



## Hearing Transcript

<b>Project:</b>	A46 Newark Bypass
<b>Hearing:</b>	Issue Specific Hearing 3 (ISH3) - Session 2
<b>Date:</b>	04 December 2024

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# AUDIO\_A46\_ISH3\_SESSION2\_2024-12-04

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Okay, I make that 3:40 and time for the issue specific hearing to recommence.

The only thing I'd like to go back on, actually, is just explore more fully and hopefully just close it off. Is this matter that Mr. Cook raised? Mr. Cook of Peridot solar this is a

sort of a solar farm proposal up by the Kellam and Abraham flood compensation area. And is Mr. Cook online? Actually?

Yes, I am, sir. Oh, brilliant. Mr. Cook, thank you. Good, excellent. Can I ask you, before we move on? Can I ask you, just to explain your concerns again, please, and what I'll do then is I'll ask the Environment Agency to come in, and then we'll get a response from the applicant. Much appreciated. So just to recap, that we Peridot solar, have a solar farm and battery storage application in with local planning authority. It was due to be considered some while ago, but that slipped for a variety of reasons. The

Environment Agency, as a statutory consultee, didn't object. But then within the last couple of weeks, I think, as the applicants project has progressed, they have placed a holding objection on our application. And as I understand it, there is a concern that the culvert that the applicant will put in under our access track for the proposed scheme, the solar scheme, needs to be of a sufficient size to meet the model flows. There has been some other interaction between the applicant and the Environment Agency, which from the environment agency's letter dated 12 November. And there's a response in the document, a double P 7.4, to page nine. So I just flag that for reference. But the main issue seems to be this, one of whether the culvert which the applicant will need to put in under the access track, which they will use as well as us,

will be sufficient to meet the environment agency's concerns so that there's no potential risk of flooding On to the A 617, which is immediately adjacent.

Thank you, sir. No thank you. Could I ask the Environment Agency, Mr. Hazel, do you have anything to add to that? Before I go to the applicant,

I'd just like to Alex Hazel for the Environment Agency. I'd just like to bring in my colleague, Sian Holland into this one. But before I do that, I'd like to clarify that I assume that the holding objection that Mr. Cook's referring to is the one submitted by our sustainable places team in relation to the planning application. Is that correct? I'm only aware, only Chris Cook paradox said that I'm only aware of one holding objection. I'm not sure of the exact source, I'm afraid.

Mr. Edel, okay, thank you, Sean, would you like to come in please?

Hey, yeah. Sean Holden, for the Environment Agency, we have been looking at the DCO. Obviously the national infrastructure team have taken it over from an area based team, and from what the applicant has presented in their responses to our last written reps, they said they had engagement with the Environment Agency about this solar farm in the context of the Environment Agency agreeing a policy, policy stance that the solar farm would be acceptable in the floodplain compensation area if it were to pass the accepting test. However, since then, we have not seen more information about this, and from our understanding, there is an overlapping area of floodplain compensation storage and solar farm paneling. Additionally, there is an overlapping area where the culverts which connect the main river flood plain, and these compensation areas is overlapping, so where the culverts will outfall into and how they will then flow to be stored in these compensation areas in times of the flood and this access route that will need to be put in place. We are still awaiting information on all of this, our concerns mainly lie with how the water will flow in times of flood, both to the compensation scheme for the road, but also is there going to be increased risk to this solar farm going forward

because of that overlapping area, there will need to be the solar panels will need to be raised to a certain level to avoid being at risk of inundating with flood water. So yeah, we're still waiting for some of that information, which is why the holding objection was placed on and also why we are asking the applicant for national highways for more information under the DCO.

Excellent, Mr. Cook, before I bring you in.

Duncan. I will just, I'll pass over to the applicant. And as part of, if I could ask you just to respond to what you've heard, please, and also, if you could clarify if this is an issue you intend to resolve in the DCO submission, over to you, please.

Sarah Holmes, for the applicant, I'm going to pass you in the first instance to mark Sutton.

Oh, sorry. Ollie Evans, and then Mark Sutton, thank you. Thank you.

Thank you. Ollie Evans, on behalf of the applicant, so we are yes, we are aware of the environment agency's written representations. Rep, 3044, which is recently

received,

and we've acknowledged, obviously the vibration, asking more, more details, and I can confirm the applicant is working with the solar farm developer at this stage,

what I'd like to come into the specific points that have been raised. First of all, the proposed Kellum and Arum flood compensation area that's been designed that function needs to ensure it remains for the purposes of the a 46 bypass scheme in specifically in relation to no loss of the flood volume capacity to accommodate flood water, and secondly, to make sure that it doesn't impede flows. As a consequence of any other development scheme, I would obviously leave it to the post developer in relation to what measures they may look to put in place to ensure that is achieved, from my perspective, and it's not my expertise on solar farm design, but I would have, I would have interpreted that that may be achievable, and thus the potential for dual use of a flood compensation area and a solar farm

in specifically, in relation to so there's proposed for five culverts to be situated under the a 617, to enable connectivity of the flood compensation area directly to the river Trent floodplain.

Those culverts are obviously required for that connection. And I confirm, just to provide a bit more details for the Environment Agency, that those,

those those culverts would begin to become wetted, effectively in a 5% annual exceedance probability event, with then flows discharging into the Connecting ditch within the there's two, sort of, there's three elements, I should say to the Callum and Arum flood compensation areas have sort of an area of land situated towards the southwest, near Arum, we have an interconnecting ditch which provides both conveyance and online capacity, online storage, and Then an area to the north east, near Callum, which provides that additional flood compensation. And I found that the connecting ditch would begin to

fill with water in a 3.33%

annual exceedance probability

in relation to access

there. How proposals for an access track located that comes directly off the a 617

that will cross over the interconnecting ditch section of the flood compensation area and run in parallel with the A 617 on the northern side within the land, and that access track is was proposed today to have a potential tool use in terms of for the landowner to be able to access and potentially for perhaps a solar farm developer as well.

