



Historic England

**RESPONSES TO EXAMINING AUTHORITY'S
QUESTIONS 20/12/18**

**ON BEHALF OF THE
HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND
(HISTORIC ENGLAND)
("HBMCE")**

**Application by
Highways England for an Order granting Development Consent for the A303
Sparkford to Ilchester Dualling**

PINS Reference No: SPIL-SP0005 & 2001-4933

HBMCE Reference No: PL00285449

INTRODUCTION

- 1.1. The Historic Buildings and Monuments Commission for England is generally known as Historic England. However due to the potential for confusion in relation to “HE” (Highways England and Historic England), we have used “HBMCE” in our formal submissions to the examination to avoid confusion.
- 1.2. HBMCE was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of HBMCE under Section 33 are as follows:
 - “...so far as is practicable:
 - (a) to secure the preservation of ancient monuments and historic buildings situated in England;
 - (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
 - (c) to promote the public’s enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation”.
- 1.3. We also have a role in relation to maritime archaeology under the National Heritage Act 2002 and advise Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of the World Cultural and National Heritage.
- 1.4. HBMCE sponsoring department is the Department for Digital, Culture, Media & Sport, although its remit in conservation matters intersects with the policy responsibilities of a number of other government departments, particularly the Ministry of Housing, Communities and Local Government, with its responsibilities for land-use planning matters.

HBMCE is a statutory consultee providing advice to local planning authorities on certain categories of applications for planning permission and listed building consent, and is also a statutory consultee on all Nationally Significant

Infrastructure Projects. Similarly HBMCE advises the Secretary of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is the lead body for the heritage sector and is the Government's principal adviser on the historic environment.

HBMCE's RESPONSES TO THE QUESTIONS

1.0.1 General and Cross Topic Questions/National Planning Policy Framework

On 24 July 2018 the SoS MHCLG published a revised version of the National Planning Policy Framework. The ES refers to the 2012 version and was drawn up taking account of that document. Council IPs set out any comments that they have over changes that need to be addressed following the publication of the 2018 version of the Framework?

HBMCE response

HBMCE considers that, in relation to the heritage section of the revised National Planning Policy Framework (NPPF) 2018, it broadly reflects the content of the 2012 version of the NPPF. The Government has also confirmed that it had no intention to reduce the level of protection for the historic environment. There may be a benefit in having a document which notes the updated references from the NPPF 2018 and cross reference to the relevant paragraphs in the ES. Our main issues with regards the ES are detailed more particularly in our written representations and these relate to the application of relevant policy (National Planning Statement/ NPPF) rather than the paragraph references of those documents per se.

1.1 Archaeology and Cultural Heritage

1.1.8 Heritage assets (generally)

- a) Paragraph 6.6.1 of Chapter 6 Cultural Heritage of the ES [APP-043] indicates that the assessment area has been identified at 1km (plus a small number of additions). While this is based on professional judgement, what other distances were considered as part of the original assessment?
- b) Why were these rejected?
- c) Do IPs consider that the assessment area is appropriate?

HBMCE response: HBMCE requested that the applicant assess the potential for impacts over a wider area than 1km at the pre-application stage including in our response to the Environmental Impact Assessment scoping exercise (Section 4.1.12 and Appendix E of HBMCE Written Representation). At this time we advised that we did not consider the 1km boundary set for the proposed study area was sufficient to assess the potential impact on significant designated heritage assets lying beyond this limit which had potential to be visually affected by the Scheme. Whilst the Applicant has not amended the 1km study area boundary, the Desk Based Assessment (DBA) appended to the ES contains an assessment of designated heritage assets at greater distance from the Scheme, with a justification for why they have not been included in the more detailed assessment provided in the ES on the basis that the DBA identified no significant environmental impact.

1.1.15 Heritage Assets (generally) (landscape and visual effects)

a) The Proposed Development indicates that an increase in Heavy Good Vehicles (HGVs). It is not clear if the HGV heights have been taken into consideration when assessing the effect on the heritage assets with respect to viewpoints. Could the Applicant state if HGV height has been taken into account when assessing the heritage assets with respect to viewpoints?

