

From: [Tessa Bond](#)
To: A303SparkfordtoIlchester@pins.gsi.gov.uk
Cc: [A303 Sparkford to Ilchester](#)
Subject: TR010036 - SCC's response to Deadline 5
Date: 05 April 2019 16:19:23
Attachments: [TR010036_SCC_Deadline_5_Appendix A..pdf](#)
[TR010036_SCC_Deadline_5_Cover Letter.pdf](#)

**PLANNING ACT 2008
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE A303 SPARKFORD TO ILCHESTER
DUALLING
SUBMISSION MADE PURSUANT TO DEADLINE 5**

PLANNING INSPECTORATE REFERENCE TR010036

Please find attached relevant documents from Somerset County Council in respect of Examination Deadline 5.

Kind regards,

Tess Bond
Senior Planning Officer
Infrastructure Programmes
Somerset County Council

01823 357147
tbond@somerset.gov.uk

My working days are Wednesday, Thursday and Friday

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The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Please ask for
Andy Coupe

Direct line
01823 355145

My reference

Your reference:
TR010036

Sent by e-mail

5 April 2019

Dear Ms Coffey

**PLANNING ACT 2008
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE A303 SPARKFORD TO ILCHESTER
DUALLING**

SUBMISSION MADE PURSUANT TO DEADLINE 5

This submission is in response to the Examining Authority ("ExA") Rule 8 letter dated 21st December 2018, Further Written Questions, and, the Action Points from the Issue Specific, Open Floor and Compulsory Acquisitions held between 26th February and 1st March 2019, and comprises the relevant information requested from Somerset County Council (SCC).

The submission consists of: -

- Development Consent Order - Progress of Discussions;
- Action 8 - Report of discussions between the parties on potential design change on road passing Camel Hill Services and other proposed cul-de-sacs;
- Appendix A - Action 34 – Examples of DCOs where payment has been made to authority undertaking approvals and/or monitoring.
- Statement of Common Ground update

The County Council strongly supports the need for the single carriageway section of the A303 between Sparkford and Ilchester to be upgraded to dual carriageway as part of an end-end whole route improvement of the A303/A358 between the M3 and the M5 at Taunton. If designed appropriately, the improvement will improve connectivity and access to the South West Region, improve the resilience of the strategic road network and help to promote economic growth in the region.

Development Consent Order – Progress of Discussions

It is noted that the ExA has requested an update on the progress of discussions between Somerset County Council and the Applicant on various matters associated with the Development Consent Order (DCO) via Written Questions and Hearing Actions 31, 33, and 35. The County Council has been in discussion with the

Applicant regarding a number of Articles and Requirements, and has provided proposed revised wording to the Applicant on the draft Protective Provisions. Whilst some progress has been made, a number of items are not agreed including the payment of fees and the local discharge of Requirements. The County Council notes that the Applicant will be submitting a revised draft DCO at Deadline 5. It would therefore be premature to comment on matters associated with the DCO and the progress or otherwise of the discussions in advance of an opportunity to review the Applicant's proposed changes. The County Council will therefore provide detailed comments on the DCO and the Protective Provisions at Deadline 6 in accordance with the Examination Timetable issued as part of the Rule 8 letter.

Action 8 - Report of discussions between the parties on potential design change on road passing Camel Hill Services and other proposed cul-de-sacs

The ExA has requested that Somerset County Council and the Applicant should report on discussions "on potential design changes on road passing Camel Hill Services and other proposed cul-de-sacs". The County Council's concerns relate to the following areas:

1. The length of the existing A303 between Hazelgrove roundabout and the Mattia Diner. The County Council considers that the road would serve little if any public utility and could leave the County Council with significant financial liabilities given the likelihood of anti-social behaviour, including illegal gypsy and traveller encampments. Initial discussions with the Applicant have led the County Council to conclude that it will not be possible to eliminate these risks through the detailed design process, and moreover that the risk of illegal gypsy and traveller encampments would remain high. The County Council believes there is a need for the Applicant to consider other options, and this topic is recorded as an area within the Statement of Common Ground as "Under Discussion". At this stage, therefore, the County Council would reserve its position in relation to the de-trunking of this length of the A303.

2. Podimore Road & proposed turning head

- In its Local Impact Report (LIR) representation (ref P5), the County Council considered that the construction road between Steart Hill and Camel Hill and Tracks 4 & 9 would further serve to provide a Non-Motorised User (NMU) route across the scheme, were they to be designated as public bridleway or restricted byway. However, an additional link would be required between the proposed Podimore turning head and the minor road to the west to facilitate this.
- Since submission of the LIR, it has been noted that the DCO boundary does not extend beyond the proposed turning head to the West, yet such a facility would not in practice be possible to use given the existence of a Traffic Regulation Order (TRO) preventing the flow of traffic from the junction of Stockwich Lane and Podimore Road towards the existing A303. Indeed, the associated TRO would prevent access by even pedal cyclists and equestrians, not just motorised vehicles.
- In addition, there is a significant risk that such a cul-de-sac may be used as an unauthorised traveller encampment.

