p>During a meeting held between the Applicant and Natural England on 29/01/25, Natural England re-confirmed they are in agreement with the content of the updated HRA [REP3-024]. This will also be captured in issue 18 (NE7) and issue 19 (NE8) of the Statement of Common Ground with Natural England [REP4-024] submitted at Deadline 5 of the Examination.</p>

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3.4	Operation Mitigation to prevent entrapment/ isolation of lamprey during flooding	<p>NE (NE8 [RR-044]) noted that the number, location and design of fish escape passages (to prevent entrapment/ isolation of lamprey during flooding of the Farndon FCAs) are to be finalised during the detailed design. NE [RR-044] requested that agreement be sought with the EA regarding the number, location and design of fish escape passages.</p> <p>The applicant [REP1-009] stated that they have refined the fish escape passage design and have produced a technical note outlining the fish escape passage options considered and justification for the option selected. The Technical Note was shared with NE and the EA on 15 October 2024 [REP2-045] and has been provided in appendix G of the updated HRA Report [REP3-024].</p> <p>During refinement of the fish escape passage design, the applicant [REP1-009 and REP3-024] noted that the previous design submitted as part of the DCO application is no longer viable as it would lead to uncontrolled influx and discharge of flood water from the Farndon West FCA and would not mitigate the entrapment of fish species in the Farndon East FCA.</p> <p>The applicant [REP1-009 and REP3-024] considered four alternative options to mitigate for the risk of fish entrapment within the Farndon FCAs. These are described in appendix G of the updated HRA Report [REP3-024]. A preferred option was selected by the applicant [REP1-009] [REP3-024] and comprises the provision of two fish escape passages from the north of each FCA, as overspill channels, into Old Trent Dyke.</p> <p>The EA [REP3-044] and NE [REP2-045] confirmed that they were consulted on the preferred fish passage option selected prior to the submission of the information into the examination at DL1 [REP1-009]. The applicant's response to comments received from the EA and NE are provided in appendix H and I of the updated HRA Report [REP3-024], respectively.</p> <p>In appendix I of the updated HRA Report [REP3-024], the applicant noted that the dimensions of the fish escape passage selected (0.5 m width and 0.3 m depth) were recommended by the EA following consultation on criteria to incorporate into the design of the Farndon FCAs. The EA [REP3-044 and REP4-044] advised that the dimensions were recommended for use in fish passage channels direct to the River Trent over a short distance. The EA argued that the new fish escape passage design (option 4 presented in appendix G of the updated HRA Report [REP3-024]) is over a much greater distance including long stretches of naturalised channel. The EA [REP4-044] advised that the detailed design of the extended channel length presented in the Technical Note should be reassessed.</p> <p>The SoCG [REP4-024] between NE and the applicant states that NE are content with the design, monitoring and maintenance of the overspill channels in the Farndon FCAs to maintain their function as fish</p>	<p><u>QR7 – The ExA note the comments from the EA in relation to the dimensions of the fish escape passage option presented in the Technical Note. The ExA therefore request the following:</u></p> <p><u>The applicant is requested to confirm that the dimensions of the proposed fish escape passage option have been taken into account in the assessment of effects on lamprey within the HRA Report and signpost to this information.</u></p> <p><u>The applicant is also requested to provide a response to the comments made by the EA [REP3-044 and REP4-044].</u></p> <p><u>The EA is requested to confirm their position that this matter remains unresolved and set out how the dimensions of the fish escape passage selected could result in adverse effects on integrity (AEol).</u></p> <p><u>NE is requested to provide a view on the concern expressed by the EA and set out whether your position has changed as a result of the fish escape passage option selected.</u></p> <p><u>Where possible, discussion between parties, to agree matters and provide a joint response is encouraged.