

A303 Sparkford to Ilchester Dualling Scheme TR010036

9.11 Responses to Local Impact Report, Written Representations and comments on responses to the Examining Authority's Written Questions

APFP Regulation 5(2)(g)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

February 2019



Infrastructure Planning

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(Applications: Prescribed Forms and
Procedure) Regulations 2009**

**A303 Sparkford to Ilchester Dualling
Scheme**

Development Consent Order 201(X)

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and comments on responses to the Examining Authority's
Written Questions**

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1. Responses to the Local Impact Report and Written Representations

1.1 Introduction

- 1.1.1 The Applicant, having considered the Written Representations and Local Impact Report (LIR) (REP2-019), notes that there is considerable overlap in the points made in different representations. Rather than address each representation individually, the Applicant has prepared this response on a thematic basis to address the issues of concern by topic without creating unnecessary repetition.

1.2 Design principles and approach

- 1.2.1 This section responds to submissions made which relate to the principles of the approach to design and level of detail required within the Development Consent Order (DCO) by the Councils in their LIR (REP2-019).

Principle of DCO approach

- 1.2.2 The design used to develop the application and to create an envelope to allow environmental assessment to be carried out is preliminary – the application does not include a final, detailed design. That is clear from the inclusion of limits of deviation, the drafting of the requirements, and the fact that the general arrangement drawings are clearly marked as indicative. Requirement 12 of the draft DCO (dDCO) requires the detailed design to be compatible with the preliminary scheme design shown on the works plans and the engineering section drawings. If any departures are proposed from the preliminary scheme design, these must be approved by the Secretary of State, in consultation with the relevant planning and highway authorities (on matters relating to their functions). The Secretary of State must be satisfied that any departures will not result in any materially new or materially worse adverse environmental effects in comparison with those reported in the Environmental Statement (ES).
- 1.2.3 This approach is in line with general DCO practice which essentially consents design parameters based on a general arrangement within which the final design of the scheme can be developed post consent. All of the comments on detailed design are noted, however these are premature at this stage and are therefore not responded to individually.
- 1.2.4 It is premature at this time to bring forward detailed proposals for all aspects of the scheme. For example, the Councils in line T4 of the LIR (REP2-019) note that there are no specifics yet provided for traffic management arrangements during construction. Until the final detailed design has been developed along a final build programme to be set out and the anticipated start date known, it is not possible to provide that level of detail. That detail is however secured under Requirement 11 which requires the final Traffic Management plan to be approved prior to the commencement of the development.

Requests for further detail

- 1.2.5 The Councils have, in the LIR (REP2-019) in particular, made a number of requests for greater detail to be produced during the Examination. The Applicant considers that these are premature and fail to take account of both the general approach to DCOs and the need for further approvals under any DCO. Particular instances are addressed below.

Written Scheme of Investigation

- 1.2.6 The Applicant notes the requests for a full Written Scheme of Investigation (WSI). This would be premature ahead of finalisation of the detailed design however the Applicant is progressing a detailed outline WSI during the examination to address the concerns of Interested Parties. The final WSI would then require to be in accordance with that detailed outline and have regard to the final detailed design which is not yet available. Requirement 9 of the dDCO will be amended to secure that the final WSI must be in accordance with the outline.

Rights of Way specifications

- 1.2.7 The Applicant considers that these are matters of detailed design which it would be premature to bring forward now. The Applicant will however propose a schedule of minimum standards for discussion with the Councils through the Statement of Common Ground process, and with the Bridleways Association, in order to agree the minimum widths, surfacing and approach to barriers (gates and stiles) acceptable for each type of Right of Way (RoW), which will inform the detailed design.

Protective Provisions for the Council as Local Highway Authority

- 1.2.8 The Applicant acknowledges that Somerset County Council as local highway authority (LHA) has raised a number of concerns with the highway proposals and asked for a number of items to be secured through various forms of agreement. The Applicant however considers that Somerset County Council's concerns can be appropriately dealt with through Protective Provisions within the DCO rather than an unnecessary, separate legal agreement. The Applicant has prepared a first draft of these Protective Provisions and will provide these to Somerset County Council for discussion.
- 1.2.9 The Applicant notes that Somerset County Council have requested that provision for payment of a commuted sum for future capital maintenance of some of the assets to be transferred to it is included in the DCO. The Applicant would be keen to engage in further discussion with Somerset County Council on this point in the context of progressing the dDCO drafting (including the suggestion of Protective Provisions for the LHA) and the Statement of Common Ground, and with the benefit of technical input as to what structures and assets are being referred to. The Applicant has requested a meeting to progress this with Somerset County Council.

Approval of detail

Councils' approval of detail matters (LIR table lines T1, T2, T3, T4, T5, T6, P2, REP2-019)

- 1.2.10 The Council's request that "[t]he DCO should be amended to include provision for Somerset County Council as the Local Highway Authority to approve the relevant detailed design matters where the works impact on the prospective Local Road Network (LRN)" is not agreed by the Applicant.
- 1.2.11 Somerset County Council is not the discharging authority proposed under the dDCO, that role would sit with the Secretary of State. Therefore, while it will be invited to review and comment on the proposals, Somerset County Council is not responsible for approving any aspect of the detailed design. This approach has been routinely accepted in other Highways England highway DCOs.
- 1.2.12 As set out in the Applicant's response to the Examining Authority's written question 1.10.5 (REP2-004), the Councils would prefer the ability to refuse or approve the detailed design; however, as they are not the discharging authority for the requirements, this would create a double approval process requiring approval from the Councils and from the Secretary of State. The Applicant does not accept that a double approval process is necessary or appropriate for this scheme.
- 1.2.13 The Applicant will take the Councils' responses on detailed design into account and would expect the Secretary of State to give considerable weight to those, especially when considering elements which will become Local Highway Authority assets. There is therefore a great deal of incentive for the Applicant to seek agreement on the design. It is not appropriate however for a consultee to be able to refuse details preventing application(s) for discharge of requirements being made as that would endanger the timing of the delivery of a Nationally Significant Infrastructure Project (NSIP) and create an impasse in the project.
- 1.2.14 It is entirely appropriate that, where the Councils are not satisfied with any aspect of the detailed design, the Secretary of State is asked to make the decision having the Councils' comments and the Applicant's response before him. This is what would happen under other planning regimes if the Councils refused an application and the Applicant appealed, and is therefore in line with planning practice.

Fees for detailed design review (LIR table lines T1, T2, T3, T4, T5, T6, P2, REP2-019)

- 1.2.15 In addressing the Councils' request for fees, the Applicant considers that it is important to remember that the context of this development is one of a vastly experienced and responsible highway authority constructing a trunk road. The Applicant is not primarily a commercial developer who has to deliver highway works only as an ancillary element of their main project. The Applicant is entirely qualified to bring forward a safe and suitable detailed scheme.
- 1.2.16 The Applicant entirely understands the Councils' position that as public

authorities their resources are limited and constrained, however, the Applicant notes that it is also funded through public funds, must account for the use of these and should not be required to use its public funds to redress funding constraints elsewhere in the public sector.

- 1.2.17 As set out in the Applicant's response to the Examining Authority's written question 1.10.5 (REP2-004), there is no requirement or mechanism under the Planning Act for the Councils to be paid any fee for responding to consultation under DCO requirements. Parliament, in passing the Planning Act 2008, did not see fit to provide any regime for the payment of fees to any statutory consultee, including local authorities. To prescribe for payment of fees to consultees would be contrary to the general planning approach in both the DCO and the Town and Country Planning Act (TCPA) regimes. The Applicant therefore does not accept the request to provide for the payment of fees to the Councils in relation to reviewing any detailed design proposals.
- 1.2.18 The Councils' approach of treating this development as analogous to other developments' ancillary road works is unrealistic. The Applicant is a highway authority, and will require its contractors to deliver the project safely and to the required standards. Inspection of trunk road works by the LHA is not necessary to ensure that the works are completed to the required standard as Highways England as a highway authority will supervise these. The Applicant however understands the LHA's desire to be able to inspect works to the local highways and raise any concerns. The Applicant therefore proposes to add to the DCO a set of Protective Provisions for the LHA which would allow, inter alia, inspection to be undertaken of the works which will become local highway. These provisions will not provide for payment of fees for such inspections as they are being offered to the LHA following their request, they are not a service being requested from them.

Superintendence fees (LIR table line T1, REP2-019)

- 1.2.19 Somerset County Council have, in the LIR (REP2-019) requested that "*The DCO should include provision for the associated fees in connection with undertaking the detailed design review to be secured. SCC superintendence fees are based on 8.5% of the total highway construction cost*".
- 1.2.20 In addition to the reasons given in 2.4 (b) above for not proposing to pay fees to the LHA, the superintendence fee proposed by Somerset County Council is entirely disproportionate and demonstrates the flaw in the approach taken by trying to treat this project as it does works to its own highway network. The Applicant is the highway authority with responsibility for the trunk road network. There is no need for the LHA to inspect the trunk road works as the Applicant will ensure these are constructed to the standard required by it as the responsible highway authority. A fee based on total project cost is accordingly entirely excessive; on the most-likely costs budgeted for this project¹ that fee would be £14.5m, which is clearly inappropriate.

¹ Funding statement (APP-021) at 2.1 provides that the most likely cost is £171million

1.3 Scheme design

- 1.3.1 This section responds on the issues raised relating to the design of the scheme raised by the Councils in the LIR (REP2-019), the Parish Councils in their Written Representation (REP2-043), and the Somerset Ramblers in their Written Representation (REP2-047).

Hazlegrove Junction alternative layout (Parish Councils' Written Representation, REP2-043)

- 1.3.2 The Applicant notes that the key point is that the proposals made in the Parish Councils' submissions are not part of the scheme submitted for examination and are not before the Examining Authority for consideration. The Applicant has not applied for and does not intend to apply for the 'design' outlines in the written representation. The Applicant is pursuing the scheme as applied for and as assessed. While the Applicant acknowledges the time and work put in to the Parish Councils' submission, the layout proposed in that submission does not form part of the scheme applied for. The Applicant is promoting the scheme as submitted having rejected a range of alternative designs prior to finalising its design solution.
- 1.3.3 The core of the Parish Councils' position in asking for the proposed design to be rejected, can, in legal terms, only be interpreted as requesting that the Application be refused. The Parish Councils do not appear to appreciate that the Examining Authority cannot be asked to choose between designs – there is only one scheme before them and that is as applied for by the Applicant. The proposal currently put forward by the Parish Councils does not amount in any meaningful sense to an alternative. It has not been fully designed, it has not been environmentally assessed and the conclusions of such an environmental assessment are simply not known.
- 1.3.4 It is not appropriate for anyone other than the Applicant to design changes to its trunk road network. The Applicant has produced a thorough explanation of the evolution of and reasoning behind the design of Hazlegrove Junction. This was submitted to the process at Deadline 2 as part of the Applicant's further documents in response to the Examining Authority's first written questions (REP2-005). The Applicant has complete confidence in the process undertaken to reach the layout of the design applied for and the robustness of the assessment made for the application.
- 1.3.5 The design has been progressed to accommodate constraints which cannot reasonably be removed, including a scheduled ancient monument and an operational Ministry of Defence site. The Applicant has engaged productively with the Ministry of Defence on its proposals however that does not mean that the Ministry would make any other land available, especially land in use as and immediately adjacent to the operational site. The Parish Councils' proposal simply does not reflect the reality of Highways England's inability to acquire and / or use Crown Land unless the Ministry of Defence consents and the risk to the programme that inclusion of such land would represent.

Parallel local road

- 1.3.6 The scheme incorporates a parallel local road (PLR) along some of the length of the scheme. However this is not continuous. A number of Interested Parties have submitted representations advocating that the scheme be amended to include a PLR. In response to the representations made, the Applicant has prepared this summary of the design evolution of the Application as regards the PLR.
- 1.3.7 PLRs are often employed as a solution to the loss of local connections caused by improvement schemes. They follow roughly the same corridor as the original road and provide the local road connections and direct accesses to adjacent property that are disrupted by the trunk road upgrade. Whilst provision of a continuous PLR can be an advantage, particularly in providing for local connections which are stopped up by upgrading the trunk road, they are not considered essential and not every trunk road improvement scheme is required to include one. The Applicant continues to stress that that the scheme is being designed as an all purpose trunk road; no vehicle types will be banned.
- 1.3.8 PLRs require additional land-take and therefore require careful and sympathetic design particularly in rural areas. The provision of a new single carriageway in addition to the new dual carriageway in the same corridor can also constitute over-development, especially in rural locations.
- 1.3.9 Approximately half of the proposed scheme length is covered by a PLR. The majority of local roads and accesses have been connected to these PLRs and onto the nearest available junction with the A303. For the majority of accesses, the retained sections of former A303 carriageway enable access to the local road network and onto the next adjacent junction of the A303. Along with the provision of some additional local roads and access tracks, the scheme enables access to the local road network and the A303 at either the B3151 and A359 junctions. A continuous parallel non-motorised user (NMU) route has also been provided using a mixture of dedicated paths, mixed use tracks and local road verges.
- 1.3.10 The horizontal alignment of the existing A303 is not compatible with modern geometric standards, and so the alignment of the proposed dual carriageway will be straighter than the existing road. Given that the existing road could not be used as part of the dual carriageway, the alignment of the preferred route (when first conceived as Option A2) was therefore deliberately aligned either slightly north or slightly south of the existing carriageway for much of its length. Although this was prompted by geometric design reasons, it was also seen as an opportunity to retain as much of the existing carriageway as practicable for local use. Due to land constraints at Camel Hill however a continuous PLR between the B3151 and A359 has not been possible (see paragraph 1.3.5 above).
- 1.3.11 Scheme development has followed Highways England's 7 stage Project Control Framework (PCF). The scheme is currently in PCF Stage 4, having progressed through the previous three stages between October 2015 and July 2018. Each stage included a period of design development culminating in at least one design fix intended to take account of feedback and observations from the previous stage. Buildability advice was obtained from Highways

England's delivery supply chain at each stage. Stages 2 and 3 included public consultation exercises. The development of the Application has repeatedly reviewed and re-considered PLR provision for this scheme, particularly with regard to consultation responses.

- 1.3.12 The sifting process at PCF Stage 1 assessed the relative merits of each option in terms of 56 aspects, classified broadly under the following 5 headings; Strategic fit, economic, managerial, financial and commercial. In particular, the economic part of the sift included an assessment of the relative operational resilience of each option, and the relative degree of severance that each option might create which would impact on the well-being of the local community.
- 1.3.13 On the basis of the PCF Stage 1 assessment, Option A2 (the current proposal) and Option F1 (which included a full PLR) were shortlisted for further detailed assessment and public consultation in PCF Stage 2. Option F1 was included despite anticipated significant environmental impacts in part because of the benefits that the retention of the existing A303 carriageway was considered to offer.
- 1.3.14 At the commencement of PCF Stage 2 Option A2 was renamed Option 1, and F1 was renamed Option 2. A non-statutory consultation was held on Option 1 and Option 2 in February and March 2017.
- 1.3.15 The proposed Option 1 (the current scheme) route crosses the existing carriageway at two locations; Canegore Corner and Camel Hill. The two crossings at Canegore Corner and Camel Hill present an obstacle to the development of a continuous PLR between the B3151 and A359.
- 1.3.16 Construction to the north of the proposed A303 at Camel Hill would encroach into the Camel Hill Scheduled Monument. When consulted on this prospect Historic Buildings and Monuments Commission for England (HBMCE) advised that they would not support such a proposal. Constructing to the north of the proposed dual carriageway was therefore rejected.
- 1.3.17 Construction to the south of the proposed A303 would encroach into an operational site currently owned by the Ministry of Defence. Highways England do not have powers of compulsory acquisition over the Ministry of Defence, and as such any scheme requiring the use of this land would be reliant on the successful acquisition of it by agreement, of which there is no guarantee of a successful outcome within required timescales for delivery of the project. In addition, there is a high potential for buried services to be present within the communications site, and the fact that it is a designated local wildlife site weighs against development of this land.
- 1.3.18 At the end of PCF Stage 2 Option 1 was selected as the preferred route. The principal reasons why Option 1 was selected in favour of Option 2 were that it minimised land-take, minimised construction in an unspoilt rural setting as the route follows the existing corridor very closely, was preferred by stakeholders and most of the local community, has less impact on biodiversity, and is the shortest of the 2 options so will provide the best journey time. It was decided that reliance on acquiring Ministry of Defence land through agreement to accommodate a continuous PLR presented a high risk in terms of the

project's programme, and construction to the south of the dual carriageway was therefore rejected.

- 1.3.19 The preferred route decision took full account of the limitations of Option 1 in respect of its ability to accommodate a continuous PLR between the B3151 and A359, and of the comments made during the non-statutory consultation and buildability review. However, whilst there are potential benefits, there are also expected to be disbenefits, and it may not have been possible to satisfactorily mitigate the adverse environmental impacts of Option 2.
- 1.3.20 In February 2018 the potential for a PLR at this location was again reviewed in response to Statutory Consultation feedback. A highway and PLR arrangement aligned such that it did not encroach into the Scheduled Monument to the north was produced, which demonstrated that an area of land approximately 5 metres wide and 100 metres long would be required from the MOD site to allow a PLR. Despite the relatively small size of this plot, the risk to the project of not being able to secure it by agreement within the required timescales was considered to be unacceptable, and so a continuous PLR between the B3151 and the A359 was again rejected.

