

Planning Inspectorate

Our ref: XA/2024/100185/01-L01

Your ref: TR010065

[via email:

A46NewarkBypass@planninginspectorate.gov.uk

Date: 12 November 2024

Dear Sir/Madam

A46 Newark Bypass – Development Consent Order Application

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

Deadline 2 – The Examining Authority’s written questions and requests for information (ExQ1)

We have reviewed the Examining Authority’s (ExA) First Written Questions (dated 15 October 2024) and our comments are provided in the table appended to this letter.

Yours faithfully,

Mr Alex Hazel

Planning Specialist – National Infrastructure Team

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

Appendix 1 – Environment Agency responses to ExQ1

Appendix 1 – Environment Agency (EA) responses to ExQ1

ExQ1	Question to:	Question:	EA comments
Q1.0.1	All IPs	<p>Policy – National</p> <p>Do you consider NPSNN 2024 to be Important and Relevant to the Secretary of State’s decision? If yes, how much weight should the decision-maker attach to the Proposed Development’s compliance with NPSNN 2024?</p>	<p>We are aware that DCO was accepted for examination on 23 May 2024 and that NPSNN 2024 was designated on 24 May 2024. It is stated that NPSNN 2015 has an effect for applications for development consent accepted for examination prior to 24 May 2024, and NPSNN 2024 has effect for applications for development consent accepted for examination after the designation of the revised NNNPS.</p> <p>Given the above, the issues we raised in our Relevant Representation (RR) [RR-020], are not impacted by the designation NPSNN 2024. As such, we do not have a view on how much weight the decision-maker should attach to the Proposed Development’s compliance with NPSNN 2024.</p>
Q3.0.8	The Applicant, the Environment Agency	<p>Invasive species – Himalayan Balsam</p> <p>The EA has commented [RR-020] that there is insufficient commitment to addressing spread of the non-native species, Himalayan Balsam, which is identified as impacting the development site as documented in the River Physical Habitat Technical Report [APP-158].</p> <p>The EA recommend that an Invasive Non-Native Species (INNS) Management Plan for Himalayan Balsam is prepared and included in the First Iteration EMP [APP-184]. This should include the eradication of existing upstream and downstream sections of waterbodies outside the Order limits where possible.</p>	<p>The Environment Agency has discussed this issue with the Applicant, and we now consider the issue to be resolved. We accept that catchment-wide control of Himalayan Balsam outside of the Scheme Order Limits is not within the Scheme’s scope. Complete eradication of the species on site would be ineffective if stands of Himalayan balsam are not tackled upstream, which would enter the site via the adjacent flowing watercourses. Complete eradication of the species from the watercourse/ Order Limits is not a legal requirement for the developer. However, by doing so would contribute to environmental improvement. This will be reflected in the next iteration of the SOCG.</p> <p>Requirement 3 in the Deadline 1 dDCO has also now been updated to include the Environment Agency as consultee. We are</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

		<p>Please consider if the existing commitment in Requirement 3 in the dDCO [APP-021] is sufficient to meet this request, and if not, explain why.</p>	<p>therefore satisfied that the commitment in Requirement 3 is sufficient.</p> <p>Nottingham County Council Green Estates Development Strategy & Plan 2013-2023 Policy GE3: To provide a Green Estate rich in biodiversity and cultural heritage states that <i>we will continue our work to eradicate invasive non-native species across the Green Estate</i>. Therefore, any action the developer can implement regarding Himalayan balsam eradication will support the council's policy. We would defer to the LPA on this aspect.</p> <p>We are therefore satisfied that the commitment in Requirement 3 is sufficient.</p>
<p>Q3.1.1</p>	<p>The Applicant, Natural England, Forestry Commission, the Environment Agency, NSDC</p>	<p>Biodiversity Net Gain Approach ES Chapter 8 [APP-052] and the First Iteration EMP [APP-184] detail the mitigation and compensation strategy for the approach to BNG. This includes offsite compensation at Doddington Hall and reference to a bespoke agreement for the loss of lowland meadow to be agreed with Natural England.</p> <p>Given the comments from NE [RR-044], the EA [RR-020] and FC [RR-023] relating to river units, opportunity for fry refuge and habitat severance has sufficient mitigation and compensation been provided for within the Order Limits.</p>	<p>The Environment Agency has discussed the issues in our RR ([RR-020]) with the Applicant, which relate to this question, and they have been resolved. This is either reflected in the SOCG that was submitted at Deadline 1 [REP1-020] or will be reflected in a subsequent iteration of the SOCG, and we are satisfied with the Applicant's response to these issues (EAFBG-001, EAFBG-002 and EAFBG-003) in 7.11 Applicant's Response to Environment Agency Relevant Representations [REP1-010].</p> <p>As such, we are satisfied that sufficient mitigation/compensation has been provided for within the Order Limits.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