Clearly, they would need to be a form of a culvert under that access track where it crosses over the interconnecting flood compensation area ditch to ensure and that that COVID size would need to be appropriately sized to ensure it does not impede on flows as the flood compensation area feels,

that's what I'd like To add at this time. Thank you. Thank you.

My Mark Sutton on behalf of the applicant, if it would help all parties, we're referencing this. If we would reference the

the works plans, if we look at R, E, p3,

double 02, and the works areas in question, we have the culvert under the A, 617,

is works number 124,

and that's the multi culvert going under. So I was just gonna ask you, can we bring the works plans up on screen, please? Oh yeah. B, this would be, I think it's sheet seven.

Yes. Sheet seven of the, oh.

Works, plans.

So may I make an observation Chris Cook paradox, so look, just whilst that's coming up, or is it,

it's quite a sizable document, so it might take us.

Comment please. I

So would I just be able to

explain the council's position on the application in the current status, as we're waiting for the works plans to load up? Please? Yes. So Lindsay Preston for Newark and show with So yes, we have received the application for the for the solar farm, and obviously the holding objection from the EA which, which is their local office at in Nottingham,

as of yet. Well, yes, it was due to go to committee, obviously before the

holding objection came in.

But as a result of those conversations, we have just this week, received an amended plan which actually removes some solar panels from an area of the flood compensation area, which we can I can check with the case officer as to its status, but we can share that with you as and when, but obviously, then the Environment Agency will be consulted as a part of that amendment. So that's the status as it is at the minute, it's not been determined, and we will be reconsulting on the on the amended plan. Okay, so as

far as you're concerned, it's moving and there's, there's movement there, there is, there is some, some movement between the applicant and

and goes and suppose the EEA as well. So, but yeah, we'll, we'll keep the EXA informed. That's useful. Thank you. Thank you, Mr. Sutton, the plans are up, so over to you Please, Sir Mark Sutton, on behalf of the applicant, so we're looking at sheet seven of the works plans, R, E, p3, double, o2,

and just to really put an illustrative point to the discussion that my colleague Ollie Evans here has gone through. So we'll be looking at the you've got the A 617, main road coming out of Kellam past Arum

works. Number 124, is a culvert underneath the a 617, which is providing hydraulic connectivity between the flood compensation zone and the existing ditch network that then goes down to the river Trent. We then that that culvert is then accessing the flood compensation area as a whole. There is the channel that runs between the A, 617, and the works area, 123,

which is the works, sorry, is the access road

you have. Then works, Number 122,

which is the access off of the A, 617, to provide both one access to the blood compensation area and also to access potential access to the solar

so the solar farm, if required, and it's that underneath access what works number one to two, which is the COVID that my colleague was referring to, that would need to be installed to provide that that free flow between both of the flood compensation areas.

I don't know if I can take because there is, there were, there's quite a few questions that this carried over in regard to phasing. There was a question later. I don't know if it's acceptable now to sort of discuss that as we're looking as this works plan, and the thought that was going in, or what I'll do is I'll come to Mr. Cook first about we'll sort of finish up in this area, and then we'll move on. Mr. Cook, please over to you, sir, yes. Thank you. Just to address Sean Holland's point and to emphasize Lindsay Preston's point,

we have taken the area that's just off the top of the screen, which is outlined in blue, dotted blue line. We're not deploying any solar in there at all. So that is the flood compensation area.

That sort of large. The two fields that you can see there, and we've set back sufficiently, not not the field to the west, that's completely unrelated,

but the work number 1251,

so it's the two fields to the east. We've also set back from the culvert so the sufficient space according to the applicant's requirements and the EAS and we've just, as Lindsay Preston from Newark and Sherwood just said, we've put in a.

Plan just taking solar deployment so no modules into the soil in that entire area that you can see there. That seemed to be the most expedient way to allay concerns about putting solar in a flood compensation area, which is feasible, but it was just making the whole thing excessively complicated. Thank you, sir. Okay, thank you for that. Mr. I mean it sounds, it does sound to me that actually this is moving in the right direction. This is a matter that's going to sounds like it's on the way to being resolved. Is that fair comment if I come to the applicant,

Mark Sutton on behalf of the applicant, yes, indeed. And I think it's an involving process with the planning application and the changes sort of happening at the same time to what I've heard from today, particularly in regard to that eastern section. I think we've got an opportunity to respond to, certainly the environment agencies, written representation at deadline, free, with a lot more confidence knowing the process that's going through, and certainly addresses the phasing question that I was about to address. And I think that closes that one down, actually, from what I've heard today. Okay, okay, brilliant. I mean, I'm quite happy to move on from

that issue for the Peridot solar issue, for want of a better description, if everyone else is as well, then what I'll do is we'll go into the phasing as we have the works plans up at the moment. But I'll just double check, Mr. Cook, is there anything you want to add? Are you quite happy with the direction of travel, if the applicant could move with reasonable haste to correspond with the Environment Agency. That would be appreciated, as we've had significant delay in getting our scheme in front of the committee for unrelated reasons, and I don't know whether it's appropriate, this sort of forum isn't my experience, but whether what has just been discussed can be regarded as an action point for this this hearing,

I think because it's an evolving situation involving a separate planning application, I wouldn't necessarily call it as an action point for this particular matter, but it is recorded As part of the as part of the hearing.

We've all, we've all been aware of it. It is a matter that the examining authority will be keeping an eye on and looking to to seek resolution sooner rather than later. I think is fair comment, so I wouldn't necessarily take it as an action point, but I think, I think we've made up, made the point very clear we'd like to see this matter results, rather than later. Okay. Thank you very much,

sir. Does the EA have anything they want to add before we move on?