Changes to a DCO application post submission (Parish Councils' Written Representation)

- 1.3.21 The Applicant maintains the position as expressed at the first open floor hearing that, even while it does not intend to propose a change to the design of the trunk road or its junctions, changes of the scope suggested could not in any case be accommodated within the examination process as they represent a fundamental change to the substance of the scheme applied for. The Applicant cannot accept the Parish Councils' position that the proposed design changes are minor; rather it considers the Parish Councils do not fully understand the implications of such a change.
- 1.3.22 As the Applicant explained in the open floor hearing, there are 3 levels of change to a DCO; these are non-material amendments, material amendments and changes to the substance of the application (which cannot be accepted during examination). The Applicant is aware that the Panel understand these categories, however, in order to demonstrate why the proposed changes are not minor, as has been submitted by the Parish Councils, and in order to explain to those Interested Parties who are requesting the change why the change sought would not be possible even if the Applicant did accept their position, a further explanation of each is given.
- 1.3.23 Minor or non-material amendments are routinely made during the examination of DCOs including in response to the issues arising from that examination. Minor or non-material amendments are small changes to a scheme which do not affect the substance, are within the red line of the application and the envelope of the ES and do not require further environmental information or consultation. For example, on this scheme it is likely that very minor amendments will be made to the location of field entrances as discussions with landowners progress. The Parish Councils' proposals are clearly not minor variations as claimed in the letter.

- 1.3.24 The next class of changes are material change. Advice note 16 sets out some guidance on material changes however, it notes that there is no legal definition of material, materiality is scheme dependent and is judged on the facts and circumstances of each scheme.
- 1.3.25 Material changes are substantial changes to the scheme which do not go so far as affecting the substance of what has been applied for. The determination of what is or is not a material change ultimately lies with the Examining Authority, although Applicants are expected to address this question in asking for changes. In this case, the Applicant has notified an intention to make a material change to an accommodation work and the construction compound location. This change is clearly material as it requires the amendment of the Red Line Boundary (RLB) of the scheme, the inclusion of new land and therefore new affected landowners and the submission of further environmental information. The change however, does not go to the substance of the scheme as it does not amend the fundamental elements (which are the provision of the dual carriageway and associated connections between Sparkford and Podimore) of the design and layout shown in the indicative drawings and assessed in the ES.
- 1.3.26 The third form of change is to the substance of the application. This cannot be accommodated during the examination process. Advice note 16 notes that changes to the substance will constitute a different project for which a new application will be required. It also notes that the line between a material change and one of substance is one of judgement.
- 1.3.27 As the Applicant noted at the open floor hearing, it considers that the changes proposed by the Parish Councils are changes to the substance of the application. They involve a fundamental redesign of a junction which has been carefully optioneered and consulted upon and the addition of a new stretch of local road not included or assessed within the application. Looking at the scope of the works which would be required, what is proposed by the Parish Councils is fundamentally different to that currently before the Examination.
- 1.3.28 The Applicant notes the language of the submission which attempts to downplay the nature of these variations but continues to submit that minor variations to a DCO simply cannot be of the nature or scale proposed. The minor variations that the Applicant has made or proposes to make to the scheme include matters such as minor changes to field accesses, agreeing with the County Council exactly where speed limits will start and end, and providing confirmation as to the precise mix of trees which will be in the woodland to be planted. These are clearly of an entirely different nature and significance to those proposed. The Applicant further notes that the changes set out in the Parish Councils' representation are said to be 'within or very close to the DCO boundary'. Land which is 'close to' the DCO boundary simply means it is outwith the DCO boundary; therefore, the RLB would need to be amended.
- 1.3.29 In order to accommodate the Parish Councils' proposed amendments, the Applicant would need to withdraw the application and submit a new application having gone through all of the statutory processes required for that. This is because the change proposed is a change to the substance of

the scheme. The Applicant therefore wishes to note that the explanation given at the open floor hearing of the process for making changes to a DCO was not a threat to withdraw the application and to mischaracterise it as such is misleading. It was instead an explanation of the scope of changes permissible within the process. This was given in an attempt to help the Parish Councils in progressing their submissions and avoid the wasted time spent on this element of their submission and the time now being spent explaining why the changes they propose could not be accommodated even if the Applicant had not previously considered and dismissed them. The Parish Councils' language on this point is therefore unhelpful and inaccurate.

Non-Motorised Users –Rights of Way and Bridleways

Stopping up of an un-named road at Camel Cross

- 1.3.30 A dedicated crossing at this location was considered following statutory consultation, but discounted. It is considered that the NMU crossing points incorporated in the Steart Hill Overbridge and Hazlegrove Junction Underbridge will support patterns of movement identified through previous stages of consultation, and provide adequate means to enable NMUs to cross the A303 safely.
- 1.3.31 The proposals involve an additional travel distance of approximately 1.7 kilometres over the existing journey. However, the proposals involve the removal of the current at-grade crossing of the existing A303 which is essentially 4 lanes wide at this location (1 running lane in each direction, a right turn filter lane from the A303 eastbound to the B3151 and a left turn filter lane from the A303 westbound to the B3151). The proposals therefore comprise a significant improvement in safety and comfort.
- 1.3.32 With reference to Sheet 2 of the Rights of Way and Access Plans (HE551507-MMSJV-LSI-000-DR-UU-2043, C02, 2.3, Volume 2) which has been re-submitted as part of Deadline 3 the proposed route, from south to north, would follow points AN-AO-AT-AU-AV-AS-AJ-AI-AH-AG-AF-AE-AD-AC-AB-AK then existing footpath Y27/10.

Stopping up of Traits Lane and WN 23/32, 23/14 and 23/3

- 1.3.33 A dedicated crossing at this location was considered following statutory consultation, but discounted. It is considered that the NMU crossing points incorporated in the Steart Hill Overbridge and Hazlegrove Junction Underbridge will support patterns of movement identified through previous stages of consultation, and provide adequate means to enable NMUs to cross the A303 safely.
- 1.3.34 The proposals involve an additional travel distance of approximately 2.2 kilometres over the existing journey. However, the proposals involve the removal of the current at-grade crossing of the existing A303 which is essentially three lanes wide at this location (one running lane in each direction and a right turn filter lane from the A303 eastbound to Traits Lane). The proposals therefore comprise a significant improvement in safety and comfort.

- 1.3.35 With reference to Sheets 3 and 4 of the Rights of Way and Access Plans (HE551507-MMSJV-LSI-000-DR-UU-2044, Rev C03 and HE551507-MMSJV-LSI-000-DR-UU-2044, Rev C01, 2.3, Volume 2) submitted as part of Deadline 3, the proposed route, from south to north, would follow points AZ-BA-BB-BL-BK-BJ-BI-BH-BG-BF-BE-BY-BD and BC.

Stopping up of Y 27/UN

- 1.3.36 This appears to describe the same journey as that addressed in the Applicant's response in paragraphs 1.3.21 to 1.3.23.

Expressway status

- 1.3.37 There are repeated references to expressways and future-proofing this road for expressway status. Any future alteration of, or upgrade to, the strategic road network is out with the scope of this application. An expressway standard has not yet been published. The design of the current scheme has been cognisant of the emerging requirements, however there is no proposal or funding in place to apply the standard retrospectively to the design when it is published.

Requests for works not included in the scheme (LIR Table Lines T9, T10, T11, P4, BH10, BH18, ECI3, ECI4 and NV2, REP2-019).

- 1.3.38 It has been suggested by the Councils that the Applicant should provide the following as part of the DCO:
- Capacity increases at Podimore Roundabout.
 - Traffic calming and other additional mitigation measures in the local highway network, particularly in West Camel, on Sparkford High Street
 - Upgrade of RoW Y30/UN (Higher Farm Lane) and associated improvement to the overbridge.
 - A Conservation Management Plan (CMP) for the Hazlegrove House Registered Park and Garden (RPG).
- 1.3.39 The Applicant has fully assessed the potential impacts of the proposed scheme and the findings of this assessment are set out in the ES that was submitted with the application. The ES did not identify that any of the above mitigation was required in order to make the potential impacts of the scheme acceptable. Therefore, the Applicant considers that the above measures are not required and will not be provided as part of the scheme subject to the DCO application.
- 1.3.40 The Podimore Roundabout is not within the extents of the scheme. As the Highways Authority operating this road the Applicant will continue to monitor traffic at Podimore Roundabout. It is within the Applicant's power as Highways Authority to make any required changes to signal timings as and when they are required.
- 1.3.41 It has been suggested that the Applicant could use Highways England's designated funds programme to provide the above measures. Designated

funds “allow for actions beyond business as usual” and comprise “a series of ring fenced funds designated to Highways England to address a range of issues beyond the traditional focus of road investment”². The Road Investment Strategy (RIS) identifies areas where Highways England can deliver environmental improvements using such funds.

- 1.3.42 The Applicant has considered the above proposals and, where the proposals are thought to be appropriate, whether designated funds could be used to secure their delivery as enhancements. This consideration has involved the discussion of these points which have been referred to by various Interested Parties. However, this exercise has been and will be carried out entirely separately from the DCO application. The Applicant cannot agree to the inclusion of these measures within the DCO as they are not necessary per the ES. Furthermore, seeking to introduce these measures to the DCO will remove any potential for Highways England to secure designated funds for their delivery as the designated funds programme specifically excludes matters which should be dealt with in DCO schemes themselves.

Construction compound location

- 1.3.43 The Applicant has undertaken considerable environmental assessment and buildability assessment with its buildability contractors as well as its consulting engineers on the location of the construction compounds. While the Parish Councils' comments are noted, they are not accepted. The Applicant considers that locations of the construction compounds sought are appropriate for the scheme and that the impacts of those locations have been fully assessed in the ES.

Response to other design points raised by the Parish Councils

Conflicts at the right turn to the east on slip, and traffic counts

- 1.3.44 The Applicant is relying on its own counts which are described in chapters 5 and 6 of the Combined Modelling and Appraisal Report (APP-151) and cannot rely on third party data which it cannot verify the accuracy of.
- 1.3.45 Mr Norman's Written Representation (REP2-027) (2nd paragraph on page 3) claims that the traffic conflicts at the right turn to the eastbound on-slip at the proposed Hazlegrove junction will cause gridlock. This is not accepted. The junction operation has been assessed and the results are shown in the Transport Report (APP-150) in Tables 7.1 to 7.3. These show the ratios of flow to capacity (RFC) values for the proposed junction identified as Hazlegrove Eastbound sliproads. The highest RFC is forecast in the PM peak with a value of 0.44 in 2023 and 0.62 in 2038, well below the desirable threshold of 0.85.
- 1.3.46 The basis for Mr Norman's claim (REP2-027) is the assessment of traffic movements contained in his supporting documentation. In 'research evidence 1' a summary of a traffic audit in Queen Camel is set out showing a daily traffic flow of 6,846 vehicles for a 12 hour period recorded on 11 May 2017.

² <https://www.gov.uk/guidance/highways-england-designated-funds>

This is broadly comparable to the Annual Average Daily Traffic (AADT) presented in the Transport Report (APP-150) in Figure 7.1 at site 15 which shows a 24 hour AADT of 6,700 for the 2015 base year. The forecast increases without the scheme are also shown at this location and that these traffic levels would reduce with the scheme, for example in the opening year 2023 the forecast traffic would reduce from 8500 without the scheme to 7500 with the scheme.

- 1.3.47 The peak hour traffic flow recorded in Queen Camel High Street in the traffic audit analysis is assumed to be equivalent to the traffic turning from Hazlegrove Roundabout to the A303 eastbound via the new slip road with the proposed scheme. This assumption is fundamentally wrong as a large proportion of this traffic is heading to Sparkford and the A359 north.

1.4 Noise and vibration

- 1.4.1 This section responds to submissions made which relate to impacts from noise made in particular by Mr and Mrs Walton of Long Hazel Park (REP2-042), Mr March Smith of Sparkford Hall (REP2-023) and Mr Griffiths (REP2-036).

ES Approach and application of guidance

- 1.4.2 The methodology used for the assessment of operational noise impacts is set out in Chapter 11 of the ES (APP-048 at 11.4.13 onwards). As stated in the ES, in the short-term a change of 1dB $L_{A10\ 18hr}$ is considered to be the smallest change in noise which is perceptible, for the longer term this is 3 dB $L_{A10\ 18hr}$ ³. This is the smallest perceptible change, not a limit at which harm is considered to occur. Long-term changes of 3 to 4.9 dB are classed as minor in the Design Manual for Roads and Bridges (DMRB) (HD213/11)⁴.
- 1.4.3 DMRB (HD213/11) states (paragraph 4.2) *"In terms of permanent impacts, ... a 3dB change is considered perceptible. Such increases in noise should be mitigated if possible."* The National Policy Statement for National Networks (NPSNN) states the due regard must be given to the relevant sections of government planning policy (APP-048 at 11.3.7) and in particular to the Noise Policy Statement for England (NPSE). In turn paragraph 2.24 of NPSE states that *"... all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur"*. Paragraph 1.198 of NPSNN states *"mitigation measures for the project should be proportionate and reasonable..."*.
- 1.4.4 It follows that below a threshold value of a 3dB increase in noise in the long-term the change in noise is unlikely to be perceptible. Above this threshold mitigation should be considered, but should only form part of the design if the mitigation is proportionate and reasonable. No specific criteria are set out for these, but they may be expected to include:

³ APP-048 at paragraph 11.4.21

⁴ APP-048 at Table 11.8

- The extent to which the threshold values are exceeded
- The cost of the mitigation
- The benefit of the mitigation in terms of the magnitude of the reduction and the number of receptors affected by it.

Long Hazel Park

- 1.4.5 BS8223:2014⁵ provides guidance on acceptable external noise levels for residential properties. The quote provided from BS8223:2014 in the noise report submitted by the Owners of Long Hazel Park⁶ is incomplete. Paragraph 7.7.3.2 of the standard states *“For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.”*The Applicant undertook noise monitoring at Long Hazel Park. That monitoring took place in the current circumstances, with the Owners’ perimeter fence in “poor condition”⁷ and therefore not providing the level of noise mitigation which it was designed to provide. The Applicant’s measured noise levels at LT5 (appendix 11.1) are given in Table 3.12 and show an LAeq,T level for the daytime that is typically 62dB – that is the level currently exceeds the BS8233 guideline value – in part because of the condition of the noise barrier.
- 1.4.6 It is a basic tenet of planning law that any application for consent must be considered having regard to the facts and circumstances of that application. The facts and circumstances of the Owners’ application for planning permission for residential lodge development on the Long Hazel site included the proximity of the operational highway and therefore the road noise above the level considered to be acceptable by the Local Planning Authority (LPA). The written representation submitted by the Owners show that the noise is already an issue on the site. The baseline noise environment for the site is already affected by noise. The ‘hum of noise from the A303’ was identified in the Inspector’s decision in considering the application for permission⁸ as a factor reducing the attractiveness of the site.

⁵ BS8233:2014, Guidance on sound insulation and noise reductions for buildings

⁶ REP2-023, Tegwyn Jones Associates report on the impact of traffic noise from A303 on Lang Hazel Park, Sparkford for Mr and Mrs Walton, 17 October 2018 at paragraph 2.3.

⁷ As described by the Owners in their Written Representation (REP2-023)

⁸ Appeal decision APP/R3325/W/16/3144731 at paragraph 17

- 1.4.7 The lodge planning permission required the approval and implementation of a noise mitigation scheme. By application received in January 2017 the Owners applied for discharge of conditions for part of the lodge permission⁹. That discharge was approved in so far as some of the noise conditions which included the construction of a 2 to 2.5 metre high earth bund with a 24 metre long 2 metre high closed boarded fence on top of the bund on a small area of the property boundary. The photograph of this fence submitted with the application for discharge appears to be the same photograph of fencing as that submitted with the Written Representation¹⁰. The existing 2.4 metre perimeter fence is shown running perpendicular to that new fencing on the submitted plan.
- 1.4.8 For the purposes of predicting noise levels, receptors may be modelled where the consented, but unbuilt, lodges would be located and including the mitigation required by the LPA. The predicted long-term increase in noise levels (LAeq,T daytime) attributable to the scheme (including predicted increase in traffic on both the A303 and Sparkford High Street) varies across the site between 1.0dB and 3.4dB. Only two receptor positions within the site have been identified as having a potential increase of over 3dB.
- 1.4.9 The closest works to Long Hazel Park are approximately 17 metres from the property's boundary and will be minor works of vegetation clearance and resurfacing. No works to the area of highway closest to the property are proposed. The increase in noise predicted for the property is due to the predicted increase in traffic volumes, not any design change.
- 1.4.10 The consented lodges may require the mitigation measures (additional insulation, triple glazing and air conditioning) set out by the owners to meet acceptable noise limits, however that need is not created by this project and it is therefore not necessary for this scheme to provide them. The Owners also appear to wish the Applicant to pay for replacing their existing fencing which has been allowed to deteriorate to a poor condition. It is not appropriate for the Applicant to have to pay for measures, using public funds, which the Owners require in order to comply with their planning consent or maintain their own property.

Sparkford Hall

- 1.4.11 The maximum predicted increase at Sparkford Hall in the short-term is 0.2dB and in the long term is 1.3dB. As noted in the Owner's noise report submitted with their representation¹¹, these increases are classed by the DMRB as negligible, and below the perception threshold. The Applicant therefore submits that there is no impact from the scheme applied for which requires the requested sound barrier mitigation to be provided at this location.
- 1.4.12 The submission made that a correction by addition of 3dB should be applied

⁹ South Somerset District Council reference 17/00090/DOC

¹⁰ Hazel Park, Written Representation of Mr and Mrs Walton (REP2-042)

¹¹ REP2-023 Tegwyn Jones Associates report on the impact of traffic noise from A303 at Sparkford Hall for Mr March Smith, 08 January 2019 at paragraphs 1.2, 2.4

to the road noise to reflect annoyance¹² is not accepted. It is noted that the author of the report has correctly stated that the guidance on applying such correction factor does not apply to road noise. The 'startle effect' is also not accepted to be a relevant consideration in the current circumstances but is dealt with further in paragraphs 1.4.14 to 1.4.16 below.

