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Planning Inspectorate Ref: - TR010036

10 August 2018

**Sent by Email**

Dear Ms Gregory

**PLANNING ACT 2008 (as amended) – SECTION 55**

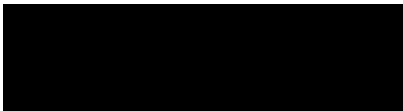
**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING  
DEVELOPMENT CONSENT FOR THE A303 SPARKFORD TO ILCHESTER  
DUALLING**

**ADEQUACY OF CONSULTATION REPRESENTATION**

Thank you for your letter dated 31<sup>st</sup> July 2018 inviting Somerset County Council and South Somerset District Council (the 'Councils') to submit representations about the applicant's compliance with S.42, 47 and 48 of the Planning Act 2008 (as amended).

The Councils have worked together during the applicant's pre-application consultation processes. The Councils have therefore decided to produce a joint representation about the adequacy of consultation undertaken by the applicant, and a copy is enclosed.

Yours sincerely



**Mike O'Dowd-Jones**

Strategic Commissioning Manager – Highways and Transport  
Somerset County Council

# **A303 Sparkford to Ilchester Dualling Scheme: Adequacy of Consultation Statement**

**Assessment and report produced by Somerset County Council and South  
Somerset District Council**

**10 August 2018**

**Version: Four (v4)**

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## **Executive Summary**

Following an invitation by the Planning Inspectorate to make representations on the adequacy of consultation carried out by Highways England in respect of the A303 Sparkford to Ilchester Dualling scheme, Somerset County Council and South Somerset District Council (the 'Councils') offer the following summarised views.

The consultation has been assessed by the Councils in terms of statutory requirements and recommended guidance. After detailed consideration by the Councils directly affected by the Applicant's development, it is their view that, from the information provided to it, they are satisfied Highways England has complied with sections 42, 47 and 48 of the Planning Act.

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## **1 Introduction**

1.1 Somerset County Council and South Somerset District Council (the 'Councils') have been invited by the Planning Inspectorate (PI) to submit an Adequacy of Consultation Statement, under section 55 of the Planning Act 2008 ('the Act') on the adequacy of consultation carried out by Highways England in developing its proposals for the A303 Sparkford to Ilchester Dualling scheme. The Planning Inspectorate must have regard to the Councils' views when deciding whether to accept the application or not for Examination. In accordance with the Act this Adequacy of Consultation Statement provides the Councils' account of whether or not Highways England has complied with sections 42, 47 and 48 of the Act.

1.2 This report represents the views of the Councils.

## 2 Approach to Assessment

2.1 The Councils have been asked to consider whether the applicant has complied, in relation to the proposed application, with the following duties:

- Duty to consult (Section 42 of the Act)
- Duty to consult the local community (Section 47 of the Act)
- Duty to publicise (Section 48 of the Act)

2.2 The consultation has therefore been assessed by the Councils in terms of compliance with the statutory requirements and recommended guidance on consultation.

2.3 The Councils understand that in accordance with the Act, the Adequacy of Consultation Statement must be about how the applicant has carried out the consultation and may not be about how it has had regard to responses received to the consultation or the quality of the development proposals. Where the Councils have concerns with how the applicant has or has not addressed responses, these will be raised through the examination of the DCO application.

2.4 This representation therefore describes the Councils' findings based on:

- A review of the published version of the Statement of Community Consultation (SoCC) to ascertain whether issues that were raised by the Councils whilst drafting the SoCC were addressed.
- Monitoring of Highways England's consultation activities, information and events to ascertain whether the consultation has been undertaken in accordance with the SoCC.
- Views on the effectiveness of the consultation and the extent to which Highways England fulfilled the objectives for consultation and engagement as set out in the Act and Ministry of Housing, Communities and Local Government (MHCLG) and Planning Inspectorate guidance.

2.5 Highways England conducted both non-statutory and statutory public consultation on the Scheme. The Councils understand that the purpose of the non-statutory public consultation was to solicit feedback on two route options, and to support design development of the scheme by gathering information on how consultees used the existing A303. The Councils recognise that the MHCLG and Planning Inspectorate guidance states that non-statutory public consultation would be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.

2.6 The Councils note that in its Consultation Report Highways England has provided detail on both the non-statutory and statutory public consultation exercises. The Councils acknowledge the approach to consultation that was

adopted for the A303 Sparkford to Ilchester Dualling Scheme and have therefore limited their review to the statutory consultation phase only.

2.7 The table below summarises Highways England's consultation activities (summarised from the Highways England Project Consultation Report – table 1.1).

