

The Planning Inspectorate

**Our ref:** XA/2024/100222/01-L01

**Your ref:** TR010065

[via email:

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**Date:** 13 December 2024

Dear Sir/Madam

## **A46 Newark Bypass – Development Consent Order Application**

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

#### **Deadline 4 (13 December 2024)**

Please see below Environment Agency comments for Deadline 4 in relation to:

1. Written summaries of oral submissions made at the previous Hearings
2. Comments on any submissions received at the previous deadline

Appendix 1 provides an overview of progress made on resolving issues raised in our Relevant Representation [RR-020].

#### **1. Written summaries of oral submissions made at the previous Hearings**

We attended Issue Specific Hearing 3 (ISH3) on The Water Environment, on Wednesday 4 December 2024, and made oral submissions, which are summarised below, in relation to the following agenda items.

#### **Item 3a: The potential for an increase in fluvial flood risk considering the positions of both the Environment Agency (EA) and the Lead Local Flood Authority (LLFA).**

We stated that we are in agreement with the Applicant's comments regarding the ongoing queries in relation to the Hydraulic Modelling Technical Note [REP3-034] and Floodplain Compensation Areas Technical Note [REP3-035]. We are awaiting further information from the Applicant to address our outstanding concerns, and we expect further engagement prior to the Applicant submitting the details at Deadline 5.

We also summarised our key concerns regarding flood risk increases beyond 10mm as follows.

In the design event, which is the 1 in 100 year plus climate change flood scenario, we are satisfied that the scheme does not increase risk to receptors outside of the Order Limits.

For the development, the 10 millimetre threshold quoted does relate to the [National Highways] Design Manual for Roads and Bridges, but also in relation to the precision or capability of the hydraulic model to forecast impacts effectively as a result of the proposed development.

Our key concerns are regarding more frequent events than the design event, which are events that happen more frequently than the 1 in 100 year plus climate change flood scenario. For example, the 1 in 100 year present day flood scenario, and also the 1 in 20 year and 1 in 30 year flood scenarios. There are some areas of concern in relation to off-site impacts as a result of the Scheme in the Hydraulic Modelling Technical Note [REP3-034], which we reviewed in draft form and provided some useful detail and extra context in relation to flood risk in the more frequent events. We have sought further clarity, in particular, regarding the 1 in 100 year present day flood event. There is an area of concern which the Applicant presents the case that this is in relation to some uncertainties and boundary conditions within the hydraulic model. We are seeking further detail and evidence to support that case. There are also some other off-site increases in the 1 in 20 year and 1 in 30 year flood events, which do not affect vulnerable receptors, but do affect third party land. We are asking for further clarity on that, potentially further mitigation and/or landowner engagement with respect to that.

We agreed with the ExA that it is a fair assumption that, through our ongoing discussions with the Applicant, this issue should have progressed significantly towards resolution by Deadline 5.

### **Item 3b: How the Proposed Development satisfies the Sequential and Exception Tests in the NPPF.**

#### Exception Test (part 2)\*

We confirmed in relation to this agenda item that we were satisfied that it has been demonstrated that the proposed development will be safe for its lifetime. However, we agree with the ExA in relation to increases in flood risk elsewhere, in that further evidence is required from the Applicant. As it stands, we are not satisfied that the second part of the Exception Test has been met in regard to increases in flood risk elsewhere. We are in continued dialog with the Applicant, and we understand they are going to provide a response to our recent comments on the Hydraulic Modelling Technical Note in relation to flood risk impacts to third parties.

\*Clarification on the Environment Agency's remit in relation to the Sequential and Exception Tests: It is not within the remit of the Environment Agency to determine whether the Sequential Test and part one of the Exception Test have been passed. Our remit is concerned with advising on whether the second part of the Exception

Test has been addressed, i.e. that the submitted flood risk assessment must demonstrate that the project will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

### Overlapping solar farm development proposal

Regarding the points discussed about the proposed solar farm planning application [Newark and Sherwood District Council planning application ref. 23/01837/FULM] which overlaps the Kelham and Averham Floodplain Compensation Area (FCA), we had the following comments.