Project proposals: Surface 'Join'

- 1.4.13 The Owners of Long Hazel Park and Sparkford Hall submit that the change in carriageway surfacing from the existing A303 to the new realigned section will result in a change the nature of the noise and increase the adverse effect experienced¹³. The Applicant entirely refutes that argument. The change in surfacing will be a smooth transition from the old to new surface, there will be no join creating a "startle effect"¹⁴ as claimed by one of the representors or a transient noise such as may arise at an expansion joint.
- 1.4.14 The surface on both the old and new sections of highway will be asphalt. While low noise surfacing will be used on the new section there is no meaningful difference in the fundamental type of material used for each section. This is not comparable to a situation where concrete sections for example have been used between asphalt sections and there is an apparent difference.
- 1.4.15 The change (if any) in character of noise as traffic moves from one surface to another may, in theory, be perceptible if the volume of traffic is low enough to identify the passage of individual vehicles. Clearly, in that case, the noise created would be considerably lower than predicted as the volume of traffic would have to be substantially below that used to predict noise levels. In flowing traffic it is not possible to identify any change in character of noise because the flow of traffic creates continuous noise that masks the sound of any individual vehicle. The submission made that the change in surface will cause a change in road traffic noise which is "evident and intrusive"¹⁵ or be a noticeable change in "harmony/pitch"¹⁶ is rejected as being unsubstantiated and unevenced conjecture.

Part 1 Claims Relating to the use of Public Works

- 1.4.16 The Applicant notes that representors have referred to potential compensation claims resulting from the increased traffic noise attributable to increased traffic volumes which the scheme improvements will facilitate. There is a legal right to make a claim under Part 1 of the Land Compensation Act 1973 in relation to diminution in value caused by public works, which include highways. The reduction in value must be proved to be a result of the physical effects of the works. Physical effects include noise, vibration, smell, fumes, smoke, artificial

¹² Ibid at 4.1

¹³ Long Hazel Park, Written Representation of Mr and Mrs Walton (REP2-042), Sparkford Hall per Mr March Smith (REP2-023)

¹⁴ Sparkford Hall written representation (REP2-023) at 3.1.8.

¹⁵ Sparkford Hall Written Representation (REP-023) at paragraph 19.

¹⁶ Sparkford Hall Written Representation (REP2-023) at 3.1.8.

light or discharge onto the land of any solid or liquid substance.

- 1.4.17 At the appropriate time, any affected person would therefore be able to make a Part 1 claim should the relevant circumstances apply. That is not a matter for the current examination of the DCO and should be dealt with under the relevant legal regime at the appropriate time.
- 1.4.18 The Applicant reserves its position in relation to any Part 1 claims, which it will consider as and when any claim arises in the future.

Human Rights: interference with the right to respect for the home

- 1.4.19 The Owners of Long Hazel Park have cited the case of *Andrews v Reading Borough Council*¹⁷ in support of their contention mitigation should be provided to them. That case provides that a significant increase in traffic noise can be sufficient to constitute a breach of a person's private life and home, thus entitling the injured party to compensation.
- 1.4.20 The Applicant does not accept that the current circumstances are analogous to those of the cited case. In the cited case a local council used its highway authority powers to reroute traffic increasing traffic volumes on the claimant's street; no permission other than a decision of the council was required and no noise assessment of the impact of the proposals was carried out. The Council in that case were asked but refused to provide noise figures in advance of the works and undertook no predication of impacts. Post implementation of the works when substantially increased noise levels were experienced the Council then refused to engage with the claimant regarding mitigation measures or funding for mitigation.
- 1.4.21 It is important to note that in the cited case it was determined that there was no statutory regime available to the claimant to compel remedial work or to seek compensation¹⁸. That is not the case here where Part 1 claims under the Land Compensation Act 1973 could be raised should the relevant circumstances arise.
- 1.4.22 Article 8 provides: "1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of health or morals or for the protection of the rights and freedoms of others".
- 1.4.23 Article 8 therefore does not confer absolute protection but requires a fair balance to be struck between the interests of persons affected and the interests of the general public. The Court of Appeal has held that "[n]ot every loss of amenity involves a breach of Article 8.1. The degree of seriousness required to trigger lack of respect for the home will depend on the circumstances but it must be substantial .. infringement of Article 8.1 does not

¹⁷ [2005] EWHC 256 (QB)

¹⁸ Ibid paragraph 86

necessarily arise upon a loss of amenity.. [w]hen balances are struck the competing interests of the individual, other individuals and the community as a whole must be considered"¹⁹. The Court was clear in the cited case that "each case needs to be decided in the light of its particular circumstances"²⁰ and that as the factors which have to be considered are unique to each case"²¹ there is little assistance to be provided from considering previous cases. That will apply as equally here in trying to apply the decision in the cited case to these facts as it did when the Court made that judgement.

1.4.24 The planning system acts to consider both the individual circumstances and the balance of public and private interests in each application through consideration of the impacts of the proposal. The balance between impacts and the benefits, including public benefits is a key consideration for the decision maker. In this case the public benefits of the scheme have been clearly set out by the Applicant²² and a robust noise assessment has been carried and a model of future noise predicted to allow impacts on individual properties to be assessed. Unlike in the cited case not only has that assessment been carried out, it has also been publicly consulted upon and made available to all parties and the public at large.

1.4.25 The cited case follows the case law that the interference caused must be substantial. That case provides no useful guidance on the meaning of 'substantial' in this context as the evidence of the claimant on the degree of interference was unchallenged²³. As has been set out above, the increase in noise at Long Hazel park varies between 1 and 3.4dB and exceeds 3dB at only 2 receptor locations. The highest predicted increase is 3.4dB. That increase is only just over the 3dB level where a change is considered to be perceptible, falls within the lower end of the minor impact category of the DRMB and has been assessed in the ES as a minor magnitude of impact²⁴. The Applicant therefore submits that the change caused by this project cannot, on any reasonable interpretation, be considered to create a substantial interference with the right to respect for a home.

1.4.26 Accordingly, there is no basis to justify mitigation measures as requested by the Owners based on this line of argument, or at all.

Road surfacing on the existing A303

1.4.27 In written representations various submissions have been made that low noise surfacing should be required on the existing A303 outside the scheme limits. Such works are not necessary as part of the scheme, the Applicant has not included such works in the proposals and the additional impacts of undertaking them has not been assessed.

1.4.28 The maintenance of the existing dual carriageway outside the scheme is

¹⁹ Lough v First Secretary of State (2004) EWCA Civil 905

²⁰ Andrews v Reading Borough Council [2005] EWHC 256 (QB) Paragraph 68

²¹ Ibid, paragraph 67

²² App-149: Case for the scheme

²³ Andrews v Reading Borough Council [2005] EWHC 256 (QB) Paragraph 70

²⁴ APP-048 at table 11.8

within the maintenance and renewals programme operated by Highways England as the relevant highway authority. This programme prioritises works to ensure highways remain in a safe and serviceable condition, and that major works of maintenance (including resurfacing) are undertaken in a planned and managed way at the appropriate time. This promotes the proper use of public funds by planning and undertaking maintenance in a manner designed to get the appropriate wear of materials before they are replaced. Resurfacing road surfaces which are already in a safe and acceptable condition before the end of the life of the existing surface not only increases disruption but is a poor use of public funds which does not achieve best value and disrupts the overall maintenance programme.

- 1.4.29 The sections of the A303 outside this project are included in the Highways England maintenance programme. The surface of the area to the east of the scheme was inspected in January 2019 and is in an acceptable condition. Resurfacing of that section is not anticipated to be needed until 2021 / 2022 at the earliest and will be carried out in accordance with Highways England's programme.

Traffic increases through Sparkford and West Camel

- 1.4.30 Chapter 11 Noise and Vibration of the ES (APP-042) sets out the assessment of noise and vibration associated with the scheme. No significant adverse effects are expected for Sparkford as the combination of noise level for the Do-something scenarios and the noise increases from Do-minimum to Do-Something are insufficient to reach the criteria for significance set out in paragraphs 11.4.36 and 11.4.37 of Chapter 11 Noise and Vibration (APP-042) except for 23 receptors on Sparkford Road, High Street and Hanyton Close. The maximum increase for any of these receptors in the opening year is 1.3dB which is towards the bottom end of the minor increase classification band (1.0 to 2.9dB). For all 23 receptors the noise increase in the long-term is negligible and there are no major changes in acoustic character. The noise impact is therefore considered not to be significant.
- 1.4.31 Chapter 11 Noise and Vibration of the ES (APP-042) sets out the assessment of noise and vibration associated with the scheme. No significant adverse effects are expected for West Camel as the combination of noise level for the Do-something scenarios and the noise increases from Do-minimum to Do-Something are insufficient to reach the criteria for significance set out in paragraphs 11.4.36 and 11.4.37 of Chapter 11 Noise and Vibration of the ES (APP-042) except for the 11 receptors that are individually listed in Table 11.39. For these 11 receptors Table 11.39 sets out the reason why noise changes are not considered to be significant for all but 2 receptors – Annis Hill Farm and the Spinney. Within West Camel, Howell Hill, Fore Street, Keep Street and Plowage Lane have AAWT flows below the CRTN minimum criterion of 1000 vehicles/18h and have therefore been excluded from the noise model. Flows for Parsonage Road show that the noise increases by 0.6dB in the short-term (do minimum opening year to do something opening year) and by 1.4dB in the long-term (do minimum opening year to do something design year). In both cases these increases are classified by DMRB as negligible.

Barrier mitigation – Mr Griffiths (REP2-036)

- 1.4.32 The attenuation produced this way should not be confused with the transmission loss of sound *through* the barrier – it is normally assumed that the barrier has sufficient transmission loss (usually achieved by having a high surface density kg/m^2) to ensure that no significant sound energy passes through the barrier. Laboratory tests of transmission loss can be used to verify this property.
- 1.4.33 The highway noise reduction provided by a barrier is set out in the Calculation of Road Traffic Noise (CRTN) paragraph 22²⁵. The reduction is a function of the path length difference between the direct path from the effective source position and the receiver point and the sum of the distances for the indirect path from the effective source position to the top of the barrier and from the top of the barrier to the receiver point. The greater this path difference the greater the attenuation. Chart 9 of CRTN shows this as a graphic.
- 1.4.34 For a given barrier height the path length difference is greatest when the barrier is close to either the source or the receiver. This phenomenon is associated with diffraction of sound over the barrier.

1.5 Air quality

- 1.5.1 This section responds to the issues raised relating to the impacts on the scheme on air quality raised by South Somerset District Council in the LIR (REP2-019) and Mr March Smith in his Written Representation (REP2-023).

Traffic increases through Sparkford and West Camel

- 1.5.2 Chapter 5 Air Quality of the ES (APP-042) outlines the assessment undertaken to assess the air quality impact during operation of the scheme at the worst affected receptors. This includes consideration of the impact at Hazel Grove Lodge on Sparkford High Street. The assessment concludes that concentrations of PM_{10} and NO_2 at these human health receptors are expected to be well below the level required by the respective air quality objectives. The predicted effects from the operation of the scheme on local air quality are therefore concluded to be not significant so no mitigation measures are required.
- 1.5.3 The impact at receptors in West Camel is also considered to be not significant. This is because the predicted change in traffic flows through West Camel is below the criteria for an assessment of air quality, as set out in DMRB guidance. Therefore, the change in traffic would not be sufficient to result in a significant change in pollutant concentrations. Nonetheless, one receptor in West Camel (on Plowage Lane, "The Hollies") has been modelled due to the close proximity of the receptor to the new scheme alignment. This receptor is predicted to experience an improvement in air quality as a result of the scheme due to the change in alignment of the A303 (the A303 moves further away from the receptor).

²⁵ National Physical Laboratory (1988) Technical Guides – Calculation of Road Traffic Noise.

Air quality during construction and operation – Mr March Smith (REP2-023)

- 1.5.4 As stated in Section 5.6 of Chapter 5 Air Quality (APP-042) of the ES, the construction study areas used within the assessment are based on those outlined in the Design Manual for Roads and Bridges (DMRB). As identified in DMRB Volume 11 Section 3, Part 1 – Air Quality (HA207/07), these traffic management measures have the potential to affect air quality at properties and Designated sites within 200 metres of those locations. In terms of dust generating activities, DMRB Volume 11 Section 3, Part 1 – Air Quality (HA207/07) states that effects from construction activities that generate dust are generally limited to within 150 - 200 metres of the construction site boundary.
- 1.5.5 The closest part of the red line boundary, located approximately 250 metres away, is associated with the addition of a sign, and the major construction works which will be at Hazlegrove Roundabout, is over 500 metres away.
- 1.5.6 As detailed in paragraph 5.12.1 of Chapter 5 Air Quality (APP-042), a qualitative assessment of potential dust effects for the scheme has been undertaken, based on a review of likely dust raising activities and identification of sensitive receptors within 200 metres. Potential dust impacts would be suitably controlled using the best practice mitigation measures proposed and are secured through the Outline Environmental Management Plan (OEMP) (APP-148). A qualitative assessment of the impacts associated with the construction traffic management measures has also been undertaken and concluded that due to the temporary nature of the measures, there are not expected to be significant air quality effects at nearby receptors during the construction phase.
- 1.5.7 During operation, paragraph 5.12.3 of Chapter 5 Air Quality (APP-042) concludes that concentrations across worst case human health and ecological receptors are expected to be well below the respective PM10, NO2 and NOx air quality objectives. This is based on the results of the air quality modelling which has taken account of prevailing wind within the modelling through the use of hourly sequential meteorological from Yeovilton.
- 1.5.8 The predicted effects from the operation of the scheme on local air quality are therefore concluded to be not significant so no mitigation measures are proposed. There is also a low risk of the scheme causing non-compliance with the Air Quality Directive on ambient air quality.

1.6 Archaeology

- 1.6.1 This section responds to the issues raised relating to the impacts of the scheme on heritage assets raised by Somerset County Council and South Somerset District Council in the LIR (REP2-019).

Field investigations

- 1.6.2 The results of the geophysics surveys (document reference 9.4, Volume 9, Revision A) and archaeological trial trenching (document reference 9.5, Volume 9, Revision A) were submitted to the Councils' joint archaeological

advisors and HBMCE as part of the Examination on 23 January 2019.

Assessment of evaluation to inform mitigation

- 1.6.3 An outline WSI is being prepared, based on the findings of the archaeological evaluation. This will be prepared in consultation with the Councils' joint archaeological advisors and HBMCE.

1.7 Cultural heritage

- 1.7.1 This section responds on the issues raised relating to the impacts of the scheme on heritage assets raised by HBMCE in their Written Representation (REP2-039), Mr March Smith in his Written Representation (REP2-023), and Somerset County Council and South Somerset District Council in the LIR (REP2-019).

Hazlegrove Conservation Management Plan

- 1.7.2 Interested Parties have submitted that a CMP for Hazlegrove House RPG should be provided as mitigation for the scheme.
- 1.7.3 The effects of the scheme on the RPG are set out in Chapter 6 Cultural Heritage (APP-043) and Appendix 6.2 Statement of Significance (APP-068) of the ES and can be summarised as permanent moderate adverse impacts.
- 1.7.4 A moderate adverse effect on part of the asset is not 'substantial' harm to the whole. The Applicant considers that it has, through the design evolution of the proposals, taken steps to minimise the harm to the RPG and to contain that harm to the smallest practicable area of the asset. The Applicant accepts that the proposals will cause harm to the RPG that should be and has been minimised; the remaining harm is outweighed by the public benefits of the scheme in accordance with the relevant National Policy Statement (NPSNN).
- 1.7.5 The mitigation measures proposed by the Applicant are set out in the OEMP (APP-148), upon which the Construction Environmental Management Plan (CEMP) will be based, which is secured through Requirement 3 of the dDCO. The measures include: (i) minimising land take; (ii) providing screening through false cuttings, bunds and landscaping; (iii) keeping lighting to a minimum during construction and operation; and (iv) retention of part of the woodland in the southern park and screening of the proposed A303. The Applicant considers that the mitigation proposed in the OEMP is adequate and will mitigate the effects of the development to an acceptable level. A CMP for the whole RPG is not required as part of the DCO – the whole RPG is not impacted by the project and so a CMP covering the entire RPG would not be related in scale and kind to the effects of the development. In addition to not being related in scale and kind, there is no necessity to require a CMP as the necessary mitigation measures have already been secured through the dDCO. The Applicant accordingly rejects the submission that a CMP is required as mitigation for the DCO project.

Camel Hill Scheduled Monument

- 1.7.6 The Red Line Boundary (RLB) does not abut the scheduled monument. At its closest point which is the south west corner the RLB is 1.5 metres from the monument. The southern boundary of the monument it is between 10 metres and 15 metres from the RLB. The northern haul route is 7.5 metres from the monument at its closest point. This is shown in drawing HE551507-MMSJV-EHR-000-DR-LM-0043 in Appendix C of Appendix 6.1 Cultural Heritage Desk Based Assessment (DBA) (APP-067).
- 1.7.7 The buffer zone and protection measures detailed within row CH4 of Table 3.1 Register of Environmental Actions and Commitments (REAC) of the OEMP (APP-148) would be informed by the results of the archaeological evaluation work including geophysics survey and trial trenching.
- 1.7.8 The assessment can be found in Table 6.4 and 6.5 of Chapter 6 Cultural Heritage (APP-043) of the ES. The assessment was undertaken using a worst-case scenario and includes potential remains associated with the monument, but which sit outside the boundary of the scheduled monument.
- 1.7.9 The results of the geophysics surveys (document reference 9.4, Volume 9, Revision A) and archaeological trial trenching (document reference 9.5, Volume 9, Revision A) were submitted as part of the Examination on 23 January 2019 and have been shared with HMBCE. Trenching in the haul route to the north of the scheduled monument revealed no archaeological remains. Trenching to the south of the A303, opposite the Scheduled Monument revealed limited Roman features, with 2 pits. These have been interpreted as possible outlying features of the settlement. This suggests that remains associated with the Scheduled Monument within the RLB are limited. Mitigation measures to protect any archaeological remains in the footprint of the northern haul route have been outlined in CH1 of Table 3.1 Register of Environmental Actions and Commitments (REAC) of the OEMP (APP-148). An outline WSI is also being prepared to outline archaeological mitigation and recording within the RLB. Given limited amount of traffic movements and the temporary nature of the haul route, mitigation during construction for impacts to the setting of Camel Hill Scheduled Monument has not been considered necessary
- 1.7.10 Tool box talks are no longer proposed and the OEMP (APP-148) will be updated to remove this reference. An outline WSI is being prepared for works to mitigate and record archaeological remains. This would include a requirement for relevantly qualified people to undertake the work.