Alex Hazel for the Environment Agency, I just like to say that it's, it's pleasing to see that progress was being made on this issue, where in dialog is in the national infrastructure team in dialog with our local area sustainable places team, so we'll continue to engage with them and share information on the two



schemes to make sure that the issues get addressed. I'd just like to bring in Chan Holland, if that's okay, to just see if she has any comments in relation to what she's saying,

I think we can agree that the removal of solar panels in that area is that is taken forward, and the proposals are submitted through the planning, and that can be go under planning, outpatient will simplify this quite a lot. I do think there are still some questions that we need answering, and still a little bit more clarity, which it sounds like is coming our way, and then after that, we're happy to move forward with it as well, right? No. Thank you very much. Okay. I mean, I'm happy to move on from that issue now. And

there is a question which I'm going to pass on to my colleague, Mr. Burley, but before we do that and the phasing issue, just because we have the plans up, Mr. Sutton, over to you, please.

Thank you, sir. So well, we've got the plans up here for the Kellerman Arum flood compensation area. It's been there was a there was a number of questions in regard to the delivery of the scheme, and one particularly from the environment agency that was requiring the applicant to provide clarity that at no point during construction there would be a net loss of flood plain storage being quality a main question, and obviously key one for us.

So in our in our overall, overall high level program, and looking at the what we've divided down as pre commencement works, we've identified

that Culver, underneath the A, 617, has been particularly key piece of infrastructure to get installed ahead of the main construction works. Hence, reasons in the pre

type, pre commencement plan, as identified as to be gone, as to be installed, there's quite a lot of work to do just for what was going to be a couple of pipes.

To go under a row. There's, there's some, there's some utility diversions as well, and it's all incorporated in the works that would be done there. So it was, it was really in the responses that we've given. Is the, the overall requirement to ensure there's no net loss sits within the React of the first iteration EMP.

Just so everyone's got the reference on here it is within first iteration. Emp, document, reference, R, E, p3,

022,

and that's table, three, two, PDF page 88 and it's r, d, W, E, 10. And we'll ensure that's very clearly clarified in the in the response to the recent Environment Agency written representation that we'll be responding to a deadline for to ensure that we've got that position where we'll be facing the works and ensuring that we've got the no net loss that's also repeated as a measure within the

pre commencement plan as well.

So yes, the upper levels obviously require the compensation, require the culvert to be installed and then their areas lowered when there was an interaction with the solar farm. And I think it's key to understand was It all depended on which scheme was happening. First, in the event that the DCO scheme would have

started works, prior to any solar bond, we'd have lowered, created the flood compensation, and then the solar bond come in, and obviously designed their panels to suit what was required by the for the A to B within a flood compensation. The other way, via we were looking through agreements with with the landowner, was to they would install their solar panels. They would have to remove a section we'd come in and no other ground, and then they'd have to be reinstalled again, which obviously was complex there, but hopefully with what we've just heard this afternoon, that that sort of interface appears to have gone away. Now

we then move down to, and I think we could go to sheet two of the works plans, please.

And we have the the the two other flood compensation areas, which are Farndon east and Farndon West.

And just really go through here in the pre commencement works we've got, we mentioned access construction accesses to allow to get ourselves in and start getting the infrastructure allows us to then get a good start in the in the first, I'm going to say, spring and summer of the first Earth work season with the weather hose. At the moment, it's always amazing, but to utilize that first season to get those flood compensation areas excavated, the material that's coming out of there, we've the temporary works assessment as part of the flood risk assessment has a allocation of a certain size stockpiles. However, the material that's coming out of here would also have beneficial reuse within the scheme, and we'll be looking to utilize that to construct the earthworks widening. So as we're excavating out the flood compensation areas down here, we're creating that, if I call it like a flood compensation bank.

We'll be surveying these areas and surveying how what we're filling in to ensure that we've got that we're never going into a deficit, as it were, okay? Yeah, any material that's coming out that isn't suitable or requires secondary storage, described in the chapter two of the environmental statement as an overall approach to the construction the material goes up to an area where we've got the landscape funds up at windport, which will be shown on sheet five and six, the works plans where we'd be forming those landscape areas. So the idea is that we're not storing material. Have to sit for a long time within the flood conversations. They go up to the

top source storage areas outside of the flood plain. No, that's

helpful. Mr. Sutton, thank you. And I think actually, that

probably covers

the later agenda item in full that you've actually sort of ticked off lots and lots of the questions I had on that. So that's, although we're jumping around a little bit, that's quite handy to have that now resolved.

So thank you. I'm going to pass over to my colleague, Mr. Burley. There was an issue we had this morning up at near the Kellerman Abraham area, and I'm just going to pass over to Mr. Burley to ask a query, please. Thank you. Could we bring up document, R, E, p1, 03, a, please

the benefits of

Mr. Evans and others who weren't here this morning. Applause.

Aaron, could you turn to figure 2.8 which is on page 17 of 22 please. I

That's it. Thank you.

Now, this was on my list as a transport query, but I think I've managed to put it on the float risk list now and reduced my workload a tiny little bit. Anyway, if we look at the red route, you can see that at the end of it, yeah, that's right, just where the cursor is. There's what may be around about connecting into the existing highway, and that's near the flood compensation area.

This is a relief road for Kellen. There's a an issue. The top label on that diagram relates to where the issue occurs, which is a an old bridge, which is quite narrow.

Now, the issue that the county council raised this morning was whether the National Highway scheme, which includes the flood compensation area, might affect the delivery of this relief scheme.

I believe that there isn't currently a fixed scheme being brought forward. The county is still working on the safeguarded road, but you can review the recording of this morning's hearing to see what county has to say. The question is quite a simple one, really, would you be able to provide a response, please, in relation to whether, in relation to flood risk, the county's aspirations might be affected, or whether they could be accommodated. I think this may be one to take away

because we're springing it on you as a flooding issue. But is there anything you'd like to say now, or would you like to just take it away and come back to us?

John Sarah Holmes for the applicants.

John bows is going to respond.