</u></p>	<p>As detailed on page 80 of the updated HRA [REP3-024], the southern branch of the River Trent is only available to migratory lamprey when Nether Lock is open and therefore is considered semi-permeable to migratory lamprey. The northern branch, considered the main route for migratory lamprey, provides more favourable conditions for migration, given the permeability and reduced lighting along the northern stretch of the River Trent. As detailed on page 51 of the updated HRA [REP3-024], the likelihood of river lamprey being swept up by flood water is considered low, as they would likely take refuge until suitable conditions resumed for their migration. The assessment also reports negligible potential for larvae (ammocoetes) to become entrapped in the Farndon FCAs, as high flows during spates are likely to wash eggs and larvae downstream before they would become trapped in the Farndon FCAs. There is a minor risk that during flood events eggs and larvae could be held within backwaters within the Order Limits, such as within the Farndon FCAs or Old Trent Dyke. Furthermore, if a future independent development upstream of the Scheme resulted in the disturbance of silt beds/nurseries upstream of Farndon, then the entrapment of these lamprey life stages cannot be ruled out. As such, whilst it is considered unlikely that lamprey would be entrapped in the Farndon FCAs following flood water recedence (incidental individuals only), measures were proposed in agreement with the Environment Agency to mitigate the remaining uncertainty of the implications for the site in view of that Humber Estuary SAC/ Ramsar conservation objectives through design of generalist fish escape passages.</p> <p>The dimensions of the proposed fish escape passage option have been taken into account in the assessment of effects on lamprey within the HRA [REP3-024]. Dimensions of the fish escape passages are detailed in paragraph 5.2.3 of the HRA [REP3-024] "The design of the fish escape passages incorporates the Environment Agency's recommendations for them to be a naturalised shape and measure a minimum of 0.5 metres wide and 0.3 metres deep" and in Section 2.2 and 4.3.1 of Appendix G (Fish Escape Passage Technical Note) of the HRA [REP3-024]. As detailed in Section 1.4 of Appendix G (Fish Escape Passage Technical Note) of the HRA [REP3-024] "The size, depth and riparian planting of the Farndon FCAs were designed to also reduce mortality of entrapped fish species, from various predatory piscivorous birds and mammals." The fish escape passages are an integral part of the Farndon FCAs, designed to be mutually successful for both flood defence function (storage and discharge functions) and biodiversity, and so are included in this assessment.</p> <p>The Applicant responded to Natural England's query whether there was scope to widen and deepen the channels (in regards to the difficulty fish may have actively identifying the escape passage route), as detailed in Table 1, paragraph 2.1.1.1 of Appendix I (Natural England's response following a review of the Fish Escape Passage Technical Note and Applicant's Response to Comments) of the HRA [REP3-024]. In summary, the fish escape passages which also function as overspill channels cannot be deepened, however, widening of these channels could be explored further at detailed design to determine if the fish escape passages can be widened whilst also providing safe passage to multiple riverine fish species. The Applicant's response to the comments made by the Environment Agency in <i>Comments on any submissions received at the previous deadline</i> [REP3-044] are detail in The Applicants Responses to Comments Received at Previous Deadlines of the Environmental Statement [REP4-040] submitted at Deadline 4 of the Examination.</p> <p>The Applicant's response to the Environment Agency's <i>Written summaries of oral submissions made at the previous Hearings</i> [REP4-044] are detailed in '7.62 Comments on any submissions received at the previous deadline' submitted at Deadline 5 of the Examination.</p> <p>The Applicant confirms that both Natural England and the Environment Agency will be consultees on the Second Iteration Environmental Management Plan, including provision of future iterations of the fish escape passage design. Following continued consultation, the specific number, location and design of fish escape passages would be finalised during detailed design. A meeting between the Environment Agency and the Applicant was held on 23 January 2025 and a meeting between Natural England and the Applicant was held on 29 January 2025. A draft version of the Applicant's response to this question was shared with both the Environment Agency and Natural England.</p> <p>The Environment Agency confirmed via email on 30 January 2025 that they have no further comments on the Applicant's draft response to RIES QR7. They confirmed that whilst the original indicative design of the Farndon FCA fish escape passages which connected the FCAs to the River Trent would be the ideal situation, they understand the designs are restricted, with managing flood risk being a priority. They also agreed the escape routes are low priority in terms of stranded life stages of fish. The Applicant is waiting for an updated position from Natural England on this matter.</p>
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Applicant's Responses to Questions from Report on the Implications for European Sites

		escape passages. However, it is noted that NE have not provided any further comments on this matter since DL2 [REP2-045].		