Downhead Manor Farm Scheduled Monument

- 1.7.11 No excavation is proposed to install the ecological mitigation area. As such no disturbance of archaeological remains is expected. Table 3.1 Record of Environmental Actions and Commitments (REAC) in the OEMP (APP-148) will ensure that the appearance of fencing will be agreed with HMBCE. Details of the ecological mitigation works can be found in Section 2.5 of Chapter 2 The Proposed Scheme of the ES (APP-039).
- 1.7.12 A geophysical survey was carried out in this area and revealed a small series of curving ditches cut by an apparent quarry pit. No excavation is proposed to

install the ecological mitigation area. As such no disturbance of archaeological remains is expected and therefore no trial trenching was undertaken in this area. Table 3.1 Record of Environmental Actions and Commitments (REAC) in the OEMP will be updated ensure that the appearance of fencing would be agreed with HMBCE. Details of the ecological mitigation works can be found in Section 2.5 of Chapter 2 The Proposed Scheme of the ES (APP-039).

Hazlegrove House RPG

- 1.7.13 HBMCE has noted in paragraph 5.1.1 of their Written Representation (REP2-039) that the majority of the RPG is occupied by Hazlegrove Preparatory School. This is incorrect. The majority of the RPG is occupied by grazing and arable farmland. The school occupies approximately 20% of the RPG.
- 1.7.14 The Applicant disagrees with HBCME (paragraph 7.5.3 of HBCME Written Representation, REP2-039) that mitigation and assessment of Hazlegrove House RPG has not taken the works listed by HBMCE into account.
- 1.7.15 With regard to points 1 to 5 in paragraph 7.5.3 (REP2-039) the location of a temporary works compound (now no longer proposed) and soil stockpile, the screening and impact of earthworks in the park are specifically referred to in Table 7.2 of Appendix 6.1 Cultural Heritage Desk Based Assessment (DBA) (APP-067). The considerations around the revised entrance to the park are detailed in the draft Statement of Common Ground with HBMCE (APP-158).
- 1.7.16 Within the OEMP (APP-148) row CH11 of Table 5.1 REAC states that mitigation by way of the design of the compound including location of uses and screening is set out. The design of the compound would be agreed with HBCME and South Somerset District Council. Row CH12 in Table 5.1 REAC of the OEMP (APP-148) requires the landscape proposals developed during detailed design, including planting and fencing, respect the character of the RPG and are agreed with HBCME and South Somerset District Council prior to implementation.
- 1.7.17 With regard to point (b) in paragraph 7.5.3 (REP2-039) a key consideration of the Environmental Masterplan (APP-107) in the area of the RPG has been to mitigate the harm of the scheme on the value of the RPG. Including the landscape treatment of the attenuation pond, landscaping around the revised entrance to the park and planting to screen and reinstate parkland planting.
- 1.7.18 With regard to point (k) in paragraph 7.5.3 (REP2-039) the Applicant can confirm that planting is proposed in front of the drainage culvert in the form of trees and shrubs as well as individual trees, as shown in Figure 2.8 of the Environmental Masterplan (APP-107). This will aid screening from this viewpoint towards the culvert in this location.

Hazlegrove Lane

- 1.7.19 The significance of Hazlegrove Lane has been considered in the Hazlegrove House RPG Statement of Significance (APP-068). It is discussed as part of the assessment of heritage value of the former driveways (see Section 6.4).
- 1.7.20 Features related to this lane and the driveways have been considered within

the assessment of Hazlegrove House RPG under GR11 in Tables 7.2 and 7.3 in Appendix 6.1, Cultural Heritage Desk Based Assessment (APP-067), of the ES.

- 1.7.21 Mitigation has been proposed within the Table 3.1 REAC Ain the OEMP) (APP-148 including protection measures to ensure retained driveway earthworks are protected during construction (CH6) and recording of the earthworks related to the historic driveways, including Hazlegrove Lane (CH10).
- 1.7.22 The field gate has been viewed on site - its interest is in its location, marking the route of Hazlegrove Lane. It is a common type of stock fencing found throughout the country and is therefore of negligible historic interest in its own right. The recording of this gate will be included within the outline WSI.

Coppiced banked track

- 1.7.23 It is unclear where the feature referred to is. There are 2 potential locations for this feature:
1. Linear woodland on the eastern edge of the RPG north of the A303 centred on NGR ST 59955 26187.
 2. Triangular woodland immediately south west of the above, centred on NGR ST 59923 26086.
- 1.7.24 If the earthwork is in woodland no 1 then historic mapping suggests is the 19th century realignment of Hazlegrove Lane. A review of lidar data has shown extant features within the woodland along the same route as the realigned path.
- 1.7.25 If it is in woodland no 2 then historic mapping suggests it is likely to be related to the route of the 19th Century driveway. However Lidar data suggests there are no remnants of the driveway in this woodland.
- 1.7.26 All earthworks within the RPG have been assessed as part of the Hazlegrove House RPG group (GR11). This assessment can be found in Tables 7.2 and 7.3 in Appendix 6.1, Cultural Heritage Desk Based Assessment (APP-067), of the ES (APP-067). Both areas are either all or partially within the RLB, as such any mitigation will be covered in the outline WSI.

Pond 5

- 1.7.27 As discussed during the Environmental Technical Working Group (TWG) with the Councils, the design team confirmed that relocation of this pond would not be feasible.

Veteran Trees in Rawlin's Close

- 1.7.28 Appendix A of Appendix 7.5 Arboricultural Impact Assessment (APP-071) shows the trees to be removed and retained within the RLB in Hazlegrove House RPG. This includes the removal of 2 veteran trees (numbers 12 and 15) and the retention and protection during works of 2 veteran trees (13 and

16). Tree protection measures can be found in Appendix B of the same report. The loss of the 2 veteran trees is unavoidable as they are within the footprint of the scheme. The other 2 trees are within the RLB, 1 within the construction compound, and these will be protected during construction as detailed in the OEMP (APP-148).

Highway lighting for Hazlegrove Junction

1.7.29 The exact specification of luminaires will be determined as part of the detailed design, but consideration will be given to the concern regarding the likely intrusive nature of blue-white glare from LED lighting.

Bunds 6 and 7

1.7.30 Landscape cross sections through the bunds are currently being prepared and will be reviewed as appropriate; these will be submitted as part of the Deadline 4.

Driveway realignment

1.7.31 Historically the driveways through the park took the most direct route from the entrance to the house. They did not follow topography and the parkland appears to have been designed around the drives and not the other way around. The route chosen is the most direct to link to the historic 19th century route of the driveway, in the same place as the current access. The first approximately 300 metres of the current access is not historic and was built as part of the construction of the Sparkford bypass.

1.7.32 The landscaping is considered to present a sense of arrival which is sympathetic with the historic arrival to the house through the RPG. The proposed journey from the Hazlegrove off slip will initially take the viewer through woodland for approximately 125 metres, emerging into the RPG with woodland on the immediate right-hand side and parkland on the left-hand side for approximately 165 metres. The viewer will then travel through reinstated parkland for approximately 490 metres before joining the 19th century route of the driveway. This reflects the pre-19th century arrival through woodland into the parkland proper.

1.7.33 Therefore the Applicant considers the current design appropriately reflects the character of Hazlegrove House RPG.

Requests for additional photomontages

1.7.34 A photomontage representative of the view from outside of Hazlegrove Preparatory School is currently being progressed and will be shared with HBMCE and the Examining Authority as part of Deadline 4.

1.7.35 The Applicant is currently in discussion with HBMCE regarding the best method to illustrate any visual impacts at Camel Hill Scheduled Monument.

Archaeological evaluation and mitigation

- 1.7.36 The assessment in Chapter 6 Cultural Heritage (APP-043) and Appendix 6.1 Cultural Heritage Desk Based Assessment (DBA) (APP-067) have been undertaken using worst case scenario and using the DMRB methodology with regard to unknown archaeological remains to present a reasonable assessment of effects. The results of the geophysics surveys (document reference 9.4, Volume 9, Revision A) and archaeological trial trenching (document reference 9.5, Volume 9, Revision A) were submitted as part of the Examination on 23 January 2019 and have been shared with HMBCE.
- 1.7.37 An outline WSI for archaeological mitigation and recording works within the RLB is being prepared. This outline WSI is based on the findings of the geophysics and archaeological trial trenching. The removal of human remains would be included in the outline WSI. HBMCE and South West Heritage Trust (SWHT) would be consulted during the preparation of the WSI.
- 1.7.38 The requirement for protection of the listed milestone on the B3151 will be added to the OEMP (APP-148).

Re-evaluation of existing heritage assets

- 1.7.39 Areas farmed by Camel Hill Farm have historically been within Hazlegrove House RPG. It appears land owned by the Hazlegrove Estate has been tenanted by owners of Camel Farm. However there is no evidence of Camel Farm being owned by or directly serving the Estate at Hazlegrove. Therefore the heritage value of the Camel Hill Farm buildings are not considered to be of higher value than local. This is reflected by the fact they have not been nationally designated.
- 1.7.40 As such, the Applicant considers the assessment found in Tables 7.2 and 7.3 in Appendix 6.1 Cultural Heritage Desk Based Assessment (APP-067) of the ES reflects the likely effects on the value of the Camel Hill Farm Buildings.

The Bakery (MM273)

- 1.7.41 A higher effect was discounted during assessment as the asset itself will remain along with its evidential value. The asset will still have a roadside setting, along the original route of the main road. However, it would now be a local road rather than a main route. It is acknowledged that the impact from this change of setting is moderate and there are potential indirect impacts to its historic bakery function from loss of passing trade. The methodology used to assess significance of effects means that as a low value asset this impact results in a slight adverse effect..

Group assessments

- 1.7.42 The value of the group has been derived from the cumulative value of the heritage assets and the contribution the group makes to the historic resource as defined in Table 6.1 of Chapter 6 Cultural Heritage (APP-043) of the ES and Table 2.1 of Appendix 6.1 Cultural Heritage Desk Based Assessment (APP-067). The assessment takes into account the range of assets within each group. Where initial work suggested that assets were likely to experience different levels of significant effect these were removed from the

groups and assessed as individual assets. It also ensured that assets outside the 1 kilometre study area, but which still made a contribution to the heritage value of an important group, were included in the assessment.

- 1.7.43 The reason to group assets in this way was to ensure a proportionate assessment as required by paragraph 5.127 of the National Policy Statement for National Networks (NPSNN).

Request for additional heritage assets

W Sparrow Road Gullies and Howell Hill Stone Boundary Wall

- 1.7.44 Prior to the commencement of the cultural heritage assessment (Chapter 6 Cultural Heritage, APP-043), the scope of the heritage assets to be included within the assessment were agreed with the South Somerset District Council Conservation Officer and South West Heritage Trust. Following the submission of the DCO application and review of Chapter 6 Cultural Heritage (APP-043), there has been a change to the heritage contact at South Somerset District Council, who has subsequently questioned the inclusion of some additional heritage assets. It is not the Applicant's intention to update Chapter 6 Cultural Heritage (APP-043), however, these additional heritage assets will be taken into consideration within the outline WSI that is being prepared for the scheme during the Examination period.

Pre-Worboys 'Cross Roads' Warning Sign

- 1.7.45 This was not assessed as an individual asset as it will not be physically impacted by the scheme. It forms 1 of the assets which makes up the Podimore Group. The assessment for this group can be found GR06 in Tables 7.2 and 7.3 in Appendix 6.1 Cultural Heritage Desk Based Assessment of the ES (APP-067).

Turnpike Road (MM103)

- 1.7.46 The Applicant considers that the assessment for the Martock to Sparkford Turnpike Road is appropriate. The turnpike road is over 16 kilometres long. The extent of the route affected by the scheme is around 4 kilometres. The character and heritage value of the turnpike has been significantly altered with the introduction of modern surfacing and traffic. Although the proposed scheme deviates from the turnpike route in some locations, the route will remain as local roads. As such the overall impact on the full extent of the asset has been assessed as negligible.

Canegore Corner Listed Milestone (MM30)

- 1.7.47 Since the submission of Chapter 6 Cultural Heritage of the ES (APP-043) and Appendix 6.1 Cultural Heritage Desk Based Assessment (APP-067) the milestone appears to have been removed. The assessment and mitigation will remain in place in case the milestone is discovered during works.
- 1.7.48 The impact reported is significant. A higher level of impact was considered but

discounted as set out below. The milestone is likely to have been originally associated with the turnpike administered by the Ilchester Turnpike Trust. Its original setting would have been alongside a probably metalled road with limited traffic of carriages, horses, pedestrians and livestock. This historic setting has been replaced by a modern road with significant motorised traffic, especially during the summer months. It is no longer used as a road sign and is a remnant indicating the historic development of the road. As such, other than its roadside setting the original function and setting has been substantially lost. It has been assumed that the milestone is in its original location, its presence is marked on historic mapping in this approximate location and the distances are approximately correct. However given the age and size of the milestone it potentially could have been moved within the immediate area over its lifetime as the road was widened and altered. It is not unusual for this to happen to milestones and other roadside markers over their lifetime.

- 1.7.49 The milestone is to be relocated not replaced therefore all historic fabric will be retained. Prior to removal the milestone will be recorded both as part of the historic record and to ensure that any damage can be repaired in an appropriate manner. The milestone will still sit road edge on the southern carriageway as close as possible to its existing location. The distances shown will still be approximately correct. The setting will still be a modern road with busy motorised traffic. Therefore the setting and the ability to understand the heritage value of the milestone will not be substantially changed. The exact position of the milestone will be decided during detailed design.
- 1.7.50 In section 3, Table 3.1, CH5 of the OEMP (APP-148) there is an undertaking that the milestone will be recorded, removed, safely stored, restored and reinstated. A methodology for the removal and relocation, including the new position of the milestone, will be prepared. It would then be agreed with the South West Heritage Trust and South Somerset District Council. HBMCE will also be consulted as the work is considered demolition and reinstatement. The relocation of the milestone will be included in the outline WSI.

Impact on Sparkford Hall - Mr March Smith (REP2-023)

- 1.7.51 The impact of the scheme on Sparkford Hall has been assessed in Table 7.2 and 7.3 in Appendix 6.1 Cultural Heritage Desk Based Assessment (DBA), to the ES (APP-067). No significant effects have been identified for Sparkford Hall and therefore mitigation is not considered necessary.

Traffic-induced vibration and subsequent effects on heritage assets

- 1.7.52 British Standard (BS) 7385-2 'Evaluation and measurement for vibration in buildings, guide to damage levels from groundborne vibration' sets out guidance for the vibration levels associated with a minimal risk of vibration-induced damage for all building types including buildings of historical value. The entity that is associated with risk of damage is the peak particle velocity (PPV) (which is the parameter used to assess the impact of vibration on vulnerable buildings) as measured in mm/s. The PPV, is a function of each vehicle pass-by and not a cumulative measure: increasing the number of

vehicles would increase the number of measured events, but not the magnitude of any individual event and so the PPV would not change. Seen graphically as a function of time, increasing the number of vehicles would increase the number of peaks in the particle velocity profile, but not increase the value of any particular peak. The PPV would therefore remain the same with increased traffic during operation and therefore no impacts are anticipated for an increase in Heavy Goods Vehicles (HGVs). Vibration effects in terms of PPV would remain the same with increased traffic during operation and therefore no impacts are anticipated. This is because the PPV, as measured in mm/s, is a function of each vehicle pass-by and not a cumulative measure. Increasing the number of vehicles would increase the number of measured events, but not the magnitude of any individual event. Seen graphically as a function of time, increasing the number of vehicles would increase the number of peaks in the particle velocity profile, but not increase the value of any particular peak.

1.8 Flooding and drainage

- 1.8.1 This section responds on the issues raised relating to the impacts of the scheme on flooding and drainage raised by Somerset County Council and South Somerset District Council in their LIR (REP2-019) and South Somerset District Council's Written Representation (REP2-016).

Drainage strategy (Requirement 13)

- 1.8.2 Both Appendix 4.6 Flood Risk Assessment (APP-059) and Appendix 4.7 Drainage Strategy Report (APP-060) note that attenuation would be provided with discharge limited to 1% annual exceedance probability (1 in 100-year event) plus 40% to account for the effects of climate change, to no greater than the undeveloped rate of runoff, determined by the calculation of the mean annual peak runoff for a greenfield site (Qbar). An additional statement capturing this is to be added to Requirement 13 of the dDCO, and this is now reflective of the Council's request.
- 1.8.3 The highway drainage design standard of protection matches the requirements of HD33/16 of the DMRB. For example, highway surface water channels are designed not to flood during a 1 in 5 year event. Subsequent analysis is then undertaken to ensure design exceedance routing is considered, meeting the 1 in 100 year + 40% Qbar discharge criteria.

Flooding

- 1.8.4 Local flood risks have been assessed and included within Appendix 4.7 Drainage Strategy Report (APP-060) and Appendix 4.6 Flood Risk Assessment (APP-059) following consultation with Somerset Drainage Board Consortium and the Lead Local Flood Authority. The majority of the existing highway currently discharges into ordinary watercourses unrestricted; the proposal to incorporate attenuation ponds will provide a betterment to flood risk within the local area.

1.9 Landscape

- 1.9.1 This section responds on the issues raised relating to the impacts of the scheme on landscape and visual effects raised by South Somerset District Council in the LIR (REP2-019), and the Written Representation from Mr March Smith of Sparkford Hall (REP2-023).

