

The Planning Inspectorate

Our ref: XA/2024/100211/01-L01

Your ref: TR010065

[via email:

A46NewarkBypass@planninginspectorate.gov.uk]

Date: 26 November 2024

Dear Sir/Madam

A46 Newark Bypass – Development Consent Order Application

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

Deadline 3 (26 November 2024)

We have reviewed the documents as submitted at Deadline 3 and we wish to make the following comments:

1.0 Summary of issue resolution status

Overall, we are generally satisfied with the Development Consent Order (DCO) application as submitted, with the exception of flood risk and contaminated land issues. We are aware that the Applicant is working to address these issues.

Below is a summary of the current status of the issues we raised. Please also refer to the table in Appendix 1 – Environment Agency issues / work package tracker – Deadline 3.

Biodiversity

No outstanding issues. We are satisfied with the DCO application as submitted.

Fisheries

While we are satisfied with the DCO application, as submitted in regard to the issue we raised in our Relevant Representations [RR-020], we have been working with the Applicant and Natural England in relation to the fish escape passages from the floodplain compensation areas. Please refer to our comment below on the

Applicant's Responses to Examining Authority's First Written Questions [REP2-037] in regard to Q9.0.10.

Contaminated land

Following the submission of the updated Environmental Constraints Plan [REP2-009] at Deadline 2 (12/11/2024), we are satisfied that the issue concerning the location of British Sugar authorised (active) landfill site (EAGWCL-001) in relation to the development is now resolved.

Only one other contaminated land issue, which concerns the contamination hotspot at WS46 (EAGWCL-005), remains currently unresolved. This is currently pending submission of a Detailed Quantitative Risk Assessment (DQRA). Our understanding is that the Applicant intends to submit the DQRA at Deadline 4 (13/12/2024). As such, we have no further comments on this issue at this stage. Please also note our comments below

Flood risk

We are awaiting further information from the Applicant in relation to the comments we made in our Deadline 2 response. Therefore, the resolution of flood risk issues EAFR-001 to EAFR-009 and EAREQ-006, as shown in Appendix 1, is still in progress.

In addition to the submission of our Deadline 2 responses to the Planning Inspectorate, we have provided direct responses (on 14/11/2024) to the Applicant on two flood risk technical notes (as referenced in our Written Representation (WR)) outside of the Examination process. The flood risk technical notes concerned [1] floodplain compensation areas and [2] fluvial hydraulic modelling. We have had no engagement with the Applicant following this.

As it stands, we have no further comments to make on these issues until the Applicant has provided further information to address our concerns. Therefore, our current position on flood risk issues remains as per our Written Representation, and our response to the Examining Authority's First Written Questions (ExQ1).

Regarding Requirement 14 - Flood Compensatory Storage (EA issue ref. EAREQ-005), we are satisfied with the proposed wording of this Requirement, as set out in the draft DCO (Rev 3) [REP2-003].

Regarding Requirement 15 - Flood Risk Assessment (EA issue ref. EAREQ-006), please refer to our comments below in relation ExQ1 Q6.2.18.

Geomorphology

No outstanding issues. We are satisfied with the DCO application, as submitted.

Groundwater protection

Following the submission of the updated First Iteration Environmental Management Plan (FIEMP) [REP2-011] and updated draft DCO [REP2-003] at Deadline 2, we are satisfied that all groundwater protection related issues we raised have been resolved.

To confirm, the additional piling assessment requirement that we requested in our RR is no longer necessary. This is adequately covered by the commitments in the FIEMP.

As such, we are satisfied with the DCO application, as submitted, in relation to groundwater protection.

Permitting & consents

We have reviewed the updated Consents and Agreements Position Statement (CAPS) [REP2-007], and we are satisfied that matters relating to Environment Agency permits and licences are resolved.

The disapplication of legislation for environmental permits/licences is not sought by the Applicant in the draft DCO, in its current form, and this is reflected in the CAPS. Provided this position remains, we are satisfied with the DCO application in this regard.

