

From: [A303 Sparkford to Ilchester](#)
To: [Anderson-Rowe, Asha](#)
Subject: FW: Deadline 3 - Submission of comments on the draft DCO and Comments on the Applicant's Response to ExA Questions
Date: 11 February 2019 12:39:08
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[Comments of Applicant's Response to ExA Questions.pdf](#)

From: Sarah Hickey [mailto:Sarah.Hickey@SouthSomerset.Gov.Uk]
Sent: 08 February 2019 16:05
To: A303 Sparkford to Ilchester
Subject: Deadline 3 - Submission of comments on the draft DCO and Comments on the Applicant's Response to ExA Questions

Dear Case Team,

Please find attached the Council's submissions in relation to the comments on the draft DCO and the Applicant's Response to ExA Questions.

Kind regards
Sarah

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**A303 Sparkford to Ilchester Dualling
PINS Reference: TR010036**

Comments of the draft Development Consent Order 2019

**Submitted by South Somerset District Council
on 8th February 2018**



Item Number	Relevant Provision	Comment	Amendment
1.	Article 2	For purposes of consistency	Reference to the “successor acts and amendments” is inserted in relation to the Acts referred to in Article 2 or delete “ <i>successor acts and amendments</i> ” from Article 38(2)(c) in reliance on the Interpretation Act 1978
2.	Article 2 Definition of “authorised development”	The wording in the model provisions should be used and therefore the wording in the next column added to the end of the definition	<i>“..which is development within the meaning of section 32 of the 2008 Act”</i>
3.	Article 2 Definition of “commence”	The pre-commencement works could have a detrimental effect on existing ecology and as such the commencement works should be subject to ecological supervision of a suitably qualified person	
4.	Article 2 Definition of “relevant planning authority”	<p>Guidance note 15 paragraph 6.2 states where there is more than one relevant planning authority (or other authority), this should be made clear in the definitions.</p> <p>In order to provide clarity the definition should be amended in line with the model provisions as set out in the next column. Where the County Council involvement is required, over and above being the Local Highway Authority, then this should be expressly stated as such in the DCO</p>	<p><i>“relevant planning authority” means—</i></p> <p><i>(i) the district planning authority for the area in which the land to which the provisions of this Order apply is situated unless the provisions relate to the construction or alteration of a hazardous waste facility, in which case it means the county planning authority;</i></p> <p><i>(ii) a National Park Authority;</i></p> <p><i>(iii) the Broads Authority; and</i></p> <p><i>(iv) the Greater London Authority if the land to which the provisions of this Order or requirements apply is situated in Greater London</i></p>

			A definition for and reference to the County Council over and above its role as the highway authority as appropriate.
5.	Article 2(5)	It's not clear that this provision should remain. It is expected that if points/numbers on a plan are being referred to in the DCO that reference should also include the drawing/plan number in question.	Suggested deletion
6.	Article 5(2) development consent etc.	This is not within the model provisions and appears to be a significant power. Is there good reason why the enactments applying to land <i>adjacent</i> to the Order Limits should be limited by the Order? If so, the term adjacent should be defined. If this provision is accepted it is suggested that it is stated that the limitation on enactments on adjacent land is effective only insofar as it is necessary for the Development permitted by the Order to be carried out.	To be considered – possible deletion or limitation on the power
7.	Article 8	<p>A 1m Vertical Limit of Deviation for the Works could render screening mitigation measures inadequate where unsynchronised vertical adjustments occur for adjacent works. For example, where a carriageway is raised by up to a metre and the adjacent bund lowered by a metre.</p> <p>A number of the screening bunds do not currently achieve screening of the tops of HGVs, signs or lamp columns, so the relationship between the design levels of adjacent authorised Works is critical.</p> <p>In addition, the Engineering Sections (APP-016) for the main line, slip roads and structure, bunds and false cuts are technical drawings with long</p>	Amendment in accordance with the comment is sought