		<p>Finally, can the Applicant confirm that the offsite planting at Doddington Hall is a separate compensatory method than that to be agreed with NE for the loss of lowland meadow and please explain how the offsite compensation will be achieved through the DCO.</p>	
Q3.1.3	The Applicant	<p>Kelham and Averham FCA Ongoing Maintenance ES Chapter 8 [APP-052] sets out that the Kelham and Averham FCA will have a replacement pond enhancing its ecological value. The Environmental Masterplan [AS-026] shows this area being returned to agricultural use. Can the Applicant provide further detail as to how this area is to be managed in the future and how this would be secured in the dDCO.</p>	<p>The maintenance of the Kelham FCA is essential in the functioning of the compensation area. Currently we are awaiting an detailed maintenance plan. Our main concern going forward will be the upkeep and clearance of the flow routes and culverts conveying flood waters to and from the River Trent to ensure free flow of water.</p> <p>Section 14(3) page 65 of the DCO states that "The scheme must be implemented as approved and subsequently maintained." A key to ensuring the flood storage areas work as designed is ensuring the culverts into them are free from blockage</p>
Q4.0.20	The Applicant, NSDC, The Environment Agency (part c)	<p>Effect of the Proposed Development on Proposed Solar Scheme In response to [RR-003]: a) Has application 23/01837/FULM for a solar scheme at Kelham been determined? If not, is it likely to be determined before the close of the Examination? b) Please provide a red line and a general arrangement drawing for 23/01837/FULM. c) Would 23/01837/FULM be deliverable if the land is used as a flood compensation area and if yes do any provisions need to be</p>	<p>(a) N/A (b) N/A (c) Currently, the Environment Agency is not in the position to fully confirm whether the solar farm proposed under 23/01837/FULM is deliverable as we have only been made aware of the proposed development through the examiner's questions and the applicant has not provided details of how the solar farm will interact with the proposed scheme. We have provided a holding objection to NSDC until the applicant has demonstrated that flood storage</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

		<p>made in the dDCO to ensure that the delivery of the solar scheme is not prejudiced by the Proposed Development?</p>	<p>area of this scheme is able to perform its function without increasing flood risk to the solar development.</p> <p>There is an area of overlap between the land under the control of the applicant for Kelham Solar Farm and the Kelham Flood Compensation Area (FCA). There are concerns for how the solar scheme may affect the operation of the proposed floodplain compensation area and what measures have been put in place to ensure the solar farm development is protected from the increased risk of flooding from to the floodplain compensation scheme. For both developments to advance safety, it is likely conditions and requirements will need to be implemented on both. These may include but are not limited to:</p> <ul style="list-style-type: none"> • Conditions on ground levels of overlapping areas to ensure floodwater can be stored at the necessary levels. • The FCA flood bund design with respect to the solar farm access track and crossing into the solar farm site from Main Road (A617). This is currently within the solar farm developable area and hence must not impact the solar farm development design • More detailed plans of access and egress routes on the solar farm to guarantee no flood routes are blocked whilst ensuring these routes are safe during flood events. The proposed tarmac access crossing within the solar farm has the potential to impede flows within the FCA. There is an existing crossing from Main Road (A617) and this access track to the solar farm is not currently incorporated within the hydraulic model for the proposed A46 scheme. For the Kelham FCA to effectively work, the existing crossing would have to be replaced with a clear span bridge
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Appendix 1 – Environment Agency (EA) responses to ExQ1

			<p>structure the soffit level of which should be above the design flood level.</p> <ul style="list-style-type: none"> • More detail as to the heights solar panels are set at in areas which are proposed to store flood waters and solar panels. • Detailed maintenance plans which clearly state who is responsible for the maintenance on land within both developments' boundaries
<p>Q5.0.2</p>	<p>The Applicant and all Affected Persons including Statutory Undertakers</p>	<p>Land Rights Tracker: The ExA has requested a separate Land Rights Tracker, in its Rule 6 letter, which seeks to focus on the Affected Persons who have objected to Compulsory Acquisition (CA) or Temporary Possession (TP) to enable more focussed attention to be provided in relation to on-going discussions on those objections. There is potential that other uncontested land may be resolved during the Examination, and this can be suitably captured in Annex B without adding additional detail to the Land Rights Tracker.</p> <p>The Land Rights Tracker should be provided as an excel spreadsheet (with a PDF for publication) to enable the ExA to interrogate and sort the information. The Land Rights Tracker is focussed on those who have objected to the CA or TP of their land interest and should be regularly updated at each deadline during the Examination, or where no progress has been made confirmation there is no update required.</p>	<p>The Environment Agency has no comments on this matter. We have no land interests affected by the proposals.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

