

A46 Newark Bypass

Scheme Number: TR010065

7.58 The Applicants Responses to Comments Received at Previous Deadlines

8(1)(c)(ii)

Planning Act 2008

**Infrastructure Planning (Examination Procedure)
Rules 2010**

December 2024

Volume 7

The Applicants Responses to Comments Received at Previous Deadlines

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**The A46 Newark Bypass
Development Consent Order 202[x]**

The Applicants Responses to Comments Received at Previous Deadlines

Regulation Number:	8(1)(c)(i)
Planning Inspectorate Scheme Reference	TR010065
Application Document Reference	7.58
Author:	A46 Newark Bypass Project Team, National Highways

Version	Date	Status of Version
Rev 1	December 2024	Deadline 4

Contents

1	Introduction	Error! Bookmark not defined.
2	Purpose of this Document	4
3	Responses to Comments Received at previous Deadlines	
	– Canal & River Trust	5
	– Environment Agency	6
	– Newark A46 Active Travel Partnership	17
	– Newark and Sherwood District Council	18
	– Think Again, Winthorpe Action Group	22

1 Introduction

- 1.1. The Development Consent Order (DCO) application for the A46 Newark Bypass (the “Scheme”) was submitted by National Highways (the “Applicant”) to the Secretary of State for Transport via the Planning Inspectorate on 26 April 2024 and accepted for Examination on 23 May 2024.

The section of the A46 that would be upgraded is approximately 6.5 kilometres (approximately 4 miles) in length. The Scheme comprises on-line widening for the majority of its length between Farndon Roundabout and the A1. A new section of off-line dual carriageway would be provided between the western and eastern sides of the A1 before the new dual carriageway ties into the existing A46 to the west of Winthorpe Roundabout. The widening works include earthwork widening along the existing embankments, and new structures where the route crosses the Nottingham to Lincoln and ECML railway lines, River Trent, Brownhills link and the A1. A detailed description of the Scheme can be found in Chapter 2, The Scheme of the Environmental Statement [APP-046]

2. Purpose of this Document

- 2.1. The purpose of this document is to set out the Applicant’s responses to Comments Received at Previous Deadlines.

Canal and River Trust - Comments at Deadline 3 – 26 November	The Applicant's Response
06.1.20 - Article 58 Temporary Suspension of Navigation	
<p>The applicant states in its response to 06.1.20 that the scheme would necessitate measures to suspend or manage navigational rights.</p> <p>The Trust and the applicant are therefore seeking to agree the wording of a power to suspend navigation rights as necessary, which would be contained in article 58 of the DCO and be subject to protective provisions for the Trust. That the power is subject to protective provisions for the Trust is necessary to ensure that this power is consistent, so far as possible, with the Trust's duties as navigation authority.</p> <p>To add more context, the Trust operates a system for enabling 'stoppages' of parts of its network to allow for third party works as well as its own maintenance. The system operates so as to ensure that impacts to the network are kept to a minimum. In any one year, the Trust requires third parties to provide 'stoppage requests' by the March ahead of the winter when the stoppage is requested. The Trust then devises a programme of stoppages during the winter months (the months when the network is used the least) which still allows for travel in north-south and east-west directions at all times, whilst factoring in third party requests and Trust maintenance needed on the network. (Please note allowing for north-south and east west directions of travel does not necessarily give users the equivalent of an alternative route.) The Trust consults with users on this programme in the summer and publishes the final programme in August. This gives users time to plan and adapt. Any stoppages implemented with less notice have the potential to significantly impact planned commercial, operational and recreational activity on the network as users typically plan activities several months in advance.</p> <p>In contrast, suspensions of navigation between sunset and sunrise are easier to accommodate as there is little, if any navigation during the night. The applicant has indicated that a power to suspend navigation rights during nighttime would assist its works programme, and so the parties are seeking to agree the wording of article 58 together with the necessary protective provisions.</p>	<p>The Applicant is completing negotiations on protective provisions and has in the meantime updated the draft Development Consent Order [REP3-003] to include the agreed wording for Article 58 and this version will be submitted to the Examination at Deadline 4. The drafting of the revised Article 58 anticipates protective provisions being included in the draft Development Consent Order for the benefit of the Trust and the Applicant is continuing to work with the Trust to agree the final outstanding points. Once the protective provisions are agreed the draft Development Consent Order will be updated to include the Trust's protective provisions.</p>
014.0.21 a - Temporary Bridge Clearance over the River Trent	
<p>The applicant has stated that it confirms the temporary bridge over the River Trent, shown as Work No. 63 on Sheet 4 of the Works Plans [A5-005] will provide the minimum clearance required by the Trust for navigation. For the avoidance of doubt, to allow for the safe passage of craft below the temporary bridge, a 5m clearance to the River Trent is required. This should be measured from the crest of Nether weir (the first weir downstream of the current A46 road bridge). We consider it important that the final DCO does not include provisions that would allow for a deviation from the description that could reduce this clearance below 5m.</p>	<p>The Applicant agrees with this position and this has been included within the protective provisions which will be added to the draft Development Consent Order when agreed.</p>
015.0.5 - Drainage Strategy	
<p>The applicant has stated in REPI-009 and REP2-037 that the rate of discharge for each outfall will be limited to the greatest of:</p> <ul style="list-style-type: none"> - the existing flow rate; - or 5 litres per second. <p>The applicant has explained that a rate of 5 litres per second is the minimum rate for an outfall as this is a 'self-cleaning velocity'.</p> <p>The Trust needs to assess both the discharge velocity and the discharge rate to ensure navigational safety. A discharge velocity of up to 0.3 metres per second is generally acceptable, as it would not impact navigational safety. However, higher velocities may be accommodated depending on the final outfall design. This could involve factors such as the angle of discharge into the waterway or the use of baffles to dampen velocity.</p> <p>In light of this, the Trust considers a discharge rate of up to 5 litres per second acceptable, provided that the discharge velocity is understood and, if necessary, controlled to prevent any impact on navigational safety. As this can be achieved through careful design of the outfall structure, the Trust will need to review and approve the final designs of each outfall to ensure it does not pose any risk to navigational safety. This can be achieved through the protective provisions proposed by the Trust to the applicant on 4th April and updated on 17th October.</p>	<p>The minimum outfall diameter will be 150mm, this allows for a flow of 5l/s. The velocity associated with this pipe diameter would be 0.28m/s which is less than the 0.3m/s quoted. Larger pipe diameters would reduce the velocity. The Applicant will design the outfalls such that the velocity is less than or equal to the 0.3m/s required by the Canal and River Trust.</p>

The Applicants Responses to Comments Received at Previous Deadlines

Environment Agency - Comments at Deadline 3 – 26 November		The Applicant's Response
1. Summary of issue resolution status		
1.1	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.	No further comment from the Applicant.
Biodiversity		
1.2	No outstanding issues. We are satisfied with the DCO application as submitted.	No further comment from the Applicant.
Fisheries		
1.3	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.	The Applicant confirms that the updated Habitat Regulations Assessment that includes an appended Fish Escape Passage Technical Note [REP3-024] was submitted at Deadline 3 of the Examination. No further comment from the Applicant.
Contaminated land		
1.4	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.	The Applicant confirms that it has undertaken a Detailed Quantitative Risk Assessment (DQRA) which has been submitted at Deadline 4 of the Examination. No further comment from the Applicant.
Flood risk		
1.5	<p>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.</p> <p>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.</p> <p>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).</p> <p>Regarding Requirement 14 - Flood Compensatory Storage (EA issue ref. EAREQ005), we are satisfied with the proposed wording of this Requirement, as set out in the draft DCO (Rev 3) [REP2-003].</p> <p>Regarding Requirement 15 - Flood Risk Assessment (EA issue ref. EAREQ-006), please refer to our comments below in relation ExQ1 Q6.2.18.</p>	The Applicant would like to refer the Environment Agency to responses to items 3.1-3.6 below.
Geomorphology		
1.6	No outstanding issues. We are satisfied with the DCO application, as submitted.	No further comment from the Applicant.
Groundwater protection		
1.7	<p>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.</p> <p>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.</p>	No further comment from the Applicant.

The Applicants Responses to Comments Received at Previous Deadlines

Environment Agency - Comments at Deadline 3 – 26 November		The Applicant's Response
	As such, we are satisfied with the DCO application, as submitted, in relation to groundwater protection.	
Permitting & consents		
1.8	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.	The Applicant notes that the Environment Agency is satisfied that matters relating to Environment Agency permits and licences are resolved.
Waste		
1.9	No outstanding RR issues. We are satisfied with the DCO application, as submitted.	No further comment from the Applicant.
Water quality		
1.10	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.	No further comment from the Applicant.
Water resources		
1.11	No outstanding RR issues. We are satisfied with the DCO application, as submitted.	No further comment from the Applicant.
2. Draft Development Consent Order (DCO)		
Requirements		
2.1	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.	In respect of Requirement 15, the Applicant confirms that the agreed 10mm flood model tolerance is in relation to the difference in levels between the baseline and post-scheme hydraulic model results. There is no need to make any amendment to Requirement 15 in respect of this.
Disapplication of legislation and protective provisions		
2.2	The draft DCO does not seek to disapply any Environment Agency permits/licenses and therefore no protective provisions are included for our benefit. As such, we are satisfied with the draft DCO in this regard.	No further comment from the Applicant.
3. 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]:		
3.1	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.	Article 4 (Maintenance of drainage works) in the Development Consent Order [REP2-002] provides that nothing in the order affects the existing responsibility for the maintenance of any works unless otherwise agreed in writing between the Applicant and the person responsible. The Applicant will provide a blockage related maintenance plan for culverts into the Kelham & Averham Flood Compensation Area in the Third Iteration Environmental Management Plan, which is secured by Requirement 4 and on which the Environment Agency will be consulted. EAFR-006 within [REP2-043] made reference to the interface with the proposed Kelham Solar Farm (Planning Application Ref 23/01837/FULM). At ISH 3 [EV9-003] both Peridot Solar and Newark and Sherwood District Council stated that a revised plan for the Solar Farm had been submitted and that this had removed the solar panels from the FCA. The Applicant received a copy of this plan (PS-KELHAM-GA-01) on the 10 th December and have included it in Appendix A of this document. Peridot Solar have confirmed that this revised plan was submitted to Newark and Sherwood District Council on the 2 nd December. The plan shows that the solar panels have been removed from the eastern section of the Kelham FCA, Work No 125, as shown on Sheet 7 of the Works Plans [REP3-003]. The interface between the solar panels and the FCA has therefore been removed.