<b>Consultation activity undertaken</b>	<b>Date:</b>
<b>Non-statutory public consultation – Q4 2015 – Q1 2018</b>	
Early engagement with local authorities and statutory environmental bodies	December 2015 – November 2016
Non-statutory public consultation	Tuesday 14 February – Wednesday 29 March 2017
Stakeholder and community engagement following announcement of preferred route	October – November 2017
On-going stakeholder engagement to inform design development	November 2017 – July 2018
<b>Statutory consultation – Q1 2018</b>	
Consultation of host local authorities on the SoCC as prescribed by s47(3) of the PA 2008	Monday 16 October – Tuesday 14 November 2017
Notice of availability of SoCC in the vicinity of the proposal as prescribed by s47(6) of the PA 2008	Thursday 18 January 2018 and Thursday 25 January 2018
Proposed application publicised as prescribed by s48 of the PA 2008	Thursday 18 January 2018 and Thursday 25 January 2018
Notification of PINS of proposed application as prescribed by s46 of the PA 2008	Wednesday 24 January 2018
SoCC made available in the vicinity of the proposal as prescribed by s47(6) of the PA 2008	Friday 26 January 2018 – Friday 9 March 2018



Consultation as prescribed under s42 of the PA 2008	Friday 26 January 2018 – Friday 9 March 2018
Consultation in accordance with the SoCC as prescribed under s47(7) of the PA 2008	Friday 26 January 2018 – Friday 9 March 2018

### 3 Assessment of Statutory Consultation

3.1 Highways England issued a draft SoCC to the Councils on 16 October 2017 and requested comments within 30 days by 14 November 2017.

3.2 Responses were provided by the Councils to the draft SoCC in accordance with section 47(3) of the Act, albeit that the response from South Somerset District Council was issued just after the close of the 30 day consultation period provided. Highways England accepted the submission and responded to the comments made by both Councils.

3.3 A summary of the Councils comments and the subsequent amendments made to the SoCC has been set out by Highways England in its Consultation Report. The key points raised by the Councils were as follows:

- the SOCC did not contain any dates;
- the statutory consultation period should be extended to twelve weeks;
- consideration should be given to increasing the number of exhibitions proposed and to a number in excess of that carried out for the non-statutory consultation;
- a wider range of venues and times would allow more people to attend;
- a workshop should be held for elected members of the County Council and the District Councils, to take place prior to the commencement of the public consultation;
- Highways England should work closely with parish councils along the route by attending meetings to explain the process and consultation opportunities
- the range of stakeholders proposed for engagement should be set out within the SoCC. It was recommended that Highways England actively engage with businesses and the tourism sector both along the route and further afield;
- Ilchester should be added as a Public Information Point.

3.4 Whilst it is acknowledged that Highways England amended the SoCC to address a number of these points, the Councils are disappointed that the 6 week consultation period was chosen, especially as only one round of Statutory Consultation was conducted. Although the Councils accept that this exceeds the statutory minimum period for consultation, the Councils consider that there might be some benefit for future schemes if Highways England adopt statutory consultation processes at the earliest opportunity and extra time is allowed for the consultation.

3.5 In their response to the statutory consultation, the Councils urged Highways England to set up an ongoing Community Forum to enable effective

engagement with the most affected communities to ensure they are kept informed of progress and issues arising from the further scheme development. Although the Councils have noted that Highways England has agreed to set up in due course a community forum to support engagement on its A358 DCO scheme, the Councils are disappointed that a community forum for the A303 scheme has not yet been taken forward.

3.6 The Councils also noted that a number of key documents were not made available by Highways England for audit and review by the Councils in time for the statutory consultation to inform their response, making it increasingly challenging for the Councils to undertake their role in preparing a statement of common ground and local impact report within the timescale for DCO submission envisaged.

3.7 The Consultation Report provides information on how Highways England consulted with the local community, general public, statutory consultees and other relevant stakeholders on its proposals. The Councils consider this to be a satisfactory review of the consultation activities and events that were undertaken by the applicant during the consultation.

3.8 The following table provides the Council’s assessment of the extent to which Highways England adhered to the commitments made in the SoCC:

<b>Activity</b>	<b>SoCC Commitment</b>	<b>Councils’ Assessment</b>
Public information events	Highways England committed to a minimum of four public events to be held during the consultation period and to hold these events at strategic locations along the route.	The Councils can confirm that four public engagement events were held as well as two landholder consultation events and one stakeholder preview event
Public Information Points	Information advertising the public information events, and guidance on how interested parties can provide consultation feedback at specified public information points.	Public information points were set up at the below locations where relevant materials were available: <ul style="list-style-type: none"> <li>• Wincanton Library</li> <li>• Talltrees Community Centre, Ilchester</li> <li>• Yeovil Library</li> <li>• South Petherton Library</li> <li>• Taunton Library</li> <li>• Martock Library</li> <li>• Somerset County Council (County Hall)</li> <li>• South Somerset District Council</li> </ul>

