

The Planning Inspectorate

Our ref: XA/2025/100307/01-L01

Your ref: TR010065

[via email:

A46NewarkBypass@planninginspectorate.gov.uk]

Date: 25 March 2025

Dear Sir/Madam

A46 Newark Bypass – Development Consent Order (DCO) Application

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

Deadline 7 (25 March 2025)

Please see below Environment Agency comments for Deadline 7 in relation to:

1. Comments on any submissions received at the previous deadline
2. Responses to the Examining Authority's written questions and requests for information (ExQ3)
3. 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 6, insofar as it relates to our remit, and we wish to make the following comments:

Draft Development Consent Order (dDCO) - Rev 7 [REP6-004 / REP6-005]

We wish to confirm that we are satisfied with the updated dDCO (Rev 7), as submitted.

6.3 Environmental Statement Appendix 13.2 Flood Risk Assessment - Rev 2 [REP6-010 / REP6-011]

We are satisfied with the amendments to the Flood Risk Assessment (FRA) as submitted. However, we are expecting the document package to be further updated at Deadline 7 to address outstanding issues relating to the Kelham and Averham Floodplain Compensation Area (FCA). Please refer to section 3 of this response in relation to 'Compensatory flood storage (EAFR-004)' for more detailed comments.

In summary, we are awaiting amendments to confirm Kelham and Averham FCA access crossings will be finalised as part of discharging DCO Requirement 14, and an updated FCA Technical Note as an appendix to the FRA.

Given the above, we do not yet have a final position on the FRA, but we expect it to be 'Agreed' at Deadline 8.

Environmental Statement First Iteration Environmental Management Plan (FIEMP) - Rev 6 [REP6-012 / REP6-013]

We wish to confirm that we are satisfied with the amendments as presented within this revision of the FIEMP, for items B9 (protection of fish) and B12 (Protection of habitats during operation to achieve expected Biodiversity Net Gain (BNG) score), insofar as it relates to our remit.

Pre-commencement Plan (PCP) - Rev 4 [REP6-014 / REP6-015]

We are satisfied with the amendments to the PCP (Rev 4), insofar as it relates to our remit. However, we do not yet have a final position on this document, as we are awaiting a further updated PCP to be submitted at Deadline 7. Please refer to our comments below in section 3 of this response.

Statement of Common Ground with the Environment Agency - Rev 3 [REP6-028]

We are satisfied that this version of our Statement of Common Ground (SoCG) 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.

2. Responses to ExQ3

ExQ3	Question to:	Question:
Q15.0.1	The EA	Fluvial Flood Risk – Exception Test Please confirm that the proposed development does meet the requirements of the Exception Test as detailed in NPPF paragraph 178.

		If concerns remain, please detail these and update the SoCG in full
Environment Agency comments:		
<p>We are satisfied that the proposed development meets the requirements of the Exception Test (paragraph 178 of the National Planning Policy Framework), insofar as it relates to our remit, regarding fluvial flood risk and part (b) of the Exception Test, i.e. <i>the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.</i></p> <p>For the clarity:</p> <ul style="list-style-type: none"> • It is for other consultees (for example, the Lead Local Flood Authority) to advise on flood risks arising from other sources, such as surface water, groundwater and sewers • It is for the decision maker to satisfy themselves that the development meets the requirements of part (a) of the Exception Test. <p>Our position on this matter is reflected in our SoCG with the Applicant (Rev 3) [REP6-028] as 'Agreed' on 12 February 2025, which remains the case.</p>		
Q15.0.2	The Applicant, The EA	<p>Flood Risk Zone Update March 2025</p> <p>Given the recent update by the EA to their Flood Risk Zones please advise if this has any implications for modelling and/ or the conclusions of the Flood Risk Assessment [REP6-010] and the conclusions for ES Chapter 13 Road Drainage and Water [APP-057] for this proposal.</p> <p>Given the timescale to the close of the Examination will this matter be resolved within the Examination period.</p> <p>If so, please provide an update to relevant documents.</p>
Environment Agency comments:		
<p>We have discussed the update to the flood mapping data (which is to be published on 25 March 2025) with the Applicant when we met with them on 11 March 2025.</p> <p>Our position remains that the update to the flood mapping data has no impact on the findings of Chapter 13 Road Drainage and Water Environment. The Applicant has undertaken site specific detailed hydraulic modelling which builds on the Environment Agency's hydraulic modelling which is used to inform the</p>		

flood mapping data. This hydraulic modelling has been reviewed several times by the Environment Agency and reflects the best available information with regards to baseline and "with scheme" flood risk.