The Applicants Responses to Comments Received at Previous Deadlines

Environment Agency - Comments at Deadline 3 – 26 November		The Applicant's Response
3.2	<p>Q4.0.20 Effect of the Proposed Development on Proposed Solar Scheme</p> <p>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.</p>	Plan PS-KELHAM-GA-01 has been received from the solar farm developer, which removes the solar panels proposed for the FCA site from their design. This is attached as Appendix A. Further engagement is to take place prior to Deadline 5, when an updated position will be provided.
3.3	<p>Q5.0.10 Impact on Solar Farm 23/01837/FULM</p> <p>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:</p> <p>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.</p> <p>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).</p> <p>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.</p>	Plan PS-KELHAM-GA-01 has been received from the solar farm developer, which removes the solar panels proposed for the FCA site from their design. This is attached as Appendix A Further engagement is to take place prior to Deadline 5, when an updated position will be provided.
3.4	<p>Q5.0.10 Impact on Solar Farm 23/01837/FULM</p> <p>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:</p> <p>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.</p> <p>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).</p> <p>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.</p>	The Applicant has engaged with the solar farm developer throughout the design process for the Kelham & Averham FCA. Plan PS-KELHAM-GA-01 has been received from the solar farm developer, which removes the solar panels proposed for the FCA site from their design. This is attached as Appendix A Further engagement is to take place prior to Deadline 5, when an updated position will be provided.
3.5	<p>Q6.2.17 Requirement 14 - Flood Compensatory Storage</p> <p>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].</p>	No further comment from the Applicant.
3.6	<p>Q6.2.18 Requirement 15 – Flood Risk Assessment</p> <p>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.</p> <p>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.</p>	The Applicant confirms that the agreed 10mm flood model tolerance is in relation to the difference in levels between the baseline and post-scheme hydraulic model results. There is no need to make any amendment to Requirement 15 in respect of this.
3.7	<p>Q7.0.3 Consultation Responses – Environment Agency</p> <p>In the Applicant's response to this question, the following is stated:</p> <p>"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</p>	The Contaminated Land Generic Quantitative Risk Assessment (GQRA) as detailed in Appendix 9.2 (Contaminated Land Risk Assessment) of the Environmental Statement [APP 164 – 169] assessed the risk to controlled waters from the WS46 contamination hotspot as low, based on the results of the surrounding groundwater and leachate sample testing. The Environment Agency's request [EA issue ref. EAGWCL-005: Contamination hotspot at WS46] for further assessment was acknowledged by The Applicant. Consequently, site specific acceptance criteria have been derived in the Detailed Quantitative Risk Assessment (DQRA) to provide

The Applicants Responses to Comments Received at Previous Deadlines

Environment Agency - Comments at Deadline 3 – 26 November	The Applicant's Response
<p>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.</p>	<p>a more comprehensive risk evaluation in line with Environment Agency guidance, and to support the outcome of the initial assessment. The DQRA has been submitted at Deadline 4 and the Applicant welcomes discussion with the Environment Agency on this.</p>
<p>3.8 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.</p>	<p>The Trent Valley Internal Drainage Board has confirmed by email to the Applicant the maintenance activities undertaken by the Board on the maintained watercourses for which it is responsible. The confirmation states that the Board will continue existing maintenance along Old Trent Dyke, which includes grass and hedge cutting, weed/debris removal where necessary and, less frequently, tree works when inhibiting access (as detailed in The Habitat Regulations Assessment, Appendix G (Fish Escape Passage Technical Note) of the Environmental Statement Figures [REP3-024]). The dimensions of the fish escape passages were recommended by the Environment Agency following consultation on criteria to incorporate these into the design of the Farndon FCAs. This included the design evolution from the initial v-shaped channels to facilitate natural clearance preventing siltation, to naturalised, planted open channels to provide further benefits to aquatic biodiversity. Following existing flood events, the baseline (pre-construction) topography of the Farndon FCA (northward sloping aspect) results in receding flood water naturally draining into Old Trent Dyke. The flood water would follow a similar pathway into Old Trent Dyke post-construction, with the difference being that water would naturally be drawn towards the overflows due to its dimensions and therefore passively draw down fish (functioning as fish escape passages during flood water recession). As such, no additional maintenance will be required along Old Trent Dyke compared to what is currently undertaken (as stated above). Ongoing monitoring and maintenance of overflows in Farndon FCAs so they can continue to function as fish escape passages (including consideration of siltation and naturalisation from flora) will be developed during the detailed design stage and form part of the Landscape and Environmental Management Plan (LEMP) for the Farndon FCAs. The LEMP will set out the management required to ensure that the Scheme landscape planting establishes, matures and fulfils its intended functions as set out in the Environmental Statement. The Statement of Common Ground with Trent Valley Internal Drainage Board [REP2-031] will record the position that maintenance activities will not affect the functionality of the fish escape passages. The fish escape passages also function as overflow channels, maintaining the water depth of Old Trent Dyke. Overflow channels cannot be deepened, as this continuous open connectivity would facilitate an influx of water from Old Trent Dyke into the Farndon FCAs and change the drainage of surrounding farmland. The overflow channel designs (shown indicatively within Figure 2.3 (Environmental Masterplan) of the Environmental Statement Figures [AS-023]) were submitted as part of the DCO application, with the design refined to also function as fish escape passages, which will maintain the natural flow of Old Trent Dyke northwards and therefore avoid adversely affecting the aquatic ecology along the Dyke. The dimensions of the fish escape passages will draw water towards and through them when the Farndon FCAs are of a depth for water to overflow in the channel. Therefore, fish will be passively drawn to the fish escape passages with the flow of water. Wider overflow channels would result in a lower flow velocity and therefore reduce passive drawdown of fish to the fish escape passage, with greater reliance on fish actively identifying the fish escape passage. Furthermore, water depths discharging through wider overflow channels would be shallower for a greater duration (in comparison to the proposed design), with potential to increase the risk of predation to fish being displaced through the fish escape passage, and would therefore narrow the window for safe passage of fish in greater water depths. Following a meeting with Natural England (held on 10/12/2024), the status of Issue No. 19 within the Statement of Common Ground with Natural England [REP1-026] regarding the design of fish escape passages was updated to 'Agreed'.</p>
<p>3.9 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.</p>	<p>The updated strategy was presented to the EA on 22nd April 2024 and a copy of the report was provided for their agreement on 26th April 2024. In the EA's response, it was stated that they were satisfied with the proposals but that the LLFA may wish to be consulted. This was previously undertaken and the strategy agreed with the LLFA on 23rd April 2024.</p>
<p>3.10 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.</p>	<p>Please refer to REP3-036 for the latest responses on this matter from the Applicant.</p>
<p>3.11 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</p>	<p>The Applicant will provide cross sections of the interface between the existing flood defence embankments and the proposed scheme design prior to Deadline 5.</p>

The Applicants Responses to Comments Received at Previous Deadlines

Environment Agency - Comments at Deadline 3 – 26 November		The Applicant's Response
	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.	
3.12	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.	The Applicant notes the guidance provided by the Environment Agency. No further comment from the Applicant.
3.13	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.	Please refer to REP3-036 for the latest responses on this matter from the Applicant.
3.14	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.	No further comment from the Applicant.
3.15	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.	Further to the Applicant's response to the EAs Written Representations [REP3-036] the Applicant has received a copy of the latest plans from Peridot Solar regarding the proposed Kelham Solar Farm (Planning application ref 23/01837/FULM). A copy of the plan is included in appendix A. The interface between the solar farm and the FCA has now been removed. A culvert will be provided under the access track at Work No. 122 to convey water to and from the western cell of the FCA, Work No. 125.
3.16	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.	Further to the Applicant's response to the EAs Written Representations [REP3-036] the Applicant can also confirm that the no-net loss of flood storage is included within Table 3-2, Register of Environmental Actions and Commitments, reference RDWE 10 (pdf page 88). Peridot Solar have provided an updated plan (included in Appendix A) confirming their statement at ISH3 [EV9-003] that the solar panels have been removed from the FCA. The Applicant is proposing to construct the culvert under the A617, Work No. 124 as part of the pre-commencement works [APP-188] such that the culvert will be in place prior to the main works commencing,
3.17	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.	Further to the Applicant's response to the EAs Written Representations [REP3-036] the Applicant has received a copy of the latest plans from Peridot Solar regarding the proposed Kelham Solar Farm (Planning application ref 23/01837/FULM). A copy of the plan is included in appendix A. The interface between the solar farm and the FCA has now been removed. Article 4 (Maintenance of drainage works) in the Development Consent Order [REP2-002] provides that nothing in the order affects the existing responsibility for the maintenance of any works unless otherwise agreed in writing between the Applicant and the person responsible. The Applicant will provide a blockage related maintenance plan for culverts into the Kelham & Averham Flood Compensation Area in the Third Iteration Environmental Management Plan, which is secured by Requirement 4 and on which the Environment Agency will be consulted.
3.18	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.	Further to the Applicant's response to the EAs Written Representations [REP3-036] the Applicant will be able to provide cross sections of the proposed Slough Dyke for the Environment Agency to review in advance of Deadline 5.
3.19	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-SKAGEGN-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).	Please refer to REP3-036 for the latest responses on this matter from the Applicant. Pending update of the FRA to include the requested items, this matter is considered to be resolved.

