

Scheme Number: TR010065

7.65 Responses to any further information requested by the ExA for deadline 5

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Examination Procedure)
Rules 2010

February 2025

Volume 7



Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

The A46 Newark Bypass Development Consent Order 202[x]

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

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01	February 2025	Deadline 5

Responses to points arising from Issue Specific Hearing (ISH) 3



Water Environment

In context of the meaning of reducing flood risk overall confirm National Highways remit to address existing problems and flood risk overall.

In relation to the Exception Test, the NPSNN 2015 states the following:

5.107 The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site, taking into account the need for national networks infrastructure to remain operational during floods.

5.108 Both elements of the test will have to be passed for development to be consented. For the Exception Test to be passed:

- it must be demonstrated that the project provides wider sustainability benefits to the community that outweigh flood risk; and
- a FRA must demonstrate that the project will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. (Emphasis added).

The Applicant has demonstrated that there will be no discernible change in the flood risk to the existing highway network as a result of the Scheme. There are no changes anticipated in the flood hazard receptors or no significant increases for the design fluvial event. Whilst the second limb of the Exception Test also refers to 'where possible, will reduce flood risk overall', as the Applicant explained in its Written Summary of ISH3 [REP4-033]:

"In the context of the meaning of "reducing flood risk overall", the Applicant considers that the purpose of the National Policy Statement (NPS) is what an Applicant can propose as part of a proposed development. The extent to which the Applicant lawfully could seek to mitigate existing flooding problems over and above the predicted effects of the proposed Scheme involves several strands. It involves the question as to what measures the Secretary of State could lawfully take into account in the determination of the application and also National Highway's own functions and duties as a public body."

National Highways' policy, as a public body utilising public funds, is that its schemes must, where possible, mitigate the effects that they cause. In this context, in relation to the second limb of the Exception Test, National Highways requires that its scheme complies with the requirements in the NPSNN to demonstrate that it will be safe for its lifetime without increasing flood risk elsewhere. Where there are existing problems of flooding it is not for National Highways, as a public body, to utilise public funds to address those existing problems, when its proposals will not be making them worse. That is a matter appropriately addressed by local/central government, as appropriate.

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Review the Defra Asset management website that appears to show other flood defences maintained privately or by Councils and confirm whether these are affected by the Scheme and if not explain why not relevant.

The Applicant has reviewed the Defra Asset Management dataset (Asset Information and Maintenance Programme). This consists of information on many water related assets such as:

- locations of watercourse channels,
- Flood and Coastal Risk Management (FCRM) assets such as control structures and outfalls,
- locations of flood defences with information on their upkeep these are split into two categories:
 - those to "Include in Floodmap", which feature in the Environment Agency's flood map for planning. Discussions with the Environment Agency on the Scheme tying into these maintained assets are ongoing, as detailed in the Environment Agency's written hearing summary [REP4-044]
 - those not to "Include in Floodmap", which do not feature in the Environment Agency's flood map for planning. These are engineered high ground river embankments, with which the Scheme does not interface.

Fluvial hydraulic modelling for the Scheme includes representations of existing flood defences, together with proposed Flood Compensation Areas and the cheme itself. Fluvial hydraulic modelling demonstrates that the Scheme will not change the fluvial flood risk for the design event (1%AEP plus 39% climate change), when compared to the baseline. Therefore, the Applicant considers there to be no further fluvial hydraulic modelling action required in relation to this dataset. The Applicant will however continue to engage with the Environment Agency through Detailed Design on physical tie-in of the Scheme with the flood defence structures maintained by the Environment Agency.

To provide additional clarity, Table 1-1 lists the flood defence and other flood risk management assets identified within the Environment Agency Asset Management system¹ that are within the Order Limits for the Scheme (Order Limits as shown on Figure 1.1 Scheme Draft Order Limits of the Environmental Statement Figures [AS-023]). Table 1 indicates that the scheme does not interface with any private or local authority owned asset.

The following assets types are included.

Defence – Embankments

An artificial raised, earthen ridge used in fluvial defence. There are three assets within the Order Limits, the Crees Lane embankment, Kelham Road Farm Embankment and the Newark roundabout embankment. The last two form part of one continuous bund.