We clarified, in relation to the Applicant's comments on our Written Representation, that previous engagement between the Applicant and the Environment Agency on this matter was in regard to a policy stance, i.e. that the solar farm would be acceptable in the FCA if it were to pass the Exception Test. However, presently, we have not seen any details to demonstrate that the flood risk would not be increased as a result of the overlapping developments.

Our understanding is there is an overlapping area of floodplain compensation storage [for the A46 bypass scheme] and solar farm panelling. There is also an area where the culverts are located, which connect the main river [River Trent] floodplain and the compensation areas. We are still awaiting information on where the culverts will outfall into and how they will convey flows to the compensation areas in times of the flood, and on the access route that will need to be put in place.

We clarified that our concerns mainly lie with how the water will flow in times of flood, both to the compensation scheme for the A46 Scheme, but also whether there will be increased flood risk to the solar farm. Due to the overlapping area, the solar panels will need to be raised to a certain level to avoid being at risk of inundation with flood water. We are still awaiting information regarding this, which is why the holding objection was placed on the planning application [by our local Sustainable Places team who deal with planning application consultations], and also why we are asking the Applicant for more information under the DCO application.

However, Newark and Sherwood District Council subsequently commented that a revised layout plan has been received by the LPA which removes solar panels from the FCA. Further explanation of the revised plan was provided by Mr Cook of Peridot Solar. We commented that we are pleased to see that the issue is progressing towards resolution and that the solar panels have been removed from the FCA. If this is taken forward and the revised plans form part of the planning application this will simplify the resolving the issue. However, we still have some queries which will need to be addressed, and further clarity provided, before we can consider the issue as resolved.

### **Item 3c: How the proposal will interact and operate with the EA's flood defences.**

We note from the Applicant's comments on this agenda item at ISH3, that the Applicant intends to provide cross-sections / plans in relation to our concerns

regarding the Scheme's interaction with Environment Agency flood defences for our review prior to Deadline 5 submissions.

We welcome this and at ISH3 we added that we need to see detailed plans as currently the Applicant has only stated that they will not be compromising our flood defence assets, but we have not been provided with evidence of how this will be achieved. We consider that this may come in the detailed plans, but we do require further clarity on how the Applicant is not going to compromise the defences.

**Item 3d: Surface water and groundwater quality monitoring through construction and operation through the life of the development.**

We confirmed at ISH3 in relation to this agenda item that this has been agreed.

Please note that this was indicated in our Deadline 3 submission [REP3-044].

**Item 3e: Timing of the delivery and subsequent maintenance of the Flood Compensation Areas (FCAs).**

The Environment Agency were not invited to comment in relation to this agenda item during the discussions, however what we heard from the Applicant was positive in moving forward with resolving our issues raised on this. Once we have reviewed the responses and details to be provided in relation to this, we will be able to submit further an update on our position.

**Item 4: Other matters**

Slough Dyke realignment

The ExA asked for an update from the Applicant in relation to progress on issues concerning the Slough Dyke realignment.

We added to the Applicant's response that from a hydraulic modelling point of view, we are satisfied with regards to the flood risk sensitivity test for the Slough Dyke realignment, in that it will not have any adverse effects on flood risk. However, we are still requesting some more detailed designs. This is regarding what the cross section of the channel will look like from that realignment, and also how it will tie into the existing channel and where these specific points will be located.

To clarify, the Applicant has addressed the Slough Dyke flood risk sensitivity test in the Hydraulic Modelling Technical Note [REP3-034]. We reviewed the draft version of the document prior to Deadline 2, which informed our Written Representation [REP2-043] in relation to EA issue ref. EAFR-007.

Our understanding from ISH3 on this issue is that the Applicant will provide the outstanding detail we require for our review prior to Deadline 5 submission.