The Applicants Responses to Comments Received at Previous Deadlines

Environment Agency - Comments at Deadline 3 – 26 November		The Applicant's Response
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]:		
	We have the following comments to make on to the Applicant's Response to Environment Agency Relevant Representations [REP1-010]:	No further comment from the Applicant.
Contaminated land		
4.1	<p>EA issue ref. EAGWCL-005: Contamination hotspot at WS46</p> <p>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.</p>	The Contaminated Land Generic Quantitative Risk Assessment (GQRA), [APP 164 – 169] report assessed the risk from the hotspot to controlled waters as low, based on the results of the surrounding groundwater and leachate sample testing. The Environment Agency's request [EA issue ref. EAGWCL-005: Contamination hotspot at WS46] for further assessment was acknowledged. Consequently, site specific acceptance criteria have been derived in the Detailed Quantitative Risk Assessment (DQRA) to provide a more comprehensive risk evaluation and to support the outcome of the initial assessment. The DQRA has been submitted at Deadline 4.
Fisheries		
4.2	<p>EA issue ref. EAFBG-001: Use of borrow pits for fry refuge</p> <p>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:</p> <p>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.</p>	Please refer to the Applicant's Responses to the Examining Authority's First Written Questions (ExQ1) [REP2-037] regarding the design and ongoing maintenance of the fish escape passages. As with the fish escape passages, the Farndon FCA waterbodies will be subject to ongoing maintenance, with proposed measures to be developed during the detailed design stage and form part of the Landscape and Environmental Management Plan (LEMP) for the Farndon FCAs. The FCA waterbodies will be managed to provide suitable conditions for the survival of fish until the next flood event, should individuals not use the fish escape passage as flood water recedes.
Groundwater protection		
4.3	<p>EA issue ref. EAREQ-007: Additional Requirement – Piling</p> <p>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.</p> <p>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.</p>	The Applicant confirms that Item 33 (which is now Item 34 in the Statement of Common Ground) reflects the agreed position. An updated version of the Statement of Common Ground has been submitted at Deadline 4.
Water resources		
4.4	<p>EA issue ref. EAWR-001: Water usage – abstraction licence</p> <p>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:</p> <p>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.</p> <p>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.</p>	In the Consents and Agreements Position Statement [DOC2-006] the Applicant has identified the need for a Full Water Abstraction Licence under section 24 of the Water Resources Act 1991 (as amended) for abstraction of groundwater during earthworks (primarily borrow pits) as programmed durations will exceed the 6 month threshold. The licence will also allow for abstraction of surface waters for dust suppression where more than 20 cubic metres per day is required. The Applicant will consult with the Environment Agency as to the potential need for a separate transfer licence and, if appropriate, add this to the Consents and Agreements Position Statement [DOC2-006] for submission at Deadline 5.

Environment Agency - Comments at Deadline 3 – 26 November								The Applicant's Response	
Appendix 1 – Environment Agency issues / work package tracker – Deadline 3 Issue status key: Agreed / resolved Working on a solution / under discussion Not agreed								No further comment from the Applicant.	
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.	

The Applicants Responses to Comments Received at Previous Deadlines

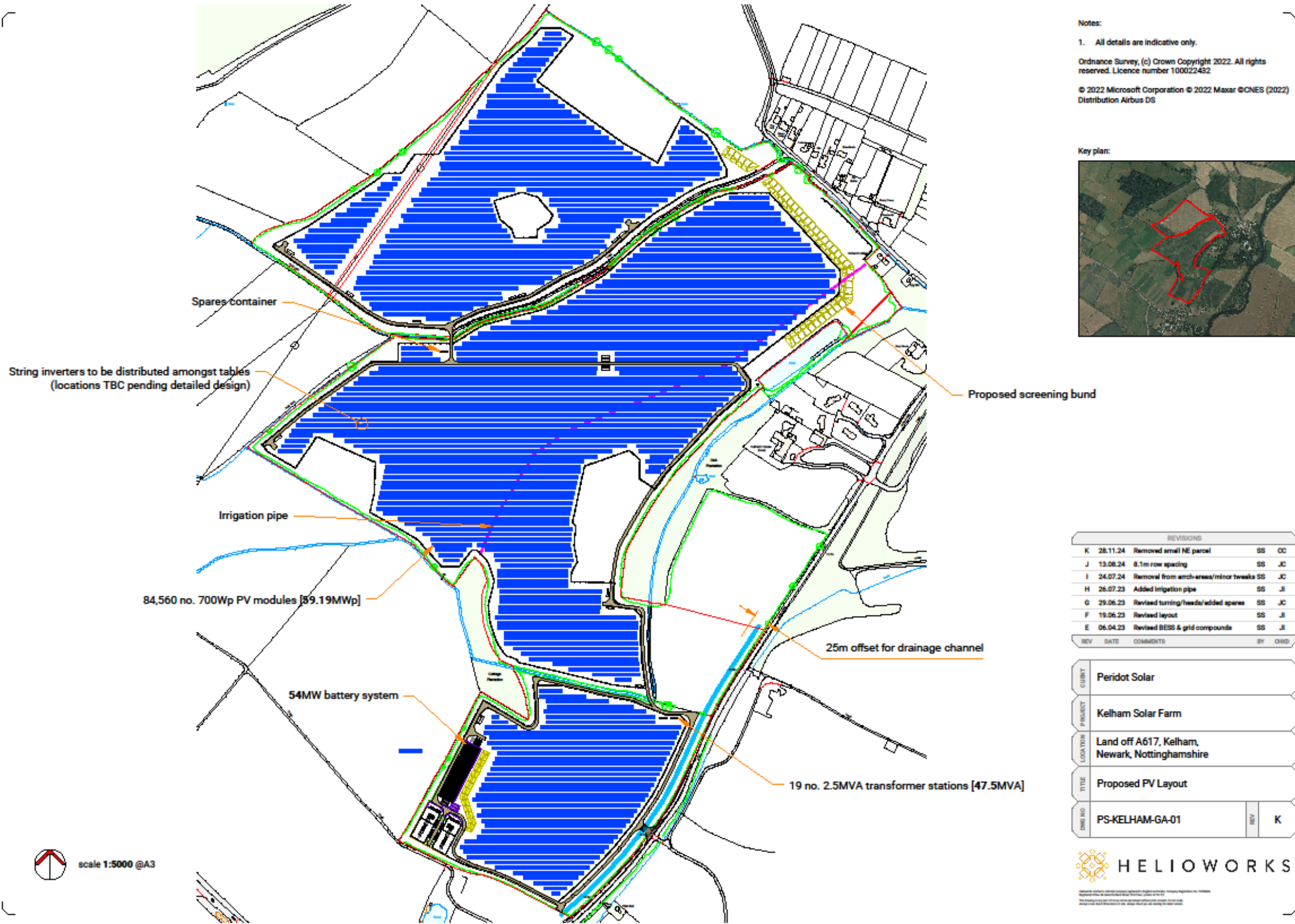
Environment Agency - Comments at Deadline 3 – 26 November								The Applicant's Response
		Increase in fluvial flood risk elsewhere (EAFR-002)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	<p>Awaiting further information from the Applicant to address 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>

The Applicants Responses to Comments Received at Previous Deadlines

Environment Agency - Comments at Deadline 3 – 26 November								The Applicant's Response	
		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	Satisfactorily updated Consents and Agreements Position Statement [REP2-007] submitted at Deadline 2.	
	Disapplication of EPR for flood risk activities		Agreed	Agreed	Agreed	Agreed	N/A	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 required therefore not included in the DCO.	
Waste	Waste management	Disposal of waste – British Sugar landfill (EAWA-001)	Agreed	Agreed	Agreed	Agreed	3		

The Applicants Responses to Comments Received at Previous Deadlines

Environment Agency - Comments at Deadline 3 – 26 November								The Applicant's Response	
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		
	Highways England Water Risk Assessment Tool (HEWRAT)	DCO Requirement 3 – Second Iteration EMP (EAWQ-009)				Agreed	3		
		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.	



Notes:
 1. All details are indicative only.
 Ordnance Survey, (c) Crown Copyright 2022. All rights reserved. Licence number 100022482
 © 2022 Microsoft Corporation © 2022 Maxar © CNES (2022) Distribution Airbus DS



REVISIONS				
REV	DATE	COMMENTS	BY	CHKD
K	28.11.24	Removed small NE parcel	SS	OC
J	13.08.24	8.1m row spacing	SS	JC
I	24.07.24	Removal from arch-areas/minor tweaks	SS	JC
H	26.07.23	Added irrigation pipe	SS	JJ
G	29.06.23	Revised turning/heads/added spares	SS	JC
F	19.06.23	Revised layout	SS	JJ
E	06.04.23	Revised BESS & grid compounds	SS	JJ

CLIENT	Peridot Solar		
PROJECT	Kelham Solar Farm		
LOCATION	Land off A617, Kelham, Newark, Nottinghamshire		
TITLE	Proposed PV Layout		
DWG NO.	PS-KELHAM-GA-01	REV	K



scale 1:5000 @A3

<p>Newark A46 Active Travel Partnership (20048929) 26th November 2024 comment on TR010065 & TR010066-000734</p>	<p>The Applicants Response</p>
<p>Having corrected on the 12th November the SOCG Record of Engagement by adding missing items, and also rationalised the Issues section to the actual two points of contention and replaced 'disagree' with 'under discussion', the applicants haven't followed through. They were asked to add our 12th November comments about the SOCG to the SOCG because we wanted to move matters forward but they have not responded. We had come out of our 7 th November SOCG meeting wondering if things would change as verbally the design team said much the same in the December 2022 and April 2023 meetings. That they understood the importance Winthorpe Rack (end of Newark BW6) and that the plans included a circular route either side of the Winthorpe section of the A46. A SOCG are not supposed to work like this. They need to admit the core problem of Discretionary Funding find a solution or include measures in the Order.</p>	<p>The Applicant included the details of the email (dated 14th December 2022) between Newark A46 Active Travel Partnership (NATP) members within the SOCG as requested. The Applicant would note that this communication was not sent to the Applicant until the 15th October 2024. The Applicant has also rationalised the issues raised by NATP within the body of the document. The Applicant is therefore unsure of what the statement "hasn't followed through" refers to.</p> <p>The Applicant has not changed their position on the matters raised. The diversion route for the permanent Winthorpe Road cycleway and footway is considered suitable and sufficient and does not require further mitigation via the extension of BW6 at the Winthorpe Rack. The Applicant has stated that the BW6 extension, as with other enhancement opportunities, have been included within the WCHR (Appendix C of the Transport Assessment [APP-193]) as a way to record these possible opportunities that could be provided outside of the Scheme.</p> <p>The Applicant attended a site visit with the landowners of the land at the Winthorpe Rack on the 6th March 2024 to look at proposals for the extension of BW6. The landowners informed the Applicant of their current concerns regarding opening up the land for public rights of way which included, interaction with the fishing rights and anglers along the River Trent, the potential increase in anti-social behaviour, and the trespassing and vandalism which they are currently witnessing.</p> <p>The Applicant, as stated at Issue Specific Hearing (ISH) 2 [EV8-002], is not proposing to change the Order Limits of the Scheme to include land for the BW6 extension. Further, as stated at ISH2 both the Applicant and NATG have agreed to disagree on this item, and this will be reflected within the update to the Statement of Common Ground [REP3-045] to be submitted to the Examination at Deadline4.</p>