		<p>sections for individual features and do not include cross-sections of adjacent features, so there is no easy means for interested parties to determine the impact of potential deviations.</p> <p>On that basis an amendment to the DCO should make it clear that a variation in the vertical level should not give rise to a relative reduction in height of a designed screening measure.</p>	
8.	Article 10(c)	The registered address for Instalcom Limited currently listed at Companies House is 462 Raynes Lane, Pinner, England, HA5 5ET	Amend the address as appropriate
9.	Article 21	<p>This article provides a blanket consent for unspecified works to designated heritage assets (listed buildings, schedule monuments, registered parks and gardens) and to undesignated heritage assets, with no regulation from an authoritative body.</p> <p>These works could be harmful to a heritage asset, including its curtilage, and should be subject to consultation with the relevant planning authority, Historic England for scheduled monuments and approved by the SoS</p>	Amend to include consultation provisions as per the comment
10.	Article 21(8)(b)	Article 21(8)(b) If the works to a designated heritage asset causes damage, the undertaker shall notify the relevant planning authority of the damage and agree a schedule of works to be completed by the undertaker to the relevant planning authorities satisfaction.	Amend as per comment
11.	Article 22	Part (b) of this article allows for 'any excavations, trial holes and boreholes' and part (c) includes 'archaeological investigations'.	Amendment in line with the comment is sought

		These works could be harmful to a designated heritage asset, including its curtilage, or undesignated heritage asset as well as ecology and should be in consultation with the relevant planning authority, or Historic England for scheduled monuments and approved by SoS	
12.	Article 38	<p>The Article allows for the removal of veteran trees and historic hedgerows from the RPG where trees and hedgerows are in conflict with the construction operations beyond that envisaged by the outline plan and those in conflict with the measures permitted by Regulation 5 (Landscaping). For example, a construction compound is proposed in the south-west corner of the RPG which includes a number of veteran trees.</p> <p>The removal of a tree or hedge should be subject to consultation with the relevant planning authority and approved by the SoS</p>	Amend as per the comment
13.	Article 38(2)(c)	Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on local authorities to have a regard for the conservation of "priority species".	Article 38(2)(c) should also include the Natural Environment and Rural Communities Act 2006 in the list of Acts to which it refers
14.	Article 43	To ensure clarity and a clear understanding and effectiveness of the Article the undertaker should submit the plans to the SoS within a defined time, not as stated in the current draft, as soon as practicable	Amend as per comment
15.	Article 44	Again, to ensure clarity and a clear understanding and effectiveness of the Article the timeframe within which the undertaker must provide the paper copy documents should be changed to a specified time.	Amend as per comment

		7 days response period is placed on the person served with the notice in the article so a similar period for all parties might be appropriate	
16.	Article 47	As a result of its function as a protector of public health the District Council is usually advised about the removal of human remains when approval is sought from the SoS. The District Council accepts the wish to expedited the process but would want be consulted by the undertaker	Amend to require consultation of the District Council prior to the removal of human remains
17.	Schedule 1 – Authorised Development	The District Council is seeking modification of some of the Works, i.e. relocation of Work No. 9, Pond 5.	The amendment will depend on discussions that are currently on-going
18.	Requirement 1 Definition of HEMP	The model provisions do not define HEMP. The wording of the definition should be more precise insofar as the HEMP is to be <i>“developed towards the end of the construction of the authorised development”</i> .	To be amended
19.	Requirement 3(b)	In accordance with the Local Impact Report issue reference BH4, BH6 and BH7, the Pre-Worboys Cross Roads Sign, the Canegore Corner Listed Milestone (MM30) and Listed Milestone MM13 should be referred to in the DCO to ensure awareness of these vulnerable features.	At the end of requirement 3(b) insert <i>“including but not limited to the Pre-Worboys Cross Roads Sign, the details for the safe removal and storage of the Canegore Corner Listed Milestone MM30 and Listed Milestone MM13”</i>
20.	Requirement 3(f)	The list omits ‘protected and priority species, and priority habitats’. A method statement and mitigation and or compensatory methods needs to be added to the CEMP.	
21.	Requirement 4(3) and 4(4)	The requirement for the undertaker to <i>“reflect”</i> the consultation responses in the details submitted to the Secretary of State involves a subjective judgement by the undertaker.	The references to <i>“reflected”</i> should be amended to <i>“followed”</i> throughout