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## **2. Comments on any submissions received at the previous deadline**

We have reviewed the documents as submitted at Deadline 3, insofar as it relates to our remit, and we wish to make the following comments:

### **3.1 draft Development Consent Order (dDCO) - Rev 4 [REP3-003 / REP3-004]**

We wish to confirm that we are satisfied with the updated dDCO (Rev 4), as submitted.

### **6.1 Environmental Statement - Chapter 9 Geology and Soils - Rev 2 [REP3-009 / REP3-010]**

We have reviewed the updated Chapter 9 Geology and Soils of the Environmental Statement, insofar as it relates to remit on groundwater protection and contaminated land impacts on controlled waters, and we are satisfied with the document as submitted.

### **6.5 Environmental Statement First Iteration Environmental Management Plan - Rev 3 [REP3-022 / REP3-023]**

We note the revisions to item B9 concerning the protection of fish in Table 3-2: Register of environmental actions and commitments (REAC) and we are satisfied with the updates.

### **6.6 Environmental Statement - Habitat Regulations Assessment - Rev 2 [REP3-024 / REP3-025]**

We note that the updated Habitat Regulations Assessment (HRA) includes in the appendices the Fish Escape Passages Technical Note, which we were previously consulted on, together with Natural England, in draft form, and our respective consultation responses.

We agree with Natural England's comments raised on this issue (Relevant Representations [RR-044] and Written Representations [REP2-045]), and we would also welcome agreement between with ourselves and the Applicant on this issue.

It has been previously stated that the Environment Agency suggested the width of 0.5m and depth 0.3m for fish passage. However, this was in relation to direct passage including a culvert through the flood defence, yet the new design is a considerable distance further. We agree with Natural England for the provision of a naturalised channel shape, but would like inclusion in the detailed designs of an extended channel length to be reassessed, consulting both Environment Agency and Natural England.

### **7.40 Hydraulic Modelling Technical Note [REP3-034]**

This document includes the same content as a draft version we previously reviewed and referred to in our Written Representation (WR). As such, our position on flood risk remains as per our WR at this time. The technical note goes some way to

addressing our issues regarding increases in flood risk elsewhere, but we are awaiting further information from the Applicant, which we understand will be submitted for Deadline 5 (4 February 2025). Please also refer to our comments below on the Applicant's response to our WR.

We will engage with the Applicant prior to Deadline 5 on resolving the remaining issues.

#### **7.41 Floodplain Compensation Areas Technical Note [REP3-035]**

This document includes the same content as a draft version we previously reviewed and referred to in our Written Representation (WR). As such, our position on flood risk remains as per our WR at this time. The technical note goes some way to addressing our issues on compensatory flood storage, but we are awaiting further clarification from the Applicant, which we understand will be submitted for Deadline 5 (4 February 2025). Please also refer to our comments below on the Applicant's response to our WR.

We will engage with the Applicant prior to Deadline 5 on resolving the remaining issues.

#### **7.42 Responses to Written Representations [REP3-036]**

We have reviewed the Applicant's responses to our Written Representations [REP2-043] and we have the following comments.

##### EAFR-001 Flood risk exception test (part 2) – fluvial flood risk

We acknowledge the Applicant's comments and the submitted Hydraulic Modelling Technical Note [REP3-034] goes some way to addressing our concerns regarding increases in flood risk elsewhere, however further information is required. We will engage with the Applicant on this issue prior to Deadline 5.

Please also refer to the comments below regarding EAFR-002.

##### EAFR-002 Increase in fluvial flood risk elsewhere

The Hydraulic Modelling Technical Note as referred to in our WR has now been submitted into the Examination at Deadline 3 [document ref. REP3-034].

We agree that there are no increases greater than 10mm during the design event (1 in 100 years plus climate change (39%)) with the proposed scheme in place. The Applicant has demonstrated that any variation between baseline and with-scheme water levels for the design event is within modelling tolerances. As such, we are satisfied that the scheme does not increase flood risk during the design flood event.

However, for more frequent events than the design event, there are increases in water level above 10mm in areas outside of the Order Limits for the development.