The Applicants Responses to Comments Received at Previous Deadlines

Newark and Sherwood District Council (IP -20049649) – Deadline 3 A46 Newark Bypass		The Applicants Response
1. Introduction		
1.1.	The following information is submitted in response to the Rule 8 and 9 letter (TR010065) dated 15th October 2024 for the A46 Newark Bypass submitted by National Highways for an Order Granting Development Consent. Our comments follow the Council's Local Impact Report (REP1-035), Written Representations (REP2-051) and response to ExQ1 (REP2-050).	No further comment from the Applicant.
1.2.	The comments made for Deadline 3 are made by Newark and Sherwood District Council in their statutory role as the Local Planning Authority (LPA) and not as landowner.	No further comment from the Applicant.
1.3.	Having reviewed the information submitted for Deadline 2 (12th November 2024), the Council (as LPA) would wish to comment on submission titled 7.36 Supporting Historic Environment and Visual Impact Assessment (REP2-020). The LPA acknowledges the receipt of information by National Highways at Deadline 2 but does not wish to comment on any matter other than those in this response stated below, which relate to the cumulative effects and the visual impact.	No further comment from the Applicant.
2. Cumulative Effects		
2.1	Document 7.37 Cumulative Effects Assessment Technical Note (REP2-021) was submitted to the LPA by email on 7th November 2024 by the applicant. In that email it included a list of 6 developments/applications which the applicant was seeking to include in the updated cumulative effects report for the 12th November deadline. Paragraph 1.5.1 of the above Technical Note states that the LPA has not responded to date on the matter. The LPA did respond prior to 12th November to ask the applicant what information they required of the LPA as it was unclear what the premise of the email was seeking. However, the LPA does not have any further information to add to this matter that has not already been raised in previous submissions.	The Applicant acknowledges the comments made by the Interested Party. No further comment from the Applicant.
3. Visual Impact		
3.1	In Chapter 11 of the Local Impact Report (REP1-035) submitted by this Council, we raised the matter of the lack of visual representation at two points on the new route which relates to the heritage impact of the Church of St. Mary Magdalene and Newark Castle as a result of the changes to the Cattle Market roundabout and the heritage impact on the Winthorpe Conservation Area. We therefore requested additional viewpoints which the ExA confirmed were required as a result of their site visit. These viewpoints have now resulted in the submission of the 7.36 Supporting Historic Environment and Visual Impact Assessment (REP2-020). This document includes VP18 (top of Newark Castle), VP25 (Smeaton's Arches), VP24 (Sandhill's Park) and VP43A (Winthorpe). Additional commentary has been provided, at the request of the ExA on VP11 analysing the river users' experience of the River Trent. The LPA does not have any comments to make on this latter viewpoint matter.	The Applicant acknowledges the comments made by the Interested Party. No further comment from the Applicant.
Viewpoint 18 – from Newark Castle		
3.2	The A46 will be visible from the Gatehouse viewing platform, looking north towards British Sugar. The existing view includes a mix of modern buildings alongside notable historic structures, such as the Grade II listed Castle Railway Station (LEN 1228701), the Former Station Master's House at Castle Station (LEN 1228717), and the Goods Warehouse, located 150 metres northeast of Castle House (LEN 1228797).	The Applicant acknowledges the comments made by the Interested Party. No further comment from the Applicant.
3.3	The road will be approximately the same height as the Castle House building. However, the glimpses of the highly engineered road structure juxtaposed against the brick buildings are likely to appear incongruous. No details or confirmation have been provided regarding lighting along the A46 but it is noted that this is a matter being discussed at ISH4 (item 4) and therefore this can be explored in more detail. However, should lighting be proposed, the height of the lighting columns could also have a potentially negative visual impact. The current low lying A46 is barely noticeable on its existing alignment, save for glimpses to the north through the existing tree line. The heightened infrastructure, coupled with the movement of vehicles along the road is expected to draw further attention to the structure from within the Newark Urban Area.	The Applicant can confirm that lighting of Cattle Market junction will be at grade only, with no lighting on elevated sections of the structure. As demonstrated in the wireframe presented in Appendix A of document 7.36 Supporting Historic Environment and Visual Impact Assessment [REP2-020], in views north from the castle in this location, the majority of the A46 would continue to be screened from view. Sections of the grade-separated section of the A46 over Cattle Market Junction would be perceptible in the background, partially screened by intervening built form and filtered by intervening retained vegetation south of the A46 and along the Great North Road. This would be set in the context of intervening built form looking north from the castle. Vegetation proposed on the embankments adjacent to the Newark Lorry Park would aid screening of that aspect of the Scheme from this location over time. The Scheme is not considered to be a dominant feature in this extensive far-reaching view. Lighting is discussed further at 3.5 below.


The Applicants Responses to Comments Received at Previous Deadlines

Newark and Sherwood District Council (IP -20049649) – Deadline 3 A46 Newark Bypass		The Applicants Response
<u>Viewpoint 24 – Sandhills Park</u>		
3.4	This viewpoint has been identified by the ExA as requiring a wider 180 degrees viewpoint to encompass more of the impact than was originally represented by the applicant. The photo produced by the applicant does not appear to add anything to the existing representation other than showing an outline of the flyover. It is accepted that the presence of the existing buildings gives an inaccurate representation, however it is still the Council's position as LPA, that the impact upon those existing residents would still be harmful and their amenity detrimentally impacted upon by the presence of the raised infrastructure and especially the flyover.	As agreed during ISH4 the Applicant has provided Additional Visual Effects Information following Issue Specific Hearings 4 [7.57] from this location which excludes the presence of photography from the image.
<u>Viewpoint 25 – southwards along Great North Road</u>		
3.5	The photomontage doesn't show any light columns on the flyover itself but around the roundabout, it is assumed that lighting will be part of the design, and if they are located on the flyover then these will project even higher. It would be helpful if the applicant could share this lighting scheme or their intentions so we can be more informed of the final design.	New lighting in previously unlit areas is only proposed for Friendly Farmer link, located immediately adjacent to the A46 which is already lit in this location, and also at Brownhills Junction. Lighting columns would be 10 metres in height at Brownhills junction and 12 metres in height elsewhere (as opposed to 14 metres which is the most efficient on trunk roads) and all with directional cutoff lanterns to prevent backward light spill to the landscape beyond. Away from the Friendly Farmer Link and Brownhills Junction lighting levels will remain as per the existing condition, with unlit sections remaining unlit, and lit sections remaining lit; albeit modification of existing lighting columns may be required. However, lighting columns would not be any higher than those currently present. Lighting column heights across the Scheme have been minimised as far as possible in order to lessen potential adverse impacts upon the existing landscape character, as well as nighttime views from nearby properties and dwellings after dark; and the setting of features associated with the historic environment (for example listed buildings). The Applicant confirms that no lighting is proposed on the grade-separated aspects of the junction. Lighting of the junction will be at ground level as per the existing situation.
3.6	The applicant has shown the infrastructure to be flat faced with blank elevations, creating a harsh visual appearance. The current approach to Newark from the north is heavily landscaped on either side of the carriageway with the highway almost seeming secondary to its setting. The spire of Church of St. Mary Magdalene can be viewed from this approach.	Applicant acknowledges the existing baseline condition in respect to existing vegetation. The Applicant has sought to maintain existing vegetation wherever feasible, with the majority of roadside planting along Great North Road being retained on the approach to Cattle Market Junction. Where vegetation is proposed to be removed on the immediate approach to Cattle Market Junction, efforts have been made to maximise proposed vegetation where possible set in the context of design assets and the industry standards in relation to the safe operation of the highway. The Applicant has sought to provide environmental co-benefits through the use of a nature-based drainage solution to provide drainage for the Scheme whilst aiding landscape integration and benefitting biodiversity. The General Arrangement plans (AS-007 2.5 General Arrangement Plans) present the environmental design in the context of the broader engineering design and are a useful aid to illustrate the design constraints in this area. The lower section of the reinforced earth wall will incorporate red coloured blocks to tie in with the red bricks on the Smeaton's arch parapet walls.
3.7	As a result of the delivery of the scheme, it would see a landscape which is heavily cleared of its 'green' credentials, to a landscape which is dominated by built infrastructure. These factors, design and lack of sufficient soft landscaping, would result in the proposal having a significant impact on the historic gateway to Newark.	Please refer to 3.6 above. In addition to the provision of planting as referenced in 3.6, the design teams have also worked with the project team's heritage specialists in regard to the finish and colouring of the structure with the red hued band sitting along the bottom the structure providing a nod to the red brick finish of the neighbouring Smeaton's Arches.
3.8	The proposed flyover would create a physical barrier, separating three of the Smeaton's arches/causeway designations from the other eight located along Great North Road as well as cutting off any views to Newark from this approach and the spire. Therefore, we considered that there would be harm from both directions on the approach to the Cattle Market roundabout.	The Applicant acknowledges the comments made by the Interested Party. Please refer to 3.7 in respect to measures taken by the applicant to limit visual impacts.
3.9	Due to the alignment of Great North Road, views of the flyover would be experienced from the River Trent and the foot of Newark Castle. This is a heavily used pedestrian route as well as vehicular route, in to and around Newark due to its connections to Newark Castle train station, Riverside Park and obviously the Newark Castle and other heritage assets. The ES Figure 2.3 Environmental Masterplan sheet 3 (AS-026) and the viewpoint at year 15, show that the view of the flyover will be screened with planting, however this is considered to have minimal effect.	To be read in conjunction with 3.8 above.
3.10	It is not clear if other design approaches have been considered and why this design has been deemed the most suitable for this location, given its sensitivity. It may be that it has been more engineering led as opposed to location, and that screening through landscaping had been considered sufficient mitigation by the applicant.	A number of solutions were considered including a multi span open structure through the gyratory. This option was not pursued due to the following reasons: <ul style="list-style-type: none"> The overall depth of an open structure would be 300mm to 500mm deeper, this would increase the height of the structure and also worsen the departures from standard associated with the slip roads for visibility and merge lengths The land beneath the open structure would be hardened and not allow any planting creating a utilitarian environment The area beneath the open structure would be vulnerable to anti-social behaviour, litter collection and arson risk The centre of the gyratory would still be landscaped with trees and shrubs, this would block any potential views through the