John bows on behalf of the applicant. I was involved in the transport discussion this morning as well. So that scheme in itself, as well, would require additional compensation storage, because it in itself is going through the flood zone and would require lower level and upper level flood compensation storage, and that roundabout would be within part of our compensation storage, but as part of the scheme itself, we would just expect that compensation storage that we provide with our scheme is displaced elsewhere as part of that displacement, or that compensation storage that is provided, so we don't see that there would be any impact, and it just be a case of phasing that into the works. Okay? So it would be whoever did it first, really would address that point, yep, and we'd work together to make sure that we allowed the right amount space, and it wouldn't prejudice a scheme coming forward. There's no physical constraints on land ownership constraints, for example. John Bose, on behalf of the applicant, no, we don't see any constraints on that. Thank you. So anything county would like to come back on on that point?

Kevin Sharman, Nottinghamshire County Council, no, that's, that's very helpful. And we'll, we'll have an offline discussion to just confirm the detail that was going to follow it up anyway. Thank you, Mr. Sharman, is that a point that both parties could put in their state into common ground? Perhaps,

yeah, thank you very much.

Okay, so moving on with the agenda,

the next point of the agenda,

which is, how will the proposal interact and operate with the environment agency's flood defenses? This is an issue that the Environment Agency has raised. Can I ask for the applicant for an update on the discussions with the Environment Agency on this

matter? Mark Sutton, on behalf of the applicant, we've had several written responses and comments on responses and received a recent,

latest written representation deadline, free from the Environment Agency,

and certainly I provide the response. So I endeavored to sort of describe the existing flood defenses and how the scheme was interacting. I know on the latest response from the Environment Agency, they're wishing to see some cross sections and further drawings. I can appreciate that. And I would words can go so far, I suppose, in responses. And I can appreciate the need to see that.

Cross sections. So this morning, I'm making arrangements for those to get produced and provide comfort and clarity to the Environment Agency about the proposed works at the two locations at the crees Lane embankment and the

new new roundabout embankment, where we've got both temporary and permanent work interface. So we've got a response. Sorry. The applicant will be responding to the environment agency's written representation, and I'll lay out in detail how we're going to what we what kind of sketch cross sections we provide, and when we'll be able to make them available, I'll be looking to make them available to the environment agency with a review prior to, unfortunately, won't be ready for deadline for next Friday, but certainly available prior to the next deadline, so Environment Agency got a chance to review it, and hopefully we can make resolution before the next deadline five. Okay.

No, that's helpful. Thank you very much. Can I ask the Ask the Environment Agency, please, do you have anything you'd like to comment on that. Alex Hazel for the Environment Agency, I don't think that we've got anything to add, but I'll just check with my colleague, Sian Holland, if that's okay.

Hi, sir. Sian Holland, the Environment Agency, yep, we need the detailed plans. That's what we want to see. I think additionally, currently, the applicant has said that they will not be compromising the assets at all. However, they haven't necessarily provided the evidence of how they're going to do that, which may come in those detailed drawings. It may explain it, but we just kind of wanted a little bit more clarity on how they're not going to compromise those defenses.

Okay, anything from the applicant on that point before we move on? Mark said, on behalf of the applicant, no completely understand and be using those plans to actually detail almost like the specific interaction there, so we can show we're not compromising the defense characteristics of those two defense pieces of infrastructure. Thank you. Right now, it sounds like it's moving in the right direction. Now, I know the agenda item does reference the EAS flood defenses, but when I look at the deferred Asset Management websites and I bring up the the flood defenses, there seems to be a number of them, a number of flood defenses along the 46 route, within the order limits that aren't as I interpret the website aren't maintained by the Environment Agency, but they're listed down as being privately owned and maintained or by the council. When it says Council, I don't know if that means Newark and Sherwood or if it means Nottinghamshire

Can I ask the applicant, perhaps, to shed some light on on that, please, and what these other flood defenses mean for the scheme, if they've been considered, and just to, just to provide me with some feedback on that, please.

O Evans, on behalf of the applicant, we are aware of

two key features within the area of the scheme, which relate to Environment Agency maintained Earth embankments,

as

Mark Sutton has referred to is one first in the decreased Lane embankment around next windmill viaduct, and the second,

around cattle market roundabout by Callum Hall. Those two features have our understanding is they are currently maintained by the Environment Agency. We have obviously included the details of those scheme elements within our hydraulic models from a flood risk management perspective, to understand how they interact with fluvial flood risk. Can you provide any more details in relation to other specific

measures or defenses that you may have identified. I mean, it might be, it might be something that we need to ask. You know, you go away and look at the Defra asset manager, asset website map, and you can sort of see those that I'm referring to, but if I bounce over to the host authorities, perhaps the local flood authority in terms of Defra Asset Management website and the assets list listed on there as flood defenses. Do you have any comment you'd like to make in relation to the scheme and how they relate to those defenses?

Kevin Sherman, Nottinghamshire County Council, we'll do some checking as well, but we're not

maintaining things that we're aware of at the moment actively, so we need to have another look as well. Okay, thank you and Newark and Sherwood.

Lindsay, question from Newark and Sherwood? Yeah, I.

We're not aware of any structures that we Okay. As an action point, could I ask the host authorities and the applicant to review defra's Asset Management map and identify any any assets in there that you feel are relevant to the scheme,

and if not, a brief commentary on why not, would be helpful. If I can ask all, all three parties to review that please. Williamson Bob, the applicant, of course, we can. We can do that from the applicant perspective. We're also review back to the flood and drainage steering group meetings that we had 2022 where there was, I believe, an early phase, sort of an early screening and understanding of interpretation of assets, and we might be able to draw more information from there to shed more light, as requested today. Brian, I thank you very much

before I move on any further comments. Nope, excellent. Okay,

next agenda item, then,

is

surface water and groundwater quality monitoring through construction and operation through the life of the development. Now this relates to a matter raised by the Environment Agency. Now reading the submission, the deadline, three submissions, submissions, sorry, am I correct in saying that there's now an agreed position between the applicant and the Environment Agency on this

point? Is this the applicant or is it to the Environment Agency? So, oh, sorry, sorry, Miss Mr. Hazel, it's to the applicant. But then I will, I will come to the Environment Agency thereafter.