Defence – High Ground

Any extent along a watercourse which completes the line of continuous defence, but has not been modified in any way, so does not qualify as any of the other defence asset types. This asset type is assigned to the north and south banks of the River Trent

Channel - Open Channel

A conduit in which water flows with a free surface, i.e. not culverted. This applies to the River Trent and the Slough Dyke.

Channel – Culverts

A covered channel or pipe which conveys a watercourse through an obstacle such as a hill, a road or railway embankment, or under buildings. There are five culverts identified within the Order Limits

Structure – Outfall

The structure at the point where surface water drains discharge into a watercourse. Outfalls may have a flap valve or gate fitted to prevent reversal of flow during flood flows. If the flap is simple non-return valve that opens and closes under the force of the flow, then this is an element of the outfall. If there is a control gate such as a penstock which can be adjusted or controlled, this should be classified as a separate control gate asset. There are ten outfall structures within the Order Limits.

Structure - Control Gate

An adjustable gated structure used to control water levels and flow in watercourses, for water flow management and/or flood control. There are five control gates within the Order Limits.

Structure - Security Screen

A screen which prevents unauthorised access to culverts, outfalls and channels. One security screen is located within the Order Limits.

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¹ Environment Agency Asset Management Map (online) at <u>Asset Information and Maintenance Programme</u> (last accessed January 2025).

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Table 0-1 Flood Defence and Flood Risk Assets within the Order Limits of the Scheme.



Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
Crees Lane Embankment	Defence Embankment	Environment Agency	Crees Lane Embankment Anst Literature Status Basics Asset tion	Looking west from the eastern extent of the Crees Lane Embankment. Newark Bridleway 2 located along the top of the embankment	The defence embankment will be retained in its entirety by the Scheme. Interaction during construction of a temporary works platform, Work No 127 on sheet 1 of the Works Plans [REP3-002]. The work platform consists of a granular fill material, approximately 300mm thick, placed adjacent to and on top of the embankment. Windmill Viaduct Temporary works platform, consisting of approximately 300mm of granular material on top of embankment. Newark BW3
Farndon Windmill Outfall	Outfall	Environment Agency	Secretary / Revolute Windows Could Family Country of Management Revolution Could American Country of Management Revolution Could American Country of Management Revolution Country of Management Revol	Looking east along headwall.	Retained. Not impacted by the Scheme



Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
Upstream of A46 Farndon Newark Farndon Bridge Outfall Upstream	Culvert Outfall structure	Environment Agency	Upstream of A46 Farndon Newark Asset Basics Asset Name Upstream of A46 Farndon Newark Asset ID 511300 Asset Category Channel Asset Type Simple Culvert Actual Condition Fair Asset Maintainer Environment Agency Last Inspection Date 2024-11-14 Next Inspection Date 2025-11-01 Primary Purpose filood risk management		Retained and not modified by the Scheme. Assets are within the temporary works area as shown on work No.127 on sheet 1 of the Works Plans [REP3-002]. This consist of a working platform over the existing bridleway/access road surfacing. No impact to the existing assets.
Farndon Bridge Upstream Penstock	Control Gate		Farndon Bridge Outfall Upstream Asset Maintenance History Basics Asset Name Farndon Bridge Outfall Upstream Asset ID © 224558 Asset Citagory © Structure Asset Maintainer © Environment Agency Last Inspection Date © 2024-11-13 Next Inspection Date © 2025-11-01 Farndon Bridge Upstream Penstock Asset ID © S1544 Asset Catagory © Structure Asset Ipe © Control Gate Actual Condition © Fair Asset Maintainer © Environment Agency Last Inspection Date © 2025-11-01 Read Spire © Control Gate Actual Condition © Fair Asset Maintainer © Environment Agency Last Inspection Date © 2025-11-01 Next Inspection Date © 2025-11-01 Primary Purpose © flood risk management Protection Type © flood risk management	Looking north from BW2. Culvert chamber and headwall can bee seen. Looking west along the outfall structure Headwall and penstock on the upstream side of the culvert.	



Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
Newark Marina Flood Bank	Natural High Ground Defence	Environment Agency	Newark Marina Floodbank Asset Basics Asset Name Newark Marina Floodbank Asset Cladgory © Defence Asset Cladgory © Defence Asset Marinaler © Natural High Ground Actual Condition © Fair Bank © Include in Floodmap © Include in Floodmap of Defence Deservice of Deservice Oncomment Agency Bank © Include in Floodmap © 2002-11-14 Nest inspection Date ©	Looking south towards the southern bank of the River Tent	Western end of the high ground is within the Scheme limits. This asset is not a physical, manmade structure rather the natural ground level. This asset is located with Work No.128 on sheet 1 of the Works Plan [REP3-002]. Work No. 128 is a temporary area for the placement of temporary welfare units and the installation of a security fence to prevent unauthorised access to the work area. No excavation works that compromise the ground level will be undertaken in this area.
				Looking west along the southern riverbank of the river Trent from the junction of Newark BW2 and Newark FP4	
Downstream of A46 Farndon Newark, right bank, rear of The Ivies Farndon Bridge and Penstock Downstream	Culvert	Environment Agency	### JOSEPH PROFESS OF THE PROFESS OF		Retained. Not impacted by the Scheme.
Farndon Bridge and Penstock Downstream	Outfall structure		Target Consilion © Fair More into View asset type in Data Resolvements Library Additional asset information/time additional asset information	Looking south from the north bank of the River Trent towards the two outfall structures. The outfall structure for this asset is the one on the left.	
	Control Gate				