Visual Receptors 14 and 17 (Green track of Slate Lane)

- 1.9.2 Slate Lane is heavily vegetated in most part with gaps in vegetation allowing more open view. It is particularly more open at the gate adjacent to Steart Hill (VR 17) but enclosed by hedgerow otherwise. The Applicant has agreed with South Somerset District Council to review the landscape design opportunities to keep the open vista from gaps in existing vegetation that currently allow long distance views.

Visual Receptors 25, 27, 28 and 38

- 1.9.3 The Applicant has agreed with South Somerset District Council to review Visual Receptors 25, 27 and 28 for completeness. Regarding Visual receptor 38, the assessment of the effects has been challenged on the basis that it does not consider the adverse effect of an environmental barrier on the character of the RPG. However, the presence of the proposed environmental barrier is considered in the assessment (the assessment refers to a 2m timber fence; see the Visual Baseline and Impact Schedules, APP-072). Proposed planting will screen this over time, and as such the fencing is only anticipated to be visible in early years.

Design of highway, landscape and bridge elements

- 1.9.4 The detailed design of highways, landscape and bridge details will be developed under the requirements of the DCO. Requirement 5 of the dDCO states that “no part of the authorised development is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority”. This is to include hard surfacing materials. As explained in paragraph 1.2.2 above, Requirement 12 of the dDCO requires the detailed design to be compatible with the preliminary scheme design shown on the works plans and the engineering section drawings.

Sparkford Hall – lighting impact

- 1.9.5 As detailed within the Statement of Statutory Nuisance (APP-206), temporary site lighting would be provided to enable the safety and security of the construction site. The lighting would be at the minimum lumen output necessary for effective task lighting and use low energy consumption fittings. Where possible, lighting would be activated by motion sensors to prevent unnecessary usage. This mitigation is detailed within Table 3.1 Register of Environmental Actions and Commitments of the OEMP (APP-148).
- 1.9.6 Once operational, given the distance of the scheme from Sparkford Hall, and presence of intervening vegetation and landform it is not considered that

lighting from vehicle headlights will be notable beyond that already experienced. The scheme will be at grade and within the confines of the existing highway corridor from the point of the existing layby on the east bound carriageway. Landscape bunds will be incorporated into the design to aid the screening of views from local visual receptors. Elevated sections of the route south of Hazlegrove House RPG will be mitigated with the introduction of landscape bunds and planting to aid the screening of views from local visual receptors.

1.10 Ecology and Biodiversity

- 1.10.1 The Applicant notes that the only concerns raised on ecology and biodiversity are those from Somerset County Council and South Somerset District Council in the LIR (REP2-019).

Calculations of habitat losses and gains

- 1.10.2 Natural England agreed in February 2018 that the Defra Metric was not necessary for the scheme given the size and scale of the scheme, in comparison to housing developments. In addition, it is understood that the guidelines for completing the metric has been undergoing changes, which were only finalised at the end of 2018. For these reasons, it was not completed for the scheme. A table has been provided to the South Somerset District Council Biodiversity Officer showing the losses / gains for all habitat types, which demonstrates a net gain of priority habitats. The table shows that habitats subject to net loss as part of the scheme comprise 'grassland' (largely improved grassland and poor semi-improved grassland); and arable land and hedgerows, approximately 30% of which is species poor/defunct. Species density within these habitats would be lower than within the proposed priority habitats to be planted, which include wildflower and species rich grassland; wet grassland; woodland; species rich hedgerows; trees and shrubs. As such there will be an enhancement for biodiversity, in terms of a net gain in priority habitats, as a result of the scheme.
- 1.10.3 As agreed with South Somerset District Council on Wednesday 16 January 2019, the Applicant is not required to carry out the Somerset's Habitat Evaluation Procedure.

Habitat loss / replacement – trees

Woodland habitat

- 1.10.4 The largest block of woodland to be lost (1.33 hectares) is south of Hazlegrove House. This woodland comprises semi-mature trees (no mature or veteran trees present); is poorly structured and has limited understorey. Its species composition is not indicative of ancient woodland. Other small areas of broadleaved semi-natural woodland and plantation woodland will be lost but the structure/ species composition did not indicate ancient woodland habitat and trees to be felled comprise young or semi-mature specimens. There will be a substantial net gain of woodland habitat as a result of the scheme's planting (2.2 hectares). Refer to Table 8.10 within Chapter 8

Biodiversity (APP-045) of the ES for details of priority habitat replacement and compensation as a result of the scheme.

Hedgerow habitat

- 1.10.5 There is a net loss of hedgerow length of 91.91 metres. However, 30% of hedgerow to be lost comprises defunct and species poor hedgerows. Habitat planting will comprise species rich hedgerows and therefore it is considered that the hedgerow planting more than compensates for what is being lost. Refer to Table 8.10 within Chapter 8 Biodiversity (APP-045) of the ES for details of priority habitat replacement and compensation as a result of the scheme.

Trees

- 1.10.6 In total 8 mature trees and 2 veteran trees will be lost as a result of the scheme. It is proposed that the following measures will be taken to mitigate their loss (as well as tree planting mentioned in the section above): intact hulk of the veteran tree should be felled and relocated in close proximity to a nearby veteran tree, woodland or parkland area. This will provide an opportunity for those invertebrates and fungi resident within the tree to relocate, provided there is suitable habitat nearby and will ensure that the hulk of the tree continues to provide significant deadwood resource in the future.
- 1.10.7 In terms of tree planting, a greater number of trees will be planted compared to what will be lost but exact figures for tree numbers will be confirmed during detailed design. The net gain in tree cover resulting from planting is demonstrated within the relevant sections of the table provided to the South Somerset District Council Biodiversity Officer, which shows:
- 2.2 hectare net gain in woodland habitat
 - 0.8 hectare loss of broadleaved parkland scattered trees
 - 20.25 hectare linear belt of trees and shrubs to be planted
 - Planting of 51 individual trees

Bats – loss and fragmentation of habitat connectivity for bats

Crossing Point Survey Methodology

- 1.10.8 The relevant guidelines²⁶ only require the use of thermal or night vision equipment for surveys of underpasses due to the dark conditions in these locations. Although the benefits of their use are highlighted within the guidelines, they are not a standard requirement. The crossing point surveys were completed in accordance with the guidelines and as such are considered sufficiently robust to inform the impact assessment. The guidelines require surveys to be completed between June and August. Crossing point surveys were completed between July and September 2017. The timings for the surveys were considered appropriate based on the southerly location of the scheme as well as the potential for hibernation,

²⁶ Berthinussen A & Altringham J (2015) WC1060 *Development of a Cost-Effective Method for Monitoring the Effectiveness of Mitigation for Bats Crossing Linear Transport Infrastructure*. Defra.

transition, and swarming sites within the surrounding landscape.

- 1.10.9 Bat activity transects were completed across the full survey season, as per Bat Conservation Trust (BCT) guidelines and therefore any changes in bat activity reflecting seasonal variation in prey availability would be recorded during these surveys.

Bat mitigation

- 1.10.10 Bat Conservation Trust Guidance²⁷ indicates that bat hop overs are appropriate mitigation for a range of species. A bat 'hop-over' is proposed at Canegore Corner. Chapter 8 Biodiversity of the ES (APP-045) states that this hop over will be formed of more permanent planting, designed into the soft landscaping strategy, ensuring that the height of the hop over builds gradually to encourage bats to fly up and over the A303. In addition to this, a dense shrub layer will be planted along the verge to discourage bats from crossing the road at a low level, forcing them up and over the road, away from traffic. The presence of bat species known to fly through vegetation such as brown long-eared bat, greater horseshoe bat, and lesser horseshoe bat, means that wooden screen/mesh is also recommended to be installed alongside the dense shrub. This mitigation is considered appropriate considering the hedgerow is already bisected by the existing A303 (17 metre gap) and there are no trees acting as 'hop-overs' currently in place.

Bats – roost provision

- 1.10.11 The proposed 220 bat boxes are proposed as an enhancement and will offset a number of trees with bat roosting potential that will be lost as a result of the scheme (although no trees with confirmed bat roosts will be removed). The scheme is over 90 ha in area so bat boxes will be spread out throughout this area. A range of bat boxes will be used, to provide roosting opportunities for a range of species, including barbastelles; Myotis bats; noctules; long eared bats and pipistrelles, ensuring that no particular species will be favoured through these enhancements. The locations of bat boxes will be confirmed during detailed design. Their locations will take consideration of public access and land ownership in order to minimise the potential for them to be disturbed in the future. There are currently no plans to monitor these boxes; they are intended as an enhancement measure.
- 1.10.12 A pole-mounted bat house is also proposed as part of the scheme, potentially to be located within the wildlife area close to the Sparkford Junction. The exact location will be confirmed during detailed design.
- 1.10.13 In terms of impacts of the proposed scheme on bat roosts, one residential property with evidence of bats is proposed to be demolished. It was found to have 2 old pipistrelle droppings which indicated historic use by a very low number/individual bat. The 2017 emergence surveys found no evidence of current use. Based on the very limited historic evidence found and the negative emergence/re-entry surveys, it is not considered that the construction of a standalone bat house (in addition to the bat boxes and pole

²⁷https://cdn.bats.org.uk/pdf/Our%20Work/Landscape_and_urban_design_for_bats_and_biodiversityweb.pdf?mtime=20181101151349

mounted bat house proposed) is proportionate mitigation for the loss of this roost. Bat boxes are widely used to mitigate for loss of low value pipistrelle roost sites. The proposals will not have any adverse impacts on horseshoe roost sites and creation of new horseshoe roost sites within a significant bat houses is not considered proportionate to the level of impact.

Bats – disturbance to bat species whilst occupying a place of rest

1.10.14 The 10 metre buffer proposed within the ES chapter is based on professional judgement and experience and it is considered that typical construction works associated with the scheme within this buffer could cause significant disturbance which could lead to the abandonment or decline of the roost site. It is acknowledged that the 10 metre buffer to mitigate disturbance is not referenced within any publications/ literature. Therefore, it is proposed that the buffer zone around confirmed roost sites is extended to 15 metres where possible, which is in line with Natural England Standing Advice for Ancient Woodland. This buffer can be maintained for all roosts with the exception of:

- WS56543: Inactive day roost for brown long-eared bats. Works are currently proposed within 8 metres. Pre-commencement bat surveys will be undertaken and if the bat roost has become active again, appropriate mitigation measures will be put in place.
- ST106774: Active day roost for brown-long eared bats. Works within 7 metres will comprise removing fixtures (such as stiles) associated with an existing RoW. Therefore, this roost will not be subject to disturbance impacts.
- ST84283: Active day roost for one soprano pipistrelle; two common pipistrelles and one serotine (unconfirmed). Works are proposed 14.5 metres from this roost.

1.10.15 It is recognised that disturbance beyond this could affect roost sites at much greater distances, such as the illumination of a commuting route to and from a roost site. However, mitigation to prevent this type of disturbance is specified within Section 5 of Appendix 8.4 Bat Technical Appendix (APP-077).

Otters

1.10.16 Surveys completed during 2017 of all potentially suitable waterbodies within the 2 kilometre survey area, found evidence of Otters only within Area A (Dyke Brook and a tributary) (Refer to the Otter and Water Vole Technical Appendix to Chapter 8 of the ES for information on the location of these survey areas). These waterbodies are over 1.2 kilometres north of the proposed carriageway. Area A is connected to Area C, a ditch which then connects to a point approximately 180 metres north-west of the proposed Sparkford Junction. However, no otter signs were identified along Area C during the surveys.

1.10.17 The Somerset Otter Group returned 6 records of dead otter. Of these:

- One record was from the B3151 rather than the A303.

- Two records were along the A303 but outside the scheme extent.
- Two records did not have associated grid references and therefore it is not known where they are from (of these, one is unconfirmed).
- One record is at the Sparkford Junction within the extent of the scheme. This record is from 2008.

1.10.18 In summary, there is only one record of an otter death along the A303 within the scheme (the record being from 2008) extent and our surveys did not confirm this species to be present within waterbodies closer than 1.2 kilometres from the proposed scheme. Therefore, the risk of otter crossing the carriageway is considered to be low.

1.10.19 Otter casualties will be monitored following the construction of the scheme and if there is any identification of a mortality hotspot along the route, then appropriate mitigation will be provided. This measure is secured within the OEMP (APP-148). Given the lack of existing culvert or potential crossing point, it would currently be very difficult to identify where otters may cross the existing A303 (given the very low number of records of casualties). Without this information the scheme would need extensive otter fencing to cover all potential areas where otters may cross. Such measures would have considerable landscape impacts. Therefore, it would be more appropriate to target mitigation to specific areas if an issue is identified during the operational phase.

Badgers

1.10.20 Badger bait marking surveys were completed for 4 out of the 5 main setts identified during the course of protected species surveys for the scheme. Access was not granted to the 5th sett and therefore bait marking surveys could not be undertaken. Surveys found that badgers were crossing the carriageway at one location, to the west of Trait's Lane. A badger underpass and associated fencing is proposed at this location. Specifications of the tunnel would be in line with the referenced literature and will be finalised during detailed design.

Deer

1.10.21 Deer species are not legally protected but pose a potential risk to the safety of road users in the event that a deer is struck by a moving vehicle. The Applicant is currently in the process of obtaining records of deer casualties along the scheme extent to assess the risk to motorists.

Barn owls

1.10.22 There is a loss in the area of grassland habitat available to barn owls as a result of the scheme. However, improved and poor semi-improved grassland will be replaced with species rich grassland, which will be well structured to provide optimal foraging habitat for barn owls, which will compensate for that which will be lost. Therefore, the proposed grassland habitat. Further mitigation / enhancements measures are provided for barn owls including:

- To reduce mortality a barrier of a minimum of 3 metres high along the majority of the scheme. This would be through a combination of screening planting, landscaping bunds and the alignment of the road.
- Measures to deter barn owls from the highways verge, such as provision of low-level permanent ground cover such as dense bramble or gorse alongside the carriageway.
- Installation of barn owl boxes and hunting posts. The location of hunting posts will be determined during detailed design but will be placed away from the carriageway so as not to increase the risk of barn owl mortality.

Breeding birds

1.10.23 The OEMP (APP-148) details the recommendations in Appendix 8.6 Breeding Bird Technical Report (APP-079) regarding timings of vegetation clearance and screening to minimise disturbance impacts to nesting hobbies.

Noise

1.10.24 In terms of an assessment of the impact of noise on breeding bird species, Appendix 8.6 Breeding Bird Technical Report (APP-079) states:

1.10.25 *The current noise levels for the existing road will likely not be significantly less than the noise levels after the upgrade and noise impacts on birds are likely to be reduced where the scheme is in cutting and/or is immediately adjacent to woodlands or noise barriers.*

Increased risk of mortality

1.10.26 In order to deter low flying birds from the road to minimise collisions with traffic, a barrier of a minimum of 3 metres high would be provided along the majority of the scheme. This would be through a combination of screening planting, landscaping bunds and the alignment of the road, which would benefit some bird species. Higher flying bird species would not be at increased risk.

Hedgerow Planting

1.10.27 There is a net loss of hedgerow length of 91.91 metres. However, hedgerow to be lost includes 454.23 metres of defunct and 2,212.05 metres of species poor hedgerow (making up 30% of the hedgerow habitat to be lost). Habitat planting will comprise species rich hedgerows and therefore it is considered that the hedgerow planting more than compensates for what is being lost, which will enhance habitats for a range of bird species.

Great crested newts

1.10.28 The Great Crested Newt (GCN) Mitigation Guidelines state: *The potential for newts to cross roads successfully depends largely on traffic volume and the presence of any barriers, such as kerbs. Small roads and tracks with low*

vehicle numbers appear to present no major problems for newts, whilst larger, busier ones can limit dispersal and result in high mortality.

1.10.29 The A303 is the main trunk road connecting the southwest with the rest of the UK. Therefore, it is considered a 'main road' and would not come under the description of 'small roads and tracks'. As such it is considered a significant barrier to GCN dispersal. No other ponds surveyed to the south of the road were found to support GCN, although it is likely that these are present outside our survey area.

1.10.30 Regarding kerbs and gulleys. The following is provided within the GCN Technical Appendix:

1.10.31 *The proposed drainage design along the main carriageway is for shallow sloping v-profile concrete or grass drains with associated gulley pots. There are no associated kerbs and so the risk of GCN becoming trapped is significantly reduced as there are no kerbs to channel GCN into the gulley pots and act as pitfall traps. However, there is still potential for individual GCN to fall into the gulley pots and become trapped. Kerbs and gulley pots will be used on link roads, however, none of these are within 500 metres of any of the GCN ponds.*

1.10.32 *To minimise the risk of killing and injury of GCN due to them becoming trapped in drainage gully pots associated with the new road, no kerbs should be installed around the gully pots which are within 500m of meta-population A and C. If kerbs are essential, the gully pots should be located at least 10cm from the edge of the kerb to reduce the risk of GCN being channelled into the gully pots. Sloped kerbs should also be used to minimise the barrier effect for newts. It is understood that no kerbs are proposed in the drainage design within 500m of any GCN metapopulation. Additionally, gulley pots within 500m of the meta-populations should be fitted with Amphibian Gully Pot Ladders (British Herpetological Society) to allow a means of escape for any amphibians which become trapped.*

1.10.33 Natural England have provided a letter of no impediment for the GCN ghost licence – they are satisfied that the Favourable Conservation Status of GCN will be maintained.

Invertebrates

Impacts of widening the A303

1.10.34 The current A303 is a considerable barrier for dispersal of invertebrate species. The existing carriageway is approximately 17 metres wide and subject to significant air disturbance as a result of traffic which would impede movement of invertebrates. Therefore, dualling of the scheme will not further inhibit the dispersal of invertebrates.