Waste

No outstanding RR issues. We are satisfied with the DCO application, as submitted.

Water quality

Following the submission of the updated First Iteration Environmental Management Plan (FIEMP) [REP2-011] at Deadline 2, we are satisfied that all water quality related issues we raised have been resolved.

As such, we are satisfied with the DCO application, as submitted, in relation to water quality.

Water resources

No outstanding RR issues. We are satisfied with the DCO application, as submitted.

2.0 Draft Development Consent Order (DCO)

Requirements

We have reviewed the latest draft DCO (Rev 3) [REP2-003] and we are satisfied with the proposed amendments to Requirement 3, 4, 8, 13 and 14.

We are awaiting a response from the Applicant which clarifies whether the 10mm is on top of what is presented in the FRA or compared to baseline levels. This query was included in our Written Representation regarding Environment Agency issue reference EAREQ-006.

We have no comments to make in relation to any other Requirements which are not referenced above.

Disapplication of legislation and protective provisions

The draft DCO does not seek to disapply any Environment Agency permits/licences and therefore no protective provisions are included for our benefit. As such, we are satisfied with the draft DCO in this regard.

3.0 Response to Examining Authority's First Written Questions (ExQ1)

We have the following comments to make on response to the Applicant's Responses to Examining Authority's First Written Questions [REP2-037]:

Q3.1.3 Kelham and Averham FCA Ongoing Maintenance

We note the Applicant's response to this question and we have the following comments:

We understand that maintenance is secured under Requirement 14. However, due to the maintenance of aspects of the FCAs being fundamental to their function (clearing of debris in flow conveyance structures) to ensure water can free flow to and from FCA areas, we need to confirm that sufficient maintenance will be undertaken through a maintenance plan as part of the DCO application. Our WR [REP2-043] comments on issue ref. EAFR-006, and our response to Q15.1.11 [REP2-042] provides more details on why a maintenance plan is necessary.

Q4.0.20 Effect of the Proposed Development on Proposed Solar Scheme

We note the Applicant's response to this question and our comments provided in our response to this question in ExQ1 [REP2-042] remain applicable. Please also refer to our response to Q5.0.10.

Q5.0.10 Impact on Solar Farm 23/01837/FULM

We note the Applicant's response to this question and, whilst our position remains as per our response to this question in ExQ1 [REP2-042], we have the following additional comments:

The letter of comfort provides some reassurance that the solar farm and flood storage area designs will be compatible with each other. The key to ensuring that the flood storage area works effectively is that the access crossing to the solar farm from

Main Road (A617) at grid reference 476745, 354890, does not impede flood flows, and should be designed such that the soffit is above the design flood, and that the floodplain compensation area (FCA) flood bund can be incorporated into the design with the solar farm in place. Without the flood bund around Kelham FCA some solar panel areas would flood.

Although the Applicant has highlighted that there has been engagement with the solar farm applicant and the Environment Agency, we have not seen evidence of this and/or confirmation of any details which may have been discussed. If these conversations were held, we require details of the proposed schemes interactions and how these have been designed to mitigate any detrimental impacts and maximise on flood storage within the DCO submission. This would be best presented within the flood risk assessment (FRA).

We note that whilst the submitted FRA mentions other development proposals in the Order Limits, this solar farm proposal is not discussed and the mentioned 'required assessments' have not been submitted as part of the DCO application or planning application.

Q6.2.10 Requirement 8 – Contaminated Land and Ground Water

We are satisfied with the Applicant's response to this question, and we are satisfied with the proposed wording of this Requirement, as set out in the draft DCO (Rev 3) [REP2-003].

Requirement 8 (3) will ensure that if remediation is determined as being required by the risk assessment, it will take place.