		<p>The role of the consultee should be protected by requiring the undertaker to inform the Secretary of State if the consultation responses have not been “<i>followed</i>”.</p> <p>This will not require a subjective judgement and thereby protect the consultee and allow the Secretary of State to be fully informed of the position of both the undertaker and the consultee.</p>	
22.	Requirement 5(1)	The requirement states “a landscaping scheme for that part”. It’s not a phased development so “for that part” should be removed.	As per comment
23.	Requirement 5(4)	As raised in the LiR issue reference BH3, the DCO should recognise that the Howell Hill Stone Boundary Wall should be retained through its repair or retention on its current alignment or rebuilt on the alignment of the revised boundary to the Howell Hill carriageway	The list of issues at requirement 5(4) should include <i>details of retention, repair or rebuilding of the Howell Hill Stone Boundary Wall and the alignment</i>
24.	Requirement 5(4)	As per the issue raised in the LiR reference L5, detail for the design of and material used for the highways and landscape features should be included	The list at 5(4) should be expanded to include environmental barriers, fences, stone walls, gates, stiles, all other means of enclosure, access roads, track surfaces, drainage ditches and culverts.
25.	Requirement 6	<p>The planting needs to be in place promptly to provide the screening envisaged by year 15 in the ES and as a result the DCO should set out a commencement date for implementation of the planting scheme.</p> <p>Given the importance of the landscaping in this case the Council would ask that a requirement is considered which provides that [relevant parts of the development] cannot be brought into use until the landscaping works for [that part] are completed.</p>	As per comment

		The provision suggested in the paragraph above would be the Council's preference but if it is not considered workable, the Council would request that the model requirement 8(2) which requires the landscaping to be carried out in accordance with the agreed timescale is inserted into the DCO.	
26.	Requirement 7	<p>Fencing and other means of enclosure are a key aspect of the works along the A303 corridor and within the RPG.</p> <p>The current draft departs significantly from the model requirements which appear in the next column. The model requirements provide for the removal of fencing as well as protection and maintenance. The local planning authority role as consultee has also been removed in the current draft and should be reinserted.</p> <p>On that basis the District Council is seeking the model requirement be used as the basis for the Order.</p>	<p>As per comment – for ease, the model requirement states:</p> <p>13.—(1) No authorised development shall commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure have, after consultation with the relevant planning authority, been submitted to and approved by the Commission.</p> <p>(2) The <i>[insert description]</i>, and any construction sites, must remain securely fenced at all times during construction of the authorised development.</p> <p>(3) Any temporary fencing must be removed on completion of the authorised development.</p> <p>(4) Any approved permanent fencing of the new <i>[insert description]</i> must be completed before the <i>[insert description]</i> is brought into use.</p>
27.	Requirement 8(3)	replace undertaker with undertake in the penultimate line	As per comment
28.	Requirement 10	The requirement should be amended as set out in the next column in order to meet the duty in relation to protecting priority species in accordance with the Natural Environment and Rural Communities Act 2006.	<p>Amend as follows:</p> <p>10.—(1) In the event that any protected or priority species which were not previously identified in the environmental statement or otherwise or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works near their location and report it immediately to the Ecological Clerk of Works.</p>

		The amendment also provides protection for species not included in the ES but subsequently found.	<p>(2) The undertaker must prepare a written scheme for the protection and mitigation measures for any protected and priority species that were not previously identified in the environmental statement or otherwise or nesting birds found when carrying out the authorised development. Where nesting birds are identified works should cease within 40 metres the evidenced zone of likely disturbance of the nest for that species until birds have fledged and the nest is no longer in use. The zones and periods when disturbance to nesting birds, and in the case of birds within Schedule 1 of the Wildlife and Countryside Act 1981 whilst with dependent young, is likely to occur will be set out in the CEMP</p> <p>(3) remains unaltered</p>
29.	Requirement 11	The requirement should include consultation with the relevant planning authority on the basis of the social impact the traffic management will have on the residents as well as the potential to effect other functions of the relevant planning authority such as noise and light pollution.	Amend to include consultation with the relevant planning authority as well as the other bodies
30.	Requirement 12(1)	Unlike the model provision, the current draft does not include a restriction on commencement of the development until the approval of the of the detail design. This restriction should be inserted.	Insert a restriction on commencement of the development until the approval of the of the detail design
31.	Requirement 12(2)	It should be ensured that the relevant planning authority and local highway authority are also informed electronically of any approved amendments to the development	As per comment
32.	Requirement 14	The District Council has a number of issues with this requirement which include those listed below. On that basis the District Council is seeking the model provisions 23 and 24 are utilised as the base. The model provisions are in the next column.	<p>Control of noise during construction and maintenance</p> <p>23.—(1) No authorised development shall commence until, after consultation with the relevant planning authority, a written scheme for noise management during construction and</p>

