

A46 Newark Bypass

Scheme Number: TR010065

Statement of Common Ground with Trent Valley Internal Drainage Board

APFP Regulations 8(1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

February 2025

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

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

**Statement of Common Ground with
Trent Valley Internal Drainage Board (TVIDB)**

Regulation Number:	8(1)(e)
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Rev 0	October 2024	Deadline 1
Rev 1	November 2024	Deadline 2
Rev 2	December 2024	Deadline 4
Rev 3	February 2025	Deadline 5 – Final as agreed with TVIDB

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1 Introduction

1.1 Purpose of this document

1.1.1 This Statement of Common Ground (this “SoCG”) has been prepared in respect of the A46 Newark Bypass (the “Scheme”) following the application made by National Highways (the “Applicant”) to the Secretary of State for Transport, via the Planning Inspectorate (the “Inspectorate”) for a development consent order (DCO) under section 37 of the Planning Act (the “2008 Act”). A detailed description of the Scheme can be found in Chapter 2 The Scheme of the Environmental Statement [APP-046]

1.1.2 This SoCG does not seek to replicate information which is available elsewhere with the application documents. All application documents will be made available on the Planning Inspectorate website.

1.1.3 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has (not) yet been reached. SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

1.2.1 This SoCG has been prepared between 1) National Highways as the Applicant and 2) Trent Valley Internal Drainage Board

1.2.2 National Highways (previously known as Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain, and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations, including in respect of the application, to be conferred upon or assumed by National Highways.

1.2.3 Trent Valley Internal Drainage Board (Board) covers an area of low-lying land from the west of Gainsborough, straddling the River Trent and its tributaries, down to the south of Nottingham, a total of 44,093ha. Powers under the Land Drainage Act 1991 and the Flood and Water Management Act 2010 enable the Board and its partners to ensure proper drainage is considered by all developers, landowners and homeowners/occupiers.

1.3 Terminology

1.3.1 Within the table in Section 3, Issues of this SoCG, the terminology is as follows:

- “Agreed” indicates area(s) of agreement
- “Under Discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue(s) to determine whether they can reach agreement by the end of the examination
- “Not Agreed” indicates a final position for area(s) of disagreement where the resolution of the divergent positions will not be possible, and parties agree on this point

1.3.2 It can be assumed that any matters not specifically referred to in [Section 3](#), Issues of this SoCG are not of material interest or relevant to Trent Valley Internal Drainage Board and therefore have not been subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Trent Valley Internal Drainage Board.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between National Highways and Trent Valley Internal Drainage Board relation to the application is outlined in **Table 2.1.1** below.

Table 2.1.1 Record of Engagement

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
05/04/2022	Meeting with Nottinghamshire County Council (NCC), Newark and Sherwood District Council (NSDC), Trent Valley Internal Drainage Board (TVIDB - Water Management Consortium) and Environment Agency	First steering group meeting to discuss and collate further information on the following: <ul style="list-style-type: none"> – Modelling – Floodplain compensation – Historic flood records. As a result of the meeting there was an agreement to follow up engagement with group members and sharing of information.
11/05/2022	Meeting with NCC, NSDC, Internal Drainage Board (Water Management Consortium) and the Environment Agency	Second flood and drainage steering group meeting held to collate further information on the following: <ul style="list-style-type: none"> – River Trent model and others – Basis of design for floodplain compensation – Land drainage, records and models, historic flood records, run-off control conditions, flood resilience – joint probability
07/07/2022	Meeting with Flood and Drainage Steering Group including the Applicant NCC, and Trent Valley/Lindsey Marsh Drainage Board	Third steering group meeting which included the following discussion topics: <ul style="list-style-type: none"> – Scheme overview – Flood risk overview – Data and information request – Drainage overview An action was further noted that the Applicant will provide a summary of the design following this meeting.
14/09/2022	Meeting with Flood and Drainage Steering Group including Environment Agency, NCC, NSDC, Internal Drainage Board (Water Management Consortium) and the Applicant	Fourth steering group meeting which included the following discussion: <ul style="list-style-type: none"> – Future engagement – Updates to the surveys
25/10/2022	Meeting with Flood and Drainage Steering Group including NCC, Trent Valley Internal Drainage Board, Environment Agency and National Highways	Fifth steering group meeting which discussed the following topics: <ul style="list-style-type: none"> – Health & safety – Public engagement – Groundwater, and future developments – Updates on surveys, hydraulic modelling and floodplain compensation.
30/11/2022	Meeting with Flood and Drainage Steering Group including Environment Agency, NCC, NSDC, Internal Drainage Board (Water Management Consortium) and the	Sixth steering group meeting which discussed the following topics: <ul style="list-style-type: none"> – Health & safety – Public engagement – Schemes beyond A46 and water quality