3.5	Operation Mitigation to prevent entrapment/isolation of lamprey during flooding	<p>The EA [REP3-044] requested that the applicant provide details on maintenance of the Farndon FCAs fish escape passages.</p> <p>The applicant explained [REP4-019] that ongoing monitoring and maintenance of fish escape passages will form part of the Landscape and Environmental Management Plan (LEMP) for the Farndon FCAs. The applicant [REP4-019] referred to specific commitments proposed within the First iteration EMP to ensure the ongoing maintenance of the FCAs for the lifetime of the proposed development and how these are secured in the draft DCO. However, the applicant [REP4-019] noted that the maintenance details would be defined at the next stage of design.</p>	<p>QR8 – Are the EA satisfied with the maintenance measures secured for the Farndon FCAs fish escape passages? If not, please provide reasoning.</p>	<p>A meeting between the Environment Agency and the Applicant was held on 23 January 2025. The Applicant set out the details of the maintenance of the Farndon FCA fish escape passages to the Environment Agency. A summary of these maintenance measures are provided below:</p> <p>The Farndon FCA fish escape passages (and the FCAs themselves) are to be maintained by the FCA maintainer (as default this is the Applicant unless agreement is reached with a third party).</p> <p>Commitment RDWE 10 of the First Iteration Environmental Management Plan states the FCAs will require maintenance for the lifetime of the Scheme. RDWE10 will be updated for Deadline 5 to state the following: <i>The FCAs will require maintenance for the lifetime of the Scheme, to include clearing, inspecting and upkeep of the FCAs and associated culvert systems and fish escape passages (at the Farndon FCAs). However, at this stage, further details on the maintenance regime are not known. These details will be defined at the next stage of design. However, the fish escape passages at the Farndon FCAs will be maintained to a minimum of 0.3m depth – 0.5m width.</i></p> <p>The Old Trent Dyke will continue to be maintained by the internal drainage board (IDB) which will include:</p> <ul style="list-style-type: none"> • Grass and hedge cutting • Weed/debris removal where necessary and access allows, and • Less frequently, tree works when inhibiting access. <p>It has been agreed with the Trent Valley Internal Drainage Board (see TVIDB SOCG) that the design of the discharges from the fish escape passages into the Old Trent Dyke and ensuring that these will not be impeded by the IDB's maintenance activities will be addressed as part of the Land Drainage Act consenting process.</p> <p>Further details on this are provided in the Thames Valley Internal Drainage Board SOCG with the Applicant to be updated and submitted at deadline 5.</p> <p>The Applicant is waiting for an updated position from the Environment Agency on this matter.</p>
3.6	Operation Fish escape passage design	<p>Paragraph 5.2.3 of the HRA Report [APP-185], states that the EA's recommendations regarding the fish escape passage design would be incorporated "where possible". NE (NE8 [RR- 077]) advised that the use of imprecise language introduces uncertainty around the implementation of these mitigation measures and should be amended.</p> <p>The applicant [REP1-009] explained that the wording in the HRA Report would be updated to strengthen the commitment to deliver the mitigation.</p> <p>The applicant amended the wording within the updated HRA Report [REP3-024].</p>	<p>QR9 – NE are requested to provide any further comments in relation to this matter and/ or state agreement of the amended wording used in the updated HRA Report [REP3-024].</p>	<p>The Applicant confirms that the HRA [REP3-024] was updated for Deadline 3 of the Examination to confirm the approach to the fish escape passage design, including the incorporation of the appended Fish Escape Passage Technical Note [Appendix G of REP3-024]. These updates were discussed with Natural England during a meeting on 10/12/2024 at which point Natural England were happy to change the status of issue NE8 to Agreed, having no further comments on the issue. This is reflected in the Statement of Common Ground with Natural England submitted at Deadline 4 [REP4-024].</p> <p>The Applicant is waiting for an updated position from Natural England on this matter.</p>