HBMCE response: HBMCE does not consider that the mitigation proposals would remove all moving traffic from historic views from Hazlegrove House registered park and garden (RPG), or the Camel Hill Scheduled Monument. In the case of the RPG, we agree that in the longer term, when the proposed screen planting is in leaf and reaching maturity, moving traffic may be less visible, but we consider that large vehicles such as coaches and HGVs may be visible during winter months. This is explained in further detail in 1.1.15b below. We understand that no additional planting, bunds or environmental barriers will be proposed where the A303 runs adjacent to the southern boundary of Camel Hill Scheduled Monument, but that the existing hedgerow will be retained. As part of the Statement of Common Ground discussions we have requested additional photomontages to be produced to:

- Clarify whether Camel Hill Services will be screened from views from Hazlegrove House (visual receptor 35 in the ES) by the mitigation proposals;

- To demonstrate that there will not be an adverse visual impact on the setting of the Camel Hill scheduled monument. To be taken from the south west corner of the latter (HBMCE Written Representation Sections 6.1.3(n), 7.5.4 (d &e)).

b) If HGV height has not been taken into account, could the Applicant explain their approach to the proposed mitigation measures to reduce the potential impact of HGV height on heritage assets with respect to viewpoints?

HBMCE response: Our understanding of the scheme is that the screening proposals to mitigate the visual impact of the A303 comprise:

- False cuttings – Bunds 5, 6 and 7. The Environmental Statement advises that the landscape bunds will create false cuttings that are 2 metres in height from the proposed carriageway. Based on the cross sections that the Applicant has provided HBMCE (these are provided in the Appendices in our written representation) the height appears to average 1.4m at the median strip to the carriageway. We are concerned that as a consequence of the proposals for mitigation this would be limited in its screening effect and would not reduce the impact on the RPG when large vehicles, including vans, coaches and HGVs would be using this new section of the A303. Refer to HBMCE Written Representation Section 7.5.3 (e), (i.2)
- Woodland planting – on the banks of the bunds. We agree that in the longer term, when the planting is in leaf and reaching maturity, moving traffic may be less visible, but we consider that large vehicles such as coaches and HGVs may be visible during winter months. Refer to HBMCE Written Representation Section 7.5.3 (e), (i.2)
- 2m high environmental barrier – where a bund or woodland planting is not proposed due to the location of a new drainage culvert, ie. east of Bund 7. We have raised the latter as an issue, under HBMCE Written Representation Section 7.5.3 (k), as we consider this will potentially detract from existing views within the RPG, where the road is currently screened with mature planting.

1.1.16 Hazlegrove House and Hazelgrove House RPG

a) Historic England [RR-018] has indicated that it is in discussions with the Applicant “on the exact extent of landscape mitigation proposals: including whether the height of screening bunds could be increased to screen the full height of a HGV when viewed from key viewpoints within the RPG”.

Can Historic England confirm which bund(s) as shown on the Works Plan [APP-006] it is referring to?

HBMCE response: Bunds 5, 6 and 7 (Work no.s 82, 89 and 90 respectively). Refer also to HBMCE Written Representation Section 7.5.3 (e) where the impact of the bunds in terms of screening is considered.

b) If the bunds to the north side of the proposed road at the end of the vista from Hazlegrove House were to be raised in height what effects would this have?

HBMCE response: HBMCE is not aware of, or has seen, any option that explores this scenario and is therefore unable to comment. However, such a scenario would need to provide the detail as to how this height would be achieved (with cross sections, photomontages, additional noise assessment) in order for it to be carefully assessed. There is the potential that additional height, with possible additional planting would lead to improve permanent screening of the scheme. However this might have an additional adverse physical impact to the Registered Park and Garden, as these larger earthworks could take up more land, potentially extending into the Registered Park and Garden and adversely affecting the experience and understanding of the heritage asset.

1.1.17 Hazlegrove House RPG

a) The proposal involves works within the Hazlegrove House Registered Park or Garden (RPG). What criteria were used to judge where the physically unaffected land of the RPG would be located?