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
	Applicant	<ul style="list-style-type: none"> – Updates on hydraulic modelling, floodplain compensation and drainage
12/12/2022	Email from Trent Valley Internal Drainage Board contact Darren Cowling	Trent Valley Internal Drainage Board Statutory Consultation Response
11/01/2023	Meeting with Flood and Drainage Steering Group including Environment Agency, NCC, NSDC, Internal Drainage Board (Water Management Consortium) and the Applicant	<p>Seventh steering group meeting which discussed the following topics:</p> <ul style="list-style-type: none"> – Other schemes proposed in the Newark on Trent area – Flood Compensation Areas (FCAs) – Scour protection – The Environmental Statement – Drainage
23/02/2023	Meeting with Flood and Drainage Steering Group including Environment Agency, NCC, NSDC, Internal Drainage Board (Water Management Consortium) and the Applicant	<p>Eighth steering group meeting which discussed the following topics:</p> <ul style="list-style-type: none"> – Hydraulic modelling process, – Flood risk strategy – Scour protection – Drainage updates – Wetland design – A46 structures – Netherlock Viaduct and flood relief culverts
04/04/2023	Meeting with Flood and Drainage Steering Group including Environment Agency, NCC, NSDC, Internal Drainage Board (Water Management Consortium) and the Applicant	<p>Ninth steering group meeting which discussed the following topics:</p> <ul style="list-style-type: none"> – Impact of flood defences – Temporary works – Public engagement – Flood risk – Updates on structures
25/05/2023	Meeting with Flood and Drainage Steering Group including Environment Agency, NCC, NSDC, Internal Drainage Board (Water Management Consortium) and the Applicant	<p>Tenth steering group meeting which discussed the following topics:</p> <ul style="list-style-type: none"> – Public engagement – Flood risk – Temporary works – Updates on floodplain compensation, structures, and scour assessment – Discussion around the groundwater approach and hydrogeology
25/05/2023	Email from Trent Valley IDB contact Darren Cowling	Confirmed that FCAs are unlikely to cause any significant issues if they drain out into the Old Trent Dyke. However, the outfalls will require Board consent.

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
11/11/2024	Online Teams Meeting	Review and Update TVIDB SoCG
29/11/2024	email to IDB from the Applicant	In relation to update of SoCG for Deadline 4
05/12/2024	email from IDB to The Applicant	Updated SoCG of IDB comments and status
05/12/2024	email to IDB from the Applicant	Updated SoCG advising of additional issue in relation to Fish Passage
30/01/2025	email from IDB to The Applicant	Updated SoCG and email correspondence confirming sign off of the SOCG. Appendix A of this SOCG contains this email correspondence as evidence of SOCG sign off.

2.1.2 It is agreed that this is an accurate record of key meetings and other forms of consultation and engagement undertaken between 1) National Highways and 2) Trent Valley Internal Drainage Board in relation to issues addressed in this SoCG.

3 Issues

3.1 Issues agreed, not agreed or under discussion

3.1.1 Table 3.1.1 below details the issues which have been agreed, not agreed or are under discussion between 1) National Highways and 2) Trent Valley Internal Drainage Board