Uh, Claire, possible. Sarah Holmes, for the applicant, I think Claire fossil vape will answer this one

possible point for the applicant. So yes, we have, I believe we have agreed this position with the Environment Agency. We'll be doing monthly monitoring of groundwater and surface water during construction, post construction. We're doing quarterly monitoring of groundwater and surface water for one year, and this is now set out in the updated first iteration environment management plan.

Thank you. And Mr. Mr. Hazel, I'll come to you now the Environment Agency. Is that also your understanding? And can we now say this matter has been agreed? Alex Hazel for the Environment Agency, yes, that's correct. This matters now been agreed, and we're in agreement with the applicant on that.

Fantastic. Thank you very much.

That was a nice, quick point.

The next gender item, then flood compensation, no hang on, timing and delivery, subsequent maintenance, we covered that. Sorry.

Mr. Sutton, you look like you may want to comment mark certain on behalf of the applicant, he apologized or jumped ahead there in my previous response, on, on, in regard to phasing. But I think we still got to address maintenance, if I may go on to that one, please. Yes. So yes.

So the the applicant is sort of powers



that would give them the applicant maintenance responsibility both during construction. So the principal contractor that we appointed by the applicant will be responsible for maintenance. So previous pointed out the culverts, for example, that are crossing underneath the A, 617, absolutely critical to the operational success of the flood compensation areas, and those flood compensation areas will need to be usable to allow us to build the scheme, so they would be maintained by the contractor during construction, and that would include the inspections of those culverts to ensure there's no blockages, and then after any significant weather events, and then At the point of the completion of the scheme, the project was, in a sense, handed over to the maintainer. At this point will be the the applicant, and they would be responsible for the implementation of the maintenance plans. And that is those maintenance plans will cover all aspects of the scheme, as well as the flood compensation areas. Sorry,

just remind me those maintenance plans. Are they in the examination library just now and I just missed them all? No, no, they, I think they refer to an apologies. I'd need to check my notes. But if the maintenance requirements and maintenance plans would be form part of the

third iteration of the environment and management plan, so the the applicant as the operator of the highway and the associated infrastructure with Nick would be bound to follow.

Thank you. Thank you for that on the.

Agenda item. E does do any of the either of the local host authorities have any comment to make on flood compensation areas?

Nothing from Nottinghamshire and Newark and Sherwood. Lindsay Preston for Newark and Sherwood. Sorry, this is probably covered elsewhere, but

it's noted from I can't remember which document I've read it in now, but that the flood compensation areas would be installed prior to let me get this right. Construction in the flood plain or would be, would be

provided at the start of the construction. It's one of the two I just wanted to know is that both flood compensation areas and Is that sufficient for the areas

of floodplain that you're constructing in, because obviously you're constructing in the floodplain, but your compensation is at Farndon and Kellum. So are those two sites optimum for the land that you're going to be constructing in? Because obviously it's not directly in the area that where the flood plain is.

So just wanted clarification that that has been considered and it's not just another reason why you've chosen those sites because I can't, I can't see in any of the documents

why the other you said that there was 29 sites considered for flood compensation areas, and I can't see anywhere to say why those areas have been discounted and that these are

the best places for flood flood plain mitigation that could possibly be. Thank you. I'm happy for the applicant to respond directly. Please mark certain on behalf of the applicant, I think we can with myself and my colleague, Ollie Evans here will respond. There's two parts to that. The first one is the in regard to the timing that you seek clarification on. So apologies, I'll get the reference again. So this is contained within the first iteration environmental management plan, R, E, p3, zero, double, two, and within table two, sorry, table three, two of the React, which is the r, d, W, E, 10. Apologies, lots of references here, but then it's a PDF page 88 but it brings it clearly there that there's the requirement to ensure that we've got

parity with the with the excavation. So yes, we'll be the other is the in the pre commencement works to start getting the infrastructure ready and prepped up to undertake the flood compensation and that we excavate out before we start putting in and making sure that we've got a net, no net loss of flood compensation during construction.

With regard to your question about the suitability of location, I'll pass over to ollie Evans, but then, but it was, it was incorporated in the flood risk assessment. But Oliver could be able to go into

more detail. Thank you. Early Evans, on behalf of the applicant, I think obviously it's important to note from First of all, for a flood compensation, areas are based on a level, for level volume, for volume compensation at typically 200 mil increments. And where you'd normally looked at direct flood compensation, where practical, in some locations, you also need some indirect as well.

So in in relation to the query raised with guards, to the sort of the screening process, I'd like to draw your attention to appendix G of the flood risk assessment. At 177

we've detailed a matrix which has details in relation to all the 29 sites and various considerations that have been taken into account, where we've provided some form of sort of scoring, and those relate to different factors from archeology, from an archeological perspective, from connectivity to the flood plain to location, to the areas of impact in relation to 46 scheme and land use and other many other components. So that information was developed, and it helped draw upon to begin to develop and finalize the ultimately, the three selected sites in Kellum and Aaron, flood conversation, fund and East and fund and west. Further details in relation to that are also detailed in chapter three, the assessment of alternatives at 047, it gives it a little bit more of a context and details the process of assessment.

And then finally, I'd like to give your attention to the latest flood compensation assessment. Technical note. Rep, 3035,

whilst this has a purpose to provide more clarity and details in relation to the.

Flood risk assessment at 177

it also has details in relation to the volumetric loss as a consequence of the scheme, both from a permanent works perspective and also the temporary works and also the volume accommodated the gain and that is detailed at each 200 mil increments, and is detailed in apologies I forget the graph within that document, and that always demonstrates at each level for level within the from between 9.6 to 12.2 meters. We have provided that point as form of direct flood compensation.