		<p>The ExA are firmly of the view it should be the Applicant’s aim to resolve and ensure all objections are addressed and where possible withdrawn before the close of the Examination. Should agreement not be reached by the conclusion of the Examination, the Applicant and any Affected Persons should provide a final position statement, by the final deadline, in relation to the land interest so that the ExA is in a position to arbitrate on the matter and provide a firm recommendation to the Secretary of State (this covers all land interests including Statutory Undertakers).</p>	
<p>Q5.0.10</p>	<p>The Applicant, Peridot Solar, Environment Agency</p>	<p>Impact on Solar Farm 23/01837/FULM</p> <p>[RR-058] references a letter of comfort from the Applicant to Peridot Solar to what extent is this an important and relevant matter, to what extent does it affect land interests and:</p> <ul style="list-style-type: none"> • Please provide a copy of the letter rather than information on where it can be located, • To what extent can any commitments/ comfort offered be secured, • Are the Applicant satisfied that the implementation of the use of any overlapping area is compatible with its intended use in the Proposed Development as Flood Storage, • Are Environment Agency in agreement that there is no significant effect on flood storage capacity or conveyancing of flood waters. 	<p>Currently, we cannot agree that there is no significant effect on flood storage capacity. The solar panel development will not impact on available volume within the Kelham FCA as all solar panels and associated infrastructure (apart from the access crossing) fall outside of the FCA. However, we will require additional information on the following:</p> <ul style="list-style-type: none"> • Conditions on ground levels of overlapping areas to ensure floodwater can be stored at the necessary levels. • The FCA flood bund design with respect to the solar farm access track and crossing into the solar farm site from Main Road (A617). This is currently within the solar farm developable area and hence must not impact the solar farm development design • More detailed plans of access and egress routes on the solar farm to ensure no flood routes are blocked whilst ensuring these routes are safe during flood events. The

Appendix 1 – Environment Agency (EA) responses to ExQ1

			<p>proposed tarmac access crossing within the solar farm has the potential to impede flows within the FCA. There is an existing crossing from Main Road (A617) and this access track to the solar farm is not currently included within the hydraulic model for the proposed A46 scheme. For the Kelham FCA to effectively work the existing crossing would have to be replaced with a clear span bridge structure the soffit level of which should be above the design flood level.</p> <ul style="list-style-type: none"> • More detail as to the heights solar panels are set at in areas which are proposed to store flood waters and solar panels. • Detailed maintenance plans which clearly state who is responsible for the maintenance on land within both developments' boundaries <p>Without further evidence we cannot provide any surety that there will not be any significant effect on flood storage capacity or conveyancing of flood waters.</p>
<p>Q6.1.1</p>	<p>All IPs</p>	<p>Article 2 – Interpretation 'Commence/Commencement and Pre-Commencement: Is the list of pre-commencement works (a) – (r) acceptable, if not: a) identify those with which you have an issue and explain the reason/ justification for your concern. b) Are the controls secured through Requirement 17 and the pre-commencement plan sufficient or should they be amended, if so, please provide your suggested amendments and justification.</p>	<p>We are generally satisfied with the list of pre-commencement works, however we are not in the position agree the list or to approve the Pre-commencement Plan [APP-188], as we are still awaiting details about how the proposed scheme will interact with the solar farm development (planning application ref. 23/01837/FULM - Newark & Sherwood District Council). Until we have assessed these details, we cannot be certain all necessary activities and mitigation measures have been included.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

		In relation to the flexibility to carry out advance works, any “carve out” from the definition of “commencement” should be fully justified and it should be demonstrated that such works are de minimis and do not have environmental impacts which would need to be controlled by requirement. See section 21 of Advice Note 15. Pre-commencement requirements should also be assessed to ensure that the “carve out” from the definition of “commencement” does not allow works which defeat the purpose of the requirement.	
Q6.1.2	All IPs	Article 2 – Interpretation ‘Maintain’ Is the definition of maintenance acceptable, if not please explain your concern and suggest alternative wording to address your concerns including justification.	The Environment Agency is satisfied with Article 2, insofar as it relates to our remit.
Q6.1.4	LLFA, IDB, EA, Owners responsible for drainage	Article 4 – Maintenance of drainage works Confirm that the provisions and responsibilities referenced in Article 4 and which would remain are acceptable. If not, explain and justify your concern.	We consider that this Article is not very clear as presented in the dDCO. Is the Applicant suggesting that we take on responsibility in some way for their works?
Q6.1.5	All IPs	Article 10 – Limits of deviation The Applicant confirms the limits of deviation identified in Article 10 have been taken into account in assessing the effects of the Proposed Development in the ES. a) Are there any concerns with the limits of deviation identified, b) If so, please identify which limits and explain and justify your concerns.	The Environment Agency has no concerns insofar as it relates to our remit.