The only other contamination we are aware of is the hotspot at WS46. The Applicant is due to submit a detailed quantitative risk assessment (DRQA) for this contamination at Deadline 4 (please see our comments below regarding Q7.0.3). We have also stated in our responses in relation to this that they need to follow our Land Contamination Risk Management (LCRM) guidance. If a risk is identified they need to propose remediation. If a risk is identified and remediation of the source pathway receptor linkage is not proposed, then a cost benefit analysis should be submitted, in line with the LCRM guidance.

We consider that it is implied by Requirement 8 (3) that a verification report is required. However, if necessary, Requirement 8 (3) could be amended to secure this, for example:

- *3) Remediation must be carried out and verified in accordance with the approved scheme.*

The above comments would also relate to Q6.2.11 Requirement 8.

Q6.2.17 Requirement 14 - Flood Compensatory Storage

We are satisfied with the Applicant's response to this question, and we are satisfied with the proposed wording of this Requirement, as set out in the draft DCO (Rev 3) [REP2-003].

Q6.2.18 Requirement 15 – Flood Risk Assessment

We note the Applicant's response to this question and our comments provided in our response to this question in ExQ1 [REP2-042] and in our WR [REP2-043] on issue ref. EAREQ-006 remain applicable. It is for the Lead Local Flood Authority to determine whether or not they need to be a named consultee in this Requirement. Our concern is that we need clarification as to whether the 10mm is on top of what is presented in the FRA or compared to baseline levels.

Q7.0.3 Consultation Responses – Environment Agency

In the Applicant's response to this question, the following is stated:

- “In summary, the Applicant is of the view that the contamination hotspot within the Order Limits presents a low risk to controlled waters if left in situ. Therefore, the Applicant proposes to leave the contamination in situ at the hotspot location due to the absence of planned excavation or vegetation clearance activities.”

The above wording about the material being low risk contradicts what the Applicant is stating about assessing the risk. This statement should be removed from any relevant documents to be updated.

The Applicant has agreed to complete DRQA for the contamination identified in the area of WS46. Until this risk assessment has been completed it is not possible to say that this 'hotspot' presents a low risk.

It may be that the DQRA demonstrates that the contamination at WS46 does present a low risk and can be left in situ, but the applicant has not provided evidence to support this yet. We are expecting this information to be presented at Deadline 4, upon which we will provide our comments. We are open to discussing the DQRA with the Applicant prior to submitting it as part of the DCO application, if there is sufficient time.

Q9.0.10 Fish Escape Passage Design

We acknowledge the Applicant's response to this question, and we have the following comments:

We attended a meeting with Applicant's consultants and Natural England on 21 October 2024 in relation to Farndon Floodplain Compensation Area Fish Escape Passages. Following this, we reviewed a draft Fish Escape Passage Technical Note. We have asked the Applicant for details on maintenance from the Internal Drainage Board as evidence to ensure the channels are maintained, which we are currently

awaiting sight of. We understand that the Applicant will provide detail on the current management as part of an updated Fish Escape Passage Technical Note.

The channel dimensions of 0.5/0.3m was recommended by the Environment agency for use in fish passage channels direct to the River Trent over a short distance, including a culverted area. The new design (4 – as presented in the draft Fish Escape Passage Technical Note) is over a much greater distance including long stretches of naturalised channel. We recognise the comments from Natural England for the need for the channel to be a larger size to take into consideration of siltation and naturalisation from flora over a period of time. We will continue to engage with Applicant and Natural England on this matter.

Q15.1.1 Clarification

We note the Applicant's response to this question. The Applicant needs to add this detail to the FCA Technical Note they have provided to the Environment Agency (on 15 October 2024) for review outside of the Examination process, as this currently has no reference to the any of the FCAs being used to store surface water and additional water from the Old Trent Dyke

Q15.1.3 Flood Compensation Areas

We note the Applicant's response to this question and our comments provided in our response to this question in ExQ1 [REP2-042] remain applicable.