		<ul style="list-style-type: none"> • The reference to “use and operation” of the site should be clarified. It is not clear if this refers to the control of noise during construction phase and during the operational phase • The requirement does not include a provision for the approved scheme to be implemented before construction. • It should be clarified that the approved mitigation scheme the operational phase of the development will be maintained for the duration of the use of the authorised development. 	<p>maintenance has been submitted to and approved by the Commission.</p> <p>(2) The scheme shall set out the particulars of—</p> <p>(a) the works, and the method by which they are to be carried out;</p> <p>(b) the noise attenuation measures to be taken to minimise noise resulting from the works, including any noise limits; and</p> <p>(c) a scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.</p> <p>(3) The approved noise management scheme must be implemented before and maintained during construction and maintenance of the authorised development.</p> <p>(4) The construction and maintenance works must be undertaken in accordance with the approved noise management scheme.</p> <p>Control of noise during operational phase</p> <p>25.—(1) No authorised development shall commence operation until, after consultation with the relevant planning authority, a written scheme for noise management including monitoring and attenuation for the use of the authorised project has been submitted to and approved by the Commission.</p> <p>(2) The noise management scheme must be implemented as approved and maintained for the duration of use of the authorised project.</p>
33.	Requirement 15	<p>Requirement 15(1) The wording in line 2 “<i>for that part</i>” should be deleted as the development is not phased.</p> <p>The requirement currently lacks the provision for implementation of the approved scheme before</p>	As per comment

		and maintenance during the operation of and for the duration of the use of the authorised development. This should be inserted following the wording of model provision 27(2)	
34.	Requirement 16	The words “or agreed” should be removed from the last line as superfluous	As per comment
35.	New Requirement	The Council requires a new requirement for the preparation and implementation of a conservation management plan for the RPG approved by Secretary of State in consultation with the relevant planning authority.	As per comment
36.	New Requirement	<p>An Air Quality Management Plan. There are two areas of concern to the Council, West Camel and Sparkford High Street where it is predicted the scheme will result in significantly increased traffic movements which may have an adverse effect on air quality.</p> <p>The undertaker should carry out further investigation to ensure these areas will not exceed air quality limits and to determine whether appropriate mitigation measures are necessary.</p>	<p>A requirement for an Air Quality Management Plan should be inserted. It could use model provisions for environmental protection issues as its base (SI requirements 27-30)</p> <p>The relevant planning authority should be consulted on the plan to be approved by the SoS</p> <p>The requirement should secure the implementation of the scheme prior to the commencement of the development and in accordance with the timetable agreed as part of that management plan.</p> <p>The requirement should include a list of issues to be secured in the Air Quality Management Plan such as further assessments and appropriate mitigation</p>
37.	Requirement 3(f)	The list should include the Air Quality Management Plan	Update the list to refer to the Air Quality Management Plan
38.	New Requirement	In accordance with the issue raised in the LiR referenced BH2, the District Council is seeking the inclusion of a new requirement to protect the W Sparrow Road Gullies as set out in the next column	<p>Insert</p> <p>“Prior to the removal of the W Sparrow Ltd gully grates and frames located at Camel Cross a scheme for their removal and offer for accessioning to the museum collections of the South West Heritage Trust or other appropriate local museum shall be submitted to and approved in writing by the Local Planning</p>

			Authority. The removal and accession shall take place in accordance with the approved plan.”
39.	New Requirement	<p>The CEMP should include the measures of mitigation and or compensation within the construction period only.</p> <p>The purpose of the LEMP is different in that it sets out how the site would be managed post development and ecological features including enhancements, such as provision of bat boxes, and should include monitoring.</p> <p>On that basis the reference to LEMP should be removed from Requirement 3(f) and have its own standalone requirement along the usual lines including consultation with the relevant planning authority prior to approval of the LEMP by the SoS, implementation of the LEMP prior to the commencement of the development and in accordance with the timetable within the approved document. The requirement should also include a list of issues to be secured in the LEMP.</p>	As per comment

The LiR identified areas where it was unclear at this point in the process whether mitigation would be necessary either through the DCO or a section 106 agreement. These issues remain outstanding and therefore further amendments to the DCO or provisions within a section 106 agreement may be sought in addition to those matters outlined above (or as a result of new information that comes forward as part of the examination process).

South Somerset District Council - Comments on Applicant's responses to the ExA's Written Questions for Deadline 2

Ref	Comment
1.1.8 (c)	The applicant states that SSDC did not raise the study area as a specific issue in the SoCG, however as is clearly set out in our response to Q1.1.8 (c) now, in light of the potential diversionary routes during construction of the proposed scheme, an extension of the study area for heritage assets is sought.
1.1.27	The applicant states that a detailed assessment of heritage assets within the 1 km study area were scoped out and this was agreed by SSDC, but the question is in relation to increased traffic, which was not known to SSDC until later in the DCO process.