Appendix 1 – Environment Agency (EA) responses to ExQ1

<p>Q6.1.9</p>	<p>EA, IDB, LLFA Owners or other SUs responsible for drainage</p>	<p>Article 23 – Discharge of Water Confirm whether or not you are in agreement with the extent and form of this Article. • If you have concerns please identify the concern and propose alternative wording to address your concern. • Explain and justify any alternative wording proposed</p>	<p>The Environment Agency is in agreement with Article 23 as presented in its current form and extent in the Deadline 1 dDCO.</p>
<p>Q6.1.16</p>	<p>Statutory Undertakers</p>	<p>Articles 42, 43 and 44 in relation to Statutory Undertakers Do these Articles raise any significant concerns, if so: a) Explain the concern. b) Propose any alternative wording c) Comment on whether Protective Provisions are being discussed to address and such issues and detail the state of play with those discussions, and d) Explain and justify any responses.</p>	<p>The Environment Agency has no concerns, insofar as it relates to our remit.</p>
<p>Q6.2.2</p>	<p>The Applicant NSDC, NCC, LCC, NE, EA</p>	<p>Requirement 3 – Second Iteration EMP a) R3(1) currently refers to the Local Planning Authority. Does this need to be defined? b) R3(1) includes the phrase “substantially in accordance with”. Justify why this is sufficiently certain and precise to ensure essential mitigation is secured. c) R3(2) fourth line ‘...method statements and method statements...’ there is a duplication of words is this a typing error? d) R3(2) states the Second Iteration EMP ‘...must ‘reflect’ the mitigation measures...’ the term ‘reflect’ is imprecise and could lead</p>	<p>(a) No comments. (b) No comments at this stage. We will review the Applicant's response to this when it is submitted. (c) We note this duplication has been removed in the Deadline 1 dDCO. (d) We would support the use of more precise wording as suggested by the ExA.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

		to watering down of the requirement and the required mitigation, please reconsider the use of this phrase	
Q6.2.3	The Applicant, NSDC, NCC, LCC, NE, EA	<p>Requirement 3 – Second Iteration EMP The EA has requested that it is identified as a consultee in relation to the discharge of this requirement and that the EMP includes a Dewatering Plan.</p> <p>a) Given the breadth of management plans and method statements, should other consultees not be identified including NCC, EA, NE?</p> <p>b) Are there any other management plans or method statements that should be included in the list in R3(2)?</p>	<p>We have been identified as a consultee and a dewatering management plan has been included in this Requirement in the Deadline 1 update of the dDCO. As such, we are satisfied this matter has been addressed insofar as it relates to our remit.</p> <p>(a) See comment above.</p> <p>(b) We have not requested any other management plans to be included. We are satisfied with the current list in R3(2).</p>
Q6.2.5	The Applicant, NSDC, NCC, LCC, NE, EA	<p>Requirement 4 – Third Iteration EMP Other consultation bodies should be included given the context of Q6.2.5. If you consider this should not be the case, please explain your response. (The EM at paragraph 5.5(c) refers in relation to the EMP to consultation with the relevant LPA and the EA, but this is not secured in the wording of the Requirement).</p>	<p>We have been identified as a consultee in this Requirement in the Deadline 1 update of the dDCO. As such, we are satisfied this matter has been addressed insofar as it relates to our remit.</p>
Q6.2.10	The Applicant, NSDC, EA.	<p>Requirement 8 – Contaminated Land and Ground Water R8(2) appears to leave the decision as to whether remediation is necessary to the Undertaker. There is currently no cross reference to the Risk Assessment undertaken in accordance with consultation with the EA and LPA.</p>	<p>The wording of this draft Requirement is in line with other DCO requirements approved for existing schemes. The onus is on the developer (undertaker) to conduct a risk assessment in line with the Land Contamination Risk Management guidance. This sets out the procedure for determining whether remediation is required or feasible based on the results of the risk assessment.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

		Should it not be that the Requirement should state where the risk assessment in (1) determines that remediation is necessary it is required rather than leaving it to the discretion of the undertaker? If not please explain and justify your response.	
Q6.2.11	NSDC, EA	Requirement 8 Is Requirement 8 (Contaminated Land and Groundwater) of the dDCO [APP-021] sufficiently comprehensive? If not, please explain how you think it should be amended.	Revised wording has been agreed with the Applicant to include a request to cease work in the affected area until the contamination has been characterised and a risk assessment produced. The Requirement has been satisfactorily updated in the Deadline 1 dDCO.
Q6.2.13	The Applicant, NSDC, EA, NE	Requirement 10 – Protected Species Should the written scheme for protection and mitigation measures to be prepared by the Ecological Clerk of Works not be agreed with the LPA, Natural England or some other independent body? If not, explain and justify your response. Are NSDC, EA and NE content that this Requirement provides sufficient protection for protected species?	<p>The Environment Agency is satisfied with Requirement 10, insofar as it relates to our remit.</p> <p>The Environment Agency is the lead organisation for water vole, otter and white-clawed crayfish.</p> <p>Water vole: No confirmed water vole burrows or latrines have been recorded within the Order Limits. The watercourses were considered mainly unsuitable for supporting water vole. Pre-commencement water vole surveys are in place along the Old Trent Dyke (outside of the Order Limits). This will be undertaken by an ecologist who holds a displacement licence (or is accredited under one). Appropriate measures have been put in place for this species. If a displacement licence is required (if evidence of water vole are found), these are managed by Natural England.</p> <p>Otter: Night works are to be avoided in locations otter are most likely to be present. Precautionary measures are in place. If a holt</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

