

The Planning Inspectorate

Our ref: XA/2025/100267/01-L01

Your ref: TR010065

[via email:

A46NewarkBypass@planninginspectorate.gov.uk]

Date: 25 February 2025

Dear Sir/Madam

A46 Newark Bypass – Development Consent Order Application

A46 from Farndon Roundabout to Winthorpe Roundabout, near Newark-On-Trent

Deadline 6 (25 February 2025)

Please see below Environment Agency comments for Deadline 6 in relation to:

1. Comments on any submissions received at the previous deadline
2. Update on resolution of outstanding issues

Appendix 1 provides an overview table showing progress made on resolving issues raised in our Relevant Representation [RR-020].

1. Comments on any submissions received at the previous deadline

We have reviewed the documents as submitted at Deadline 5, insofar as it relates to our remit, and we wish to make the following comments:

Draft Development Consent Order (dDCO) - Rev 5 [REP5-002 / REP5-003]

We wish to confirm that we are satisfied with the updated dDCO (Rev 5), as submitted.

Environmental Statement First Iteration Environmental Management Plan (FIEMP) - Rev 5 [REP5-025]

We wish to confirm that we are satisfied with the amendments as presented within this revision of the FIEMP, for item RDWE10 in the Record of Environmental Actions

and Commitments (REAC) table in relation to flood compensation area (FCA) fish escape mitigation and maintenance to manage flood risk.

Given the above, we are satisfied that issues EAFR-005 (Compensatory flood storage – phasing of works) and EAFR-006 (Compensatory flood storage – maintenance), as raised in our Relevant Representations [RR-020], are resolved.

Following Natural England's comments in response to QR7 in the Examining Authority's Report on the Implications for European Sites (RIES) [REP5-051] in relation to the FCA fish escape mitigation, we support their requested amendment to the wording of item B9 in the REAC table. The Applicant has confirmed that this wording will be included in the next update to the FIEMP, which is expected to be submitted at Deadline 6. This will also be reflected in our updated Statement of Common Ground.

Pre-commencement Plan (PCP) - Rev 3 [REP5-028 / REP5-029]

We are satisfied with the amendments to the PCP (Rev 3). However, following the receipt of further information from the Applicant (by email dated 20 February 2025) in relation to the Kelham and Averham FCA, the PCP will need to be further updated to include additional activities for the preparation of this FCA.

Statement of Common Ground with the Environment Agency - Rev 1 [REP5-048]

We are satisfied that this version of our Statement of Common Ground with the Applicant reflected our position at that point in time. However, since then we have liaised with the Applicant and progress towards resolving the outstanding matters continues to move forward.

Hydraulic Modelling Technical Note - Rev 2 [REP5-056]

This technical note summarises information that was presented by Mott MacDonald on behalf of the Applicant in the meeting with the Environment Agency on 27 January 2025. The technical note describes the impacts of the scheme on flood risk to third parties across a range of scenarios.

We asked the Applicant to undertake further checks on the hydraulic model so that the uncertainties in model results could be understood, and importantly to what extent modelling uncertainties and precision errors are contributing to some of the water level differences observed when comparing the baseline and "with scheme" scenarios. A particular area of concern for us was in relation to Fosse Road. In this area the hydraulic modelling was showing increases of above 0.01m (1cm) in the 1% (1 in 100) annual exceedance probability scenario. The Applicant states that these increases were because of modelling uncertainty and model noise, as this area is located close to a domain boundary within the hydraulic model. Whilst this may be the case no supporting technical evidence was initially provided by the Applicant to support this position. As such, we requested further investigation in the form of sensitivity testing and quantification of the impact associated with model boundary position, which the Applicant has undertaken.

The Applicant's updated Technical Note [REP5-056], as submitted at Deadline 5, and associated model output data, provides sufficient evidence that some of the small, localised increases in modelled water levels are due to modelling precision errors and boundary effects. This also extends to other areas within the model domain, such as the Cricket Ground and Tolney Lane. We are satisfied with the evidence provided to support this case. On this basis, we are satisfied that there are no outstanding concerns with the second part of the Exception Test, insofar as it relates to our remit.

As such, following the submission of the updated Hydraulic Modelling Technical Note (Rev 2), we are satisfied that our concerns raised in relation to the following issues have been resolved:

- EAFR-001 - Flood risk exception test (part 2) – fluvial flood risk
- EAFR-002 - Increase in fluvial flood risk elsewhere
- EAFR-003 - Overall reduction in fluvial flood risk

The resolution of these issues will be reflected in the updated Statement of Common Ground to be submitted at Deadline 6.