Mitigation for invertebrate species

1.10.35 Details of mitigation measures for invertebrate species are provided in Section 5 of Appendix 8.11 Invertebrate Technical Report (APP-084). This is summarized below in the context of the distance of notable species from the

scheme.

1.10.36 Nationally scarce species in Site 2

- Site 2 is 590 metres north of red line boundary and therefore impacts are not anticipated.

1.10.37 Nationally Scarce thick-headed fly *Leopoldius signatus* (Site 4)

- Site located approximately 10 metres to the north of the red line boundary.
- This invertebrate species is mainly associated with ivy blossom and therefore ivy will be planted to provide mitigation for this species. Ivy is not specified on indicative species list (although it is just indicative at this stage). Ivy will be added to the list.

1.10.38 White Letter Hairstreak (Site 5)

- Site is 760 metres north of red line boundary and therefore no impacts anticipated

1.10.39 Nationally Scarce soldierfly *Chorisops nagatomii* (Site 8)

- The ecology of this species is poorly understood and therefore its specific mitigation requirements are not known.
- However, the woodland where this species was recorded will be retained and enhanced with additional woodland planting adjacent.

1.10.40 The mining bee *Lasioglossum pauxillum* (Site 10)

- 180 metres north of red line boundary therefore no direct/ indirect impacts to habitat supporting this species
- Also due to a considerable recent increase in both range and frequency, the species no longer fulfils the criteria to qualify for its current Nationally Scarce status, and therefore no specific mitigation and enhancement recommendations are considered necessary.

1.10.41 Nationally Scarce soldierfly *Chorisops nagatomii* (Site 15)

- The hedgerow where the species was found will be retained
- Semi-improved grassland adjacent and to the south is outside the site boundary and therefore impacts are not anticipated.
- Planting of priority habitats will benefit this species.

Dead wood

1.10.42 Dead wood will be retained on site where possible to provide habitat for

saprophytic species. In particular, veteran trees to be lost as a result of the scheme will be retained on site. This will be detailed within the OEMP.

Scrub provision

- 1.10.43 The proposed tree and shrub planting will include a number of scrub species, such as hawthorn and blackthorn, and other scrub species will quickly naturally colonize. The new areas of tree and shrub/scrub planting with adjacent areas of species rich grassland creation will provide high quality terrestrial invertebrate habitat suitable for a range of invertebrate species.

Amenity grassland

- 1.10.44 It is agreed that areas of amenity grassland should be replaced with nutrient poor grassland, subject to cut and remove where possible. The Environmental Masterplan has already been updated to reflect this (following comments from Natural England on the ghost GCN licence).
- 1.10.45 This method can be employed for other areas of grassland creation where appropriate.

1.11 Economy and community

- 1.11.1 This section responds on the issues raised relating to the impacts of the scheme on economic and community raised by Somerset County Council and South Somerset District Council in their LIR (REP2-019).

Local Impact Area

- 1.11.2 Chapter 12 People and Communities (APP-095) of the ES includes an assessment on community facilities and the local economy. For these aspects, the assessment has been undertaken in accordance with DMRB Volume 11 Section 3 Parts 6 and 9 and considers both direct and indirect effects arising as a result of the construction and operation of the scheme. The assessment identifies social and community resources in the study area, as well as receptors relevant to the topic, and identifies the activities relating to the scheme that could have an effect on those receptors and resources.

1.12 Transport

- 1.12.1 This section responds to the issues raised relating to the transport impacts raised by Somerset County Council and South Somerset District Council in their LIR (REP2-019).

Traffic impacts on local communities – West Camel

- 1.12.2 Parsonage Road in West Camel is forecast to have an increase of 300 vehicles per day (AADT) by 2038 as a result of the scheme compared with the base year. The traffic in future years would reduce due to the difficulty of using the junctions on the A303 with Howell Hill and Plowage Lane (not Parsonage Lane). Therefore, the forecast increase of 600 referenced in the

LIR (REP2-019) compares the without scheme and with scheme traffic forecast in 2038.

- 1.12.3 The significance of the increase in traffic through West Camel has been assessed by considering the implications on junction performance; air quality; noise and safety. The cross-roads between Parsonage Road and West Camel Road is forecast to perform within capacity in all future scenarios, as detailed in Tables 7.1 and 7.2 of the Transport Report (APP-150). The safety implications were assessed using COBALT as described in Chapters 13 and 14 of the ComMA Report (APP-151). Due to the lack of any accidents on any of the roads through West Camel (Parsonage Road, Plowage Lane, Keep Street, Fore Street and Howell Hill) in the recorded 5-year period, there are no forecast accident implications on the roads themselves. There were two slight accidents recorded at the cross-roads with Parsonage Road and West Camel Road, at which junction the accident implications are considered to be slight adverse and therefore insufficient to warrant traffic calming measures. There was also 1 slight accident recorded at the junction between Howell Hill and the A303, at which location the accident implications of the scheme are slight beneficial as this junction will be superseded with the proposed grade separated junction. Maps showing the accidents recorded in the 5-year observation period and the COBALT results can be found in the Transport Report (APP-150) Figures 9.1 and 9.3 respectively.
- 1.12.4 Air quality considerations are detailed within paragraph 1.5.3 of this report, and noise and vibration considerations are detailed within paragraph 1.4.32 of this report.

Traffic impacts on local communities – Sparkford

- 1.12.5 The significance of the increase in traffic through Sparkford has been assessed by considering the implications on junction performance; air quality; noise and safety. The junction between Sparkford High Street and The Avenue is forecast to perform within capacity in all future scenarios, as detailed in Tables 7.1 and 7.3 of the Transport Report (APP-150). The safety implications were assessed using COBALT as described in Chapters 13 and 14 of the ComMA Report (APP-151). Due to the lack of any accidents in the recorded 5-year period, there is no forecast accident implication on the High Street itself. There were 2 slight accidents recorded at the junction between Sparkford High Street and the Avenue, at which junction the accident implications are considered to be slight adverse and therefore insufficient to warrant traffic calming measures. There were 9 accidents (some slight and some serious) recorded at Hazlegrove Roundabout, at which location the accident implications of the scheme are significantly beneficial. Maps showing the accidents recorded in the 5-year observation period and the COBALT results can be found in Figures 9.1 and 9.3 respectively of the Transport Report (APP-150).
- 1.12.6 Air quality considerations are detailed within paragraph 1.5.2 of this report, and noise and vibration considerations are detailed within paragraph 1.4.31 of this report.

1.13 Rights of Way

- 1.13.1 This section responds to the issues raised relating to the Rights of Way raised by Somerset County Council and South Somerset District Council in their LIR (REP2-019) and the Written Representation from Mr March Smith (REP2-023).

Provision of an NMU route across the scheme from Podimore to Sparkford

Stear Hill to Camel Hill

- 1.13.2 The application does not include a RoW directly between Steart Hill and Camel Hill because a demand for this journey was not identified. Should NMUs wish to make this journey currently there are 2 routes.
- 1.13.3 The first would involve travelling northwards along Steart Hill and then east along RoW reference WN23/32. This is available for pedestrians only, and is unaffected by the scheme proposals.
- 1.13.4 The second route would involve travelling south on Steart Hill and then east along the A303 (there are no NMU facilities in the verge of the A303 at present) and then north along RoW reference WN23/32. This is approximately 1.5 kilometres long and involves much of its length along the A303 trunk road. Under the scheme proposals the journey can be made by following NMU provisions denoted by the following points in the Rights of Way and Access Plans submitted as part of Deadline 3 (document reference 2.3, Volume 2): BW-AJ-AS-AV-AW-AX-AY-AZ-BA-BB-BL-BK-BJ-BI-BH-BG-BF-BY-BD-BC. This would be a distance of approximately 4.4 kilometres.

Clarification of routes proposed between Traits Lane and Gason Lane

- 1.13.5 The Applicant's preferred route for this RoW is AZ-BA-BB. This passes through land currently owned by the Ministry of Defence. Discussions regarding the dedication of this right across this land were only concluded recently (see the first item in Table 2.1 of the draft Statement of Common Ground between Highways England and the Defence Infrastructure Organisation (APP-161). Until a written agreement is in place the alternative will remain, although the preferred option is for the RoW to pass through the Ministry of Defence site. This alternative is BZ-CA-CB-CD.

Excessive gradients between BE and BY

- 1.13.6 The gradient of this short section of RoW will be corrected during the detailed design stage. The draft DCO provides at Requirement 12 that the detailed design will be submitted to the Secretary of State for approval following consultation with the relevant planning authority and local highway authority. Under Requirement 4, details of that consultation, (including changes sought and whether they have been made, and where changes have not been made why not), must be submitted along with the application for approval of the detailed design. The Secretary of State will therefore have the views of the Councils before him when making any decision on the detailed design.

Loss of access

- 1.13.7 There are currently 2 main footpaths leading to Sparkford Hall, WN27/16, WN23/38. It is not proposed to close these as part of the scheme. WN27/16 will remain completely unaltered and does not feature within the scheme and WN23/38 will be adjusted to accommodate the new junction.

1.14 Road Safety (Parish Councils' Written Representation, REP2-043)

- 1.14.1 The Parish Councils' submissions (REP2-043) regarding the existing traffic problems caused by diverting traffic when the A303 is forced to close, is part of the reason that Highways England is proposing the current scheme. The dualling of this section of road will reduce the potential for accidents due to traffic turning or traffic crossing the main carriageway. The new road will be safer and fewer accidents will mean fewer closures due to incidents. The new highway will also be designed to deal with climate change reducing the need to close due to flooding. The dualling scheme therefore already addresses the issues identified in the final paragraph of page 8 (REP2-043).

1.15 Legal points

Requested amendments to the DCO

Side roads order to be revoked (LIR table line P3, REP2-019)

- 1.15.1 The Councils consider that the Sparkford to Ilchester improvement and slip roads Side Roads Order 1996 may have some validity and should be revoked. The Applicant is not certain that this order does have any validity however in order to resolve any doubt proposes to make an amendment to the DCO to add this order to the list of orders revoked under article 14 set out in schedule 3 Part 10 of the DCO in so far as it is valid.

Applications received to modify the Definitive map and statement (LIR table line P6, REP2-019)

- 1.15.2 The Applicant assessed the impact of all RoW shown on the Definitive Map and Statement at the time of making the Application. The Councils have noted that 2 applications have been made for upgrades / additions of public rights to the Definitive Map and Statement, however these are very unlikely to be determined before the end of the DCO Examination. It is not appropriate for the Applicant to seek to mitigate any impacts on these potential changes within the current application as they may not be added to the Definitive Map. The Applicant should not be expected to provide mitigation for impacts that are entirely uncertain.
- 1.15.3 If the Council wishes to upgrade or add to any RoW following a successful application to amend the Definitive Map and Statement, it will be within the Councils' abilities as local highway authority, to make those changes, whether to any existing RoW or any RoW that are diverted pursuant to the DCO. The Applicant does not propose amending the DCO to mitigate for uncertain future events or impacts.

Schedule 3 Part 11, Rights of Way (LIR table line P12, REP2-019)

1.15.4 The Councils state that the Column header (2) excludes the term bridleway / potentially restricted byway but needs to reflect all of the highway statuses referred to in the column. The Applicant will amend this header in the next revision of the DCO.

Incorrect path status, Schedule 4 Part 2 & Schedule 3 Part 11, Sheets 3 & 4 Rights of Way & Access Plans (LIR table line P13, REP2-019)

1.15.5 The Councils state that the following links have been given an incorrect status:

- BM-BN referenced as new bridleway, BO-BP referenced as new footpath, BN-BO omitted. Amend DCO to reference BM-BN-BO-BP as new footpath.
- Agreed. Link BM-BN will be amended to footpath and the omitted link will be added to the schedule.
- BR-BS and BT-BU referenced as footway/ cycleway -amend to bridleway or restricted byway to be more inclusive provided a safe equine crossing can be achieved across the A359.
- Not agreed. The application does not include a bridleway crossing of the A359 (south) arm of the Sparkford Roundabout safe crossing facilities for equestrians could not be provided. Please refer to the Applicant's response to Relevant Representations (REP1-002) at item 6.4.

Omission of path sections from DCO, Sheets 3 & 4 Rights of Way & Access Plans (LIR table line P16, REP2-019)

1.15.6 The Applicant agrees that there have been some omissions Schedule 3 and Schedule 4 of the dDCO and will amend the schedules to include these in the next revision of the dDCO.

Construction Environmental Management Plan, Requirement 3(2) (f) excludes tie-ins to existing rights of way (LIR table line P17, REP2-019)

1.15.7 Requirement 3(2) (f) is mis-numbered and should be part of Requirement 3(2) (e). This will be corrected.

1.15.8 The Requirement allows deviation from the working hours for works requiring the closure of the carriageway. This is to allow such works to be scheduled for the times when traffic flows will be lowest, causing the least disruption to be caused to the local highway network due to diversions. The volume of NMUs on Rights of Way is not high enough to cause the same level of concern and therefore works to tie into these which do not affect the carriageway do not need the same level of flexibility of working hours.

Drainage strategy – drainage design criteria (LIR table line P17, REP2-019)

- 1.15.9 The criteria set out in the dDCO reflected those requested by the Environment Agency and the highway drainage design standard of protection matches the requirements of HD33/16 of the DMRB. The dDCO requirement will however be amended to provide: The highway drainage system off-site discharge will be limited, up to and including the 1% annual probability (1 in 100 year event) plus a 40% allowance for climate change, to no greater than the undeveloped rate of run-off as determined by the calculation of Q_{bar} or 2 l/s/ha.

Requests for legal agreement

- 1.15.10 The Applicant does not accept that it is necessary or appropriate in the context of this project to enter into separate legal agreement under s278 of the Highways Act 1980. S278 concerns the payment of funds to a highway authority to carry out works to its highways. This is not the process proposed. Highways England would instead ensure that repairs are carried out under its contract rather than through funds provided to the LHA. This will be secured through the proposed Protective Provisions not a separate legal agreement.

Development Consent Order queries (HBMCE's Written Representation, REP2-039)

- 1.15.11 The Applicant has provided the below responses to queries in sections 8.2.1, 8.2.3(b) and 8.2.6(j) in HBMCE's Written Representation (REP2-039). The additional queries have been answered in Section 1.7 Cultural Heritage above.

Part 2 Limits of Deviation

- 1.15.12 The lateral limits of deviation are constrained by the RLB. The Camel Hill Scheduled Monument is outside the RLB. The WSI and archaeological mitigation and recording works would cover all areas within the RLB.

Protective works to buildings

- 1.15.13 No protective works to listed buildings as described in Article 21, 11 (a) and (b) are required either during construction or operation of the scheme.

Schedule 2 – Part 1, Requirements (j) Noise mitigation (14) and Highway lighting (15)

- 1.15.14 The mitigation such as bunds and planting will be included within the detailed design and constructed as part of the scheme. The precise build programme will be determined following finalisation of detailed design however the Applicant notes that elements such as bunds, barriers and planting are integral parts of the scheme which have to be delivered to provide the necessary mitigation and it will not be possible to complete the project without these.

De-trunking (LIR Table Line T7, REP2-019)

- 1.15.15 The LIR (REP2-019) states that "Further discussion is required in relation to

de-trunking to agree the appropriate legal mechanism to include matters associated with process and maintenance due to the potential issue of creating future maintenance liabilities for the County Council". The Councils have requested that Article 14 is amended to provide satisfactory de-trunking 'timing provisions'. The Applicant is not entirely sure what amendment the Councils are seeking here as no wording has been suggested.

1.15.16 As set out in the Applicant's answer to the Examining Authority's question 1.10.6 (REP2-004), the classifications of roads will apply once they are nearing completion and the anticipated date on which they will open to traffic is known. It is inappropriate to add timing provisions to the Article given that the opening date for any road is not known. The Applicant has however proposed a minimum notification period of the de-trunking in the draft Protective Provisions for the LHA.

1.15.17 The Applicant notes that the Councils have raised concerns that the de-trunked road will attract anti-social behaviour. Such behaviour is controlled through other means including the criminal law, not the DCO. The Councils have requested contingency funding to address this. The Applicant does not consider it reasonable to request funding to deal with an issue which has not occurred and which is not within its responsibility or control. The Applicant is not liable for the costs of the anti-social or illegal behaviour of others. If the Councils would like to suggest design measures to address its concerns the Applicant would be happy to consider whether these can be accommodated within the scheme but it will not agree to any financial provision.

Maintenance (LIR Table Lines T3, T5 and T7, REP2-019)

12 Month maintenance period

1.15.18 The Councils have requested a mechanism to ensure a minimum maintenance period of 12 months for the works. The Applicant advises that a 12 month period within which defects must be rectified is a standard term of its contracts with construction contractors and will apply to this scheme. That contractual arrangement is in place for the entire works and cannot be separated out for the trunk and local highway elements. The Applicant has always advised that any defects within the local highway works would be rectified through this contractual arrangement. In order to set out how that arrangement would operate in more detail and to provide the Councils with the reassurance that this is secured within the DCO the Applicant has proposed to include this in the Protective Provisions for the LHA.

2. Comments on responses to the Examining Authority's Written Questions

1.15.19 This section provides the Applicant's response to the answers given by Interested Parties to the Examining Authority's First Round of Written Questions (Tables 2.1 to 2.8 below). The Applicant has adopted a targeted approach, only providing responses where it is considered relevant and necessary. On this basis the Applicant has not provided a response to every comment made by every other Interested Party.