			<p>is discovered, Natural England lead on protected species licencing.</p> <p>White-clawed crayfish are absent from the catchment.</p>
Q6.2.16	The Applicant, NSDC, EA, IDB, LLFA.	<p>Requirement 13 – Surface and Foul water drainage Consultation requirements in (2) only reference the relevant local authority but does not reference EA as is done in (1), why the difference? Also given that the Requirement is in respect of surface water and foul water drainage should this not include LLFA, IDB or other relevant SUs?</p>	<p>We would agree with the inclusion of the Environment Agency in (2), which aligns with Requirement 8 of the The A47 Blofield to North Burlingham Development Consent Order 2022. This would secure consultation with is in relation to our function.</p>
Q6.2.17	The Applicant, EA	<p>Requirement 14 - Flood Compensatory Storage Does the detailed flood compensation scheme proposed in Requirement 14 supersede the current submission and should this Requirement be reworded to consider the current details given Requirement 15 states the scheme must be carried out as per the FRA of which the FCA forms a part?</p>	<p>We have reviewed the Deadline 1 submission of the updated dDCO. While the Applicant has not adopted our suggested wording, we are satisfied that correct climate change percentage (39%) has been included in (2) of Requirement 14. However, we would advise that either the word "event" is reinstated, or "scenario" is used instead at the end of that sentence, otherwise it appears to not make sense.</p> <p>We consider that both Requirements in the dDCO should remain, as Requirement 14 secures that the scheme must be implemented as approved and subsequently maintained.</p>
Q6.2.18	The Applicant, EA LLFA	<p>Requirement 15 – Flood Risk Assessment Should this include consultation with the LLFA?</p>	<p>We are satisfied with the wording of Requirement 15, but clarification is required as to whether the 10mm is on top of what is presented in the FRA or compared to baseline levels.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

			<p>We consider that it would be sensible for the Lead Local Flood Authority (LLFA) to be consulted on the FRA, especially in context to surface water as they will have a greater understanding than the Environment Agency. However, whether or not the LLFA is included as consultee is ultimately a matter them.</p>
Q6.2.20	All IPs	<p>Requirement 17 – Pre-commencement Works Are the details of the pre-commencement plan [APP-188] sufficient and address any concerns? If not, detail the particular parts and matters with which you have concerns and explain and justify your response.</p>	<p>The list of pre-commencement works in 1.1.1 of the Pre-commencement Plan [APP-188] does not align with the list in the Article 2 Interpretation of the dDCO. Works (p), (q) and (r) as shown in Article 2 are not listed in 1.1.1 of the Pre-commencement Plan. In particular, we are interested in (p) <i>remedial work in respect of any contamination or other adverse ground conditions</i>.</p> <p>We are generally satisfied with the list of pre-commencement works and mitigation measures proposed, however we are not in the position agree the list or to approve the Pre-commencement Plan [APP-188], as we are still awaiting details about how the proposed scheme will interact with the solar farm development (planning application ref. 23/01837/FULM - Newark & Sherwood District Council). Until we have assessed these details, we cannot be certain all necessary activities and mitigation measures have been included.</p>
Q6.2.21	The Applicant, NSDC, NCC, EA, NE	<p>Requirement 18 – Highway Lighting 18(1) refers to consultation with the relevant local authority, this isn't defined. Moreover, the lighting is recognised as potentially affecting landscape, visual, biodiversity etc. Wider consultation to include NSDC, NCC, EA, NE would appear to be appropriate. If not, please explain and justify why not.</p>	<p>The Environment Agency is satisfied with Requirement 18, insofar as it relates to our remit.</p> <p>Lighting is most likely to impact nocturnal mammals and fish. Works will avoid taking place at night. Natural England lead on bats as a protected species.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

