

The Planning Inspectorate

Our ref: XA/2025/100325/01-L01

Your ref: TR010065

[via email:

A46NewarkBypass@planninginspectorate.gov.uk]

Date: 02 April 2025

Dear Sir/Madam

A46 Newark Bypass – Development Consent Order (DCO) Application

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

Deadline 8 (03 April 2025)

Please see below Environment Agency comments for Deadline 8 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 7, insofar as it relates to our remit, and we wish to make the following comments:

3.1 Draft Development Consent Order (dDCO) - Rev 8 [REP7-006 / REP7-007]

We note the updates to the dDCO (Rev 8) and we wish to confirm that we are satisfied with the document, as submitted.

6.3 Environmental Statement Appendix 13.2 Flood Risk Assessment - Rev 3 [REP7-064 / REP7-065]

The updated Flood Risk Assessment (FRA), which includes the updated Floodplain Compensation Areas Technical Note (Appendix I), satisfactorily addresses our outstanding concerns regarding the Kelham and Averham Flood Compensation Area (FCA).

In particular, the access crossing culverts have been included within the hydraulic model, which we have verified, and confirm the culverts have been correctly represented. The updated FCA Technical Note confirms there is no notable impact on flood levels due to the addition of two access crossings (each comprising 5no. x 600mm diameter culvert pipes).

We understand why the Applicant has opted for this form of culvert crossing. However, we voiced the preference for a single span structure, given there would be less impact on flows, but the modelling confirms the current configuration is not impactful and the Applicant has chosen a precautionary representation. If the Applicant decides to go down the route of a single span representation at the detailed design stage modelling will not be required.

All the necessary information has been included in the FRA pertaining to the above, and the Applicant has clarified (in 3.3.17 of the FRA) that detailed design for the access crossings over the Kelham and Averham FCA will be provided for our approval under DCO Requirement 14.

We are therefore satisfied, insofar as it relates to our remit, that the FRA demonstrates the development will be safe without exacerbating flood risk elsewhere.

6.9 Pre-commencement Plan - Rev 5 [REP7-072 / REP7-073]

The updated Pre-commencement Plan (PCP) satisfactorily addresses our outstanding concerns regarding the pre-commencement works associated with the Kelham and Averham FCA.

In particular, the updated PCP includes details of works required to prepare for the implementation of the Kelham and Averham FCA, which includes activity specific mitigation measures.

We therefore have no outstanding concerns regarding this document.

7.21 Statement of Common Ground with the Environment Agency - Rev 4 [REP7-094]

We are satisfied that this version of our Statement of Common Ground (SoCG) with the Applicant reflected our position at the time of submission. However, since then we have agreed the Final SoCG (Rev 5) with the Applicant for submission at Deadline 8, which reflects that all our issues have been satisfactorily resolved and are 'Agreed'.

7.67 Cross sections requested by the Environment Agency - Rev 2 [REP7-098 / REP7-099]

The updated cross sections document satisfactorily addresses our outstanding concerns regarding the Scheme's tie-in with Kelham Road flood defence embankment at the Newark Roundabout / Cattle Market Junction.

In particular, the Applicant has now submitted detailed drawings, cross-sections and additional details of the mitigation measures they will be putting in place to protect the stability and level of protection the flood defence embankment provides.

As such, we have no outstanding concerns regarding the Scheme's interaction with Environment Agency maintained flood defences.

Other documents submitted at Deadline 7

We wish to confirm that we have reviewed the other documents not listed above, as submitted at Deadline 7, insofar as it relates to our remit, and we have no comments to make. We are therefore satisfied with the DCO application as submitted.

2. Update on resolution of outstanding issues

We can confirm that the following outstanding issues, which were unresolved as of Deadline 7, have now satisfactorily been resolved:

- **Compensatory flood storage (EA Relevant Representation issue EAFR-004; SoCG issue 4)** – in relation to Kelham and Averham FCA access crossings and pre-commencement activities, following the submission of the updated FRA [REP7-064 / REP7-065] and updated PCP [REP7-072 / REP7-073].
- **Interaction with Environment Agency flood defences (EA Relevant Representation issue EAFR-008; SoCG issue 5)** – in relation to the Newark Roundabout / Cattle Market Junction flood defence embankment tie-in, following the submission of the updated cross section document [REP7-098 / REP7-099]

We therefore have no remaining issues with the DCO application as submitted. Please refer to Appendix 1 for an overview of the issues we raised and resolution status.

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

Appendix 1 – Environment Agency issues / work package tracker summary table – Deadline 8

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	Agreed	14, 15	Issue resolved following submission of updated FRA (Rev 3) [REP7-064 / REP7-065] and updated PCP (Rev 5) [REP7-072 / REP7-073] at Deadline 7.
		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	Agreed	15	Issue resolved following submission of updated cross section document (Rev 2) [REP7-098 / REP7-099] at Deadline 7.
		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 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	
	Requirement 15 – Flood risk assessment (EAREQ-006)					Agreed (Requirement)	15	
	Additional Requirement – piling					N/A (Agreed)	N/A	

END