

**From:** [REDACTED]  
**To:** [A303 Sparkford to Ilchester](#)  
**Subject:** A303 Sparkford to Ilchester Dualling Project (TR010036) Deadline 2  
**Date:** 23 January 2019 19:10:58  
**Attachments:** [132154.3.pdf](#)  
[Blackwell Rd.docx](#)

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Dear Sir/Madam,

Please find attached the Environment Agency's response in respect of the above.

Regards

Dave Pring  
Planning Specialist  
Sustainable Places  
Wessex Area

[REDACTED]  
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**Environment Agency, Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS**

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The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Your ref:**

TR010036

**Date:**

23 January 2019

Dear Sir/Madam

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT  
CONSENT FOR THE A303 SPARKFORD TO ILCHESTER DUALLING PROPOSAL  
EXAMINATION DEADLINE 2**

Environment Agency Registration ID – 20015250.

Thank you for your consultation regarding the above.

Please find hereunder the Environment Agency's response in respect of relevant issues detailed under item 5 (Deadline 2) of the examination timetable.

Responses to the Examining Authority's written questions (EXQ1):

**1.8.1.**

**Clarification**

**The Environment Agency states [RR-034] that the proposals lie outside of Flood Zones 2 and 3. Does this include the area near Traits Lane/Blackwell Lane (Plot reference 7/7b, as shown on the Lands Plan [APP-005])?**

The access/egress track identified as Plot 7/7b on the Lands Plan (APP-005) is shown to be on the boundary of the modelled flood zone, at the junction with Blackwell Road. Accordingly, the Agency's flood map indicates that, although Plot 7/7b may not be directly at risk, any proposed access/egress arrangements via Blackwell Road, may potentially be impacted during a flood event. An extract of the Agency's flood map for the area in question is attached

**1.8.6.**

**Flood Risk**

- a) The Church Commissioners for England indicate [RR-032] that in respect of Land at Higher Farm the outfall from pond 1 (Plot reference 1/4a on Lands Plan [APP-005]), could lead to 3.47 ha of the highway draining onto adjoining land, which allegedly is low lying and suffers from poor drainage. What evidence is there to support or refute this assertion?**
- b) Can it be demonstrated that the proposal will not increase flood risk in this area?**

The Agency would respectfully defer to the Lead Local Flood Authority, as the relevant Risk Management Authority in respect of this matter.

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Cont/d..

1.8.7.

**Flood Risk**

- a) The Church Commissioners for England indicate [RR-032] in respect of Land at Courtry & Speckington Farm (south of A303) that part of the highway would drain in to this area which allegedly is particularly wet. What evidence is there to support or refute this assertion?
- b) Can it be demonstrated that the proposal will not increase flood risk in this area?

The Agency would respectfully defer to the Lead Local Flood Authority, as the relevant Risk Management Authority in respect of this matter.

1.10.9.

**Article 2(1)**

**a) Limits of deviation:**

**Are the limits of deviation considered to be reasonable in all the circumstances?**

**b) Watercourse - "except public sewer or drain". Is this terminology clear?**

b) The definition provided is considered acceptable, notwithstanding minor variations to the definition cited under Section 72(1) of the Land Drainage Act 1991:

*"watercourse" includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.*

1.10.10.

**Article 3**

**a) Disapplication of legislative provisions. Is the Environment Agency content with this?**

**b) What is the latest position as to other consents and agreements that will be necessary?**

a) This is not acceptable to the Environment Agency.

As stated in the Agency's relevant representations dated 18 October 2018 (RR-034):

*"It is noted that our national Protective Provisions have not been included in the draft DCO, as requested. The submitted draft Protective Provisions are not specific to our interests and do not accord with our requirements. Accordingly, we must advise that we are currently unable to agree to the proposed disapplication of legislative provisions pertinent to our interests, as detailed in Part 1 (3) of the draft DCO. We would welcome the opportunity to discuss this matter further."*

The latest iteration of the applicant's Statement of Common Ground with the Environment Agency States:

*"The Protective Provisions have been reviewed by Highways England's legal team. These amendments will be sent to the Environment Agency's legal team for review."*

The Agency has, to date, not received any proposed revisions to the applicant's Protective Provisions pertinent to its interests. Accordingly, the Agency's position in respect of this matter remains as stated in its relevant representations dated 18 October 2018 (RR-034).

b) The Agency has previously advised the applicant in respect of the requisite authorisations pertinent to the proposed scheme of works.

Should you wish to discuss this matter further please contact the undersigned.

Yours faithfully

**Dave Pring**  
**Planning Specialist**

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End