There are some details in in that flood compensation assessment technical note, which also details in relation to indirect flood compensation for the higher bands, ie, 12.2 meters, OD to 13 meters AOD, which the volumes have been accommodated up to 12.2 within the caliman Arum sites. So there's, there's some details in there, which hopefully may begin to provide a bit more detail and context. And I think, going back to the piece about from a construction perspective, is my understanding that the proposals that they will always ensure they're in credit effectively as the scheme works, is undertaken where practical. From a level for level, volume for volume basis. So that may require a combination of farnd and Callum at different times, depending on the works

that will be undertaken at any one stage.

Thank you. I'll just Newick and show it does that help

Lindsay question for Nook and showed Yes, I knew. I probably knew it was going to be embedded in somewhere, so it's just case of having a look at that. Thank you.

Okay,

right, we'll move on then,

which I think we're now on to

flood compensation measures around told me lane,

I'd like to explore this issue, this was a matter which was raised in Newark, and show a District Council's local impact report. So if I could perhaps, for the Ask newer kinshawa, just for the benefit of the room, and provide some context to perhaps briefly outline their concerns with respect to the scheme and the site at tollney Lane. Thank you.

Thank you, sir. Matthew Tubb on behalf of New York Sherwood District Council, just to provide some context, obviously, Tony lane is an area at significant flood risk which is host to a substantial number of gypsy and traveler sites. The last gypsy and traveler accommodation assessment we undertook recorded which was in 2019

recorded 317

pitches across 18 sites. So it's a fairly significant concentration of accommodation there, as I've said, the areas that substantial current flood risks being split between flood zones, two, three, a and 3b

with the single point of access and egress also being within the functional flood plain. Obviously, that risks also forecast to increase from climate change as well. So

with that in mind, given the level of current flood risk and also the fact that, due to a lack of reasonable alternatives elsewhere, we are proposing a number of additional allocations of gypsy and traveler pitches in the location through the review of our part two of the local plan, which is currently under examination itself. Given those two factors, we've been developing a project called the Tony Lane flood alleviation scheme, which is, believe what this, this matter, is referring to. So the stage that's currently

at is that it's a high level design and would obviously need to move into more detailed design to be taken through its consenting regime. But it is a named scheme within our infrastructure funding statement, and obviously forms a central part of the strategy currently being examined through the part two of our local plan. So in terms of the scheme itself,

it is essentially a raising of a section of the tawny lane road between the great the junction with great North Road down to a site which is referred to as hoes farm. It's approximately a length of 625, meters, and it would the scheme would look to raise that by an average of one meter along that distance for the finished level as a minimum of 12.27 meters. AOD. Its intention is.

To provide a standard of dry access and egress, up to 1% AP standard, due to the level of flood risk that the surrounding network, road network has, there wouldn't, wouldn't be any point in trying to exceed that, because the surrounding area would have been flooded in in

events that exceed that so

in addition to obviously raising that section of the road, there's would be the introduction of a flood wall to the eastern edge of the Tony Lane area, inclusion of a bypass channel, including a culvert under the raised section of Tony lane, which would lead to the north side of the railway embankment in order to preserve floodplain connectivity, there would be a the emerging scheme includes surface work, water pumping station where gravity drainage isn't possible to assist in those circumstances. And as you can imagine, as well, there's obviously quite a significant amount of flood storage, compensatory flood storage needed as well to account for the lost flood plain. But the level of detail we're at at the moment in terms of that compensation area, that excavated volume and design would be confirmed once it gets into its more detailed stages,

so that that's where we're at and that that's obviously some context around it, but as I would underline, it does form a fairly significant part of our

emerging approach to addressing gypsy and traveler accommodation requirements over the plan period, with contributions of pitches from that location, both key in terms of assisting us in addressing the overall requirement, but also over the short term in terms of establishment and maintenance of a five year land supply as well. So it's fairly safe to say it's of considerable importance to the district council that that that scheme is able to progress and be delivered in the fullness of time. In terms of timings on that the work that we've had done would anticipate from the point that we're at now, you'd be looking at a period of three years to completion, which would include 12 months for the construction period.

I think that obviously provides an outline. If there's any additional questions, obviously I'm happy, happy to field those. Okay, so thank you for that. That's helpful to, as you say, provide some context, but of background to it. So with respect to

the DCO scheme before us,

what are your concerns?

Having looked through the material and clearly we would,

yeah, we'd want the scheme to be to be able to progress itself, I don't think there's anything as currently proposed which, having looked at the detail, would cause a significant concerns around that the flood compensation area proposed for the a 46 isn't is located away from the area that We're currently looking at for the flood alleviation scheme.

Clearly, at an earlier stage, there had been some consideration and early discussion about whether there could be any

kind of combined action around this. Obviously, we're both looking at flood compensation areas in the same broad location. So perhaps referring back to your point earlier, sir, about looking at reduction of flood risk overall. And obviously we'll note the response from the applicant on that with interest to see whether there could be any potential for overlap between the two schemes, or whether indeed that that would be reasonable.

Okay, so I mean, how far along is your detailed design? You said it was high level at the moment. Is there a beginnings of a detailed design? That's obviously something we would be looking to progress as quickly as we can. We've got that three, three year window, so we would be looking to

it. So in terms of the early stages, we'll need to do, obviously, more detailed work that's got a kind of estimated time period of nine months associated with it, leading into the

planning consent process, where we feel that the four month determination period you'd be looking at. So we've really focused on, obviously trying to get the

the actual traveler allocation strategy in terms of the Part Two through the through the development plan examination process. We feel we've got the scheme to a proportionate level of detail to assist with the.