Table 2.1: Comments on Environment Agency's responses to the ExA's Written Question

Environment Agency		
Written Question	Environment Agency response	The Applicant's comment on the response
<p>1.10.10 - Article 3</p> <p>a) Disapplication of legislative provisions. Is the Environment Agency content with this?</p>	<p>a) This is not acceptable to the Environment Agency.</p> <p>As stated in the Agency's relevant representations dated 18 October 2018 (RR-034):</p> <p>"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."</p> <p>The latest iteration of the applicant's Statement of Common Ground with the Environment Agency States:</p> <p>"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."</p> <p>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).</p>	<p>a) The proposed amendments to the Protective Provisions detailed within the draft Development Consent Order (DCO) were issued to the Environment Agency on 28 January 2019 and a response is currently awaited.</p>

Table 2.2: Comments on the National Trust's responses to the ExA's Written Questions

National Trust		
Written Question	National Trust response	The Applicant's comment on the response
<p>1.5.11</p> <p>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?</p>	<p>We would expect Highways England to respond directly to this question. Given the distance to St Michael's Hill and the location of the proposed road scheme, there should be no physical impacts on the archaeological interests of St Michael's Hill.</p> <p>We would however like to take this opportunity to note that – also on page 71 – it is stated that views from St Michael's Hill are screened by trees during the summer. The views are not fully obstructed by trees in all directions. The Trust has a programme of tree management on the hill, so it should not be assumed that trees have or will always screen views from the hilltop during the summer, and this should be taken into consideration when assessing any potential visual impacts.</p>	<p>As per the Applicant's response to Written Question 1.5.10 (REP2-004), due to its distance from the proposed scheme, and expansive views afforded, it was not considered that the scheme would be notable within the view and would not result in a significant effect upon this receptor.</p>

Table 2.3: Comments on the Parish Council's responses to the ExA's Written Questions

Parish Councils (West Camel, Queen Camel and Sparkford)		
Written Question	Parish Council response	The Applicant's comment on the response
1.1.17 d) are there better alternatives involving different land takes?	See Written Submission from Mr Bryan Norman on behalf of the three neighbouring Parish Councils and Hazlegrove school	Following consultation with and confirmation from Hazlegrove Preparatory School, the Applicant notes that Mr Norman does not act on behalf of Hazlegrove Preparatory School.
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?	a) The increase in traffic flow would harm the tranquil setting of the listed buildings, and an increase in HGVs could physically harm the fabric of a listed building through traffic induced vibration, particularly for fragile fabric, that close to the edge of the road and where there is an uneven road surface such as road humps and similar traffic calming measures. The setting of the listed building would also be harmed by inappropriate traffic calming measures, i.e. highway lighting, signage, lining, bollards and build-out.	Please see the Applicant's response to Written Question 1.1.27a) (REP2-004).
1.6.1 a) In undertaking the secondary sift of alternatives in the Assessment of Alternatives [APP-040], the results of which are set out in Table 3.1 it is stated, for People and Communities ES Chapter 11 [APP-049] (page 11), that one dwelling, in West Camel, would need to be demolished for Option A2 (which became the application scheme). There is no other reference to this, nor is it assessed in the third sift. Chapter 12 of the ES Vol 6.1 [APP-049] paragraph 12.8.1 fourth bullet indicates no residential properties would be demolished. Can this discrepancy please be explained?	Where is this?	Table 3.1 of Chapter 3 Assessment of Alternatives (APP-040) of the ES does correctly note that one derelict farm building and one dwelling would need to be demolished for Option A2. However, this will be clarified within the table of errata for the ES to be resubmitted at Deadline 4 to note that one derelict farm building and one building (The Spinney) would need to be demolished. Following the sift from 4 options (A2, E4, F1 and B4) to 2 options, the designs for Option A2 (which became Option 1) and Option F1 (which became Option 2) were developed further, considering the results of the initial environmental assessment, to reduce the scale of works in the rural area. The revised design for Option 1 ensured that the building (The Spinney) would no longer need demolishing, which concurs with the assessment of the scheme as part of Chapter 12 People and Communities (APP-049) of the ES.

Table 2.4: Comments on Mr Griffith's responses to the ExA's Written Questions (REP2-038)

Mr Griffiths		
Written Question	Mr Griffith's response	The Applicant's comment on the response
<p>1.4.24 Mitigation</p> <p>In his representation [RR 03] Paul Griffiths suggests the use of planted bunds in critical locations to address the issue of road noise. The scheme makes provision for several bunds.</p> <p>Are there additional locations where you consider the use of bunds would be desirable? If so why?</p>	<p>After meeting Mott MacDonald on the 16th January I believe that the elevated section of the A303 north of the Hazelgrove junction should have an acoustic barrier mounted on the south side of the road, extending west and eastwards in order to protect the community from the unreasonably high noise from the road. This barrier should be positioned at the edge of the road and be designed to reflect/absorb (hold the noise) onto the road.</p> <p>A number of products are available including the Jakoustic Commercial and Highway Acoustic Fencing. The spec. data sheet indicates up to a 28dB noise reduction. The product meets Highway Agency standards and is promoted as being ideal for application in exposed locations subject to high winds loads.</p>	<p>A response has been provided to Mr Griffith's Written Representation (see paragraph 1.4.31 – 1.4.33 of this report)</p>

Table 2.5 Comments on Somerset Bridleways Association's responses to the ExA's Written Questions

Somerset Bridleways Association		
Written Question	Somerset Bridleways Association response	The Applicant's comment on the response
<p>1.1.17 Hazlegrove House RPG</p> <p>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?</p> <p>b) What alternatives were considered for the extent of the physically unaffected land of the RPG, and why were they rejected?</p> <p>c) Is the loss of cultural heritage the minimum necessary to deliver the benefits of the proposal?</p> <p>d) Are there alternatives, perhaps involving different land-takes, which would better ensure the significance of the heritage asset was maintained?</p> <p>e) When considering the level of harm to the heritage asset, what level of harm would be caused? Such an assessment should be justified.</p>	<p>There is evidence of historical routes through /round the edge of the park. DMMO applications for bridleway status have been submitted for 2 of these, which would reconnect bridleway routes between Sparkford and South Barrow. Will these be taken into account and made provision for?</p>	<p>At the time of the submission of the draft DCO, the Applicant was aware of one such application for a Definitive Map Modification Order (DMMO) that was relevant to this scheme. This was Modification No 859. This modification order would involve the upgrade of footpath WN23/12, which runs through Hazlegrove RPG (RPG) in a north-easterly direction from the A303 mid-way between Hazlegrove Roundabout and Camel Hill Services, to bridleway status.</p> <p>WN23/12 will be severed by the proposed scheme.</p> <p>It is confirmed that the scheme proposals take account of Modification No 859 in the following way:</p> <p>With reference to Sheet 4 of the Rights of Way and Access Plans (HE551507-MMSJV-LSI-000-DR-UU-2045, Rev C01, 2.4, Volume 2) and draft DCO Schedule 4 Part 3, the dualling scheme involves the stopping up of WN23/12 and substitution with a new route following points BJ-BI-BH-BG-BF-BM-BN-BO-BP. A schedule of limitations has been produced and was issued to South Somerset Bridleways Association in August 2018. This document clarifies that, although some of this route will be legally dedicated as a footpath to be consistent with the current RoW, the physical provision will be consistent with the potential future use as a bridleway. The Schedule of Limitations clarifies that 1.8 metre-wide bridleway gaps in accordance with Section 6.1 of BS5709 will be provided at each point along the diversion route. One bridle gate (at point BO) is required due to the potential for grazing cattle</p>

Somerset Bridleways Association		
Written Question	Somerset Bridleways Association response	The Applicant's comment on the response
		<p>in the adjacent plot. The same document clarifies that the width of this route is generally 4.0 metres wide which is suitable for future bridleway use. There is one exception to this width between points BM and BN where the proposed width is 2.5 metres. This is in the verge of the Hazlegrove School Access.</p> <p>The scheme proposals do not take into account any other potential order modifications.</p>
1.4 Noise and Vibration	Road noise along the new carriageway northwest of the Hazlegrove roundabout will impact on the users, including equestrians, of the underpass below. Please could consideration be given to having a low noise surface within the vicinity of the underpass.	A 'thin surface course', generally acknowledged to have noise attenuation properties, will be applied to the proposed dual carriageway. This, along with other proposals for managing noise from the completed scheme, is described in Section 2.5 of Chapter 2 The Proposed Scheme of the ES (APP-039).
1.6.23 NMU Effects a) It is not clear how the mitigation measures and new proposed routes for NMUs have been determined. The CoMMA report [APP-151] states that journey lengths would increase by more than 500m for 8 journeys and by 0 - 250m for 2 journeys. It is noted that due to the proposed stopping of connection Y30/ 28 with the A303, the proposed new route is 5.2km where as an alternative route proposed by the LPA's reduces the distance by 1.5km. Could the Applicant explain the methodology used for determining the new routes for non-motorised users, with respect to the shorter alternative Y30/28 to A303 route proposed by the SSDC and SCC?	Restricted Byway rights over Podimore bridge are fundamental to connectivity of NMU routes, see annex A. The length of a diversion is important. A horse rider may travel at around 4 miles an hour on a longish route.	Restricted byway rights across the bridge at Podimore have been the subject of discussion between the Applicant and South Somerset Bridleways Association and Somerset County Council through scheme development. This subject is discussed in detail in the Right of Way Y30/28 (Eastmead Lane) Topic Paper (document reference 9.14, Volume 9, Revision A) submitted as part of Deadline 3.

Table 2.6: Comments on Somerset County Council's responses to the ExA's Written Questions

Somerset County Council		
Written Question	Somerset County Council Response	The Applicant's comment on the response
1.1.21 Archaeology e) Does this affect the conclusions and if so, in what way?	e) The full suite of field investigations required to assess the significance of impacts on heritage assets should be submitted during the Examination in order to understand the impacts and consider what mitigation measures are necessary. See LIR Ref A1.	e) The full suite of field investigations has now been issued to South West Heritage Trust, including the Geophysical Survey Report (document reference 9.4, Volume 9, Revision A) and the Full Archaeological Evaluation Report (document reference 9.5, Volume 9, Revision A).
1.7.14 Traffic Assessment a) Are you satisfied that the CoMMA report [APP-151] provides sufficient information to allow you to assess/comment on the traffic implications of the scheme on the local road network? b) If not what additional information would be required?	From a technical perspective Somerset County Council is content that the CoMMA report provides sufficient information for traffic forecasting purposes and predicted changes in flows on the local road network. However, it should be noted that a full Transport Assessment has not been provided with the application and, as a result, the level of significance of the increases in traffic in particular through West Camel and Sparkford have not been assessed by the applicant, including the road safety implications.	Please see the Applicant's response in paragraphs 1.12.2 to 1.12.6.
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?	a) The area is susceptible to surface water flooding as shown on the Risk of Flooding from Surface Water mapping and SCC has records indicating regular flooding of the lane due to surface water. b) The Applicant should comment on whether there is an existing right of discharge from the existing A303 carriageway and that the attenuated discharged proposed will be a betterment.	Currently, within the location of the Proposed Pond 1, highway runoff is conveyed directly toward Higher Farm Lane overbridge unrestricted, as there is an existing right to discharge. The proposals are to capture runoff from the highway corridor and restrict flows, reducing flood risk in this area, providing a betterment.
1.8.7 Flood Risk a) The Church Commissioners for England indicate [RR-032] in respect of Land at Courty & Speckington Farm (south of A303)	a) The area is susceptible to surface water flooding as shown on the Risk of Flooding from Surface Water mapping and SCC has records indicating regular flooding to several of the roads in this area that have been investigated by the local Highways	Currently highway runoff within the area discharges directly into ditches unrestricted, as there is an existing right to discharge. The proposals are to capture runoff from the

Somerset County Council		
Written Question	Somerset County Council Response	The Applicant's comment on the response
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?	office. This resulted in minor maintenance work such as drainage jetting. b) The Applicant should comment on whether there is an existing right of discharge from the existing A303 carriageway and that the attenuated discharged proposed will be a betterment.	highway corridor and restrict flows, reducing flood risk in this area, providing a betterment.
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?	a) The Joint Councils will provide detailed comments on the Articles of the DCO and the Requirements at Deadline 3 in their comments on the applicant's first revised draft DCO. b) SCC considers that the terminology is fairly consistent with the definition in the Land Drainage Act. Having reviewed the terminology used in response to this question it appears the full definition has not been transcribed. The full definition from 72(1) of the Act should be included to provide clarity on how public sewers are defined: "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.	The definition used in the draft Development Consent Order (dDCO) has been deliberately chosen to exclude public drains as well as sewers given that there are a number of public drains within the scheme and immediate vicinity including some which will be affected by the Works. Drainage is controlled under Article 4, Requirement 13 and the Protective Provisions. Article 20 provides a more specific definition of drain where discharge of water to drains is considered. To amend the definition as suggested would result in the drains becoming watercourse and falling within the Protective Provisions for drainage authorities which is inappropriate as the definitions in those provisions reflect the appropriate legislation being the Land Drainage Act 1991 not the Water industry Act 1991.
1.10.39 Schedule 2 – Requirement 13(5) The Environment Agency [RR-043] notes that points a) and b) suggest no surcharge at 1 in 1 yr (100% AEP) events, and no flooding at 1 in 5 yr (20% AEP) events. It comments that this would appear to be a low standard of service for a new road drainage network. Typically, no surcharge would be expected up to and including 5% AEP (1 in 20 yr) in the drainage network, with no surface	The Joint Councils will provide detailed comments on the Articles of the DCO and the Requirements at Deadline 3 in their comments on the applicant's first revised draft DCO. However, in SCC's recent review of the draft DCO it was noted that Requirement 13 did not reflect the discussions captured in the technical working groups which focused on the Statement of Common Ground. We have prepared comments as part of the Local Impact Report requesting amendments to Requirement 13 to reflect the technical working group agreed	Please see the Applicant's response in paragraphs 1.8.2 and 1.8.3 of this report.

Somerset County Council		
Written Question	Somerset County Council Response	The Applicant's comment on the response
flooding at 1% AEP (1 in 100 yr) events. Normally, exceedance design should cover the climate change scenario at 1% AEP. Could the relevant parties comment on whether the proposal would meet expected performance standards for the road drainage network?	approach to drainage and flood risk. It is SCC's understanding following discussions with the Applicant and the Somerset Drainage Boards Consortium that the proposed design will control the overall volume, as well as the overall rate of runoff with sufficient attenuation provided. The attenuation would be provided with discharge limited to 1% annual exceedance probability (1 in 100-year event) plus 40% to account for the effects of climate change, to no greater than the undeveloped rate of runoff, determined by the calculation of the mean annual peak runoff for a greenfield site (Qbar). The strategy to retrospectivity imposed Qbar discharge criterion provides a significant betterment to the baseline condition across the development.	
1.10.40 Schedule 2 – Requirement 13(3) a) Is there a date by when the mitigation needs to be completed? b) Should this be included within the Requirement	<p>The Joint Councils will provide detailed comments on the Articles of the DCO and the Requirements at Deadline 3 in their comments on the applicant's first revised draft DCO.</p> <p>However, in SCC's recent review of the draft DCO it was noted that Requirement 13 did not reflect the discussions captured in the technical working groups which focused on the statement of Common Ground. We have prepared comments as part of our Local Impact Report requesting amendments to Requirement 13 to reflect the agreed approach to drainage and flood risk. In the discussions between SCC, the Somerset Drainage Boards Consortium and the Applicant it was agreed that the Applicant will need to provide more detail prior to commencement of construction. These details should include any temporary or phased arrangements necessary for the construction of the scheme; including how and when these will be brought forward and become operational.</p>	Please see the Applicant's comment on the response to Written Question 1.10.39 above.
1.10.44 - Schedule 3 – Part 11, column (2) a) Some of the rights of way are noted as "footway", but others are "bridleway". Should any of the footways be designated as a	This question has highlighted what is the purpose of Schedule 3 Part 11. It is SCC's view that a Public Rights of Way part to Sch 3 is not entirely necessary. However, it would be beneficial to have a footway/cycleway part under this	The Applicant has reviewed the way in which rights of way are described in Schedule 3. It is considered that Part 11 of this schedule is required. It is intended that this will be the part

Somerset County Council		
Written Question	Somerset County Council Response	The Applicant's comment on the response
<p>"footpath" since it is proposed that they are to be public rights of way?</p> <p>b) The South Somerset Bridleways Association indicates [RR-026] that the new public rights of way should be restricted byways. What is the Applicant's response to on this?</p>	<p>schedule.</p> <p>All public rights of way can be satisfactorily covered under Sch 4. This would entail transferring all the bridleways from Sch3 Part 11 to Sch 4, if not already covered. SCC is not concerned with redefining footways to footpaths in this Part 11.</p> <p>This question has also highlighted that the applicant has neglected to include a number of new rights of way from Sch 4 as follows: AA-AB, AL-AM, AV-AW, AX-AY, AZ-BA-BB, BZ-CA-CB-CD, BL-BK, BD-BY-BE, BN-BO, BN-BY, BJ-BX/BX-BI. It is also noted the RoW & Access Plans Sheet 3 of 4 is lacking a letter notation at the Gason Lane turning head to connect to BB & CD.</p> <p>The above changes will obviously impact on the wording in DCO Part 3, 14 (6), which will need to be amended.</p>	<p>of the DCO that will create RoW when the Order is made.</p> <p>Somerset County Council's observations regarding the omission of some new rights of way from Schedule 4 are accepted. However these will be incorporated into Part 11 of Schedule 3. A new reference at the proposed Gason Lane Turning Head has been added to Sheet 3 of the Rights of Way and Access Plans (HE551507-MMSJV-LSI-000-DR-UU-2044, Revision C04, 2.3, Volume 2) and will be added to Part 11 of Schedule 3 of the dDCO</p>

Table 2.7: Comments on South Somerset District Council's responses to the ExA's Written Questions