Q15.1.4 Interaction with Existing Flood Defences

We note the Applicant's response to this question and our comments provided in our response to this question in ExQ1 [REP2-042] and in our WR [REP2-043] on issue ref. EAFR-008 remain applicable.

The Applicant's response to this question is also included in their response to our RR [REP1-010]. The drawing that is referenced does not show any cross-sections and there is no evidence to demonstrate that any of our defences will not be compromised.

Q15.1.5 Extent of Functional Floodplain Land Take

We note the Applicant's response to this question. The Applicant can find the necessary information to present a breakdown of Flood Zone 3a and 3b in the Local Planning Authority's (LPA) Strategic Flood Risk Assessment (SFRA) and should discuss the inclusion of FCAs as Flood Zone 3b after construction.

Q15.1.7 Exception Test

We note the Applicant's response to this question and our comments provided in our WR [REP2-043] on issue refs. EAFR-001, EAFR-002 and EAFR-003 remain applicable.

Q15.1.8 Omission of Reference to UK Climate Projections 18 (UKCP18)

We note the Applicant's response to this question, and we consider that their response is reasonable. We have no further comments.

Q15.1.9 Compensatory flood storage

We note the Applicant's response to this question and our comments provided in our response to this question in ExQ1 [REP2-042] and in our WR [REP2-043] on issue ref. EAFR-004 remain applicable.

Q15.1.10 Compensatory flood storage – phasing of works

We note the Applicant's response to this question and our comments provided in our response to this question in ExQ1 [REP2-042] and in our WR [REP2-043] on issue ref. EAFR-005 remain applicable.

Q15.1.11 Compensatory flood storage – maintenance

We note the Applicant's response to this question and our comments provided in our response to this question in ExQ1 [REP2-042] and in our WR [REP2-043] on issue ref. EAFR-006 remain applicable.

Q15.1.12 Slough Dyke (main river) Realignment

We note the Applicant's response to this question and our comments provided in our response to this question in ExQ1 [REP2-042] and in our WR [REP2-043] on issue ref. EAFR-007 remain applicable.

Q15.1.13 Climate change allowances sensitivity test

We note the Applicant's response to this question and our position remains, as per our response to this question in ExQ1 [REP2-042] and our WR [REP2-043]:

We are satisfied that the 0.1% (1 in 1000) annual exceedance probability scenario is a suitable proxy for the credible maximum scenario. Supporting evidence is provided within the Applicant's Hydraulic Modelling Technical Note (ref. HE551478-SKAG-EGN-CONWI_CONW-RP-CD-00002, dated 22 October 2024), which we have reviewed in draft form outside of the Examination process. We have no further concerns with regards to the credible maximum scenario sensitivity test, but the detail regarding this (as provided in the technical note) needs to be submitted as part of the DCO application, ideally as an appendix to an updated FRA, for us to be able to close this issue (RR/WR issue ref. EAFR-009).

4.0 Applicant's Response to Environment Agency Relevant Representations

We have the following comments to make on to the Applicant's Response to Environment Agency Relevant Representations [REP1-010]:

Contaminated land

EA issue ref. EAGWCL-005: Contamination hotspot at WS46

Contradictory comments are presented in response to this issue in Applicant's Response to Environment Agency Relevant Representations [REP1-010] concerning the material being low risk. Please also refer to our comments above on the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] regarding Q7.0.3.

Fisheries

EA issue ref. EAFBG-001: Use of borrow pits for fry refuge

We acknowledge the Applicant's response to our RR as submitted at Deadline 1 (22/10/2024) which, in general, reflects that point in time. We have the following comments:

In relation to the issue we raised about the use of borrow pits for fry refuge, although this particular issue is resolved, we request sight of the FCA maintenance plan in regard to fish. Please also refer to our comments above on the Applicant's Responses to Examining Authority's First Written Questions [REP2-037] regarding Q9.0.10.