Table 3.1.1 - Issues

Issue No.	Issue	Document Reference	Trent Valley Internal Drainage Board Position	The Applicants Position	Status	Date status confirmed
1.	Associated consents	Consents and Agreements Position Statement [APP-023]	<p>The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow, or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert.</p> <p>The Board stated generally no issues with watercourses of proposed FCA locations however needs to be investigated with other colleagues.</p> <p>The Board recognised the interest in Kelham (North) to become a bog asset. Stated this is something they can investigate.</p> <p>The Board confirmed there would be no significant impacts from the FCA's draining out into the Old Trent Dyke, but they will require Board consent.</p>	The Applicant will continue to engage with representatives from the Board to offer a means for the Applicant to seek the technical and local expertise of the Board on relevant design issues if necessary.	Agreed	11/11/2024
2.		General Arrangement Plans [AS-007]. Chapter 2 The Scheme of the Environmental Statement [APP-046] Appendix 13.4 Drainage Strategy Report of the Environmental Statement Appendices [APP-179].	<p>The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. IDB confirm detailed 1D-2D fluvial hydraulic modelling was carried out for the A46 Newark Bypass project area.</p> <p>Modelling evidence shows that the scheme will not substantially alter the flood risk in the area, even though it will elevate floodwater levels in certain locations. However, the proposed Floodplain Compensation Areas (FCAs) are shown to be effective in compensating for the floodplain loss and managing flood risk. They are shown to be capable of diverting and discharging water into our drains, thus providing temporary flood storage. During high flows, some of our overspill can flow into these FCA areas.</p> <p>This should have minimal impacts during frequent flood events; however, the effect of these flows due to climate change remains uncertain</p>	<p>The Scheme is looking to extend several culverts on the Old Trent Dyke watercourse, which will require the Internal drainage Boards consent. The mitigation for the Scheme will include appropriate measures to attenuate surface water run-off from the additional hard surfacing, such as attenuation basins, the locations of which are shown on the General Arrangement Plans [AS-007]. These have been sized to attenuate the run-off from the highway and discharge into the nearest watercourse at a restricted rate, agreed by Nottinghamshire County Council as the Lead Local Flood Authority.</p> <p>Details of the FCAs are set out in Chapter 2 The Scheme of the Environmental Statement [APP-046] whilst details of the drainage attenuation basins for the road are set out in Appendix 13.4 Drainage Strategy Report of the Environmental Statement Appendices [APP-179]. The Scheme would not result in any significant adverse effects to road drainage and the water environment receptors during both construction and operation, including Winthorpe Airfield drain, with mitigation in place.</p>	Agreed	05/12/2024
3.	Design	Appendix 4.3 Record of Environmental Engagement	The Board stated that for box culverts, length of protection is key. Currently, scour protection design, considers 80% of the culvert height is full. This is very conservative but it's due to lack of reliable flood modelling outputs up to this point.	It is acknowledged that a conservative analysis has been adopted due to a lack of reliable flood modelling outputs. There is no intention to provide scour protection to existing features. It is intended to provide scour protection on the portion of culverts that are being extended.	Agreed	11/11/2024
4.	Consents	Consents and Agreements Position Statement [APP-023]	<p>The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).</p> <p>The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement, and emergency works.</p> <p>Surface water run-off rates to the Board maintained Winthorpe Airfield Drain must not be increased because of the development. The culvert carrying this drain under the A46 at NGR 481553 - 356044 is known to be at or around capacity added to which existing and further committed development on the airfield site will further exacerbate this situation. Enhancements to this culvert should be considered as a part of the scheme. Any surface water from the Northern section of the scheme, which discharges into the Winthorpe Airfield Drain should take into consideration the potential impact downstream within the village of Winthorpe.</p>	The Consents and Agreements Position Statement [APP-023] for the Scheme sets out the Applicant's intended strategy for obtaining consents and agreements. Land drainage consent would be sought from the Board for any temporary or permanent changes to ordinary watercourses. Consent will be applied for when required.	Agreed	11/11/2024