- At the Issue Specific Hearing on Traffic and Transport on 26 February 2019, the County Council sought that the highway between the existing A303 and the junction of Stockwitch Lane and Podimore Road should be stopped up and the land turned to green field. All highway rights should also be removed unless the Applicant was willing to accede to the County Council's request for an NMU route between Access Track and Podimore Road, in which case appropriate rights would need to be retained. The associated TROs would also need to be revoked.
- It is understood that the Applicant is developing outline design details in relation to the Podimore slip that should help to address the County Council's concerns on this matter, and that it would be willing to enter into a S278 agreement to secure the necessary works outside the development boundary. An update on progress will need to be provided at Deadline 6

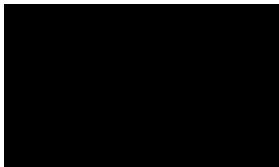
Action 34 – Examples of DCOs where payment has been made to authority undertaking approvals and/or monitoring

Please see Appendix A.

Statement of Common Ground Update

Somerset County Council has been positively working with the applicant in relation to an update to the Statement of Common Ground. We understand that this is being submitted by the applicant for Deadline 5.

Yours sincerely,



Andy Coupe
Strategic Manager (Infrastructure Programmes)

Appendix A

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

Planning Inspectorate Reference: - TR010036

Deadline 5 – Action 34 - Payment for Undertaking Approvals and/ or Monitoring

- 1.1 In its note of the Issue Specific Hearing Action Points, the ExA requested that Somerset County Council should, for Deadline 5, submit “examples of where payment has been made to authority for undertaking approvals and/ or monitoring”.
- 1.2 Whilst it is appreciated that the Planning Act 2008 does not make reference to the payment of fees for local authorities involved in the Development Consent Order (DCO) process, there is established practice and case examples where payments have been made to a Local Authority to fulfil their duties post consent, where development consent has been granted by the Secretary of State.
- 1.3 **A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order (Planning Inspectorate Reference TR010018)**
 - 1.3.1 In its response at Deadline 3 to the draft DCO, Somerset County Council referred to the A14 Cambridge to Huntingdon Improvement Scheme DCO, in particular a legal agreement that was entered into between Highways England and Cambridgeshire County Council (CCC). In this case, provision was made for costs in Section 7 of the Agreement, which set out the following:

“Highways England will pay the Council’s reasonably incurred costs from 1 June 2016 in respect of it carrying out its obligations under this Agreement.”
 - 1.3.2 The obligations under the Agreement included: a handover plan for existing roads set to be de-trunked; detailed design consultation; construction monitoring; handover process; and local road traffic monitoring and mitigation. A summary of the relevant obligations is provided below:
 - Existing Road to be de-trunked - Handover Plan - HE agreed to consult CCC in developing the Handover Plan, which would ultimately be submitted to CCC for approval. The Handover Plan was to contain but not be limited to
 - 3.3.1 the existing condition of the carriageway and structures, assessed having regard to the requirements of the DMRB, the RWSC and standard good practice in highway maintenance;
 - 3.3.2 the age and condition of the carriageway surfacing;
 - 3.3.3 drainage facilities, to include outfalls, pollution control and attenuation measures;
 - 3.3.4 signage and road marking;
 - 3.3.5 lighting;

- 3.3.6 fencing;
- 3.3.7 vehicle restraint systems, to include type, condition and compliance with specifications;
- 3.3.8 intelligent transport system equipment;
- 3.3.9 extent of the highway boundary;
- 3.3.10 removal of equipment not required by the Council;
- 3.3.11 all available records, including works drawings and design specifications, maintenance records and ongoing guarantees and warranties (where the benefit of which is proposed to be assigned to the Council); and
- 3.3.12 any works to be carried out by Highways England to the De-Trunked Roads before the De-Trunking Date that Highways England considers are necessary to bring the De-Trunked Roads up to a standard appropriate for local highways as set out in the DMRB and for which it has the necessary funding.

➤ New or Improved Local Roads – Detailed Design Consultation - This consultation was to provide CCC with, but limited to, the following in relation to the Local Road Network

- 4.1.1 statements of proposed design standards;
- 4.1.2 any proposed Departure from Standard;
- 4.1.3 detailed design drawings, specifications and schedules;
- 4.1.4 draft Approvals in Principle for structures;
- 4.1.5 design and check certificates for structures; and
- 4.1.6 road safety audit reports and any exception reports.

➤ Construction Monitoring - At any time during the construction of any of the Authorised Works that form part of a Local Road, a duly authorised officer of the Council was entitled to inspect the carrying out of those works (albeit they would have no power to direct how they are carried out).