HBMCE response: HBMCE would expect that any applicant in putting forward proposals would have carefully considered the process set out in the National Networks National Policy Statement (NNNPS), and set out a staged approach in

assessing the significance of the land within the RPG. We do have concerns about the extent to which this has been done in some aspects of the proposal and detail this in our written submission (HBMCE Written Representation Section 7.5.3). Ensuring that the correct approach has been followed and policy requirements complied with is fundamental in order for the decision maker to then make an informed judgement on the extent to which the criteria for the land-take and the level of harm caused complies with the requirements. HBMCE has encouraged the Applicant to undertake this approach through the production of the Statement of Significance during the early stages of the design, refer to HBMCE Written Representation Section 4.1.3 to 7.

b) What alternatives were considered for the extent of the physically unaffected land of the RPG, and why were they rejected?

HBMCE response: HBMCE is aware of the sifted options presented in the ES (Chapter 3, Assessment) and an alternative proposal produced by the Combined Parish Councils of Queen Camel, West Camel and Sparkford, but is not aware if the latter has been assessed by the Applicant. It would be for Applicant to demonstrate whether there are alternatives which would avoid or minimise the harm arising from a proposal. We would encourage the Applicant to comply with these policy requirements, as set out in the NNNPS.

c) Is the loss of cultural heritage the minimum necessary to deliver the benefits of the proposal?

HBMCE response: Although we note that this is a question raised in relation to Hazlegrove House and Hazlegrove House Registered Park and Garden, we would consider that this is relevant to all the heritage assets that would be impacted by the proposal, and it would be for the Examining Authority to determine based on the evidence provided.

d) Are there alternatives, perhaps involving different land-takes, which would better ensure the significance of the heritage asset was maintained?

HBMCE response: Please refer to our response to 1.1.17 b).

e) When considering the level of harm to the heritage asset, what level of harm would be caused? Such an assessment should be justified.

HBMCE response: HBMCE has set out its views on the impact of the Scheme on the heritage asset in its written representation, under *Section 4. Proposals and Historic England's Involvement with the Scheme (4.1.3 and 4.1.14)* and *Section 7. Assessment of Impact on Designated Heritage Assets (7.2)*.

1.1.18 Hazlegrove House RPG

a) Table 6.4, second row, of the Chapter 6 Cultural Heritage of the ES [APP-043] in respect of the temporary effects on Hazlegrove House RPG states that there were be a change from “arable farmland to construction area”. While it is appreciated that the field being utilised is arable farmland, given that the parkland is predominantly pastoral is this statement clear?

HBMCE response: HBMCE advise that the arable farmland is former open parkland within the RPG and its value and significance should be considered in this context.

b) If not, does this affect the conclusions?

HBMCE response: HBMCE consider that although a construction compound and temporary soil stockpile area are referred to as being located in the RPG (ref. ES Chapter 6, para 6.9.13), they are not identified on the Works Plans or defined in the Temporary Construction Impact. We consider that further detail, including locations and extents, should be provided in the ES to inform the conclusions, including Table 7.2, and the Work Plans for the DCO, refer to HBMCE Written Representation Section 7.5.3 (c).

1.1.19 Hazlegrove House RPG

a) In Table 6.4, second row, of the Chapter 6 Cultural Heritage of the ES [APP-043] assessing the effects on the Hazlegrove House RPG there are references to a “construction compound” and an “ancillary construction compound”. However, these

are not shown on the works plan. Have they been omitted from the works plan or no longer proposed? b) Does the assessment set out in the ES need to be updated to take account of the final proposal?

HBMCE response: Please refer to our response in 1.1.18 b) above.

1.1.20 Hazlegrove House RPG

a) As precise details of the planting scheme would be subject to a Requirement of the DCO how is it possible to be satisfied that any proposed landscaping screening would reflect the character of the park (ES paragraph 6.13.1 of Chapter 6 [APP-043])?

HBMCE response: This question was addressed to the Applicant only, however HBMCE have raised a similar comment in its written representation (HBMCE Written Representation Section 7.5.3 (b)). As detailed information on the proposed planting scheme is not included in the application documents (albeit schematic plans have been tabled at previous consultation meetings), there is a limit to which the success of the planting in mitigating the impact of scheme can currently be assessed or judged.

1.1.21 Archaeology

a) It is noted in paragraph 6.5.2 of Chapter 6 Cultural Heritage of the ES [APP-043] that field evaluation (trial trenching and/or geophysical survey) has been undertaken as regards archaeology with the results submitted as other environmental information to support the DCO application during the examination period. When are the results likely to be available?