Issue No.	Issue	Document Reference	Trent Valley Internal Drainage Board Position	The Applicants Position	Status	Date status confirmed
5.	Road drainage and the water environment	Appendix 4.3 Record of Environmental Engagement [APP 127]	The Board noted that downstream required more protection due to turbulence and other phenomena, which is not the case upstream.	Noted by the Applicant. As set out above there is no intention to provide scour protection to existing structures. It is intended to provide scour protection on the portion of culverts that are being extended. Scour will be a criteria for consideration of any new infrastructure assets constructed within the existing floodplain.	Agreed	30/01/2025
6.	Associated consents / Design	[REP3-024] Appendix G - Fish Escape Passage Technical Note	Having considered the relevant section of the Environmental Statement Habitat Regulations Assessment it is noted that the final design of the post-flood fish escape passages are yet to be confirmed. However, in general terms the fish escape features are proposed to be a minimum of 300mm deep by 500mm wide and essentially take the form of a shallow swale. The Board would wish to be involved in the final design process to ensure that there would be no interference with maintenance activities, which would be secured as part of the Land Drainage Act 1991 consenting process and to this end it is noted that the Applicant's position reflects this.	The applicant notes that its environmental mitigation in the Farndon area (at Farndon East and West FCAs) is dependent on the Old Trent Dyke watercourse which passes adjacent to the FCAs. The Applicant proposes fish escape passages and hydraulic connection between the Old Trent Dyke and the FCAs. One fish escape passage is proposed between the permanent lake at the Farndon East FCA site and the Old Trent Dyke; the other is proposed between the northern most waterbody within the Farndon West FCA and the Old Trent Dyke. As provided for by DCO Requirement 10 [DOC REF] and the REAC COMMITMENT x [DOC REF], These will be maintained for the lifespan of the Scheme. As discussed with the IDB, the IDB will be consulted on the detailed design of the fish escape passage discharges into the Old Trent Dyke as part of the Land Drainage Act 1991 consenting process.	Agreed	30/01/2025
7.	Maintenance	[REP3-024] Appendix G - Fish Escape Passage Technical Note		In accordance with its duties and powers under the Land Drainage Act 1991. the Internal Drainage Board (IDB) monitors and maintains Old Trent Dyke and its culverts and will continue to do so annually during operation of the Scheme. Whilst the current density of vegetation overgrowing this watercourse is considered to not prevent fish being discharged into the River Trent in receding flood water, it must be noted that the monitoring and annual maintenance of the Old Trent Dyke must be upheld by the IDB to ensure the success of the fish escape passage within the DCO Order Limits. The introduction of the fish escape passages does not introduce new maintenance requirements nor increase existing maintenance requirements for the IDB. The locations of the discharge points from the fish escape passages into the old Trent Dyke will be recorded on the IDB's GIS system in the same way that all other consented discharges are. This will ensure that maintenance workers are aware of their presence and function.	Agreed	11/12/2024

[REDACTED]
From:

Sent:

30 January 2025 16:23

To:

Subject:

RE: Review / update of Statements of Common Ground 'SoCG' - Trent Valley
Internal Drainage Board

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Hi Helen-Marie,

I can confirm that I am happy with Statement of Common Ground in its current form in that it accurately reflects the position of both parties at this time and identifies an appropriate way of progressing matters where Board consent will be require in the future.

I hope that the above is of assistance.

Regards

[REDACTED]
Darren Cowling
Planning and Development Control Officer



Water Management Consortium

Wellington House, Manby Park, Manby, LOUTH, Lincolnshire, LN11 8UU.
[REDACTED]



From: McNair, [REDACTED]

Sent: 30 January 2025 16:11

To: Darren Cowling [REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Review / update of Statements of Common Ground 'SoCG' - Trent Valley Internal Drainage Board
Importance: High

Hi Darren

Thank you for providing the updates.

Could you please confirm if you are content with the Statement of Common Ground (SoCG)? If so, we can proceed to submit it as the final version for Deadline 5. I will then append your confirmation email to the submitted SoCG at Deadline 5 to complete the process.

Kind Regards

Helen-Marie

Helen-Marie McNair

A46 Newark Bypass

Skanska UK

International House, Brunel Drive, Newark-On-Trent, Nottinghamshire, NG24 2EG

What/Three/Words: Commuted/Limelight/Websites

From: Darren Cowling [REDACTED]

Sent: 30 January 2025 13:53

To: McNair, HelenMarie [REDACTED]

[REDACTED] >
Subject: RE: Review / update of Statements of Common Ground 'SoCG' - Trent Valley Internal Drainage Board

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Hi Helen Marie,

I can confirm that the position in relation to issue number 5 can be shown to be agreed given that any new or amended assets will be considered individually at the time of any consent application.

With regard to issue 6, having considered the relevant section of the Environmental Statement Habitat Regulations Assessment it is noted that the final design is yet to be confirmed. However, in general terms the fish escape features are proposed to be c300mm deep by 500mm wide minimum and essentially take the form of a shallow swale. The Board would wish to be involved in the final design process to ensure that there would be no interference with maintenance activities, which would be part of any consenting process and to this end it is noted that the applicants position reflects this. Therefore, I can advise that the position in relation to issue 6 can also now be shown as agreed.

I hope that the above is of assistance.

Regards

[REDACTED]
Darren Cowling
Planning and Development Control Officer



Water Management Consortium

Wellington House, Manby Park, Manby, LOUTH, Lincolnshire, LN11 8UU.

Telephone: [REDACTED]

