

The Planning Inspectorate  
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**Our ref:** LT/2020/125096/01-L01  
**Your ref:** A38 NSIP  
**Date:** 13 March 2020

Dear Sir/Madam

**A38 DERBY JUNCTIONS - ENVIRONMENT AGENCY REPRESENTATIONS FOR  
ISSUE SPECIFIC HEARING 5  
A38 DERBY JUNCTIONS**

Thank you for providing the Environment Agency with details of the agenda and matters to be discussed at Issue Specific Hearing 5 which will take place on the 19<sup>th</sup> March 2020. After review of the matters raised, and given the current public health situation, the Environment Agency will not be attending the hearing but has provided responses to the matters raised by the ExA. We trust this will be useful.

**Environment Agency Representations**

**Water Environment**

***Surface Water Question***

The updated Flood Risk Assessment (FRA) states (Section 4.3.4) that '***The Scheme will not alter any existing watercourses or associated structures, and all proposed works that would alter the footprint of the road would be restricted to areas outside Flood Zone 2.***' Based on this our understanding is that no works will be taking place within the fluvial flood zones. From reading through the revised FRA, the question from the inspectors about the high point of the road appears to be related to surface water flooding matters within the FRA (Section 4.6) which will be for the Lead Local Flood Authority and the Applicant to respond to.

***Compound Question***

After discussions in ISH4 on this matter, and subsequently responded to by the applicant in their response to deadline 6 (Ref 8.84, Page 123) we now understand that the details of drainage solutions and pollution prevention measures will now be included within the Preliminary Works CEMP. The Environment Agency will be happy to review this document at the relevant time.

**Draft Development Consent Order Questions**

Q2 – Article 3 – Disapplication of legislative provisions

The Environment Agency are happy with the content of Article 3 save for a proposed amendment it has suggested to the applicant in order to allow the need for a flood risk

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activity permit to be covered by the protective provisions. The wording is “ In terms of the flood risk activity permit (FRAP) the current wording of the PPs will suffice subject to the following suggested amendment to Article 3” Disapplication of legislative provisions” of the DCO. I would suggest adding 3 (f) “Regulation 12 (requirements for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 in relation to the carrying on of a flood risk activity as defined within Schedule 25 Part 1 Paragraph 3 (1) of the said Regulations”.

**Q3 – Article 4 – Maintenance of drainage works**

The Environment Agency confirms that they are content.

**Q4 – Article 6 – Maintenance of authorised development**

The Environment Agency confirms that they are content.

**Q13 – Article 20 – Discharge of water to main rivers**

The Environment Agency are happy to see this wording being included.

**Q14 – Article 20 – Discharge of water to main rivers**

The Environment Agency are happy with the ExAs position.

**Q18 – Requirement 3**

The Environment Agency are happy to see this wording being included.

**Q20 – Requirement 5**

The Environment Agency confirms that they are content.

**Q26 – Schedule 9**

The Environment Agency are happy that our protected provisions are being included within the draft DCO.

Yours faithfully

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Planning Specialist**

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