HBMCE response: HBMCE maintains its view, as set out in HBMCE Written Representations Section 8.2 that all the results of all archaeological investigation need to be sufficiently analysed to inform an appropriate and proportionate mitigation strategy for the Scheme. We would welcome submission of the results of the archaeological evaluation conducted to date as soon as possible, as well as a timetable for completion of the outstanding elements of evaluation required in advance of construction commencing.

b) What arrangements are in place to disseminate these results and take the results into account, if necessary, within the ES and DCO?

HBMCE response: HBMCE would expect to see a review of the conclusions of the ES based on the results of the archaeological evaluation, particularly in relation to the Camel Hill scheduled monument and Hazlegrove RPG and submitted as additional environmental information during the DCO process. The results should inform the approach to the overall mitigation strategy (as referred to in our Written Representation e.g. 6.1.3(k) of which a draft is currently awaited. This strategy will inform development of the WSI included under the CEMP as part of the DCO.

c) If the results are already available, has the field work revealed any previously unknown archaeological remains?

HBMCE response: HBMCE would request that if results are already available an interim summary should be provided to the examination and made publically available as this will then assist in furthering discussion in advance of completion of the awaited reports.

d) If so, what is the significance of these remains and what effects would the proposal have upon them?

HBMCE response: We are not aware and have not seen the interim results of the evaluation, and are therefore unable to comment further at this stage until those results are made available.

e) Does this affect the conclusions and if so, in what way?

HBMCE response: Please refer to our response in 1.1.21 d) above.

1.1.22 Camel Hill Romano-British Settlement Scheduled Ancient Monument (SAM)

a) As regards Camel Hill SAM group is it agreed that the methods of mitigation are sufficient to ensure that any negative effects are kept to a minimum?

HBMCE response: HBMCE broadly agrees with the proposed mitigation strategy which is to identify an exclusion area around the monument, conduct a programme of archaeological evaluation along the line of the haul road, build up the ground in construction of the haul road rather than excavate, and ensure that a programme of monitoring is agreed for inclusion under the WSI to identify any archaeological remains or deposits that are nonetheless exposed during construction of the Scheme and ensure that these are appropriately dealt with. However, the detail of that strategy remains to be submitted and until it is HBMCE will not be able to confirm whether the proposed mitigation strategy is sufficient to ensure that any negative effects are kept to a minimum (HBMCE Written Representation Section 7.3).

b) If not, how could they be improved?

HBMCE response: Until the detailed mitigation proposals have been produced, following completion of the archaeological evaluation and production of the results, HBMCE will not be able to assess this aspect of the proposals and will not be able to advise the Examining Authority regarding whether any improvements are needed.

c) What degree of harm, if any, would be caused to the SAM?

HBMCE response: HBMCE cannot confirm its position on the overall degree of harm caused to the SM until the remaining archaeological evaluation has been conducted and the results provided for assessment (HBMCE Written Representation Section 7.3).

1.1.23 Downhead Medieval Settlement Scheduled Ancient Monument (SAM)

Historic England's Relevant Representation [RR-018] notes that a habitat mitigation area is to be located in proximity to the monument. What would be the effects of this mitigation area on the SAM?

HBMCE response: HBMCE does not consider that the proposed ecological mitigation works (39 & 40) in closest proximity to the scheduled monument will have a significant effect on the significance it derives from its setting. However, there is potential for a level of evidential impact associated with the damage to or loss of

archaeological remains impacted by these works. The level of any harm caused will depend on the significance of any remains identified and the physical impact of the works. Loss of or damage to any archaeological remains directly related to the settlement is likely to negatively impact on the significance of the scheduled monument. These impacts will be permanent, and it is important therefore to ensure that the proposed mitigation strategy is appropriate and proportionate to the significance of any remains and the level of harm caused (HBMCE Written Representation Section 7.4).

1.1.24 Downhead Medieval Settlement Scheduled Ancient Monument (SAM)

a) As regards Downhead Medieval Settlement SAM group is it agreed that the methods of mitigation are sufficient to ensure that any negative effects are kept to a minimum?

HBMCE response: The specific detail of the proposals has not been included in the ES works plans. Until the detailed mitigation proposals have been produced based on the results of prior evaluation HBMCE will not be able to assess this aspect of the proposal and will not be able to advise the Examining Authority regarding whether the negative effects have been kept to a minimum.

b) If not, how could they be improved?