For example:

- On the left bank of the River Trent to the north of Farndon East Flood Compensation Area increases of 0.025m (2.5cm) and 0.029m (2.9cm) in the 3.3% (1 in 30) and 5% (1 in 20) annual exceedance probability (AEP) scenarios respectively are observed, although there are no receptors in this area.
- There is an area of increase around Fosse Road in the 1 in 100 year flood scenario. The Hydraulic Modelling Technical Note [REP3-034] describes how the increases in water level around Fosse Road are due to modelling uncertainties and boundary effects which are occurring within the hydraulic model. We have sought further clarity from the Applicant with regards to the increases around Fosse Road and have suggested some approaches to them.
- There are quite widespread increases in water level of 0.03m (3cm) around the Cricket Ground in the 5% (1 in 20) AEP scenario. No property is affected in these locations, but these do reflect increases to third party land outside of the Order Limits of the development.

Given the extent of water level increases, particularly for the Cricket Ground, we consider it would be difficult to attribute this entirely to modelling tolerances.

Overall, the scheme does show a reduction in flood risk to more receptors than an increase, but there are off-site increases which, if they are being attributed to modelling tolerances, need to be clearly explained as to why this is the case. Alternatively additional mitigation or landowner engagement should be undertaken in these areas.

We are awaiting the Applicant's response in relation to these increases and expect further engagement prior to Deadline 5.

#### EAFR-003 Overall reduction in fluvial flood risk

We welcome that Applicant has reduced the detrimental impacts of the scheme where possible. Specifically, the example given of implementing steeper embankments to reduce encroachment on to the floodplain. However, we require the Applicant to show which options were taken forward through this design phase which had an overall betterment/ minimise impact.

The issue was also discussed at ISH3 and it is noted that there is an action for the Applicant in this regard (Action item 1.).

We will provide an update on this issue when the Applicant has submitted further information.

#### EAFR-004 Compensatory flood storage

The Floodplain Compensation Areas Technical Note as referred to in our WR has now been submitted into the Examination at Deadline 3 [document ref. REP3-035].

Our comments made in our WR on this issue remain applicable. We still require more information about the culverts connecting the FCAs to the River Trent. This will need to show their location and provide clarity of the conveyance of flood water in and out of the FCAs.

Additionally, our previous comments about the proposed Kelham solar farm which overlaps the Kelham and Averham FCA still apply. Please refer to ISH3 agenda Item 3b comments above in regard to this issue. We acknowledge that revised layout plans have been submitted to the LPA, which remove solar panels from within the FCA, but we still have outstanding concerns which need to be addressed. We will engage with the Applicant on resolving this issue and provide an updated in due course.

The access crossing from the A617 is a key potential barrier to flow within the compensatory storage area. Careful consideration will need to be given to the design of the access crossing from the A617 to the solar farm to ensure this does not impede flood flows within the compensatory storage area. The access crossing from the A617 should be set above the 1 in 100 year plus higher central (plus 39% for climate change) flood level with an allowance for freeboard. The flood storage area also included a bund within the hydraulic model, which is in a similar location to an access track for the proposed solar farm. Careful consideration will need to be given to the design of the flood bund and solar farm access track to ensure both can be delivered.

#### EAFR-005 Compensatory flood storage – phasing of works

We acknowledge the Applicant's comments and note that this issue was discussed at ISH3 in agenda Item 3e, where the Applicant referenced item RDWE10 in Table 3-2: Register of environmental actions and commitments (REAC) in the First Iteration Environmental Management Plan (FIEMP) [REP3-022 / REP3-023].

We note that RDWE10 states that "Prior to commencing any above ground works (including above ground pre- commencement works) there must be sufficient replacement floodplain storage in place to compensate for those works". However, we still require clarity and information on how the construction of the solar farm will be phased in with the construction of the Kelham and Averham FCA.

#### EAFR-006 Compensatory flood storage – maintenance

We acknowledge the Applicant's comments and note that this issue was discussed at ISH3 in agenda Item 3e.