Detailed Quantitative Risk Assessment (DQRA) - Rev 2 [REP5-057 / REP5-058]

Following the submission of the updated DQRA (Rev 2), we are satisfied that our concerns regarding contamination hotspot WS46 (EA issue ref. EAGWCL-005) have been resolved. This will be reflected in the Deadline 6 update to the Statement of Common Ground.

Cross sections requested by the Environment Agency - Rev 1 [REP5-063]

Cree's Lane flood defence embankment

We are satisfied with the information provided in relation to the Scheme's interaction with these flood defences. This point is therefore resolved.

Newark Roundabout / Cattle Market flood defence embankment

Based on the information submitted in REP5-063, insufficient detail has been presented to satisfy our concerns regarding the Scheme's interaction with these flood defences. We are working to provide the Applicant with further details on what we require to resolve this point. As such, issue EAFR-008 (Interaction with Environment Agency flood defences), as raised in our Relevant Representations [RR-020] remains outstanding based on this point.

Slough Dyke (main river)

We are satisfied with the draft plans as presented in Appendix A of REP5-063 insofar as it relates to flood risk. However, we raised geomorphological concerns directly with the Applicant in relation to the proposed use of reno mattresses.

The use of reno mattresses and gabion-like structures is not advised for use in watercourses. There is a tendency for the wire cage to fail, which can lead to quite rapid undercutting and instability as material falls from the cage, they do not offer much in the way of habitat benefit, and they can often cause loose and sharp metal to become exposed in the waterway. Our preference is for the use of appropriately sized rip-rap as bank protection.

As it stands, it is unlikely that the Applicant would be granted a flood risk activity permit (FRAP) based on the current plans. However, we are satisfied that the detailed design can be addressed as part of the required FRAP for these works, and the Applicant has confirmed that the plans included in REP5-063 are draft, which will be reflected in the updated Statement of Common Ground to be submitted at Deadline 6.

Given the above, we are satisfied that issue EAFR-007 (Slough Dyke (main river) realignment), as raised in our Relevant Representations [RR-020], has been resolved.

2. Update on resolution of outstanding issues

Compensatory flood storage (EAFR-004)

This issue remains under discussion as we are awaiting details relating to Kelham and Averham FCA access crossing from the A617 to the fields over the FCA channel. This includes confirmation of culvert design details and modelling results. We need to ensure that flood flows are not adversely affected by this access crossing.

Additionally, the Pre-commencement Plan (PCP) should be updated to include proposed activities the Applicant has made us aware of in relation to the Kelham and Averham FCA. We understand that the Applicant will update the PCP to take account of this with a view to submission at Deadline 7.

Overall, this is moving positively towards resolution.

Interaction with Environment Agency flood defences (EAFR-008)

Please see our comments above in relation to Cross sections requested by the Environment Agency - Rev 1 [REP5-063]. While we are satisfied in relation to the Cree's Lane flood defence embankment, further information is required in relation to the Newark Roundabout / Cattle Market flood defence embankment.

We are working with the Applicant to resolve this issue and ensure the required information is provided to satisfy our concerns.

We will continue to work positively with the Applicant to resolve the outstanding issues and we will provide a further update at Deadline 7.

Please contact us if you have any queries or require anything further.

Yours faithfully,

Mr Alex Hazel

Planning Specialist – National Infrastructure Team

E-mail: NITeam@environment-agency.gov.uk

Appendix 1 – Environment Agency issues / work package tracker summary table

Appendix 1 – Environment Agency issues / work package tracker summary table – Deadline 6

Issue status key:

	Agreed / resolved – no further discussion needed
	Working on a solution / under discussion – final position not yet reached
	Not agreed – final position that cannot be agreed and will remain a point of difference

Subject	Topics		Assessment / plan / DCO	Impact	Solution / Mitigation	Requirement agreed / assessment updated to resolve issue	Requirement number(s) in DCO / Protective provision in DCO	Notes
Biodiversity	Biodiversity net gain (BNG) strategy	BNG – improvements to river units (EAFBG-004)	Agreed	Agreed	Agreed	Agreed	3	
	Environmental Management Plan (EMP)	Invasive species – Himalayan Balsam (EAFBG-005)	Agreed	Agreed	Agreed	Agreed	3	
Contaminated land	Contaminated land assessment	British Sugar authorised (active) landfill site (EAGWCL-001)	Agreed	Agreed	Agreed	Agreed	N/A	
		Contamination hotspot at WS46 (EAGWCL-005)	Agreed	Agreed	Agreed	Agreed	N/A	Resolved following submission of updated DQRA (Rev 2) [REP5-057 / REP5-058] at Deadline 5.
Fisheries	Use of borrow pits for fry refuge (EAFBG-001)		Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
Flood risk	Flood risk assessment / Flood modelling	Flood risk exception test (part 2) – fluvial flood risk (EAFR-001)	Agreed	Agreed	Agreed	Agreed	14, 15	Resolved following submission of updated Hydraulic Modelling Technical Note (Rev 2) [REP5-056] at Deadline 5.
		Increase in fluvial flood risk	Agreed	Agreed	Agreed	Agreed	14, 15	Resolved following submission of updated Hydraulic Modelling