The Applicants Responses to Comments Received at Previous Deadlines

Newark and Sherwood District Council (IP -20049649) – Deadline 3 A46 Newark Bypass		The Applicants Response
		<p>structure</p> <ul style="list-style-type: none"> Views of Newark Castle and the church spire are restricted at present and are more visible from the south of the existing Cattle Market roundabout The multi span structure would need to be placed on bearings to allow it to move due to temperature changes, this would require additional maintenance and repair, increasing health and safety risks from working at height and removing and replacing heavy bearings. The two single span structures are fully integral and have no bearings to maintain Capital and whole life costs will be significantly higher, £6.5m and £8.0m extra respectively.
3.11	Many of our concerns could be addressed through a change in design approach, such as having a more open design by removing the central section (see below). This would allow views along Great North Road, creating a structure that is less of a harsh physical barrier.	The Applicant refers to the response in 3.10 above.
3.12		To be read in conjunction with 3.10.
3.13	We also wish to bring to the ExA's attention on the accuracy of the photomontage. The photo shows a straight alignment to Smeaton's Arches whereas the General Arrangement drawing Sheet 3 (AS-007) (see extract below) and from discussions with the applicant on the works to Smeaton's Arches and the mitigation proposed, it was agreed that due to the swept path of the roundabout, the arches (above ground) would be on a curved alignment on the approach to the roundabout. This mitigation was discussed in the Council's LIR (REP1-035) and had been taken on board as a proactive approach to the scheme.	The Applicant acknowledges the comments made by the Interested Party. A revised photomontage as part of Additional Visual Effects Information following Issue Specific Hearings 4 [7.57] submitted at Deadline 4 to address this issue.
3.14		To be read in conjunction with 3.13 above.
3.15	Upon further assessment of the viewpoints at 18 and 25 and the severity of the impact that we expect the flyover to have, especially now that we have seen the visual from the north, it would be beneficial in our assessment of visual harm, to have a visual from the ground level of the Great North Road looking towards the flyover. It is suspected that even given the limited visual screening on the roundabout, that it would still be highly visual even at the 15 year mark so we need to be confident that any mitigation would be acceptable and the impact upon Newark is reasonable. The suggestion is, and is subject to agreement by the ExA, that the image could be taken from between Newark Castle train station and the ASI/Council offices junction.	The Applicant agreed during ISH4 that a wireline image will be provided from the perspective of Great North Road looking north towards Cattle Market Junction. Additional Visual Effects Information following Issue Specific Hearings 4 [7.57] has been provided at Deadline 4

The Applicants Responses to Comments Received at Previous Deadlines

Newark and Sherwood District Council (IP -20049649) – Deadline 3 A46 Newark Bypass		The Applicants Response
<p>3.16</p>	<p>Finally, within the document 7.36 Supporting Historic Environment and Visual Impact Assessment (REP2-020) para 1.3.2, it states “in order to ensure the photomontage is representative of the view experienced from Great North Road at Smeaton’s Arches, as per the Rule 6 request, the new photograph has been taken further south of VP 25 as denoted in Appendix B of this report.” From reviewing the photo and the siting of VP25 on the Visual Effects Plan (AS-041) they appear to be in similar locations. The LPA would be interested to understand, by way of a new plotting on the Visual Effects Plan, where this was taken from, as from the photo would appear to be taken from Smeaton’s Arches. Any further south (towards Newark and the Cattle Market roundabout) and the photo would not show the arches.</p>	<p>The image below depicts the location of Visual Receptor 25 (marked in yellow) as assessed within the Environmental Statement, whilst the location of the photomontage taken from Smeaton’s Arches is denoted by the red graphic labelled VP25 Photomontage location.</p> 
<p><u>Viewpoint 43A – South front PRoW Winthorpe FP2</u></p>		
<p>3.17</p>	<p>The new location still makes it very difficult to view the A1 flyover in relation to the Winthorpe Conservation Area, however we have viewed this viewpoint in conjunction with VP41, which also shows a glimpse of the A1 flyover. This A1 flyover is much greener than the proposed Cattle Market flyover and is a stark contrast in comparison. The green landscaping does, in this case, help to mitigate against the introduction of the development proposal. Views from the PRoW after 1 year show that the most prominent element is the fencing. By the 15 year photomontage, vegetation screening is the most prominent. From this depiction, it is likely that the approaches to the flyover will have softened into the landscape sufficiently in our opinion.</p>	<p>The Applicant can confirm the location of the additional photomontage was agreed with NSDC prior to its production. It was agreed appropriate due to being the most southerly publicly accessible location within Winthorpe Conservation Area, with open views west towards the A1. The photomontage is a demonstration of the screening value of the proposed woodland planting which would prevent views to the proposed A1 flyover.</p>
<p>4. Conclusion</p>		
<p>4.1</p>	<p>In conclusion, whilst we can only again reiterate our continued support for the scheme, as we have done in all of our submissions, we still have some concerns. Whilst we are generally more accepting of the relationship with the Winthorpe Conservation Area from a heritage perspective, the harm identified by the visual representation at VP25 only seeks to reaffirm the Council’s concern over the heritage impact. The views from the Castle (VP18) do also allow views of the raised infrastructure which would only appear incongruous in the landscape, although it is already varied, the structure would be heightened by the loss of landscaping and the raised vehicles using it. The visuals show limited representation as they are caveated as not including mitigation planting. However, when there is a loss of trees in this scale, the photos are only really beneficial to show position in the landscape in terms of scale.</p>	<p>No further comments. Please refer to 3.5-3.16 in relation to views from Great North Road VP25, and the Castle (VP18).</p>
<p>4.2</p>	<p>The Council only had one visual of the Cattle Market flyover which, now we have seen the extent of it from Smeaton’s Arches, the impact from Great North Road towards the roundabout is even more key and we ask that this representation is made at the discretion of the ExA.</p>	<p>The Applicant assumes this request refers to request for an image capturing views from Great North Road south of Cattle Market Junction looking north towards the scheme, as mentioned in 3.15 above. The Applicant can confirm it was agreed during ISH4 that a wireline image will be provided from the perspective of Great North Road looking north towards Cattle Market Junction. This will be provided at Deadline 5 with an updated provided at Deadline 4.</p>

Think Again, Winthorpe Action Group' s Comments		The Applicant's Response
Summary		
1	Whilst the Statement of Common Ground between Think Again and National Highways is a summary of the negotiations relating to our concerns this document, together with our previous Relevant Representation, expand some of the detail relating to these issues.	Noted by the Applicant.
Introduction		
2	Many of the issues that Think Again had concerns over have been resolved and are recorded in the Statement of Common Grounds. There still remain some that are not totally resolved and some of these issues are also relevant to other Interested Parties.	Noted by the Applicant, we understand that the Interested Party wishes to see the responses / position taken by other Interested Parties.
The Scheme		
3A	The scale of the construction in the zone around Brownhills Roundabout, the embankment and the two road bridges will significantly impact residents of Winthorpe in the south of the village. National Highways have explained the reasons for the height and areal extent of the works which, in respect of their current design, are acceptable in engineering terms. However we note that it is also an issue with Nottinghamshire County Council (7.26 SoCG with NCC p12 item 11, REP1-025) and Newark & Sherwood DC (7.30 SoCG with N&SDC p 17 items 11 and 22, REP1-029). Whilst it remains an issue with other parties, Think Again are reluctant to acquiesce to the current design until all parties are satisfied.	The Applicant will leave this item until such time a final position is concluded with NCC and NSDC. The current position is: Item 11 in the Statement of Common Ground with Nottinghamshire County Council [REP2-036] was agreed on 4/11/24 following the Applicants response. This item is in relation to the impact of the location for the grade separated Brownhills junction on the village of Winthorpe. NCC asked to see what further work was done on the location of this junction. The Applicant responded with the work that was undertaken following the Preferred Route Announcement to move the junction and the flyover further to the south. Item 11 in the Statement of Common Ground with Newark and Sherwood District Council (NSDC) [REP2-026] was agreed on 16/10/24 following the Applicants response. This item is in relation to NSDC's query on the size of the proposed Brownhills Junction Roundabout. The Applicant responded with details on how it has been designed to standard. Item 22in the Statement of Common Ground with Newark and Sherwood District Council [REP2-026] is still under discussion. This item relates to NSDC's concerns over the visual and noise impacts to the Winthorpe Conservation Area. A detailed response has been provided by the Applicant.
3B	Some issues relating to Active Travel provision are also outstanding. In relation to Winthorpe Footpaths 2 and 3 the route of the PROW from the A17 roundabout to Long Hollow Way (Mastercare site) to Coddington is still undecided. Whilst this is essentially an issue for Notts County Council, Think Again would like to keep this alive pending a sensible resolution. This problem affects a number of parties, such as Newark and Notts Agricultural Society (7.28 SoCG p8 item 2, REP1-027), Lindum Construction (7.24 SoCG p 7 item 1, REP1-023) and Notts County Council (7.26 SoCG p 11 item 8. A simple and sensible solution is available but no action seems to be forthcoming from the parties involved.	The Applicant refers the Interested Party to the Recording of Issue Specific Hearing 2 [EV8-002] in which the Examining Authority raised the segregation of Winthorpe Footpaths 2 and 3. The Applicant maintains its position that Footpaths 2 and 3 are segregated by the A46 dual carriageway and that there is not currently a designated footpath route between the two Public Rights of Way. The Applicant understands why Think Again would like this item to remain open and will respond again when the position is fully understood with NCC. The Applicant is aware of other planning applications along the A17, however the determination of these will not affect the Applicant's proposals.
3C	The proposed NMU connection between the A17 Long Hollow Way, Friendly Farmer roundabout and Winthorpe roundabout, which will be the Active Travel route from Newark to the Showground and PROW routes north of Drove Lane has been designed as a 3m combined walking and cycling path with 0.5m clearance from the highway. Think again are concerned to improve Active Travel routes in our parish to a standard that will encourage NMU leisure and commuting use and that this route is insufficiently specified. This route is also of concern to Notts County Council (7.26 SoCG p 11 item 8 p 20 item 28, REP1-025). In their Relevant Representation they also express concern over the design of the path along the B6326 Great North Road where they state that Shared Use is not an acceptable design standard for cycling infrastructure. Newark and Notts Agricultural Society, in their Relevant Representation have also suggested that this link path should be designed for cycle use. Think Again have the view that such a major route north out of Newark, allowing commuting and leisure access to the Showground and bridleways north into Lincolnshire should be built to a proper standard.	The Applicant confirms that all new walking and cycling routes are designed in accordance with LTN 1/20 and the Design Manual for Roads and Bridges. LTN 1/20 allows shared use facilities where the anticipated walking / cycling use is <300 per hour, which is the situation for all routes provided by the Scheme.