We are pleased to see that the Applicant intends to provide a blockage maintenance plan as part of the Third Iteration Environmental Management Plan, however appropriate commitment to providing this is required.

We also require the Applicant to add clarity to the REAC table in the FIEMP. Currently, RDWE10 states the following: "The FCAs will require maintenance for the lifetime of the Scheme however at this stage maintenance details are not known".



We require the Applicant to clarify that this maintenance will need to include clearing, inspecting and upkeep of the FCAs and culvert systems.

#### EAFR-007 Slough Dyke (main river) realignment

The Hydraulic Modelling Technical Note as referred to in our WR has now been submitted into the Examination at Deadline 3 [document ref. REP3-034]. This satisfactorily demonstrates that the realignment of Slough Dyke has been tested within the hydraulic model and confirms no impact on flood risk. However, we are still awaiting further detailed plans to clarify the proposed realignment.

We acknowledge the Applicant's comments in response to our WR on this issue. However, the issue has since been covered at ISH3 (agenda Item 4 – please see above comments) and note the Applicant intends to provide us with the details we require as part of the DCO, which differs from their proposed approach in their response to our WR. We are satisfied the resolution of this issue is moving forward and we will provide an update following further engagement with the Applicant.

#### EAFR-008 Interaction with Environment Agency flood defences

We acknowledge the Applicant's comments in response to our WR on this issue. However, the issue has since been covered at ISH3 (agenda Item 3c – please see above comments) and note the Applicant intends to provide us with the details we require as part of the DCO, which differs from their proposed approach in their response to our WR. We are satisfied the resolution of this issue is moving forward and we will provide an update following further engagement with the Applicant.

#### EAFR-009 Climate change allowances sensitivity test

Following the submission of the Hydraulic Modelling Technical Note [REP3-034], we are satisfied that this issue is now resolved. We acknowledge that the Applicant intends to append all additional flood risk related evidence submitted during the DCO Examination to the flood risk assessment before the close of the Examination.

#### EAREQ-005 Requirement 14 – Flood compensatory storage

We acknowledge the Applicant's response, and we are satisfied with the proposed wording of this Requirement, as amended in draft DCO (Rev 3) [REP2-002 / REP2-003].

#### EAREQ-006 Requirement 15 – Flood risk assessment

We are satisfied with the Applicant's response in relation to our request for clarification as to whether the 10mm is on top of what is presented in the FRA or compared to baseline levels. There are no outstanding queries regarding this DCO Requirement.

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

Yours faithfully,

**Mr Alex Hazel**

**Planning Specialist – National Infrastructure Team**

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Appendix 1 – Environment Agency issues / work package tracker

## Appendix 1 – Environment Agency issues / work package tracker – Deadline 4

### Issue status key:

	<b>Agreed / resolved</b> – no further discussion needed
	<b>Working on a solution / under discussion</b> – final position not yet reached
	<b>Not agreed</b> – final position that cannot be agreed and will remain a point of difference

Subject	Topics		Assessment / plan / DCO	Impact	Solution / Mitigation	Requirement agreed / assessment updated to resolve issue	Requirement number(s) in DCO / Protective provision in DCO	Notes
<b>Biodiversity</b>	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	
<b>Contaminated land</b>	Contaminated land assessment	British Sugar authorised (active) landfill site (EAGWCL-001)	Agreed	Agreed	Agreed	Agreed	N/A	
		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).
<b>Fisheries</b>	Use of borrow pits for fry refuge (EAFBG-001)		Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
<b>Flood risk</b>	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	Resolution of this issue is progressing. We are awaiting further information from the Applicant.