<p>Q7.0.3</p>	<p>The Applicant, EA</p>	<p>Consultation Responses – Environment Agency With reference to paragraph 9.4.3 of ES Chapter 9: Geology and Soils [APP-053], please provide the response of the EA’s Groundwater and Contaminated Land officer in respect of the known contamination hotspot and risk to controlled waters.</p>	<p>In relation to the hotspot of contamination identified in the vicinity of WS46, the applicant has agreed to undertake a controlled waters detailed quantitative risk assessment (DQRA), in line with the Land Contamination Risk Management guidance. The completed DQRA will be submitted into the Examination at Deadline 4.</p>
<p>Q7.0.13</p>	<p>NSDC, NCC, The Environment Agency</p>	<p>Mitigation Are the measures in respect of controlled waters/ groundwater at references GS3, GS4 and GS5 on pages 59-63 (inclusive) of the First Iteration EMP [APP-184] satisfactory?</p>	<p>The Environment Agency has reviewed the mitigations in respect of controlled waters and is satisfied with these measures. GS4 will be updated in the amended First Iteration EMP which is due to be submitted at Deadline 2.</p>
<p>Q9.0.10</p>	<p>The Applicant</p>	<p>Fish Escape Passage Design NE [RR-044] has commented that the wording within HRA [APP-185] section 5.2.3 states that the EA’s recommendations regarding the fish escape passage design would be incorporated “where possible”. The use of imprecise language such as this may introduce uncertainty around the implementation of these mitigation measures. NE also note that the design of these measures must include consideration for changes to flood events caused by climate change. Please provide a detailed response to this comment and an explanation as to why the EA’s recommendations [RR-020] will only be incorporated “where possible”.</p>	<p>The question seems to have incorrectly referenced EA RR-020 (shown in the highlighted text), as having made comments on this issue. We did not comment on this in our RR. However, we have been involved in discussions with Natural England and the regarding fish escape from floodplain compensation areas.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

<p>Q15.0.6</p>	<p>The Applicant</p>	<p>Ongoing Management of Farndon West FCA ES Chapter 8: Biodiversity [APP-052] sets out that the Farndon FCA is to be turned into coastal and floodplain grazing marsh HPI. Can the Applicant explain what measures they intend to put in place to secure the management of this area and how this would be secured through the dDCO.</p>	<p>The Environment Agency would also like to see commitment of maintenance within the DCO and a detailed scheme for maintenance.</p>
<p>Q15.1.1</p>	<p>The Applicant</p>	<p>Clarification Paragraph 1.3.3 of the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the FRA) [APP-177] sets out that during detailed correspondence with the EA on 20 July 2023, it was proposed that the Farndon East borrow pit area would be utilised as attenuation to offset, by displacement, the exceedance volume for events above the 1 in 30-year storm (+ climate change) up to the 1 in 100 year (+ climate change %) which cannot be managed in the borrow pits or their landscaped area. This additional attenuation has been described within the FRA and has been secured by Requirement 14 of the dDCO [APP-021]. However, this does not appear to match up with the list of agreed design parameters at Section 1.3 of the Drainage Strategy Report (DSR) [APP-179] with paragraph 1.3.1 stating that detention basins would hold the 1 in 30 years (plus 25% climate change) pluvial storm event volumes. Please clarify the position and update the documentation as appropriate.</p>	<p>Although not critical to the design in a fluvial context, we would also like clarity as this may affect the function of the floodplain compensation areas.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

<p>Q15.1.2</p>	<p>The Applicant, NCC as LLFA</p>	<p>Agreement with Stakeholders Has the latest proposed drainage strategy, discussed in the Volume Impact Assessment Drainage Attenuation Standards report (Appendix D of the FRA) [APP-177] been agreed? If not, please set out any outstanding matters.</p>	<p>We would like to enquire if the LLFA has been consulted on this.</p>
<p>Q15.1.3</p>	<p>The Applicant, LLFA</p>	<p>Flood Compensation Areas The FRA [APP-177] details that maintenance of the FCAs and their features will be ensured by the Applicant for the operational life of the Proposed Development. RDWE10 of the REAC (in the First Iteration EMP) [APP-184] says that maintenance details would be defined at the next stage of design. • Please provide further detail and assurances with respect to the maintenance of the FCAs. • Are the LLFA content with the approach adopted?</p>	<p>We understand that the Applicant has committed to maintaining the proposed floodplain compensation areas (FCAs). However, it is necessary for a detailed maintenance plan to be provided, which confirms who will be taking on the maintenance for the lifetime of the development. This is due to the proposed floodplain compensation using a network of culverts to connect the FCAs to the River Trent, which has additional risk associated with it compared to the traditional free flow of water to compensation areas. Although blockage modelling has been undertaken to understand the risks which may occur if these culverts become blocked, it is necessary to have a plan of how these culverts and compensation areas will be maintained and cleared to ensure they function correctly and to reduce the additional associated risk.</p>
<p>Q15.1.4</p>	<p>The Applicant</p>	<p>Interaction with Existing Flood Defences FRA [APP-177] mentions that the Scheme will “tie-in” with existing EA flood defences (see paragraphs 3.4.2 and 7.7.2), but there is no explanation for how this will occur, or how it will be ensured that there will be no detriment to the defences. The Applicant should provide further information on:</p>	<p>The Applicant has provided some of this information with their response to our RR (7.11 Applicant’s Response to Environment Agency Relevant Representations [REP1-010]). However, we still require the following information:</p> <ul style="list-style-type: none"> • More detail about how the proposed scheme will interact and tie in with Environment Agency assets. • Evidence and/or justification for how the proposed works will not compromise the current condition of assets and standard of protection is required for our reviewal and approval.