Project website	A full summary of the project, copies of the supporting project documents and a questionnaire would be provided on a dedicated project website	The Councils can confirm that Highways England launched a scheme website <a href="https://highwaysengland.citizenspace.com/he/a303-sparkford-to-ilchester/">https://highwaysengland.citizenspace.com/he/a303-sparkford-to-ilchester/</a> that contained the required documentation
Written Communication	Residents and businesses inside the consultation zone to be sent a letter to invite them to attend the public events, and provide guidance on how consultation feedback can be provided. Other key stakeholder organisations and special interest groups to receive information letters that explain scheme proposals, and the issues being consulted on.	The Councils note that Highways England sent out letters to 111 organisations outlining the scheme proposals and drawing attention to the scheme website and public consultation events. Highways England also wrote to 113 potentially affected landholders included within the 150m buffer zones. In addition, 3,297 addresses identified in the 1,500m local community buffer zones were also sent letters.
Event Information	To inform the public of events through channels including advertisements in appropriate local newspapers, via Highways England's website, the media, direct communications and project updates.	The Councils can confirm that HE undertook the consultation methods identified within the SoCC.
Consultation brochure	A consultation brochure would provide information about the scheme proposals, the need for the scheme, and the issues being consulted on.	The Councils can confirm that the consultation brochure was made available for inspection at consultation events, information points and it was listed on the website.
Use of local authority and parish council communications channels	Statutory consultation to be promoted through local authority and parish council communication channels.	The Councils can confirm that Highways England undertook the consultation methods identified within the SoCC. In particular, a briefing pack with sections designed to support the promotion of the statutory consultation through existing communication channels was provided to host local authorities and parish councils along the route.
Elective member preview	Elected members from host authorities to be invited to a preview event, as well as representatives from parish	A Stakeholder preview event was held by invitation only on Friday 12 January 2018.

	councils, prior to the start of the consultation period.	
Representatives at parish councils, local groups and forums	Where a relevant interest is considered to exist and where a visit by Highways England would be determined to be proportionate and appropriate, Highways England to attend a local event to discuss the statutory consultation.	Highways England advised that it did not receive any requests to attend local events during the consultation period.
Statutory Consultation updates	The local community and other road users to be updated about the progress of the statutory consultation through channels including written communications, the Highways England website, local media, local authority websites, newsletters and social media.	The Councils can confirm that Highways England undertook the consultation methods identified within the SoCC. In particular, updates were published by Highways England on its Twitter feed.
Consultation feedback	Opportunity for written comments to be made either online at <a href="http://www.highways.gov.uk/Sparkford-to-Ilchester">www.highways.gov.uk/Sparkford-to-Ilchester</a> or in writing to the following addresses: <input type="checkbox"/> <a href="mailto:A303SparkfordtollchesterDualling@highwaysengland.co.uk">A303SparkfordtollchesterDualling@highwaysengland.co.uk</a> <input type="checkbox"/> A303 Sparkford to Ilchester Dualling, 2/07K Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6HA	The Councils can confirm that HE accepted comments in writing and on-line at these addresses.
Media	The statutory consultation to be publicised through media channels by means of a Highways England press release detailing the consultation process and explaining how the local community and road users can provide feedback.	The Councils can confirm that the scheme was promoted in the media through a press release on 26 January 2018.
Establishing stakeholder groups	Highways England said that it would consider, in consultation with relevant town and parish councils and community / area forums, whether there was benefit in establishing a stakeholder group, to which local community representatives	No specific group was set up. Highways England has communicated that they received no requests to establish a stakeholder group to discuss the proposals.

	would be nominated to discuss proposals.	
Social media	The consultation would be advertised using Highways England's Twitter presence.	The Councils can confirm that Highways England undertook the consultation methods identified within the SoCC.
Hard to Reach Groups	To engage with hard to reach groups using appropriate and proportionate consultation tools.	The Councils can confirm that Highways England undertook the consultation methods identified within the SoCC.

3.9 In summary the consultation undertaken was found to be in compliance with the SoCC thereby discharging its duties under Section 47 of the Act.

3.10 The Councils note that the Consultation Report states that prescribed consultees (s42(1)(a)) and relevant local authorities (s42(1)(b)) were sent a letter on Thursday 25 January 2018 setting out the background to the scheme, Highways England's intention to submit a DCO application, the fact that Highways England had identified them as a consultee under s42 of the PA 2008, explaining the documents being provided as part of the consultation, and explaining how to respond to the consultation. The Councils can confirm they received this letter.

3.11 Other than the detail supplied in the Consultation Report, the Councils do not have information regarding Highways England's consultation with owners, lessees, tenants, occupiers and people with an interest in land (under Section 42 (d) of the Planning Act 2008), and no comment is therefore offered about the adequacy of consultation on this matter.

3.12 In relation to Section 48 of the Act, the details of the publicity of the relevant notice of the proposed application in accordance with Regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) is set out in the Consultation Report and is noted.

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## **4 Conclusions**

- 4.1 Whilst a number of changes were made to the draft SoCC following the Councils feedback, the Councils remain disappointed that a longer consultation period was not employed, especially as only one round of Statutory Consultation was conducted.
- 4.2 The Councils also believe that an ongoing Community Forum is important to enable effective engagement with the most affected communities to ensure they are kept informed of progress and issues arising from the further scheme development.
- 4.3 Notwithstanding the above, the Councils confirm that the Statutory Consultation undertaken by Highways England was found to be in compliance with the SoCC and, from the information provided to it, that they are satisfied Highways England has complied with section 42, 47 and 48 of the Planning Act.