➤ Handover Process - This set out that CCC would not have any maintenance liability until set clauses within the agreement had been complied with. Notably, a joint inspection of each Local Road forming part of the Local Road Package in question, to ensure those roads were of a reasonable standard in order for the Council to perform its statutory functions as highway authority for each Local Road in that Local Road Package.

1.3.3 As set out above, the Council's costs associated with the above obligations would be met by Highways England pursuant to Section 7 of the Agreement.

1.4 **A556 Knutsford to Bowden Improvement Scheme (Planning Inspectorate Reference TR010002)**

1.4.1 The Order granting development consent for the A556 Knutsford to Bowden Improvement Scheme (Planning Inspectorate Reference TR010002) includes an Undertaking pursuant to section 1 of the Localism Act 2011.

1.4.2 Principally, the Secretary of State covenants with the Cheshire East Borough Council

- Prior to the de-trunking date to pay to the Council the de-trunking maintenance contribution (£242,057.00 to be used by the Council solely for the de-trunking maintenance purposes);
- Within two months following the A556 Practical Opening to Traffic to pay the Council the Works Cost (£255,000 to be used by the Council solely for all purposes related to the carrying out of the works);
- To pay to the Council the Design Check Fee within 28 days of the date of the deed (maximum of £10,000 towards the Councils reasonable professional fees incurred in checking the design of the de-trunked road works and ancillary junction works);
- Prior to the de-trunking date to pay to the Council the Inspection Fee (maximum of £8000 towards the Councils professional fees incurred in inspecting the de-trunked road works and ancillary junction works);
- To allow the Council to undertake the Inspection during the construction phase of the De-trunked Road Works.

1.5 DCO's in which Highways England are an Interested Party/Consultee

1.5.1 In relation to DCO examples where the applicant is a consultee rather than the developer, a relevant case is the A30 Temple to Higher Carblake Improvement Order Development Consent Order, which includes a Section 6 Agreement under the Highways Act 1980, to enable Cornwall Council to carry out works on the A30 Trunk Road. Whilst Cornwall Council is notably an experienced and responsible Highway Authority, it is agreed at Section 3 of the Agreement that Cornwall Council will be responsible for the whole of any reasonable and proper costs and expenses which the Secretary of State (in this instance what was the Highways Agency) may reasonably and properly incur in relation to the works. Notably:

- (a) *"The approval of design work, carried out by or on behalf of the Council;*
- (b) *The carrying out of any supervision of the works;*
- (c) *All administrative and legal expenses including an appropriate sum in respect of general staff costs and overheads; and,*
- (d) *The costs of drafting, negotiating, and making this agreement."*

1.5.2 It appears to be practice for the applicant to enter into a S.6 Agreement with a Local Highway Authority where the Local Highway Authority is undertaking works on the Strategic Road Network. Another example of such an agreement forming part of a DCO is PINS Reference Number TR010010 - (A1 – South East Northumberland Link Road: Morpeth Northern Bypass) which includes similar provisions.

1.6 Town and Country Planning Act Consents in which Highways England are an Interested Party/Consultee

1.6.1 Somerset County Council has been working both collaboratively and positively with HE on development of its M5 J25 Improvement Scheme. In this case, HE is a significant funding partner and SCC has entered into a S.6 Agreement with HE with

similar provisions to those set out in paragraph 1.5 above, albeit that HE has agreed to absorb its supervision costs given that it is a significant funding partner.

- 1.6.2 In its response to the Applicant's draft Protective Provisions for the A303 Sparkford to Ilchester DCO, Somerset County Council has proposed amendments to accommodate the usual provisions of the S.6 Agreements.

1.7 Hinkley Point C DCO (Planning Inspectorate Reference EN010001) and Hinkley C Connection Project DCO (Planning Inspectorate Reference EN020001)

- 1.7.1 To date, Somerset County Council has been involved in two other DCO projects - the Hinkley Point C Development Consent Order, and the Hinkley C Connection Project.
- 1.7.2 In both projects, the Local Authorities have responsibility for the discharge of the DCO Requirements.
- 1.7.3 Both DCO's contain a discharge of Requirement process which include timescales for consultations and determinations which are reflective of the national significance of the project (for example, they are much shorter than a condition submission made pursuant to a Town and Country Planning Act consent). In recognition of the additional work created in meeting the deadlines, both DCO's include S.106 agreements which secure resources to enable the authorities to fulfil their functions.
- 1.7.4 In addition to Requirement determination, both projects include works on the Local Highway Network where the costs associated with the review of detailed designs linked to the technical audit process have been met by the developer by virtue of S.106 obligations. Furthermore, the Hinkley Point C Development Consent Order, which included the installation of permanent works on the Local Highway, also provided for supervision costs to be met by the developer.