This is also reflected in an update to our SoCG with the Applicant (Rev 4) as 'Agreed' on 11 March 2025 (SoCG issue 2a), which is to be submitted at Deadline 7.

3. Update on resolution of outstanding issues

Compensatory flood storage (EAFR-004) – SoCG issue 4

Kelham and Averham Floodplain Compensation Area (FCA)

The Applicant presented to us culvert modelling details relating to access crossings in a virtual meeting on 11 March 2025, and subsequently the associated model files for verification.

The proposals now comprise two sets of access crossings from the A617 (previously a single access crossing) which have been modelled as 5no. x 600mm diameter circular pipes, as a worst-case scenario. While our preference is for box culverts, as opposed to multiple pipe culverts, we are satisfied that the modelling demonstrates the two access crossings will have no notable impact on flood flows, and that the FCAs will function to their full capacity as intended. We are satisfied that the crossing design will be finalised as part of discharging DCO Requirement 14 and that this approach will to be confirmed in the forthcoming updated FRA.

While we have agreed the above with the Applicant, the issue remains unresolved, pending the submission of an updated FCA Technical Note, as part of an updated FRA. Our understanding is that this information will be submitted at Deadline 7. As such, we expect this issue to be resolved and therefore 'Agreed' in the final SoCG at Deadline 8.

Pre-commencement Plan (PCP) – SoCG issue 49

We are awaiting an updated PCP to be submitted into the Examination at Deadline 7, which incorporates wording we have already agreed following a virtual meeting on 11 March 2025 where the information was presented to us. This is in relation to proposed works and mitigation measures for the installation of culverts/pipes for haul road crossings associated with the Kelham and Averham Floodplain Compensation Area (FCA).

Our position on this will be reflected in our SoCG with the Applicant (Rev 4), which is to be submitted at Deadline 7. We expect this to be 'Agreed' in the final version of the SoCG to be submitted at Deadline 8.

Interaction with Environment Agency flood defences (EAFR-008) – SoCG issue 5

Newark Roundabout / Cattle Market Junction flood defence embankment

The Applicant presented to us, in a virtual meeting on 11 March 2025, details relating to the Scheme's interaction with the Environment Agency maintained flood defence embankment at Kelham Road. Following this meeting, further detail was provided which we have reviewed.

We have confirmed to the Applicant we are satisfied that the detail provided to us demonstrates the new tie-ins to the existing flood defence embankment will not adversely impact the stability and level of protection that the embankment provides. The works will also require a flood risk activity permit (FRAP) therefore the proposals will be finalised as part of the detailed design and permitting process.

While we have agreed the above with the Applicant, the issue remains unresolved, pending the submission of the details into the Examination. Our understanding is that this information will be submitted at Deadline 7. As such, we expect this issue to be resolved and therefore 'Agreed' in the final SoCG at Deadline 8.

We will continue to work positively with the Applicant to resolve any outstanding issues and we will provide a further update at Deadline 8.

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

Yours faithfully,


Planning Specialist – National Infrastructure Team
E-mail: NITeam@environment-agency.gov.uk

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

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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	
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	
		Increase in fluvial flood risk elsewhere (EAFR-002)	Agreed	Agreed	Agreed	Agreed	14, 15	

		Overall reduction in fluvial flood risk (EAFR-003)	Agreed	Agreed	Agreed	Agreed	14, 15	
		Compensatory flood storage (EAFR-004)	Agreed	Agreed	Agreed	Working on a solution	14, 15	Kelham and Averham FCA: The Applicant has provided to us satisfactory modelling details for 2no.x access crossings, each comprising 5no.x 600mm culverts as a worst-case scenario. Remains unresolved pending the submission of updated FCA Technical Note as part of updated FRA (which confirms crossings to be finalised as part of DCO Requirement 14. Also pending updated PCP in relation to pre-commencement activities relating to this 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	
		Slough Dyke (main river) realignment (EAFR-007)	Agreed	Agreed	Agreed	Agreed	15	
		Interaction with Environment Agency flood defences (EAFR-008)	Agreed	Agreed	Agreed	Working on a solution	15	Pending submission of details relating to the Newark Roundabout / Cattle Market Junction flood defence embankment, which we have reviewed outside of Examination.
		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 sensitivity (EAWQ-002)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		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)	Surface water quality monitoring – frequency (EAWQ-006)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Surface water quality monitoring – ecological	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	

		monitoring (EAWQ-007)						
		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	
	Requirement 15 – Flood risk assessment (EAREQ-006)					Agreed (Requirement)	15	
	Additional Requirement – piling					N/A (Agreed)	N/A	
END								