At

so that that's, that's where we're at with that is, yeah, it's safe to say that obviously we're not at the point where we're imminently going to be going through the consenting regime for that. Okay, so is it much the case of you just want to make sure that the proposed development in front of us for the DCO doesn't sterilize the potential basically, yeah, okay. If it would be helpful, I'm happy to, I think we linked to the work that we have in support of the scheme so far through our local impact report. I'd be happy to provide a briefing note, or to

obviously put that document properly into the examination, if that's necessary, in order for it to be considered and the full detail to be understood. If that would be helpful, that's something I'm happy to go away and do if you feel necessary. Sir. Okay, so first of all, I'll just, I'll just come to the applicant, please. I mean, you've heard that there's obviously some concern about the

the potential. Basically, we want, don't want to sterilize the potential. Delivery of the improvement works at tonley Lane. It's an important gypsy and traveler site for the area. It sounds pretty substantial as 317

itches, and that was carried on 2019, and so on and so forth. Give us have some comment from the applicant with respect to how the two schemes might obviously very difficult because not detailed design, it's aspirational at the moment, perhaps. So just some, some comment please on how the two might operate together. Thank you for the question. Ollie Evans on behalf of the applicant, and thank you for the details New York show District Council being able to provide. I think I'd like to draw your attention to the statement of common ground we have, rep 20260

sorry. Rep 2026

where we have made a statement to to ensure that the works to reduce the flood risk to the Tony Lane Community

is not impacted by the scheme with the a 46 scheme, and that is obviously that we will want to continue to making sure that that does not occur.

I think, you know, we need to be mindful and acknowledge that, as discussed previously, prior to the break there, there is ongoing investigations into these lower order fluvial flood events, and one of which is Tony Lane Community for the 5% annual exceedance probability event, we do suspect that is related relates to modeling uncertainty because it doesn't occur on other events. However, investigation ongoing, and we will obviously engage with yourself, as well as Nottingham shake hands Council and the Environment Agency only outcome in relation to that. But you know, we can confirm for the design for Luvvie event, the 1% annual exceedance probability plus climate change, we do not show for vulnerable protectors and beyond 10 mil, any change for that Tony Lane community. So from a change of flood risk perspective, we see that we haven't, hadn't any, made any changes there from Tony, named community.

And I think the next point is, is how we've ensured that the scheme measures, and as you, as you rightly mentioned, that the flood compensation areas we're proposing are located away further upstream, so do not predicate and prevent the ability for the Tony Lane scheme to proceed at this time.

I also want to mention that we have through the flood and drainage steering group meetings. We had a number of very useful discussions in relation to trying to see whether there was an opportunity to sinking in line. And I think there has been that degree of reality of these two schemes being not in phase, in relation to the sort of the planning and construction dates that may begin to shift. Now,

it's not quite clear to be at this point, but that's something, I guess we need to have that continued engagement.

Thank you.

I think it's one of those things I know you so you offered to put something into the examination. I think it's, I think it's a matter which is best dealt with through the statement of common ground.

I mean, I think very difficult when there's not a detailed design in place for the applicant to respond in too great a detail on that. So can I ask that parties just may keep it in the statement of common ground? And

I think, as you've said, so that's, that's, that's, there's sufficient there, I think to so that you take an account of it, and you're not looking to do anything that would grant the deliberate sterilize the delivery



of that. So I'll just ask parties to keep in a statement of common ground, and that should hopefully resolve the matter.

Exactly.

Okay.

Okay, I'm going to move on now. I have the

actually before I do. Is there anything else anyone would like to comment on within item three of the agenda? Before I move on to Item four, I come to the host, authorities first. Newer can show it? Not

the applicant? Please? Sir.

Apologies.

There that was a mixed message from my colleague Mark Sutton on behalf of the applicant, just regard to one of the action points that was taken away to do a check against the Defra website. I just wanted to alert because I was having a look just then, and I just wanted all parties that have got that action to do, just be aware that I think the Defra website is being updated in the last four weeks, and the two flood defense back, but I'm referring to no longer exist on there. So I just want people to be aware of what they'll be looking for and not be shocked when they go on to it, so that we can list and also to aware that I was when I was referring to flood defense embankments, I was picking those out where there was obviously a number of flood flood assets that sit within there as well, such as head walls. So I just want to clarify that myself and just make sure all parties were Thank you. Yes.

Okay, brilliant. I'll move on to the item number four, which is any other matters and

I am aware of the time, I do have some further points, which hopefully will just be matters of clarification, or points that we take away for response deadline for, could I ask please, for the applicant? Um, can I have an update on your discussions with the EA, about the slough dyke? Think I'm pronouncing that proper, properly, s, l, o, u, G, H, dyke. I

Ollie Evans, on behalf of the applicant, yes, we can provide an update in relation to slow dyke. So I'm assuming the query is in relation to the, perhaps the representation, or not representation of the realigned water course I slow dike, I can confirm in the hydraulic modeling technical note, rep, 3034,

we have undertaken a sensitivity test passed through engagement with the Environment Agency, which included the realignment of slow dike. And the outcome of that assessment demonstrated that there was a 15 mil change in flood level, but that was within bank, within the actual slow diet, water course itself, and that was the only difference change as a consequence of inclusion scheme. So that's the update I can provide from a flood risk perspective.

Thank you. It might be something I'll come to some to the Environment Agency. This might be something, Mr. Hazel, that you want to respond to in writing a deadline for when you've had a chance to fully review the updated technical notes. But is that also your understanding with respect to the slough dyke? Alex Hazel for the Environment Agency, yes, it is in relation to the flood risk sensitivity test. We're satisfied with that, but we're looking for further detail in relation to

the channel cross sections. I think I'll bring Sian Holland into this to just elaborate on that, if that's okay.

Sian Holland the environment. Agency, yes, from a hydraulic modeling point of view, we are happy that the move realignment of cloud Ike will not have any adverse effects on flood risk. However, we are still requesting some more detailed designs. This is more detailed designs of what the cross section of the channel will look like from that realignment, and also how that will tie into the existing channel and where these specific points will be located. Okay, thank you. I'll come back to the applicant on that please.