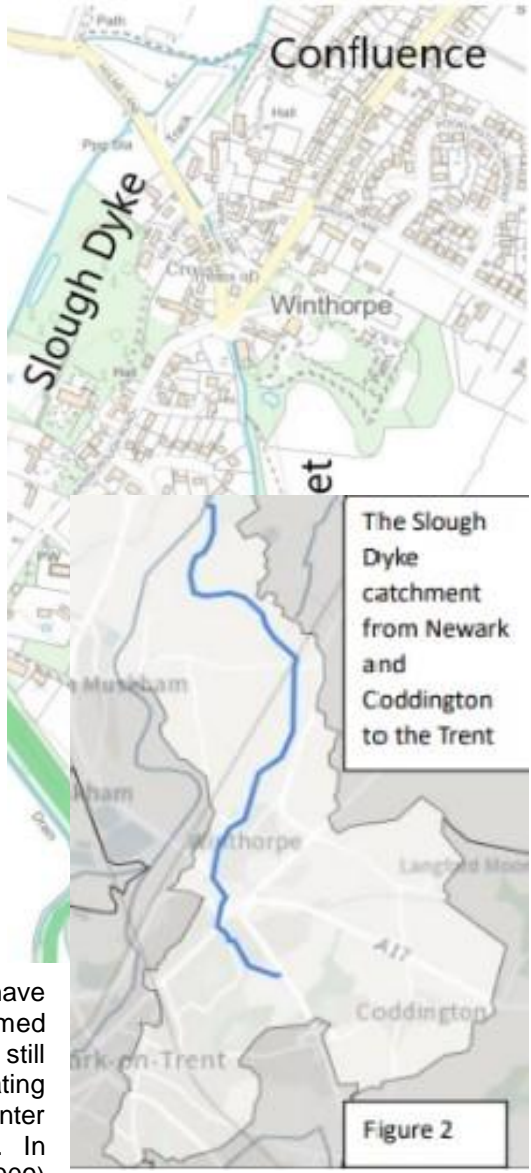
Think Again, Winthorpe Action Group' s Comments	The Applicant's Response
Air Quality	
<p>4 We note that all responses to our original concerns regarding Air Quality refer to the Operational phase of the Project. We seek assurance that live monitoring will take place during the Development phase (estimated to be 3-4 years) to ensure that members of the wider Winthorpe community will not be exposed to potentially harmful particulate matter of any size. With reference to the earlier response from National Highways: "The air quality objectives are not assessed at footpath locations as exposure is transient and members of the public are not reasonably expected to spend a length of time commensurate with the air quality objective averaging periods (one hour for NO2 more than 18 times per year, 24-hour for PM10 more than 35 days per year and annual mean average for NO2, PM10 and PM2.5) at any single location along a footpath." We would point out that some of these footpaths are used on a daily basis throughout the year by children and parents (often with babies in tow) walking to and from Winthorpe Primary School from the west side of the A1. This amounts to significant exposure times in the vicinity of the Project, both during Development and Operational phases of the project, and as such the public footpaths should be monitored to ensure the air pollutant levels are not exceeded during both phases of the project.</p>	<p>An Outline Air Quality and Dust Management Plan has been submitted at Deadline 3 as Appendix B.5 to the First Iteration Environmental Management Plan [REP3-022] to allow Newark and Sherwood District Council (NSDC) to review and provide comment at Deadline 4 as requested within paragraph 14.12 of the NSDC's Local Impact Report [REP2-018]. Monitoring of particulates will be undertaken during construction using techniques specified in that Air Quality and Dust Management Plan. Air quality monitoring will be undertaken where necessary and after risk assessing the activities and/or receptors.</p> <p>The Interested Party appears to have misunderstood the Applicant's Response to Relevant Representation RR-071 [REP1-009] with reference to exposure along footpaths. Air quality impacts and effects were not considered at footpath locations within Chapter 5 (Air Quality) of the ES [AS-021] on the basis that there is no relevant exposure at these locations.</p> <p>Table 5-1, Chapter 5 (Air Quality) of the Environmental Statement [AS-021] presents the relevant air quality objectives for the pollutants nitrogen dioxide (NO2) and particulate matter PM10 and PM2.5 and the corresponding averaging periods (annual, 24 hour and 1 hour).</p> <p>The air quality objectives and limit values set out in Table 5-1 require a member of the public to be exposed for a period of time commensurate to the averaging period, this is known as 'relevant exposure'. Table 5-3, Chapter 5 (Air Quality) of the Environmental Statement [AS-021] presents the locations where the air quality objectives apply for each of the averaging periods (annual mean, 24 hour and 1 hour) set out in Table 5-1.</p> <p>For example, the annual averaging period (i.e. an average over one calendar year) applies at locations such as residential properties, schools and hospitals where there would be regular long-term exposure. The shortest period is the 1 hour average for NO2. This averaging period applies at locations where a member of the public might reasonably be expected to spend one hour or more.</p> <p>The averaging periods are single periods of time (i.e. for the 1 hour average there must be 60 continuous minutes of exposure) as opposed to the aggregate of shorter periods across a year (i.e. four separate 15 minute periods).</p> <p>The exposure of a member of the public on a footpath is transient, as people would reasonably be expected to be present only for limited periods of time as part of the normal pattern of use of the land. It is not expected that members of the public would spend one hour or more at footpath locations proposed by the Scheme, including the new footpath around Brownhills Junction Roundabout, underneath the realigned A46 and reconnecting with the Trent Valley Way, shown between points FX-5A and FX-5B on sheet 5 of the Streets, Rights of Way and Access Plans [REP3-002] and therefore there is no relevant exposure (i.e. exposure for continuous periods of 1 hour or more) at these locations.</p> <p>Notwithstanding the above, ambient NO2 monitoring data undertaken specifically for the Scheme, and monitoring undertaken by NSDC as part of their Local Air Quality Management duties, demonstrates that existing (baseline) annual mean NO2 concentrations are between approximately 14 and 26µg/m3 in the area around Brownhills Junction, compared with the annual NO2 air quality objective of 40µg/m3. Paragraph 5.5.60 of Chapter 5 (Air Quality) of the ES [AS-021] explains that the hourly NO2 air quality objective of 200µg/m3 not to be exceeded more than 18 times per year is unlikely to be exceeded at roadside locations where the annual mean concentration is less than 60µg/m3. The ambient NO2 monitoring therefore also indicates that there are no expected exceedances of the 1 hour air quality objective as the monitoring does not exceed 60µg/m3.</p> <p>Monitoring of particulate matter (PM) was not undertaken as the main pollutant of concern from road traffic (i.e. the pollutant most likely to exceed the relevant air quality objectives) is NO2. As discussed above, Scheme monitoring was undertaken for NO2 and showed no recorded exceedances of the relevant air quality objectives. The emissions of PM10 from road transport are an order of magnitude lower than for NOx, and PM2.5 emissions are an order of magnitude lower than PM10. To put this in perspective, the base year (2022) PM10 modelled road contribution* at Receptor 37 (located adjacent to the A46, the Friendly Farmer Roundabout and the A1 – see Figure 5.1 - Air Quality Receptors [AS-028]) is 3µg/m3 compared to NO2 which has a modelled road contribution of 16.8µg/m3 (Appendix 5.1 Air Quality Receptor Results [APP-128]). Therefore, using NO2 monitoring as a proxy for PM and based on the results of the dispersion modelling assessment, there is negligible risk of the PM10 and PM2.5 air quality objectives being exceeded at locations of relevant exposure within the assessment study area.</p> <p>* The road contribution is the proportion of the total concentration coming from the road. The background is the concentration of a pollutant away from emission sources. The total concentration is the sum of the background plus the road contribution.</p> <p>Chapter 5 (Air Quality) of the Environmental Statement [AS-021] demonstrated that there are not predicted to be any exceedances of the NO2, PM10 or PM2.5 air quality objectives at any of the human health receptors within the study area during operation of the Scheme. As such, the Scheme complies with the Air Quality (England) Regulations 2000 (as amended) and Air Quality Strategy 2023, which set out the NO2, PM10 and PM2.5 air quality objectives. In accordance with paragraph 2.90 of DMRB LA 105, Chapter 5 (Air Quality) of the Environmental Statement [AS-021] has concluded no likely significant effect for human health. On this basis, no ambient monitoring of NO2, PM10 or PM2.5 is required in the operational phase. However, NSDC are obligated under Part IV of the Environment Act 1995 to review air quality within their administrative area. The NO2 monitoring conducted by NSDC (see Figure 5.6 - Air Quality Monitoring Locations [AS-033]) will continue at their discretion with monitoring locations added and removed as</p>