Appendix 1 – Environment Agency (EA) responses to ExQ1

		<ul style="list-style-type: none"> • the current Standard of Protection (SoP) of the existing defences, their composition, current condition, and inspection regime; • detailed plans for areas around the defences, showing tie-in with the Proposed Development; • confirm that the lifespan of the defences is commensurate with the Proposed Development; and • agreement showing this matter has been resolved with those responsible for the existing defences. 	<ul style="list-style-type: none"> • Detailed cross-sectional drawings of the proposed alteration to statutory main rivers - temporary and permanent.
Q15.1.5	The Applicant	<p>Extent of Functional Floodplain Land Take Please provide a map showing the extent of the Proposed Development that lies within Flood Zones 3a and 3b.</p>	We would welcome this additional mapping. We would like to highlight that LPA Flood Zone 3b maps (as part of the Strategic Flood Risk Assessment) may need to be updated to include the floodplain compensation areas as functional floodplain.
Q15.1.7	The Applicant	<p>Omission of Reference to UK Climate Projections 18 (UKCP18) No explicit reference has been made to UKCP18 in the FRA [APP-177]. Please explain this omission, and if it is not relevant, explain why.</p>	<p>To confirm the applicant has used the correct fluvial climate change allowances within the hydraulic modelling. These uplifts are based on UKCP18 and the guidance on application is summarised within Flood Risk Assessments: climate change allowances (Environment Agency, 2022)</p> <p>We are satisfied that the applicant has followed UKCP18 even if not referenced it. We would also support the addition into the FRA.</p>
Q15.1.8	The Applicant	<p>Exception Test Despite acknowledging the increases in flood risk, the FRA [APP-177] does not consider any additional mitigation measures to offset these increases. The FRA also fails to consider any opportunities presented by the</p>	We are not satisfied that the second part of the flood risk exception test (an 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) has been passed, until the below points about increases in flood risk off-site and information about the compensatory flood storage have been fully

Appendix 1 – Environment Agency (EA) responses to ExQ1

		<p>Proposed Development for reducing fluvial flood risk overall as required by paragraphs 5.108 of the 2015 NPSNN and 5.128 of the 2024 NPSNN.</p> <p>The Applicant should demonstrate what opportunities to reduce flood risk overall have been considered and incorporated into the design. Thereafter, the Applicant should provide a clear demonstration that the proposal meets with the Exception Test as outlined NPPF 2023. The Applicant should consider the EA response [RR-020] when replying to this question.</p>	<p>addressed. Additionally, the Applicant should provide evidence to show what other opportunities were explored to reduce flood risk and clear justification for why these were not taken forward.</p>
<p>Q15.1.9</p>	<p>The Applicant</p>	<p>Compensatory flood storage</p> <p>The FRA [APP-177] fails to provide details on the amount and location of the flood storage being displaced, compared to the amount and location of flood storage being provided, demonstrating that any flood storage provided will become effective at the same point in a flood event as the lost storage would have done.</p> <p>Please provide details of where exact volumes of flood storage are being lost, and subsequently compensated for, to demonstrate the proposed compensatory flood storage is sufficient, and where possible can provide additional storage to reduce flood risk to the local area and the Proposed Development overall.</p>	<p>Within the most recent Floodplain Compensation Area Technical Note (Document ref. HE551478-SKAG-EGN-CONWI_CONW-RP-CD-00001, Revision P02, dated 15 October 2024), as submitted to us for review outside the Examination process, the Applicant has provided additional detail about where water will be stored during a design flood (inclusive of climate change allowance) and a breakdown of water levels and volumes.</p> <p>This technical note shows the amount of storage available at 0.2 metre slices as well as the design volume and temporary works volumes of storage lost. This technical note also describes the impact of increasing overall storage volume by 20% on flood risk. The flood compensation scheme has been tested within the hydraulic model as well as the sensitivity test increasing storage by 20%.</p> <p>However, we still require the Applicant to provide more information about the conveyance of flood water to the storage</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