Groundwater protection

EA issue ref. EAREQ-007: Additional Requirement – Piling

This issue is now resolved – we consider that an additional DCO Requirement for piling risk assessments is not required. However, we would point out that regarding the Applicant's response as presented in this document, it does not correspond with the Statement of Common Ground with Environment Agency, item 33.

Item 33 mentions that the piling method statement will include an appropriate risk assessment, which is not mentioned in the Applicant's Response to Environment Agency Relevant Representations regarding this issue.

Water resources

EA issue ref. EAWR-001: Water usage – abstraction licence

We are satisfied with the Applicant's response to this issue, which we consider to be resolved, but we have the following advice to the Applicant:

Dewatering of the borrow pits and subsequent discharge to the River Trent could be considered to be a transfer of water from one source of supply to the other, and may be licensed as a non-consumptive abstraction. Details of potential or estimated quantities, locations, excavation depth and strata, and discharge locations and

operation should be established in the dewatering management plan (part of the Second Iteration EMP). This will expedite the permitting process post DCO decision.

The use of water from the ponds created from the borrow pits (if unlined) would be considered to be a consumptive groundwater abstraction, and would be licensed as such, with dust suppression being considered to be a high loss purpose.

The area licensing policy for groundwater abstraction is that there is water available from superficial deposits, sands and gravels and Mercia mudstones, but the Sherwood sandstone is closed to new abstraction. It is not anticipated that the Sherwood sandstone will be affected in these activities, but the licence application will need to specify the groundwater source of supply.

Surface water abstraction from the Trent at this location is available, but would be restricted by a hands-off flow which restricts access to water to periods outside of low flows (approximately Q92). Dust suppression is more likely to be needed during prolonged dry weather, and so we recommend consideration that the (ground)water available in the ponds is stored to buffer times when surface water is restricted, rather than using the surface water source of supply only when the pits are depleted.

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

Yours faithfully,

Mr Alex Hazel
Planning Specialist – National Infrastructure Team
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Appendix 1 – Environment Agency issues / work package tracker

Appendix 1 – Environment Agency issues / work package tracker – Deadline 3

Issue status key:

	Agreed / resolved
	Working on a solution / under discussion
	Not agreed

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	Satisfactorily updated Environmental Constraints Plan [REP2-009] submitted at Deadline 2 (12/11/2024).
		Contamination hotspot at WS46 (EAGWCL-005)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	N/A	Pending submission of a satisfactory Detailed Quantitative Risk Assessment (DQRA). We are advised that the Applicant intends to submit this at Deadline 4 (13/12/2024).
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)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Awaiting further information from the Applicant to address this issue. We currently have no further comments to make on this issue until the Applicant has provided

								further information in relation to the comments we made our Deadline 2 response.
		Increase in fluvial flood risk elsewhere (EAFR-002)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	<p>Awaiting further information from the Applicant to address this issue.</p> <p>We currently have no further comments to make on this issue until the Applicant has provided further information in relation to the comments we made our Deadline 2 response.</p>
		Overall reduction in fluvial flood risk (EAFR-003)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	<p>Awaiting further information from the Applicant to address this issue.</p> <p>We currently have no further comments to make on this issue until the Applicant has provided further information in relation to the comments we made our Deadline 2 response.</p>
		Compensatory flood storage (EAFR-004)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	<p>Awaiting further information from the Applicant to address this issue.</p> <p>We currently have no further comments to make on this issue until the Applicant has provided further information in relation to the comments we made our Deadline 2 response.</p>
		Compensatory flood storage – phasing of works (EAFR-005)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	<p>Awaiting further information from the Applicant to address this issue.</p> <p>We currently have no further comments to make on this issue until the Applicant has provided further information in relation to the comments we made our Deadline 2 response.</p>