Think Again, Winthorpe Action Group' s Comments		The Applicant's Response
		determined by the NSDC Environmental Health Officer responsible for air quality. NSDC's annual air quality reporting, known as annual status reports, can be found on their website.
Cultural Heritage		
5	In our last first Relevant Representation Think Again referred to Winthorpe House and associated Parkland and asked why it had not been scoped in to the study. In their response National Highways responded by referring to Winthorpe Hall, which is a different property. Would it be possible to answer why this asset was not considered, It is close to the proposal scheme. We recognise that detailed plans do cover noise, light and landscape solutions to ensure that the stretch from Winthorpe roundabout to the Friendly Farmer roundabout (village side) is offered protection.	In our first response to RR-071 the incorrect receptor (Winthorpe Hall) was referenced. However, the correct receptor, Winthorpe House, was scoped out for the same reasons, as both assets share similar values and settings. The assessment in AS-099 was that a neutral effect is predicted. Vegetation screening means that development within the Order Limits will not have an adverse impact on the asset's value'.
Noise and Vibration		
6	Paragraph 11.7.3 of Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] relates to the effect of the construction process on sensitive noise receptors, several of which are in Winthorpe and are currently severely impacted by noise from the A1. Think Again would like more detailed information on the time scale over which construction noise would affect receptors in Winthorpe.	<p>Section 2.6 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046] presents details of the planned construction works programme.</p> <p>The delivery programme developed for the Scheme assumes the main construction works would commence in August 2025, with works being completed and the Scheme being open for traffic in November 2028. These dates represent the key milestone dates for the Scheme. The main construction phase is therefore anticipated to last 3.5 years.</p> <p>To minimise the disruption caused by construction of the Scheme, it is expected that certain works (referred to as advanced and pre-commencement works) would need to be undertaken ahead of the main construction works to allow these works to proceed, and to optimise the overall delivery programme for the Scheme. Advanced works would be undertaken prior to consent for the draft Development Consent Order [REP1-001] being granted and would be secured through separate permissions and landowner agreements outside the powers contained in the DCO. Pre-commencement works are preparation activities to make the area ready for the construction and would be undertaken upon consent being granted for the draft Development Consent Order [REP1-001]. Table 2-3 of Chapter 2 (The Scheme) of the Environmental Statement [APP-046] indicates advanced works would be undertaken between October 2023 to April 2024 while pre-commencement works would be undertaken between June 2025 to August 2026.</p> <p>Chapter 11 (Noise and Vibration) of the Environmental Statement [APP-055] presents the outcomes of the construction noise and vibration assessment, together with relevant control measures based on this preliminary construction information. This indicates no significant effects from noise or vibration will arise as a result of the construction works, including the pre-commencement works.</p> <p>The approach to construction will be further refined and finalised during the detailed design phase, post consenting of the draft Development Consent Order [REP1-001].</p> <p>As per Appendix A of the Consents and Agreements Position Statement [REP2-006], construction activities may be subject to an application under Section 61 of the Control of Pollution Act 1974, if proposed by the Principal Contractor in coordination with the Local Authority. Any noise and vibration impacts will therefore be considered by the Local Authority pursuant to that application and suitable mitigation measures imposed, if deemed to be required.</p>

Think Again, Winthorpe Action Group's Comments	The Applicant's Response
--	--------------------------

Road Drainage and the Water Environment	
---	--

7 In our submissions to National Highways and the Planning Inspectorate we have several times referred to the inadequate attention paid to the effects that storm runoff will have within Winthorpe. In our Relevant Representation (RR-071) we said:- Winthorpe is the location of two of the watercourses referenced in the Environmental Statement – Chapter 13 Road Drainage and Water Environment, the Slough Dyke and The Fleet. Examination of the plans in Engineering Plans and Sections Part 5 – Drainage Engineering Plans, reveals that these water courses are the recipients of the proposed road drainage from 40% of the Bypass, from the ECML rail bridge to Winthorpe Roundabout. The design and analysis provided in National Highways reports concentrates almost exclusively on the Slough Dyke. The Fleet is only referred to as a geographical feature into which surface water from the road would drain. Again, in our Relevant Representation we said:- We would like to first address the geography of these two watercourses and the confusion which arises within the DCO submissions where the names Slough Dyke, Slough Dyke/Fleet, the Fleet, Tributary of the Fleet and Unnamed Watercourse 1 are used randomly. The Slough Dyke is a river under the management of the Environment Agency, its origin is in the Bowbridge area of Newark and it outfalls to the Trent near Cromwell Weir. The Environment Agency clearly reference it as The Slough Dyke and not as The Fleet. It is proposed that all the road drainage on the west side of the A1 up to the rail bridge will drain to this watercourse. The Fleet, referred to in the DCO submission as 'Tributary of the Fleet', Unnamed Watercourse 1 and occasionally as the Fleet which is managed by the Trent Valley Internal Drainage Board and referred to by them as 'the Winthorpe Airfield Drain' rises in Coddington and flows via a culvert under the A46 to outfall to the Slough Dyke in Winthorpe. Virtually all of the new road surfaces east of the A1 are scheduled to drain to this water course. National Highways have acknowledged that the Fleet/ Tributary of the Fleet/ Unnamed watercourse 1 and Winthorpe Airfield Drain are the same. They still have chosen to ignore the hydromorphology of the catchment relating to the road scheme whereby flood water from the road will enter Winthorpe at two different locations as shown here in **Figure 1**. In their Response to the Relevant Representations (7.10, REP1-009) they state:- Whilst the Fleet is considered to be the waterbody from where the Slough Dyke converges with the watercourse (tributary of the Fleet (1) (as referenced in Chapter 13 (Road Drainage and Water Environment) of the Environmental Statement [APP-055]), from a WFD perspective as shown by the Environment Agency Data Catchment this is the 'Slough Dyke Catchment (trib of Trent) waterbody (GB104028053111).' Referring to the occasional naming of the Slough Dyke between Winthorpe and the Trent outfall as 'The Fleet'. **Figure 2** shows what the Environment Agency considers to be the Slough Dyke catchment, studiously avoiding any hydrological and pollutant inputs from the east of the catchment. Thus any detailed study of what happens in Winthorpe is avoided. A possible influence on the omission of deeper study is the clear error in National Highways data gathering whereby they confuse the Fleet, as flows though Winthorpe, with another waterbody, the Fleet Upper Catchment.



The watercourse referred to as 'the Fleet' in Figure 1 of the Think Again response is assessed in Chapter 13 (Road Drainage and Water Environment) of the Environmental Statement [APP-057] as 'Tributary of the Fleet (1)'. We acknowledge the difference in naming convention of the watercourse but this does not alter the conclusions of the assessment, which are still considered to be valid. The Applicant has provided attenuation within this area for additional highway run-off for a 1:100 plus climate change rainfall event. Currently there is no highway drainage attenuation on the A46, with all highway drainage assets outfalling directly into the Slough Dyke and the watercourse known as 'the Fleet' or the 'Tributary of the Fleet (1)'. The Applicant has provided attenuation basins for the additional hardened surface and embankment/cutting slopes and limited the outfall rate into the Slough Dyke or the watercourse known as 'the Fleet' or the 'Tributary of the Fleet (1)' to the highest of the existing green field run-off or 5 litres per second in order to not increase the volume of water that enters the watercourses during a rainfall event. In some cases, the attenuation is provided to existing assets and new assets outfall directly to existing outfalls in order to make the location, size and maintenance of the new attenuation basins as efficient as possible. The approach taken to use green field run-off rates is conservative and with the additional use of swales in place of pipes will actually reduce the rate of water entering these water courses when compared to the existing situation.