HBMCE response: Please refer to our response to 1.1.24 a) above.

c) What degree of harm, if any, would be caused to the SAM?

HBMCE response: HBMCE cannot confirm its position on the overall degree of harm caused to the SM until the results of the archaeological evaluation have been provided for assessment (HBMCE Written Representation 7.4).

1.1.25 Archaeology

Due to the uncertainties involved in identifying archaeological sites from aerial photography, could the heritage stakeholders state whether they are in agreement with the Applicant's interpretation of the aerial photography as listed within Appendix

6.1, Appendix D of the ES [APP-067]?

HBMCE response: No aerial photographs have been included in Appendix D of the ES. Therefore, we are unable to comment on the Applicant's interpretation. We would refer the Examining Authority to the comments of the local planning authority's archaeologist in this regard since their knowledge of the information on the Historic Environment Record (HER) for Somerset means they are best placed to advise in detail on this question.

1.1.26 Queen Camel and West Camel Conservation Areas and Heritage Assets to the south

a) During construction and when operative, when the A303 is closed, the diversion route will be to the south and diverted traffic may travel through Sparkford, Queen Camel and West Camel. This is assessed in the ES Appendix 6.1 Cultural Heritage Desk Based Assessment Table 7.2 pages 62 and 63 [APP-068] in respect of both the construction and operational periods. Do all parties agree with this assessment, and if not, could the reasoning please be explained?

HBMCE response: We have set out in our relevant representations and in our written submission that we will focus upon the Grade II Hazlegrove Registered Park and Garden, the Camel Hill Scheduled Monument and the Downhead Manor Farm Scheduled Monument as a result of the level of significant environmental effect that has been identified in assessment of the proposals and our specific remit in relation to scheduled monuments. We understand that others will be dealing with other heritage assets that are affected by these proposals. HBMCE would therefore refer the Examining Authority to the comments of the local planning authority's conservation officer and archaeologist in this regard; they are well placed to advise in detail on this question.

b) What measures would be in place to ensure that any effects on these heritage assets were mitigated?

HBMCE response: Please refer to our response to 1.1.26 a) above.

c) How would these measures be secured?

HBMCE response: Please refer to our response to 1.1.26 a) above.

1.1.27 Listed buildings in Sparkford

a) It is indicated that there would be an increase in traffic on Sparkford High Street as a result of the proposal. This increase would be in proximity to listed buildings. What effect would the proposal have on these heritage assets?

HBMCE response: We have set out in our relevant representations and in our written submission that we will focus upon the Grade II Hazlegrove Registered Park and Garden, the Camel Hill Scheduled Monument and the Downhead Manor Farm Scheduled Monument as a result of the level of significant environmental effect that has been identified in assessment of the proposals and our specific remit in relation to scheduled monuments. We understand that others will be dealing with other heritage assets that are affected by these proposals. HBMCE would therefore refer the Examining Authority to the comments of the local planning authority's conservation officer and archaeologist in this regard; they are well placed to advise in detail on this question.

b) If this results in any degree of harm, what measures would be in place to ensure that any effects on these heritage assets were mitigated?

HBMCE response: Please refer to our response to 1.1.27 a) above.

c) How would these measures be secured?

HBMCE response: Please refer to our response to 1.1.27 a) above.

1.1.28 Listed milestone

a) Paragraph 6.9.8 of Chapter 6 Cultural Heritage of the ES [APP-043] sets out the proposal is to remove the nineteenth century listed milestone and replace it at "an appropriate point on the new A303 which would retain its historic setting". Please could further analysis to justify this quote be undertaken taking account of the nature

of the road when the milestone was originally installed, now and for the future?

HBMCE response: We have set out in our relevant representations and in our written submission that we will focus upon the Grade II Hazlegrove Registered Park and Garden, the Camel Hill Scheduled Monument and the Downhead Manor Farm Scheduled Monument as a result of the level of significant environmental effect that has been identified in assessment of the proposals and our specific remit in relation to scheduled monuments. We understand that others will be dealing with other heritage assets that are affected by these proposals. HBMCE would therefore refer the Examining Authority to the comments of the local planning authority's conservation officer and archaeologist in this regard; they are well placed to advise in detail on this question.

b) In relation to the milestone the works are described as "Temporary Moderate Adverse" and "Permanent Slight Adverse." While historic fabric is to be retained (in the sense that the milestone is to be physically removed and replaced) won't this result in the total loss of fabric. When considering the level of harm to the heritage asset, what level of harm would be caused? Such an assessment should be justified.