Mark certain on behalf of the applicant, just speaking my colleague there that similar to the interaction with the

flood defense embankments. We're also compiling

more cross sections to provide further detail of that realignment and at the time points to the existing Style dyke. Excellent. So it sounds like that's on hand, and it's something you'll be submitting to the Environment Agency. Then presumably,

once they've had chance to have sight of it into the examination mark certain on behalf of the applicant, that is correct. Okay, and I'm happy to

move on from that point, then

one or two other matters,

right?

Yesterday, during the development consent order

hearing, we touched on requirement 15. I think it is

sorry. Bear with me one second, please. Too many windows open. I

uh, yes, with respect to requirement 15, and we talked about how the Environment Agency was a consultee, and yet the lead local flood authority were not. The answer I was given from memory was that this was because of the relevant functions of each party,

and I would like to just touch on this issue again today, because if I then look at requirement 13, which talks about surface water, it's again the Environment Agency, not the Lfa. So I would just like to explore the consultees in the consulting requirements, in requirements 13 and 15, please, can I pass over to the applicant for comment?

Thank you, sir. Emma Harley Phillips, on behalf of the applicant, yes, that was something that we noticed yesterday in our review of the requirements, and I'm currently taking instructions as to which consultees should be listed under each requirement. Okay, thank you. Can I expect a comment on that on deadline four? Yes, that's right, and any changes will be reflected in the amended DCA to be submitted at deadline four. Okay, fantastic. I'll just go to the LLF. Are you quite happy with that and that something will resolve. We'll have a review, and then, if needs be we can look into further. Kevin Sharman, Nottinghamshire County Council, yes, we would welcome to be involved and to be on that list, but let's see where we get to. Okay, fantastic. Well, thank you very much. I look forward to receiving that.

Can we make that an action point then for deadline four? Thank you. Applause. Just to confirm the we're going to review the requirement requirements, the Consultation requirements on, sorry, consultees on requirements 13 and 15. So I

struggle to get my words out a bit now i

So yes, deadline for Thank you, Mr. Stone,

and as I have all main parties in a room and online, are there any significant fundamental outstanding drainage matters that anyone wants to raise today,

I'll come first to I'll come first to the applicant. As you raise your hand first. Thank you, sir. Emma Holly Phillips and part of the applicant, it's just to pick up one of the other points on requirement 15, which we were asked yesterday, which was in relation to the clarification the applicant had provided regarding the 10 millimeter flood risk threshold and whether that required an amendment to requirement 15. I'm told that it doesn't require an amendment to requirement 15. But seeing as the experts are in the room, if you wanted to know why that is, now might be the appropriate opportunity. I do indeed would like to know why that is. Please.

Ollie Evans, on behalf of the applicant, my understanding get in relation to the requirement 15 a 10 millimeter is in relation to the next phase of the design, and to ensure that there's a 10 millimeter tolerance for the any change in flood level from what is stated at this point,

ignoring modeling tolerance, if we have a factual flood level that there is allowance of up to 10 millimeter for that next stage, hopefully that provides the clarity and require, okay, no, thank you. That's that's helpful.

Yes, if I need to come back on that. I'll do so in writing.

Had a response. Sorry. I asked around the room if there was anything outstanding. Anyone wanted to raise any fundamental issues. Nottinghamshire County Council indicated no. There weren't newer can show no, and I'll write a reply to the applicant. If there's anything further you'd like to add on today's hearing before we move it on for move it forward.

No, sir, thank you. No, thank you.

Right. That concludes my any other matters section,

I will now ask Mr. Stone to provide a.

A list of action points that were taken today. Mr. Stone, please. Yeah, I think we've got four action points. The first one

for submission by deadline, five by the applicant was the

to address in the context of the meaning of reducing flood risk overall. Can you please confirm national highways remit to address existing problems and flood risk overall.

Second action point was in relation to debt to be submitted at deadline. Four was again for the applicant, which was to clarify if the increased water levels which are potentially affecting the Nottingham to Lincoln railway line would affect its operation.

The third action point I have was for the applicant and host authorities.

Well, it was requested that you review the Defra Asset Management website, which appears to show other flood defenses maintained privately or by councils and confirm whether these are affected by the scheme, and if not, explain why not relevant. There was no deadline given for that. Does

anybody want to suggest whether or not that can be deadline four or deadline five?

I don't know how complex that may be for you as to when you think that

Sarah Holmes, the applicant, may I suggest deadline five, just because we may want to consult with the local authorities. If it's not clear, okay, we'll say deadline five for that one. Thank you.

And then the final action point I have was just the one that was picked up at the very end there, which was the applicant to confirm consultees in relation to requirements 13 and 15, which would be done by deadline for with the updated draft DCO.

Thank you, Mr. Love Thank you. Is everyone quite happy and clear with the action points? The applicant?

Sarah Holmes, the applicant, yes, sir, excellent. And host authorities, Newcastle, Sherwood and Nottinghamshire, okay, and I'll just come to the briefly, to the Environment Agency.

Are you quite happy i i was a remiss of me. I didn't come to you on the close of the previous item. Is there anything you fundamentally you you would like to raise you haven't to do? Alex

Hazel for the Environment Agency. Now there's nothing further from the Environment Agency. Thank you. No, that's excellent. I was hoping, hoping you'd say that. Thank you very much, Mr. Hazel. So like to remind everyone that any written summary of oral cases put at the hearing and any documents have been requested should be submitted by the next deadline, which is deadline for unless otherwise agreed, and that would be Friday the 13th of December.

All that leaves me to say now is thank you to everyone for attending and for your participation. For those of you attending issue Pacific hearing four on wider environmental matters, it is a 9:30am start tomorrow, 9am for registration, so I make the time 453 and issue Pacific hearing three is now closed. Thank you. Applause.