		elsewhere (EAFR-002)						Technical Note (Rev 2) [REP5-056] at Deadline 5.
		Overall reduction in fluvial flood risk (EAFR-003)	Agreed	Agreed	Agreed	Agreed	14, 15	Resolved following submission of updated Hydraulic Modelling Technical Note (Rev 2) [REP5-056] at Deadline 5.
		Compensatory flood storage (EAFR-004)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Remains under discussion as we are awaiting details relating to Kelham & Averham FCA access crossing, which includes confirmation of the design details and modelling results. Additionally, the Pre-commencement Plan needs to be updated to include proposed activities the Applicant has made us aware of in relation to the above FCA.
		Compensatory flood storage – phasing of works (EAFR-005)	Agreed	Agreed	Agreed	Agreed	14, 15	
		Compensatory flood storage – maintenance (EAFR-006)	Agreed	Agreed	Agreed	Agreed	14, 15	Resolved following the submission of the updated First Iteration Environmental Management Plan (Rev 5) [REP5-025], which includes agreed amendments to the wording RDWE10 in the REAC table of this document.
		Slough Dyke (main river) realignment (EAFR-007)	Agreed	Agreed	Agreed	Agreed	15	Resolved following the submission of Cross sections requested by the Environment Agency (Rev 1) [REP5-063]. Clarification will be included in the updated Statement of Common Ground.

		Interaction with Environment Agency flood defences (EAFR-008)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	15	Further information is required in relation to the Newark Roundabout / Cattle Market flood defence embankment. We are working with the Applicant to resolve this and ensure the required information is provided to satisfy our concerns.
		Climate change allowances sensitivity test (EAFR-009)	Agreed	Agreed	Agreed	Agreed	15	
Geomorphology	Water Framework Directive (WFD) – water body mitigation (EAFBG-002)		Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
	Biodiversity net gain (BNG) – missed opportunity for watercourse improvements (EAFBG-003)		Agreed	Agreed	Agreed	Agreed	3	
Groundwater protection	Environmental Management Plan (EMP)	Dewatering Management Plan (EAGWCL-002)	Agreed	Agreed	Agreed	Agreed	3	
		Piling method statements and risk assessments (EAGWCL-003, EAREQ-007)	Agreed	Agreed	Agreed	Agreed	3	
		Surface water and groundwater monitoring (EAGWCL-004)	Agreed	Agreed	Agreed	Agreed	N/A	
Permitting & consents	Required Environment Agency permits and licences (EAGCC-001)		Agreed	Agreed	Agreed	Agreed	N/A	
	Disapplication of EPR for flood risk activities		Agreed	Agreed	Agreed	Agreed	N/A	
Waste	Waste management	Disposal of waste – British Sugar landfill (EAWA-001)	Agreed	Agreed	Agreed	Agreed	3	
Water quality	Water Framework Directive (WFD)	Water quality – surface water run-off (EAWQ-001)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Water quality – surface water	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	

		sensitivity (EAWQ-002)						
		WFD – detailed assessment (EAWQ-003)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		WFD – detailed assessment (EAWQ-004)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Environmental Management Plan (EMP)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Surface water quality monitoring – frequency (EAWQ-006)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Surface water quality monitoring – ecological monitoring (EAWQ-007)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Surface water quality monitoring – baseline (EAWQ-008)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		DCO Requirement 3 – Second Iteration EMP (EAWQ-009)					Agreed	3
	Highways England Water Risk Assessment Tool (HEWRAT)	HEWRAT – baseline (EAWQ-005)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
Water resources	Water usage – abstraction licencing (EAWR-001)		Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
Development Consent Order (DCO)	Requirement 3 – Second Iteration Environmental Management Plan (EAREQ-001)						Agreed (Requirement)	3
	Requirement 4 – Third Iteration Environmental Management Plan (EAREQ-002)						Agreed (Requirement)	4
	Requirement 6 – Landscaping (EAREQ-003)						N/A (Agreed)	6
	Requirement 8 - Contaminated land and groundwater (EAREQ-004)						Agreed (Requirement)	8
	Requirement 14 – Flood compensatory storage (EAREQ-005)						Agreed (Requirement)	14
								While we are satisfied with the wording of Requirement 14 in the draft DCO, issue EAFR-004

					is presently unresolved (see above)
	Requirement 15 – Flood risk assessment (EAREQ-006)		Agreed (Requirement)	15	
	Additional Requirement – piling		N/A (Agreed)	N/A	

END