HBMCE response: Please refer to our response to 1.1.28 a) above.

c) Where in the DCO Requirements it is provided that the milestone is to be relocated?

HBMCE response: Please refer to our response to 1.1.28 a) above.

d) What arrangements are in place to see whether, if the milestone was replaced, it was re-considered for listing?

HBMCE response: Please refer to our response to 1.1.28 a) above.

1.1.29 Non-designated heritage assets

a) Section 4.9 of Appendix 6.1 Cultural Heritage Desk Based Assessment [APP-067] sets out a list of non-designated heritage assets. It is indicated that these were

“identified due to their historic value and the potential for this value to be impacted by the scheme”. Could it be clarified against what objective criteria was this list drawn up?

HBMCE response: HBMCE would refer the Examining Authority to the comments of the local planning authority’s archaeologist in this regard since their knowledge of the information on the Historic Environment Record (HER) for Somerset means they are best placed to advise in detail on this question.

b) What measures were taken to identify any other potential non-designated heritage assets (apart from the 2018 investigations on site of non-identified archaeological remains)?

HBMCE response: Please refer to our response to 1.1.29 a) above.

1.5 Landscape and Visual Effects

1.5.3 Clarification (Key views)

a) Paragraph 7.4.9 of Chapter 7 of the ES [APP-044] indicates Key Views within Figures 7.8a to 7.8g which would seem to indicate seven views. However, Figure 7.6 (Key Views) is on five sheets indicating nine key views (numbered 10, 12, 14, 28, 30, 36, 38, 44 and 45).

Could this please be clarified, both how many there should be and the criteria against which they were selected?

HBMCE response: We disagree with the Applicant that only those listed in paragraph 7.4.9 of Chapter 7 are Key Views. Please refer to our response below at 1.5.3 (c).

b) Could we be directed to a plan, or could a plan be prepared, showing the key views, particularly identifying those used for the photomontages?

HBMCE response: Please refer to our response to 1.5.3 (c) below.

c) Do the parties agree that these are the key views? If not, which additional views should be considered?

HBMCE response: As part of the discussions for the SoCG, HBMCE has requested the following:

- Appreciation and assessment of Camel Hill Scheduled Monument as a visual receptor (HBMCE Written Representation 7.3) - HBMCE maintains its position that the scheduled monument at Camel Hill is a visual receptor; it has not currently been included by the Applicant in the visual assessment. The Applicant considers that there will not be an adverse visual impact on the setting of the scheduled monument; however they have agreed to prepare a photomontage from the south west corner of the monument to demonstrate this. To date this photomontage has not been submitted as part of the application documentation. The Applicant's agreement to produce this photomontage is recorded in the minutes of the meeting held with HBMCE on 29/11/18 (please refer to the Appendices to our written representations).
- Clarification on the impact on views from Hazlegrove House (Visual receptor 35) - HBMCE has requested evidence, in the form of a photomontage, to clarify whether Camel Hill Services will be screened from views from the House by the mitigation proposals.

1.5.5 Approach

a) Chapter 7 of the ES [APP-044] explains that the landscape assessment has assessed residential receptors in small groups rather than individually and paragraph 7.7.30 states that the visual assessment has been undertaken by only assessing high sensitivity receptors. Are these approaches justified in all circumstances?

HBMCE response: HBMCE would refer the Examining Authority to the comments of the local planning authority's landscape officer and conservation officer in this regard since their regional knowledge of Somerset means they are best placed to advise in detail on this question.

b) If not, what alternative approach should be utilised and why?

HBMCE response: Please refer to our response to 1.5.5 a) above.

1.5.10 St Michael's Hill

a) Chapter 7 of the ES [APP-044] paragraph 7.6.1 sets out the study area. The Cultural Heritage assessment [APP-043] paragraph 6.6.2 includes the effect from St Michael's Hill in the proximity of Montacute House and this is also referenced by the National Trust [RR-029]. However, the landscape and visual effects from St Michael's Hill do not appear to have been assessed. Why was this viewpoint omitted from the assessment?