South Somerset District Council		
Written Question	South Somerset District Council Response	The Applicant's comment on the response
<p>1.1.8 Heritage assets (generally)</p> <p>c) Do IPs consider that the assessment area is appropriate?</p>	<p>c) The 1 km sausage is stated as being consistent with the DMRB Volume 11, Section 3, Part 2. The Manual suggests the study area for archaeological remains, historic buildings and historic landscapes should be dependent on the 'sensitivity of the receiving environment' and provides possible limits for each type of heritage asset.</p> <p>For archaeological remains it suggests a study area of 500 metres either side of a road route if the preferred route has yet to be defined. An additional 200 metres either side of the scheme area is suggested for a defined route (para. 5.41.).</p> <p>For historic buildings it suggests the visual envelope of the propose works or those immediately adjacent (para. 6.41.).</p> <p>For historic landscapes it suggests this is on a case-by-case basis, 'take account of the stage of the proposal, its scale and its likely effects, and the character of the historic landscape' (para. 7.41.).</p> <p>The minutes of the second TWG (13th February 2017) record that the SSDC Conservation Officer was broadly supportive of the draft list of heritage assets to be included in the ES.</p> <p>Having reviewed the documents and undertaken a site walkabout, the study area of 1km plus the additional distant sites is appropriate for the scheme works. However, we are now aware of the A359 / A37 southerly diversion route during the A303 road closure periods. An extension of the study area for heritage assets immediately adjacent to the diversion route is sought if there is a potential for the diverted traffic flow to have an adverse impact on the fabric of historic bridges, historic buildings, milestones, boundary treatment, etc. on the diversion route.</p>	<p>Please see the Applicant's response to Written Question 1.1.8a) and b) (REP2-004).</p>

South Somerset District Council		
Written Question	South Somerset District Council Response	The Applicant's comment on the response
	We are not aware of any other study area widths having been considered.	
1.1.17 Hazlegrove House RPG d) Are there alternatives, perhaps involving different land-takes, which would better ensure the significance of the heritage asset was maintained?	d) The location of Pond 5 to the west of its current proposed location, outside of the RPG. Retention of the PRow with the alignment of the historic route of Hazlegrove Lane as far as possible.	Please see the Applicant's response to Written Question 1.1.17d) (REP2-004).
1.1.19 Hazlegrove House RPG b) Does the assessment set out in the ES need to be updated to take account of the final proposal?	b) The ES does not include the impact of the construction compound on the retention, or not, of veteran trees. The ES should consider the impact of the construction compound on the veteran trees. The same is true for aspects of the proposed works in close proximity to the veteran trees of the RPG. Paragraph 6.6.4 of the DBA identifies five veteran trees in the southern end of the RPG. Appendix C of the DBA includes a plan with three other 'additional trees of interest' in this area. Six of these eight trees would likely be affected by the scheme through the construction compound, drive realignment and land take. Paragraph 7.4.3 of the DBA states that "An arboricultural survey has been undertaken for the area of the park within the redline boundary of the scheme. Once findings have been collated and reporting completed, the results could help to inform a better understanding of the historic importance of the trees within the southern end of the park. Findings will be incorporated into the final version of this report". The findings of the survey and an assessment of the impact of the scheme on these trees should be included in the ES.	During design development and preparation of the ES prior to the DCO submission, a construction compound was proposed in Hazlegrove House RPG. This compound was moved subsequent to the cultural heritage chapter being completed. The area which was proposed for the construction compound is now being used as a top soil storage area. The assessment within Chapter 6 Cultural Heritage (APP-043) and the Cultural Heritage Desk Based Assessment (DBA) (APP-067) therefore presents a worst case scenario. Appendix A of Appendix 7.9 Arboricultural Impact Assessment (APP-071) shows the trees to be removed and retained within the RLB in Hazlegrove House RPG. This includes the removal of 2 veteran trees (numbers 12 and 15) and the retention and protection during works of 2 veteran trees (13 and 16). Tree protection measures can be found in Appendix B of the same report. The loss of the 2 veteran trees is unavoidable as they are within the footprint of the scheme. The other 2 trees are within the RLB, with 1 within the construction compound and these will be protected during construction.

South Somerset District Council		
Written Question	South Somerset District Council Response	The Applicant's comment on the response
		work.
<p>1.1.26 Queen Camel and West Camel Conservation Areas and Heritage Assets to the south</p> <p>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?</p> <p>b) What measures would be in place to ensure that any effects on these heritage assets were mitigated?</p> <p>c) How would these measures be secured?</p>	<p>a) With regards to the A303 closure periods during the construction phase, there is no assessment of the effect of moving traffic and potential traffic induced physical damage for Queen Camel, West Camel, Marston Magna or Sparkford, and this should be included in the ES. With regards to the effects during operation, the level of significance of the increase in traffic through the villages has not been assessed by the applicant. The Joint Councils have suggested that traffic calming measures and other mitigation measures should therefore be explored and considered by the ExA, and a mechanism established to secure such mitigation. Heritage Assets on Sparkford Road are excluded from the ES due to an earlier decision based on their proximity to the scheme and without consideration for the potential impact of redirected traffic flows.</p> <p>b) The applicant has not assessed the impacts and therefore insufficient measures are in place to ensure that any effects on these heritage assets are mitigated. This is set out in the Council's Local Impact Report and the issues are covered in the Statement of Common Ground with the applicant.</p> <p>c) The Local Impact Report sets out that the DCO requires amending.</p>	<p>The Applicant's response with regard to impacts on heritage assets can be found in the draft Statement of Common Ground with Somerset County Council and South Somerset District Council (REP2-012).</p> <p>The impact of the diversion routes was considered as part of the assessment. However, due to the fact that the diversions were overnight and for a very limited time, no impacts were reported.</p>
<p>1.1.31 Non-designated heritage assets</p> <p>a) Does the Council does have a list of non-designated heritage assets?</p> <p>b) If it does, what assessment has been made of the effect of the proposal on the significance of the heritage assets within the relevant area?</p> <p>c) If it does not, what measures have</p>	<p>a) All identified non-designated heritage assets are included on the Somerset HER, but this is not an exhaustive record.</p> <p>b) As stated above, this is not an exhaustive list.</p> <p>c) Site walkovers on the 25th and 28th September 2018 were undertaken to verify the non-designated heritage assets included in the baseline condition of the DBA. This exercise identified the following assets as missing, this is referenced in the Councils LiR and the SoCG with the applicant:</p> <ul style="list-style-type: none"> • W Sparrow Road Gullies • Howell Hill Stone Boundary Wall 	<p>A list of heritage assets for assessment was agreed with the South Somerset District Council Conservation Officer on 19 March 2018. This has also been confirmed within the draft Statement of Common Ground with South Somerset District Council and Somerset County Council (REP2-012).</p>

South Somerset District Council		
Written Question	South Somerset District Council Response	The Applicant's comment on the response
been undertaken to ascertain whether any non-designated heritage assets are affected by the proposals, and what assessment has been made of the effect of the proposal on the significance of these heritage assets?	<ul style="list-style-type: none"> • Pre-Worboys 'Cross Roads' Warning Sign • Hazlegrove House RPG Coppiced-Banked Track • Hazlegrove Lane and its remnant associated features. <p>Other identified non-designated heritage assets were considered to require re-assessment for their value and subsequent significance of effects from the scheme. These are also referenced in the Councils LiR and the SoCG with the applicant:</p> <ul style="list-style-type: none"> • Camel Hill Farm • Martcok to Sparkford Turnpike Road. 	
1.3.4 Habitats (generally) a) The Councils in their representations [RR-040 and RR-041] indicate Approximately 91 ha of habitat clearance would be undertaken as part of the proposed scheme, 77.4 ha would be temporarily damaged and 13.7 ha permanently removed. Does the Applicant agree with these figures? b) If not could its figures be provided, perhaps best in tabulated form? c) It is stated that there would be a net gain in priority habitat (see paragraph 8.10.58 of Chapter 8 of the ES [APP-045]. Could the Applicant please set out why it considers the gain in priority habitat should be given more weight than the overall loss of habitat?	<p>The applicant should clearly set out the amount and each type of habitat lost, temporary and permanent; and the amount of habitat created, which should be all of a priority habitat type to the equivalent area to that lost, which is mainly non priority habitat such as improved grassland or arable. The Defra metric can be used to determine gain or loss – the NPPF requires a net gain. The amenity grassland is too extensive and should be replaced with a priority mix, i.e. wildflower meadow, any footpath through only needs to be managed to short grass to maintain access.</p>	<p>Please see the Applicant's response to Written Question 1.3.4b) (REP2-005).</p> <p>A table detailing the losses and gains of each habitat type have been provided to the Biodiversity Officer at South Somerset District Council.</p> <p>As noted in B14 of the Statement of Common Ground between Somerset County Council and South Somerset District Council and Highways England (REP2-012), areas proposed as amenity grassland within the landscape masterplan will be replaced with nutrient poor grassland, subject to cut and remove where possible. A species rich grassland mix will be planted for these areas so as to maximise biodiversity gains.</p>
1.9.5 Baseline a) Can the Councils confirm that they agree with the long list of sites identified in Table 14.6 of the ES Chapter 14 [APP-051]?	a) There are a few updates from the list of sites: <ul style="list-style-type: none"> • ID 1 – no update. • ID 2 – no update. • ID 3 – this application has been superseded by 17/02045/FUL for 29 dwellings and the site adjoining is 	a) As stated in the Applicant's response to question 1.9.5a) (REP2-004) the Applicant notes that the Planning Inspectorate's (2015) Advice Note Seventeen: Cumulative Effects Assessment provides that the assessment of

South Somerset District Council																	
Written Question	South Somerset District Council Response	The Applicant's comment on the response															
b) Are the Councils aware of any other developments which should be included within the cumulative assessment?	<p>17/02044/FUL is for 6 which is under construction total for both sites is 2ha.</p> <ul style="list-style-type: none"> ID 4 – this development is under construction. ID 5 – this development is complete. ID 6 – there is a pending application which was received in November 2018 (18/03658/REM) <p>b) The criteria used to scope in and out development is included in the ES Chapter 14, it includes:</p> <ul style="list-style-type: none"> developments of more than 1 hectare which are not residential; Residential development in excess of 150 dwelling houses; and Any development which exceeds 5 hectares. <p>Given the character of the local area and the potential increased traffic through villages such as Sparkford and West Camel as a result of the scheme, it is the Council's opinion that smaller developments should be included in the cumulative assessment.</p> <p>In addition to those identified in the ES an additional 19 dwellings have been approved in Sparkford and 2 applications have been submitted for consideration by the District Council, resulting in a potential 38 further dwellings. See details below:</p> <table border="1"> <thead> <tr> <th>Application Number / Reference</th><th>Number of dwellings</th><th>Status</th></tr> </thead> <tbody> <tr> <td>16/00726/COU - Home Farmhouse</td><td>1</td><td>Approved 18/4/1</td></tr> <tr> <td>17/01442/FUL - The Orchards</td><td>3</td><td>Approved 13/9/17</td></tr> <tr> <td>17/02213/FUL - Land adjacent to Barley Cottage</td><td>1</td><td>Approved 21/6/17</td></tr> <tr> <td>17/02840/REM - Land OS</td><td>3</td><td>Approved 4/9/17</td></tr> </tbody> </table>	Application Number / Reference	Number of dwellings	Status	16/00726/COU - Home Farmhouse	1	Approved 18/4/1	17/01442/FUL - The Orchards	3	Approved 13/9/17	17/02213/FUL - Land adjacent to Barley Cottage	1	Approved 21/6/17	17/02840/REM - Land OS	3	Approved 4/9/17	<p>other projects which is required is that "commensurate with the information available at the time of assessment".</p> <p>The updates to the proposed developments included within the long list presented in Table 14.6 of Chapter 14 Combined and Cumulative Effects (APP-051) as detailed in South Somerset District Council's response to question 1.9.5a) have been reviewed and none of these developments were taken forward to the short list of proposed developments in the assessment as they did not meet the criteria outlined in The Planning Inspectorate's (2015) Advice Note Seventeen: Cumulative Effects Assessment.</p> <p>b) The criteria used to scope in and out developments is based on the screening criteria as part of the amendments to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This criterion has been selected as the majority of other developments being considered fall under the Town and Country Planning regime, and was agreed as part of the Scoping Opinion. As stated in the Applicant's response to question 1.9.5a) (REP2-005), the Applicant notes that the Planning Inspectorate's (2015) Advice Note Seventeen: Cumulative Effects Assessment provides that the assessment of other projects which is required is that "commensurate with the information available at the time of assessment".</p> <p>This methodology was detailed within Chapter</p>
Application Number / Reference	Number of dwellings	Status															
16/00726/COU - Home Farmhouse	1	Approved 18/4/1															
17/01442/FUL - The Orchards	3	Approved 13/9/17															
17/02213/FUL - Land adjacent to Barley Cottage	1	Approved 21/6/17															
17/02840/REM - Land OS	3	Approved 4/9/17															

South Somerset District Council				
Written Question	South Somerset District Council Response			The Applicant's comment on the response
	9032 Part, Old London Road			16 Combined and Cumulative Effects of the Scoping Report submitted as part of the pre-application process.
	17/03001/REM - Land opposite Brooklands Farm	1	Approved 7/9/17	
	17/04618/REM - Land OS 4859 Part, Chapel Cross to Hazlegrove Roundabout	5	Approved 12/3/18	
	17/04916/OUT - Land adjacent to Fletcher Moss, Sparkford Hill Lan	4	Approved 20/6/18	
	18/01065/FUL Land adjacent to The Orchard, Cherry Pie Lan	1	Approved 19/7/18	
	18/00810/OUT Land at Cherry Pie Lane	36	Pending decision	
	18/03536/OUT Land adjacent to Fletcher Moss, Sparkford Hill Lane.	2	Pending decision	
	There are also employment applications that should be considered in the assessment which combined equate to 1.5 hectares of employment land and have the potential to generate a large number of vehicle movements. One of which meets the criteria in the ES assessment but was not included (Land at Long Hazel Farm):			
	Application number / reference	Development Area (hectares)	Approval Date	Proposal
	17/02046/FUL, Land At Long Hazel Farm	1.30ha	15/08/2017	Development of flexible B1, B2 and B8 commercial

South Somerset District Council					
Written Question	South Somerset District Council Response				The Applicant's comment on the response
				floor space with associated parking and landscaping	
	18/00197/FUL, Land adjacent to Shell Filling Station	0.20 ha	27/03/2018	The erection of a single storey drive through coffee shop with associated access and parking.	
1.9.6 Baseline c) Can the Applicant and Councils confirm whether they are aware of any additional other plans or developments that should be included in the cumulative effects assessment since April 2018?	c) Please see response to 1.9.2. Additionally there is a new visitor attraction opening in the spring of 2019 (Hadspen House - Hotel, Spa, Visitor centre, restaurant, farm shop) which is expecting to attract 100,000 visitors per year. This will increase travel on the A303 https://www.thecaterer.com/articles/525				c) As stated in the Applicant's response to question 1.9.5a) (REP2-005), the Applicant notes that the Planning Inspectorate's (2015) Advice Note Seventeen: Cumulative Effects Assessment provides that the assessment of other projects which is required is that "commensurate with the information available at the time of assessment".
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?	The special protection for listed buildings is necessary and provisions for their protection should be included within the DCO. Such provisions might include a scheme to be approved by the Secretary of State and upon which the LPA is consulted which provides this protection prior to [a specified event/commencement of the development/the carrying out of any works which affect any listed building] The detailed amendments should be considered as part of the redrafting of DCO.				No protective works to listed buildings as described in Article 21, 11 (a) and (b) are required either during construction or operation of the scheme.
1.10.36 Schedule 2 – Requirement 10(2) Should a cordon sanitaire be created for	The protection of both protected species and nesting birds must be provided as part of the mitigation of the development; such mitigation may include, but is not limited to, a cordon sanitaire				As described in the Applicant's response to Written Question 1.10.36 (REP2-005), for protected species other than nesting birds that

South Somerset District Council		
Written Question	South Somerset District Council Response	The Applicant's comment on the response
protected species in the same way as for nesting birds?	<p>where there is evidence to support its effectiveness or the timing of the works to be agreed to reduce or remove the disturbance. The effectiveness for a 10 metre cordon sanitaire for the nesting birds referred to in the draft DCO is yet to be accepted by the District Council.</p> <p>The details of the mitigation needs to be considered in great detail as part of the DCO process and in discussions with the District Council.</p>	are newly identified during construction (have not already been identified as part of the pre-construction surveys), it is not appropriate to create a cordon sanitaire in the same way as for nesting birds. In this situation, works in the vicinity would cease until a written scheme for the protection of such species is prepared and implemented and any necessary licences obtained, as detailed within the OEMP (APP-148).

Table 2.8: Comments on SSE's responses to the ExA's Written Questions

Scottish Energy Company (SSE)		
Written Question	SSE response	The Applicant's comment on the response
1.11.5	<p>SSE have not agreed to the form of protective provisions included within the dDCO.</p> <p>SSE has been in discussion with the Applicant in relation to the diversion of its apparatus to facilitate the Project. However, SSE will require its protective provisions to be agreed to protect retained apparatus and regulate any diversion works that are required to facilitate the Project.</p> <p>The Applicant has not engaged with SSE on the form of the protective provisions included within the dDCO, and did not consult with SSE on the terms of the protective provisions included within the DCO prior to making the Application and submitting its draft dDCO. SSE is keen to agree the protective provisions with the Applicant and has made contact with the Applicant to progress this.</p> <p>The Applicant has not positively engaged with SSE on this aspect of the Project at present, but SSE would hope that it could agree a form of protective provisions with the Applicant.</p> <p>SSE reserves its right to submit further representations in respect of the protective provisions that it requires in due course.</p>	<p>It is accepted that Protective Provisions were not agreed with SSE prior to the submission of the dDCO. However, the Applicant approached SSE in November 2018 with the intention of agreeing these provisions as part of the production of the Statement of Common Ground. The draft Statement of Common Ground (which will be submitted as part of the Deadline 4 package) will contain details of agreements reached with SSE with respect to Protective Provisions, and detail of how any outstanding items will be resolved.</p> <p>The Applicant would like to clarify that, although Protective Provisions have not yet been agreed, discussions regarding the technical provisions for diversionary and protection works to SSE apparatus have been ongoing since early 2016.</p>