			<p>areas. In particular, we require further information about how the Kelham and Averham Floodplain Compensation Area will interact with a separate solar farm development (planning application ref. 23/01837/FULM - Newark & Sherwood District Council). This relates to ExQ1 questions Q4.0.20 and Q5.0.10 above.</p>
Q15.1.10	The Applicant	<p>Compensatory flood storage – phasing of works Please provide details of the locations and exact volumes of flood storage which are being lost in each phase of works, and compensatory arrangements to maintain effective flood storage. Please also explain if additional storage would be provided to overall reduce flood risk to the local area and the Proposed Development</p>	<p>The Applicant has committed to undertaking works to building connections between the River Trent and areas which will become Floodplain Compensation Areas before any other works commence as part of the Pre-commencement Plan ('6.9 Environmental Statement - Pre-Commencement Plan' [APP-188]). However, we require the Applicant to provide clarity that at no point during construction there will be a net loss of floodplain storage and a plan of how phasing of work will be coordinated with the planned solar farm development (planning application ref. 23/01837/FULM - Newark & Sherwood District Council). It will also need to be demonstrated that both developments can be constructed without compromising each other and overall flood storage.</p>
Q15.1.11	The Applicant	<p>Compensatory flood storage – maintenance The FRA [APP-177] should consider the impact on flood risk should the culverts beneath the A617 become blocked and flood water be unable to reach the floodplain compensation area. The assessment should be informed by blockage modelling, a rationale for the culvert sizes chosen, and how the risk of culvert failure or blockage can be mitigated. The latter should be addressed through a maintenance plan, outlining who</p>	<p>The impact of blockage of the Main Road (A617) culverts on flood risk has been tested within the hydraulic model. The effects of blockage for the culverts into Kelham Flood Compensation Area (FCA) are summarised in Appendix B of the Flood Risk Assessment [APP-177] and show a fairly negligible effect on flood risk. A blockage of 75% was applied to these culverts.</p> <p>We understand that Requirement 14 (in the dDCO) will require the Applicant to provide details of the compensatory flood storage scheme before any works can commence. However, it is</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

		<p>would be responsible for culvert maintenance and how frequently it will be undertaken. The maintenance plan should be maintained in perpetuity.</p> <p>Similarly, the FRA should consider the maintenance strategy for the carriageway piers proposed within the floodplain, in order to demonstrate that there will not be any debris build up between the piers that could result in a blockage risk and the subsequent in loss of flood storage capacity.</p>	<p>necessary for a maintenance plan to be provided and to understand who will be taking on the maintenance for the lifetime of the development. This is due to the proposed floodplain compensation area using a network of culverts to connect the FCAs to the River Trent, which has additional risk associated with it compared to the traditional free flow of water to compensation areas. Although blockage modelling has been undertaken to understand the risks which may occur if these culverts become blocked, it is necessary to have a plan of how these culverts and compensation areas will be maintained and cleared to ensure they function correctly and to reduce the additional associated risk.</p> <p>Additionally, as we have been made aware of the overlapping of land associated with a new solar development (planning application ref. 23/01837/FULM - Newark & Sherwood District Council), we require clarification from the Applicant regarding who will be responsible for the assets and land within these crossover areas and any agreements which have been put in place to facilitate this.</p>
<p>Q15.1.12</p>	<p>The Applicant</p>	<p>Slough Dyke (main river) Realignment No detailed drawings for the Slough Dyke realignment have been provided and the realignment has also not been represented within the hydraulic modelling undertaken.</p> <p>Detailed drawings should be provided and with-mitigation scheme modelling re-run with the realignment to understand the flood risk impacts</p>	<p>Within the most recent Hydraulic Modelling Technical Note (Document ref. HE551478-SKAG-EGN-CONWI_CONW-RP-CD-00002, Revision P01, dated 22 October 2024), as submitted to us for review outside the Examination process, the Applicant has shown that the realignment of Slough Dyke has now been tested within the hydraulic model and confirms no impact on flood risk. No further action is required by the Applicant with regards to testing the Slough Dyke re-alignment within the hydraulic model. The Hydraulic Modelling Technical Note should be included as</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

			<p>appendix of an updated FRA to be submitted as part of the DCO application.</p> <p>While the Applicant has provided sufficient evidence to us to demonstrate that the realignment of Slough Dyke will not have an adverse impact of flood risk, we are still awaiting detailed plans of the proposed river channel in situ. The Environment Agency requires satisfactory cross-sectional plans of the channel and drawings of the channel connecting to the existing channel in order to full resolved this issue.</p> <p>Once a satisfactory revised FRA and plans as mentioned above have been submitted as part of the DCO application, we will be able to resolve this issue.</p>
<p>Q15.1.13</p>	<p>The Applicant</p>	<p>Climate change Allowances Sensitivity Test The FRA has not assessed a credible maximum peak river flow climate change scenario, in line with UK government guidance on climate change allowances for flood risk assessments.</p> <p>The Applicant should review the EA’s RR [RR-020] and provide a detailed comment that should include a sensitivity assessment of the Upper End (62%) climate change allowance for peak river flow.</p>	<p>Within the most recent Hydraulic Modelling Technical Note (Document ref. HE551478-SKAG-EGN-CONWI_CONW-RP-CD-00002, Revision P01, dated 22 October 2024), as submitted to us for review outside the Examination process, the Applicant has provided evidence that the necessary sensitivity testing has been undertaken to accurately assess the impact of climate change to the scheme.</p> <p>In particular, the Hydraulic Modelling Technical Note satisfactorily demonstrates the impacts of a credible maximum scenario on the development. No further action is required by the Applicant with regards to testing a credible maximum scenario.</p>

Appendix 1 – Environment Agency (EA) responses to ExQ1

			To fully resolve this issue the Applicant should include the Hydraulic Modelling Technical Note as an appendix of an updated FRA to be submitted as part of the DCO application.
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