HBMCE response: We have set out in our relevant representations and in our written submission that we will focus upon the Grade II Hazlegrove Registered Park and Garden, the Camel Hill Scheduled Monument and the Downhead Manor Farm Scheduled Monument as a result of the level of significant environmental effect that has been identified in assessment of the proposals and our specific remit in relation to scheduled monuments. We understand that others will be dealing with other heritage assets that are affected by these proposals. HBMCE would therefore refer the Examining Authority to the comments of the National Trust, and the local planning authority's conservation officer and archaeologist in this regard; they are well placed to advise in detail on this question.

b) What are the landscape and visual effects from this location and are they significant?

HBMCE response: Please refer to our response to 1.5.10 a) above.

1.5.11 St Michael's Hill

a) In the Appendix 6.1 of the ES, Cultural Heritage Desk Based Assessment [APP-067] on page 71 as regards the significance of effect it is stated: "Neutral evaluation, if remains are present and it is not possible to retain them in situ, an appropriate archaeological level of recording will be undertaken in accordance with an agreed WSI". Given the distance to St Michael's Hill could the second part of this statement please be justified?

HBMCE response: HBMCE would refer the Examining Authority to the comments of the local planning authority's archaeologist in this regard as they are best placed to advise in detail on this question, particularly given their knowledge of the information on the Historic Environment Record (HER) for Somerset.

1.10 Draft Development Consent Order (DCO) [APP-017, AS-007/AS-008]

1.10.9 Article 2(1), a) Limits of deviation:

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

HBMCE Response: HBMCE would welcome confirmation from the Applicant that the limit of lateral deviation included on the Works Plans (Sheet 3 of 4) will not entail encroachment within the Camel Hill scheduled monument. The WSI to be included under the CEMP as part of the DCO should be designed to cover the area included within the full limit of deviation, both lateral and vertical (see our Written Representation 8).

1.10.16 Article 21

Given these protective works could be to a listed building, do any particular provisions needed to be included in such a scenario?

HBMCE response: HBMCE advises that the special architectural and historic interest of any listed building affected should be appropriately protected from collateral damage during construction of the Scheme. The special architectural and historic interest of any listed building affected should be a primary consideration with any works. The local planning authority and HBMCE should be consulted on any works affecting a Grade I or Grade II* listed building and the local planning authority should be consulted on any works affecting a Grade II listed building.

1.10.19 Article 47(12)

This is defined (Article 2(1)) as being the Secretary of State for Transport, but should this Article specifically refer to the Secretary of State for Justice as that person to whom an application would have to be made apart from the Order?

HBMCE Response: HBMCE’s Written Representation (Section 8) refers to the need to obtain the Secretary of State for Justice’s consent to remove human remains and that this should be addressed under the WSI to be included under the CEMP

1.10.27 The Applicant IPs, Schedule 2 – Requirement 3(4)

In the definitions it indicates that the HEMP is “to be to be developed towards the end of the construction of the authorised development”, but in Requirement 3(4) it is stated to be “upon completion”. These two would appear to be inconsistent. Could this please be resolved?

HBMCE Response: HBMCE has requested that the Applicant prepares a Conservation Management Plan for the RPG as part of the mitigation strategy. HBMCE would expect this to be incorporated into the HEMP and therefore “developed towards the end of the construction of the authorised development” . .

1.10.31 Schedule 2 – Requirement 6(1)

a) Is there a date by when the mitigation needs to be completed?

HBMCE Response: HBMCE considers that mitigation should be completed before the new dual carriageway is fully operational, and to accord with Year 1 photomontage evidence presented in the ES.

b) Should this be included within the Requirement?

HBMCE Response: HBMCE considers that a timeline should be included, ie. that it is to be completed before the new dual carriageway is fully operational (subject to the appropriate planting season, in the case of soft landscape proposals).

1.10.42 Schedule 2 – Requirement 14(3)

a) Is there a date by when the mitigation needs to be completed?

b) Should this be included within the Requirement?

HBMCE Response: Please refer to our response to 1.1.31 a & b above.

1.10.43 Schedule 2 – Requirement 14(3)

- a) Is there a date by when the mitigation needs to be completed?
- b) Should this be included within the Requirement?

HBMCE Response: Please refer to our response to 1.1.31 a & b above.