Think Again, Winthorpe Action Group' s Comments		The Applicant's Response
<p>In their Response (7.10, REP1-009) they state:- The catchment of the Fleet Upper (tributary of Trent) (GB104028053430) waterbody does overlap with the study area, but the watercourse itself is located outside the study area (as shown Figure 13.2 (River Waterbody Catchment) of the Environmental Statement [APP-113]). Therefore, the WFD waterbody was screened-out as it was deemed to not be hydrologically linked to the Scheme, and the Slough Dyke WFD catchment was assessed in more detail. As Figure 3, taken from the Environment Agency Catchment Data Explorer shows, this water body is NOT the Fleet that flows through Winthorpe and thus to 'Screen Out' ours on the basis of this mis-identification is not acceptable.</p>		<p>The Fleet Upper Catchment (trib of Trent) (GB104028053430) was screened-out within the WFD assessment as the main river associated with the catchment is downstream of the Scheme at Winthorpe at a distance that any contaminants would have been dispersed and no impacts would result. In addition, the section of the Scheme which is located within the catchment would not discharge into the main river associated with the Fleet Upper Catchment (trib of Trent) catchment. The drainage design would discharge any runoff into the Slough Dyke (tributary of the Trent) (GB104028053111) waterbody via the Tributary of the Fleet (2). The Tributary of the Fleet (2) is the same watercourse referred to as 'The Fleet' in Figure 1 of the TA,WAG response which flows through Winthorpe. Given this, the Fleet Upper Catchment (trib of Trent) was not considered to be hydrologically connected to the Scheme and therefore did not require assessment.</p> <p>The watercourse referenced as 'The Fleet' in Figure 1 of the TA,WAG response (this watercourse is also known as the 'Tributary of the Fleet (1)') is not a main river and therefore it does not have a WFD classification or catchment. Instead, it is an ordinary watercourse located within the Slough Dyke (tributary of the Trent)(GB104028053111) catchment. Chapter 13 (Road Drainage and Water Environment) assesses the impacts of the Scheme on 'the Fleet', named 'Tributary of the Fleet (1)' within the chapter.</p>
<p>The impact of any runoff from the Slough Dyke catchment will affect Winthorpe in a much more specific way than that suggested in National Highways' design and analysis. The plan below clearly shows that water flowing into and through Winthorpe comes from two distinct catchments as shown in Figure 4 below.</p>		<p>As described above the Scheme drainage is attenuated within ponds and the flow within the Slough Dyke will not exceed existing flows up to a 1:100 plus climate change rainfall event.</p>
<p>Furthermore, it is the Fleet catchment flows which will cause the most damage in Winthorpe as Figure 1 shows how it is the Fleet which flows through the heart of the village whereas the Slough Dyke follows its north western boundary. Whilst there would be flood impacts on Holme Lane, including to Severn Trent Water's sewage pumping station, resulting from Slough Dyke flows the worst of any flooding from any storm runoff would be from the Fleet catchment affecting the village centre, including the Lord Nelson public house and Holme Lane. As this series of images shows not only is the Fleet very shallow in this location but it is constrained to flow under the main village street and for some distance down Holme Lane in a concrete box culvert. The limited flow capacity of this culvert would result in excess flows very easily overflowing the Fleet bank and flooding the Lord Nelson, Holme Lane and the historic properties nearby. These images show how vulnerable the Lord Nelson public house is to flooding from the Fleet, the village green under which the Fleet is culverted and the intimate relationship between the Fleet and the historic centre of the old village.</p>		<p>As described above the Scheme drainage is attenuated within ponds and the flow within the watercourse known as 'the Fleet' or the 'Tributary of the Fleet (1)' will not exceed existing flows up to a 1:100 plus climate change rainfall event.</p>

Think Again, Winthorpe Action Group's Comments | The Applicant's Response

These images show how vulnerable the Lord Nelson public house is to flooding from the Fleet, the village green under which the Fleet is culverted and the intimate relationship between the Fleet and the historic centre of the old village.

Inlet to the box culvert

Downstream end of the culvert

The Fleet by the Lord Nelson

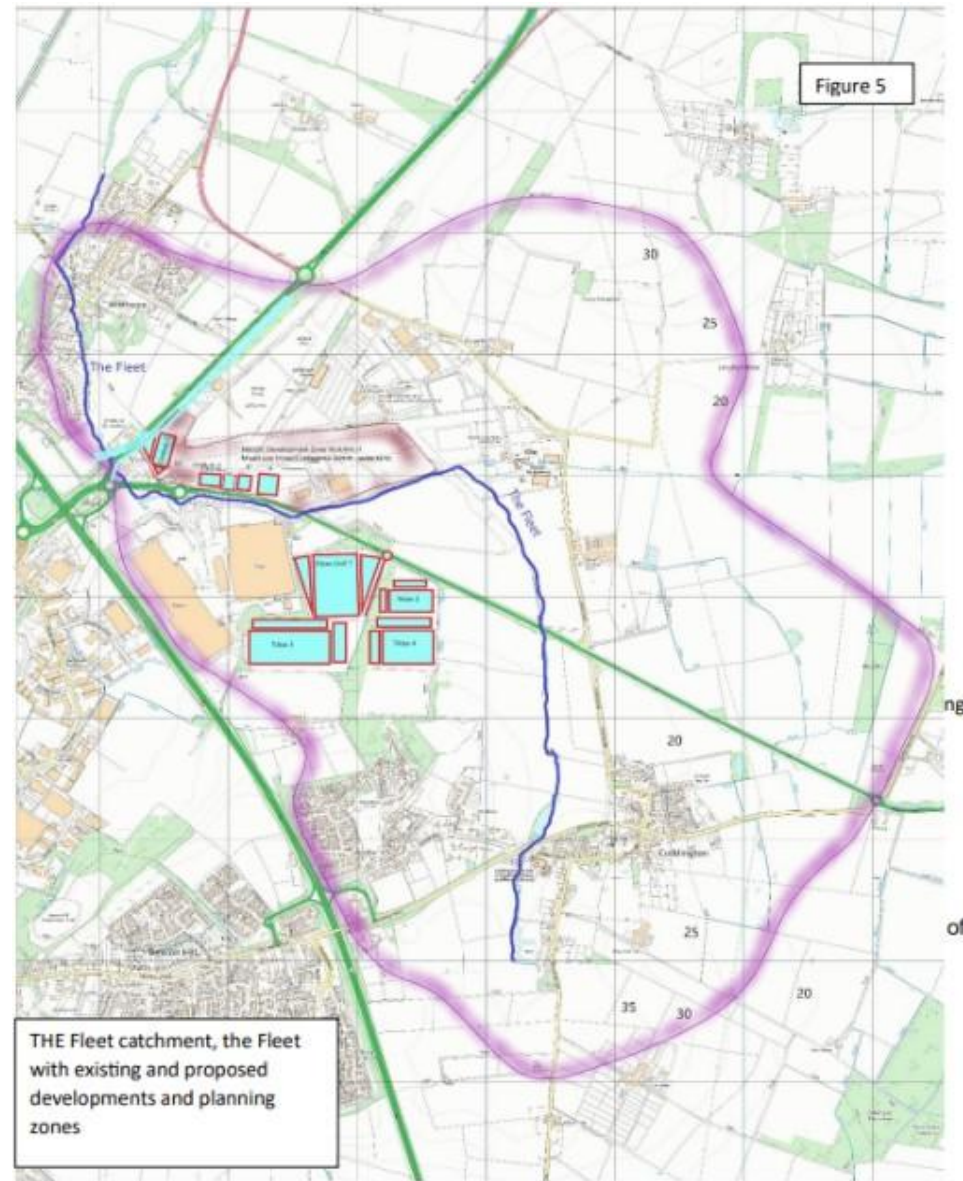
We are extremely concerned about the impact of storm runoff in the Fleet Catchment.

These images show how vulnerable the Lord Nelson public house is to flooding from the Fleet, the village green under which the Fleet is culverted and the intimate relationship between the Fleet and the historic centre of the old village.

The map below, **Figure 5**, outlines the catchment of the Fleet from the headwaters on Balderton Road, Coddington to the confluence with the Slough Dyke. Whilst it is by no means as urbanised as the Newark catchment zone it is rapidly becoming a significant zone of industrial development, with associated roads, roundabouts and HGV manoeuvring area, all of which drain, by one means or another, into the Fleet and on through Winthorpe.

The Applicant is not able to comment upon the other developments in the area. As highlighted above The Scheme drainage has been attenuated such that flows into the watercourse known as 'the Fleet' or the 'Tributary of the Fleet (1)' and Slough Dyke do not exceed existing.

Think Again, Winthorpe Action Group' s Comments	The Applicant's Response
---	--------------------------



Each new 'Sustainable' feature is being added piecemeal to the Fleet catchment without any overview as to whether there are any combined effects. Indeed it is not clear to us whether the Trent Valley IDB or Notts County Council as the Lead Local Flood Authority has any competence to approve or monitor these drainage schemes. In this way Winthorpe is being affected by a multitude of additional sources of flood water without any comprehensive overview of the holistic risk.

Proposed flooding control from the new road.
 National Highways state, in their Response (7.10, REP1-009):- As indicated within the Drainage Strategy Report [APP-179], attenuation areas outside Flood Zones 2 and 3 will store and attenuate run-off from Q100 storm event plus climate change. All discharged water will therefore be cleaned and discharged at acceptable pollutant levels. And Heading north from Nether Lock all attenuation ponds store rainfall run-off for new hard surfacing for a 1 in 100-year Return Period and as stated above do not increase the flows into the Fleet and Slough Dyke. This approach has been reviewed by the Environment Agency and Nottinghamshire County Council as the Lead Local Flood Authority and both have provided agreement in principle. But 6.17 Appendix 13.4 (APP-179) Drainage Strategy Report states:- 6.17.4 Due to physical constraints (topography and existing trees) within these catchments it was not possible to attenuate the flows to outfall for the new impermeable area. Attenuation has therefore been provided for equivalent existing highway catchment within O16 which outfalls to the same

The Applicant is not able to comment upon the other developments in the area. As highlighted above, the Scheme drainage has been attenuated such that flows into the watercourse known as 'the Fleet' or the 'Tributary of the Fleet (1)' and Slough Dyke do not exceed existing.

The catchments within the area have been assessed as a whole such that the outfall rates into the watercourse known as 'the Fleet' or the 'Tributary of the Fleet (1)' and Slough Dyke do not exceed current flows. At detailed design stage The Applicant expects the outfall rates to be less than existing due to the conservative approach adopted at preliminary design stage.

Think Again, Winthorpe Action Group' s Comments		The Applicant's Response
	<p>watercourse at a limited discharge rate. It is difficult to see how this strategy would work. If the attenuation basin B14 was designed to deal with the 0.01 AEP event with a controlled discharge of 5 l/s max on catchment C25 a given volume of storage would be prescribed. Doubling of the storage volume would merely mean that the pond would not fill up in such an event, it would not, in any way reduce the peak flows into the Fleet. In this respect it is also worth noting that catchments C23 C24 and C28, with an area of 3.2ha is 2.5 times larger than that draining to outfall O16. We do not accept that the proposed strategy will, in any way, protect the Fleet from the peak storm flows from this section of road. In summary we are very concerned that the flooding risk to Winthorpe has been considered in any meaningful way.</p>	
Conclusion		
8	<p>Engagement with National Highways through the Statement of Common Grounds process has resolved many issues which will affect Winthorpe. However, some issues remain unresolved and under discussion. This document expands on these remaining unresolved issues, especially in the areas of Active Travel, Air Quality, Cultural Heritage, Noise and Vibration and Road Drainage.</p>	Noted by The Applicant