		Compensatory flood storage – maintenance (EAFR-006)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	<p>Awaiting further information from the Applicant to address this issue.</p> <p>We currently have no further comments to make on this issue until the Applicant has provided further information in relation to the comments we made our Deadline 2 response.</p>
		Slough Dyke (main river) realignment (EAFR-007)	Agreed	Working on a solution	Working on a solution	Working on a solution	15	<p>Awaiting further information from the Applicant to address this issue.</p> <p>We currently have no further comments to make on this issue until the Applicant has provided further information in relation to the comments we made our Deadline 2 response.</p>
		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	<p>Awaiting further information from the Applicant to address this issue.</p> <p>We currently have no further comments to make on this issue until the Applicant has provided further information in relation to the comments we made our Deadline 2 response.</p>
		Climate change allowances sensitivity test (EAFR-009)	Agreed	Agreed	Agreed	Working on a solution	15	<p>Pending the submission of a satisfactorily updated FRA.</p> <p>We are satisfied that this issue has been adequately addressed in the Applicant's Hydraulic Modelling Technical Note (provided to us outside of the Examination process). Once the FRA has been updated to include the technical note as an appendix, we will be able to consider this issue as resolved.</p>
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	<p>Draft DCO (Rev 3) Deadline 2 (12/11/2024) [REP2-003] submission includes dewatering management plan in DCO Requirement 3 Second Iteration EMP.</p> <p>The Deadline 2 submission of the First Iteration EMP [REP2-011] has also been updated accordingly.</p>
		Piling method statements and risk assessments (EAGWCL-003, EAREQ-007)	Agreed	Agreed	Agreed	Agreed	3	<p>Draft DCO (Rev 3) Deadline 2 (12/11/2024) [REP2-003] - DCO Requirement 3 Second Iteration EMP has been updated to include the EA as a consultee.</p> <p>The Deadline 2 submission of the First Iteration EMP [REP2-011] has also been satisfactorily updated.</p> <p>We are satisfied that there is no longer a need for a specific piling risk assessment DCO Requirement.</p>
	Surface water and groundwater monitoring (EAGWCL-004)	Agreed	Agreed	Agreed	Agreed	N/A	<p>The Deadline 2 submission of the First Iteration EMP [REP2-011] has been updated satisfactorily.</p>	
Permitting & consents	Required Environment Agency permits and licences (EAGCC-001)		Agreed	Agreed	Agreed	Agreed	N/A	<p>Satisfactorily updated Consents and Agreements Position Statement [REP2-007] submitted at Deadline 2.</p>
	Disapplication of EPR for flood risk activities		Agreed	Agreed	Agreed	Agreed	N/A	<p>Satisfactorily updated Consents and Agreements Position Statement [REP2-007] submitted at Deadline 2. The Applicant is not seeking to disapply flood risk activity permits. Protective provision not</p>

								required therefore not included in the DCO.
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	The Deadline 2 submission of the First Iteration EMP [REP2-011] has been satisfactorily updated.
		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	3	
	Requirement 4 – Third Iteration Environmental Management Plan (EAREQ-002)		Agreed	4	
	Requirement 6 – Landscaping (EAREQ-003)		N/A (Agreed)	6	
	Requirement 8 - Contaminated land and groundwater (EAREQ-004)		Agreed	8	The wording of this requirement has been updated in the Draft DCO (Rev 3) Deadline 2 (12/11/2024) [REP2-003] submission. We are satisfied with this wording; the issue therefore remains agreed.
	Requirement 14 – Flood compensatory storage (EAREQ-005)		Agreed	14	While we are satisfied with the amended wording in the draft DCO (Rev 3) [REP2-003], issues relating to compensatory flood storage are presently unresolved (see issues EAFR-004, 005 & 006)
	Requirement 15 – Flood risk assessment (EAREQ-006)		Working on a solution	15	While we are satisfied with the wording of Requirement 15, clarification is required as to whether the 10mm is on top of what is presented in the FRA or compared to baseline levels.
	Additional requirement – piling		N/A (Agreed)	Additional requirement	We are satisfied with the commitments to addressing piling in the REAC table of the FIEMP. The additional piling assessment requirement, as originally suggested, is no longer necessary.

END