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Cc: [A303 Sparkford to Ilchester](#)
Subject: TR010036 A303 Sparkford to Ilchester - SCC's deadline 8 response
Date: 10 June 2019 20:59:50
Attachments: [TR010036 SCC Deadline 8 Cover Letter.pdf](#)
[Appendix 1 - Response to HE Section 278 comments.pdf](#)
[Appendix 2 - Response A303 Action point 18.pdf](#)
[Appendix 3 - Anti social behaviour evidence.pdf](#)
[Appendix 4 - Response A303 Action point 44.pdf](#)
[Appendix 5 - Response A303 Action 49.pdf](#)
[Appendix 6 - Land Ownership outside Mattia Diner.pdf](#)
[Appendix 7 - Amended DCO comments.pdf](#)

**PLANNING ACT 2008
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE A303 SPARKFORD TO ILCHESTER
DUALLING
SUBMISSION MADE PURSUANT TO DEADLINE 8**

PLANNING INSPECTORATE REFERENCE TR010036

Please find attached relevant documents from Somerset County Council in respect of Examination Deadline 8.

Yours faithfully,

Andy Coupé

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Response by Somerset County Council to the Applicant's response to Action 49 from 14 & 15 May Issue Specific Hearings (Application Document Reference 9.36)

Action Point 49 requests: Article 3 – Ensure separation of Internal Drainage Board and Local Lead Flood Authority provisions and ensure appropriate consistency where necessary.

2.1.174

SCC's interest in these provisions stems from our own duties as a drainage authority under the Land Drainage Act. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary.

SCC, as Lead Local Flood Authority, is the relevant authority for ordinary watercourses (i.e. those not designated as Main River) in areas not covered by an Internal Drainage Board.

The scheme is within the jurisdiction of the LLFA and any works that will affect the flow of water in an ordinary watercourse may require Land Drainage Consent from SCC. This includes any works to culvert or pipe an ordinary watercourse or undertake works to existing culverts.

None of the productive discussions on the drainage strategy for the scheme between the Applicant and LLFA remove the need to obtain Land Drainage Consent to undertake works affecting the ordinary watercourses.

The involvement of the Drainage Board stems from the fact that the scheme is adjacent to the Board's area and will ultimately receive the run-off from the scheme. The byelaws of the Somerset Drainage Board Consortium will also require consents from them in addition to any that may be required by SCC.

Figure 1 shows the boundary of the Internal Drainage Board (red) and that of the LLFA (unshaded). What this shows is that the scheme is within the LLFA's area. However, the proximity to the IDB area means that their byelaws will also apply as they will ultimately receive the discharge from the scheme.

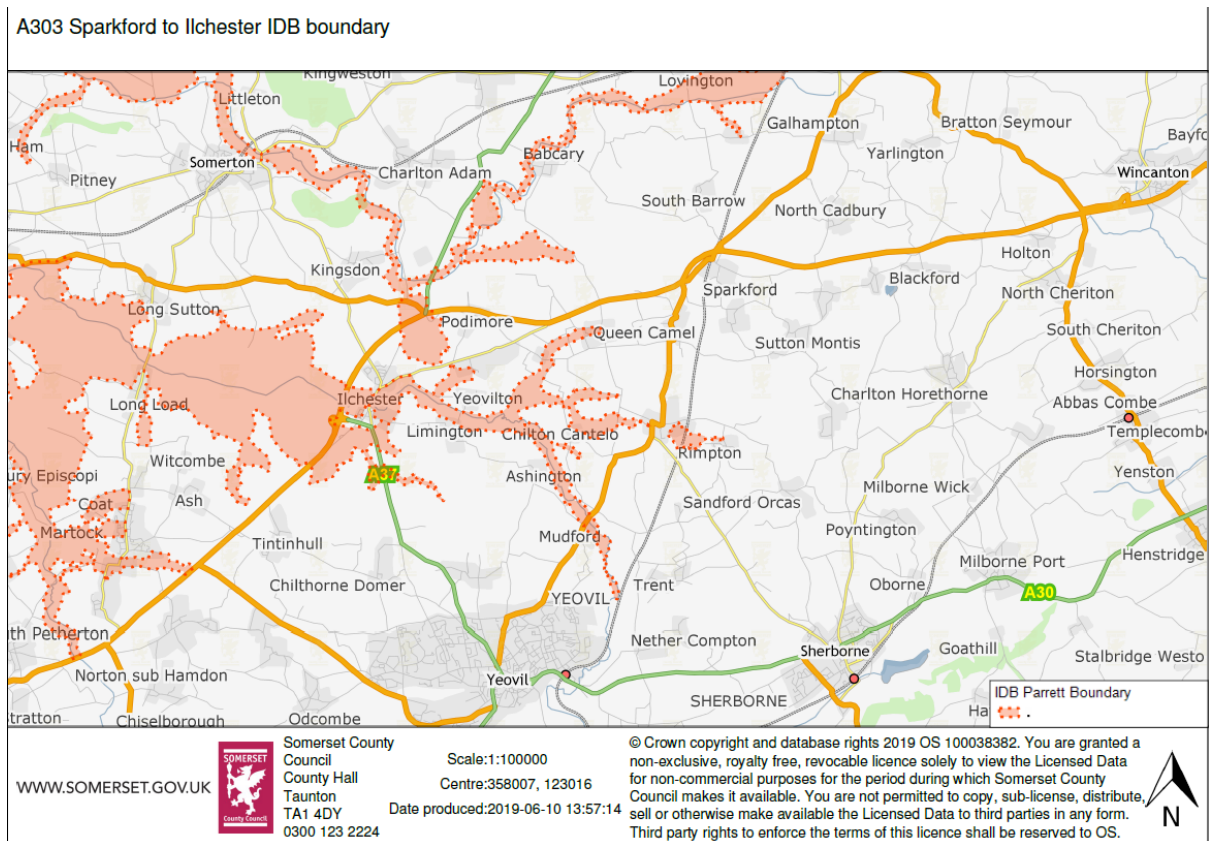


Figure 1.

2.1.175

The LLFA should be included with the Somerset Drainage Board Consortium in the protective provisions to ensure they can undertake their Land Drainage Consenting function for any work affecting ordinary watercourses. Indeed, the LLFA is unclear why the Applicant is not prepared to offer the same level of protections that are proposed for the Drainage Board and would contend that this is both unfair and unreasonable.

SCC has not objected the disapplication of section 23 of the Land Drainage Act 1991 by Article 3 only on the basis that the LLFA would get the benefit of the Protective Provisions for drainage authorities. Given the Applicant's current proposals, SCC therefore raises an objection to Article 3.