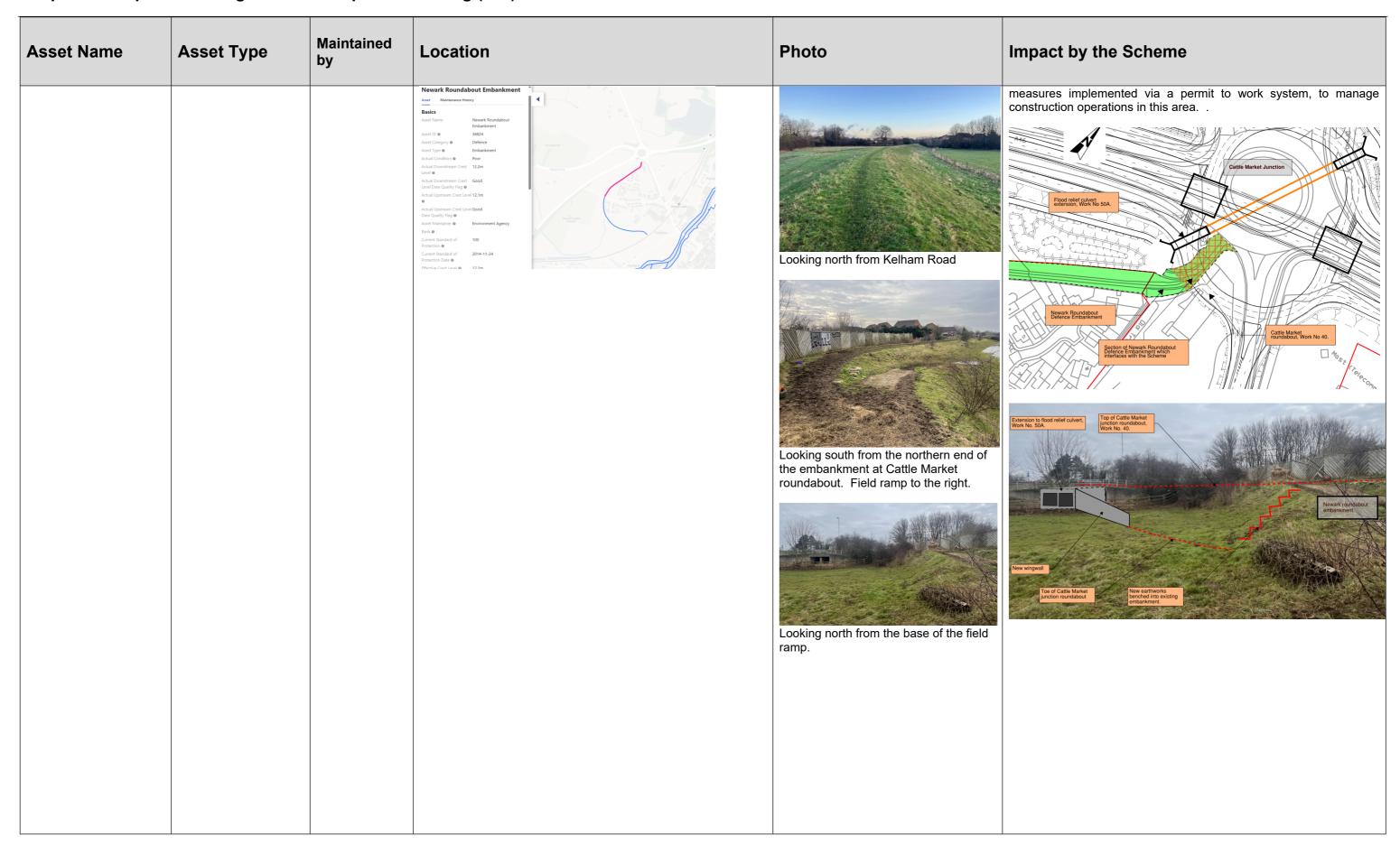


Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
			Farndon Bridge and Penstock Downstream Asset Markenence History Basics Asset ID @ Asset Chegony @ Farndon Bridge and Penstock Downstream Asset ID @ Structure Asset ID @ Structure Asset ID @ Structure Asset Information Date @ 2025-11-21 Nest Inspection Date @ 2025-11-22 Nest Inspection Date @ 2025-11-23 Nest Inspection Date @ 2025-11-23 Nore information Farndon Bridge and Penstock Downstream Additional asset Information Broukements Library Additional asset Information Broukements Library Additional asset Information Broukements Library Asset ID @ Structure Asset ID @ Contect Cate Asset Ingerion Date @ 2025-11-14 Nest Inspection Type @ Book fish management Protection Type @ Book fish management Additional asset Information Management Additional asset Inf	Looking north across the control gate structure.	
			information		
Downstream of A46 Farndon Newark rear of The Ivies Farndon Bridge Outfall	Culvert	Environment Agency	Downstream of A46 Farndon Newark rear of The Ivies Asset Basics Asset Name Downstream of A46 Farndon Newark rear of The Ivies Asset ID © 511315 Asset Category © Channel Asset Type © Simple Culvert Actual Condition © Very Poor Asset Maintainer © Environment Agency Last Inspection Date © 2025-11-14 Net Inspection Date © 1025-11-14 Net Inspection Date © 1025-11-15 Net Inspection Date © 1025-11-16 Net Inspection Date © 1025-		Retained. Not impacted by the Scheme.
Downstream	Outfall Structure		Target Condition © Fair More info	Looking north from behind the outfall	
Farndon Bridge Penstock, downstream	Control Gate		Farndon Bridge Outfall Downstream Asset Maintenance History Basics Asset Name Famon Bridge Outfall Downstream Asset ID @ 224557 Asset Category © Structure Asset Type © Outfall Actual Condition © Fair Asset Maintainer © Environment Agency Last Inspection Date © 2025-11-01 Primary Purpose © Mood risk management Protection Type © Buside Target Condition © Fair More info View asset type in Data Baset Information/idea additional asset information Management	Looking south from BW2 towards the penstock.	



Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
			Farmdon Bridge Penstock, downstream Asset Basics Asset Name Farndon Bridge Penstock, downstream Asset ID © S50790 Asset Caregory © Structure Asset Type © Control Gate Actual Condition © Fair Asset Maintainer © Environment Agency Last Inspection Date © 2025-11-01 Nest Inspection Date © 2025-11-1 Nest Inspection Date © 2025-11-0 Pinnary Purpose © Blood list management Protection Type © Blood Target Condition © Fair More info Wise asset type in Data Bequirements Library Additional asset information/time additional asset information information		
Kelham Road Farm Embankment	Defence Embankment	Environment Agency	Kelham Road Farm Embankment And Maintenant House Selvan Road Fare Detactions: And Condition 9 2865 And Condition 9 86 And Condition 9 96 Condition 9 96 Condition 9 97 And Conditio	Looking north along the embankment from the field track crossing. Looking south along the embankment from the field track crossing.	Field track used by the Scheme during pre-commencement activities for access only. No works on the embankment. Embankment is retained.
Newark Roundabout Embankment	Defence Embankment	Environment Agency			The Scheme interfaces with the northern end of the defence embankment for approximately 43m (refer to hatched section in the drawing below). The embankment in this location is retained and incorporated within the embankment for the widened Cattle Market roundabout. The new earthworks will be benched into the existing embankment to create a homogenous earthworks element. The new roundabout is higher than the defence embankment and will not be lowering the existing structure. The defence embankment will be identified on the construction drawings as an existing hazard item, with control







Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
Cattle Market Penstock	Control gate	National Highways Asset (Piped Culvert No 12 which includes the headwalls) Operated by Environment Agency	Cattle Market Penstock Asset Basics Asset Name Cattle Market Penstock Asset ID ● 551439 Asset Category ● Structure Asset Type ● Control Gate Actual Condition ● Good Asset Maintainer ● Environment Agency Last Inspection Date ● 2024-12-11 Next Inspection Date ● 2024-12-11 Next Inspection Date ● 1004-12-11 Next Inspection Date ● 1004-12-11 Frotection Type ● flowing More info	Looking south towards the headwall	Retained. Not impacted by the Scheme.
				Control gate on structure	
Cattle Market Outfall	Outfall structure	National Highways Asset (Piped Culvert No 12 which includes the headwalls). Operated by Environment Agency	Cattle Market Outfall Asset Maintenance History Basics Asset Asset Asset Cattle Market Outfall Asset ID	Looking south towards the outfall headwall.	Piped culvert No 12 will be extended approximately 10 metres to the north with a new headwall constructed.
Newark Relief North Outfall	Outfall structure	National Highways Asset (Piped Culvert No 16 which includes the headwalls) Operated by Environment Agency			Piped culvert No 16 will be extended approximately 10 meters to the north with a new headwall constructed.





Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
			Newark Relief North Outfall Asset Maintenance History Basics Asset Name Newark Relief North Outfall Asset ID © 224551 Asset Category © Structure Asset Type © Outfall Actual Condition © Fair Asset Maintainer © Environment Agency Last Inspection Date © 2024-11-18 Next Inspection Date © 2024-11-19 Primary Purpose © flood risk management Protection Type © flovial Target Condition © Fair More info View asset type in Data Requirements Library Additional asset information View additional asset information Management EA Area East Midlands Derbyshile Nottinghamshire	Looking south towards the outfall headwall.	
Newark Relief North Outfall screen	Security Screen	National Highways Asset (Piped Culvert No 16 which includes the headwalls) Operated by Environment Agency	Newark Relief North Outfall screen Asset Basics Asset Name Newark Relief North Outfall screen Asset ID	Looking north towards the headwall structure, control gate and security	Retained. Not impacted by the Scheme.
Newark Relief North Outfall Penstock	Control gate		Newark Relief North Outfall Penstock Asset Basics Asset Name Newark Relief North Outfall Penstock Asset ID Structure Asset Type Control Gate Actual Condition Good Asset Maintainer Environment Agency Last Inspection Date 2024-11-18 Next Inspection Date 2025-11-01 Primary Purpose flood risk management Protection Type fluvial Target Condition Fair More info View asset type in Data Requirements Library Additional asset information View additional asset information	screen.	



Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
A46 Roundabout Mcds Pipe Culvert 17 /A46//239.7/Q/STR_1831 8	Culvert	National Highways	A46 Roundabout Mcds Culvert More! Basics Asset Name A48 Roundabout Mcds Culvert Asset Name On Culvert Asset Statemen © Descript © Asset Statemen © Descript © Descr	Looking north towards the southern headwall.	Retained. Not impacted by the Scheme.
				Looking north over north headwall	
Slough Dyke	Open Chanel		Slough Dyke Asset Maintenance History Basics Asset Name Slough Dyke Asset ID	Looking south along the Slough Dyke from the Winthorpe Road maintenance access gate.	Section of Slough Dyke will be diverted at the new A1/A46 bridge crossing, Work No.90 as shown on Sheet 5 of the Works Plans [REP3-002].



Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
			Basics Asset Name Open channel Asset Clagony © Channel Asset Clagony © Channel Asset Mariaber © Open Channel Actual Condition © Condition level 0 Asset Mariaber © Environment Agency Primary Purpose © flood risk management Protection Type © Buvial Target Condition © Condition level 0 More info Wiew asset bytes in Data Respiraments Library Additional asset information/ties additional asset information Management EA Area Detyphire Nottinghamshire and Licicestershire East Midlands Regional Flood Committee Trent RFCC	Looking north from Harvest Drive along the Slough Dyke	
Under A1 Slough Dyke	Culvert	National Highways	Search Map / Under A1 slough dyke Under A1 slough dyke Asset Basics Asset Name Under A1 slough dyke Asset ID @ 408615 Asset Category @ Channel Asset Nype @ Simple Culvert Asset Maintainer @ Local Authority Last Inspection Date @ 2025-04-01 Primary Purpose @ flood risk management Protection Type @ flood risk management Protection Type @ flood risk management Protection Type @ flood risk management Additional asset information/fews additional asset information Management EA Area East Midlands Spatial Asset Length @ 57.79m	Looking north towards the western headwall.	Retained. Not impacted by the Scheme.
between Middleton Road and Harvest Drive (off Lincoln Road	Culvert	Local Highway Authority, NCC.	between Middleton Road and Harvest Drive (off Lincoln Road Asset Basics Asset Name between Middleton Road and Harvest Drive (off Lincoln Road 1 Harvest Drive (off Lincoln Road 2 Harvest Drive (off Lincoln Road 3 Harvest Drive (off Lincoln Road 3 Harvest Drive (off Lincoln Road 4 Harvest Drive (off Lincoln Road 4 Harvest Category © 4 Harvest Category © 5 Imple Culvert Asset Maintainer © 1 Local Authority Last Inspection Date © 2025-04-01 Primary Purpose © 6 Protection Type © 1 Huvial More info 1 View asset type in Data Requirements Library Additional asset information 1 Information	Looking west towards the culvert outfall structure. Both culverts outfall through a	Retained. Not impacted by the Scheme.
Slough Dyke, Lincoln Road/Harvest Drive, Newark	Culvert	Local Highway Authority, NCC.		structure. Both culverts outfall through a shared structure into Slough Dyke.	



Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
			Slough Dyke, Lincoln Road/Harvest Drive, Newark Asset Basics Asset Name Slough Dyke, Lincoln Road/Harvest Drive, Newark Asset ID @ 405799 Asset Category @ Channel Asset Type @ Simple Culvert Asset Maintainer @ Local Authority Current Sandard of Protection @ Current Standard of Protection @ 2014-04-01 Protection Date @ Lost Inspection Date @ 2025-04-01 Nest Inspection Date @ 2025-04-01 Primary Purpose @ flood risk management flood risk management flood info More info View asset type in Data Requirements Library		
River Trent Open Channel	Open Channel	Private individual, Company or Charity	Open channel Asset Sasics Asset Name Open channel Asset 10 @ 3-54851 Asset Cotegory © Channel Asset Type © Open Channel Asset Type © Open Channel Asset Hype © Flood disk management Primary Purpose ® Rood disk management Presection Type © Move asset type in Duta Requirements Library Additional asset information Management EA Area East Midlands Spatial Asset Length © 6791.50m Temporal	Looking south along the River Trent from the east bank at Windmill Viaduct.	The Scheme will not impact the River Trent.
River Trent west bank through Newark	Defence – Natural High Ground	Private individual, Company or Charity	Trent LB through Newark Asset Basics Asset Name Trent LB through Newark Asset ID © 162364 Asset Category © Defence Asset Type © Natural High Ground Asset Maintainer © Private Individual, Company or Charity Bank © 100, yet_considered Last Inspection Date © 2002-11-01 Primary Purpuse © Mood risk management Protection Type © Thouse In Data Beopierements Library Additional asset Information/dies additional asset Information Management EA Area East Midlands	Looking north along the River Trent and the east and west banks at Nether Lock.	
River Trent East Bank through Newark	Defence – Natural High Ground	Private individual, Company or Charity		Looking north along the River Trent from	





Asset Name	Asset Type	Maintained by	Location	Photo	Impact by the Scheme
			Natural High Ground Asset Basics Asset Name Asset Cl 0 163777 Asset Carspory 0 Asset To 163777 Asset Carspory 0 Asset Maintainer 0 Asset Maintainer 0 Asset Infootmap 0 Asset Maintainer 0 Asset Infootmap 0 Include in Flootmap 0 Include in	the Nottingham to Lincoln railway line bridge.	
Natural High Ground River Trent west bank through Kelham	Defence – Natural High Ground	individual, Company or Charity	Search May / Natural High Ground Natural High Ground Asset Baics Rate Name Natural High Ground Asset Deprive Natural High Ground Asset Deprive Defence Asset Name Natural High Ground Asset State Place of the State S	Looking south along the River Trent Channel and east and west riverbanks.	The Scheme will not impact the River Trent.
River Trent	Open Channel	Private individual, Company or Charity	Search Map / Open channel Open channel Asset Basics Asset Sure C 0		