		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	Resolution of this issue is progressing. We are awaiting further information from the Applicant.
		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	Resolution of this issue is progressing. We are awaiting further information from the Applicant.
		Compensatory flood storage (EAFR-004)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Resolution of this issue is progressing. We are awaiting further information from the Applicant.
		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	Resolution of this issue is progressing. We are awaiting further information from the Applicant.
		Compensatory flood storage – maintenance (EAFR-006)	Working on a solution	Working on a solution	Working on a solution	Working on a solution	14, 15	Resolution of this issue is progressing. We are awaiting further information from the Applicant.
		Slough Dyke (main river) realignment (EAFR-007)	Agreed	Working on a solution	Working on a solution	Working on a solution	15	The submitted Hydraulic Modelling Technical Note [REP3-034] satisfactorily addresses our request for a flood risk sensitivity test and demonstrates that the realignment would not adversely impact flood risk. However, we are still awaiting further detailed plans to clarify the proposed realignment.
		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	Resolution of this issue is progressing. We are awaiting further information from the Applicant.
		Climate change allowances sensitivity test (EAFR-009)	Agreed	Agreed	Agreed	Agreed	15	We are satisfied that this issue has been adequately addressed in the submitted Hydraulic Modelling Technical Note [REP3-034]. We acknowledge that the Applicant intends to append all flood risk related

								technical notes to the FRA prior to the close of the Examination.
<b>Geomorphology</b>	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	
<b>Groundwater protection</b>	Environmental Management Plan (EMP)	Dewatering Management Plan (EAGWCL-002)	Agreed	Agreed	Agreed	Agreed	3	
		Piling method statements and risk assessments (EAGWCL-003, EAREQ-007)	Agreed	Agreed	Agreed	Agreed	3	
		Surface water and groundwater monitoring (EAGWCL-004)	Agreed	Agreed	Agreed	Agreed	N/A	
<b>Permitting &amp; consents</b>	Required Environment Agency permits and licences (EAGCC-001)		Agreed	Agreed	Agreed	Agreed	N/A	
	Disapplication of EPR for flood risk activities		Agreed	Agreed	Agreed	Agreed	N/A	
<b>Waste</b>	Waste management	Disposal of waste – British Sugar landfill (EAWA-001)	Agreed	Agreed	Agreed	Agreed	3	
<b>Water quality</b>	Water Framework Directive (WFD)	Water quality – surface water run-off (EAWQ-001)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Water quality – surface water sensitivity (EAWQ-002)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		WFD – detailed assessment (EAWQ-003)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		WFD – detailed assessment (EAWQ-004)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
	Environmental Management Plan (EMP)	Surface water quality monitoring – frequency (EAWQ-006)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	

		Surface water quality monitoring – ecological monitoring (EAWQ-007)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		Surface water quality monitoring – baseline (EAWQ-008)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
		DCO Requirement 3 – Second Iteration EMP (EAWQ-009)				Agreed	3	
	Highways England Water Risk Assessment Tool (HEWRAT)	HEWRAT – baseline (EAWQ-005)	Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
<b>Water resources</b>	Water usage – abstraction licencing (EAWR-001)		Agreed	Agreed	Agreed	N/A (Agreed)	N/A	
<b>Development Consent Order (DCO)</b>	Requirement 3 – Second Iteration Environmental Management Plan (EAREQ-001)					Agreed (Requirement)	3	
	Requirement 4 – Third Iteration Environmental Management Plan (EAREQ-002)					Agreed (Requirement)	4	
	Requirement 6 – Landscaping (EAREQ-003)					N/A (Agreed)	6	
	Requirement 8 - Contaminated land and groundwater (EAREQ-004)					Agreed (Requirement)	8	
	Requirement 14 – Flood compensatory storage (EAREQ-005)					Agreed (Requirement)	14	While we are satisfied with the wording of Requirement 14 in the draft DCO, issues relating to compensatory flood storage are presently unresolved (see issues EAFR-004, 005 & 006)
	Requirement 15 – Flood risk assessment (EAREQ-006)					Agreed (Requirement)	15	While we are satisfied with the wording of Requirement 15 in the draft DCO, issues relating to the flood risk assessment are presently unresolved (see above flood risk issues)
	Additional Requirement – piling					N/A (Agreed)	N/A	DCO Requirement not necessary.

END