

From: [Jo Wilkins](#)
To: [A303 Sparkford to Ilchester](#)
Subject: A303 Sparkford to Ilchester, TR010036 - Deadline 6a
Date: 02 May 2019 13:37:59
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[Dea Further Written Questions submission.pdf](#)

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 6a

This submission is in response to the Examining Authority ("ExA") Rule 8 letter dated 21st December 2018 and comprises the relevant information requested from South Somerset District Council.

The submission includes the following: -

- South Somerset District Council's responses to the Examining Authority's written questions and requests for information - ExQ3.

Yours sincerely

Jo

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**Application by Highways England for the A303 Sparkford to Ilchester Dualling project
The Examining Authority's written questions and requests for information (ExQ3)
Issued on 25 April 2019**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information – ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe E to the Rule 8 letter of 21 December 2018 and use the same format as the ExA's initial questions ExQ1 of the same date and further written questions of 22 March 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 3 (indicating that it is from ExQ3) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q3.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A303SparkfordtoIlchester@planninginspectorate.gov.uk and include 'A303 Sparkford to Ilchester' in the subject line of your email.

Responses are due by **Deadline 6a: 3 May 2019.**

Abbreviations used

PA2008	<i>The Planning Act 2008</i>	MP Order	<i>The Infrastructure Planning (Model Provisions) Order 2009</i>
AADT	<i>Annual Average Daily Traffic</i>	NMU	<i>Non-Motorised User</i>
Art	<i>Article</i>	NNG	<i>Night Noise Guidelines for Europe</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	NPSNN	<i>National Policy Statement for National Networks</i>
BoR	<i>Book of Reference</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
CA	<i>Compulsory Acquisition</i>	R	<i>Requirement</i>
COMMA	<i>Combined Modelling and Appraisal</i>	RFC	<i>Ratio of Flow to Capacity</i>
CPO	<i>Compulsory purchase order</i>	SI	<i>Statutory Instrument</i>
dDCO	<i>Draft DCO</i>	SCC	<i>Somerset County Council</i>
DIO	<i>Defence Infrastructure Organisation</i>	SSDC	<i>South Somerset District Council</i>
EM	<i>Explanatory Memorandum</i>	SOAEL	<i>Significant Observed Adverse Effect Level</i>
ES	<i>Environmental Statement</i>	SoS	<i>Secretary of State (for Transport)</i>
ExA	<i>Examining authority</i>	SoSHCLG	<i>Secretary of State for Housing, Communities and Local Government</i>
IP	<i>Interested Party</i>	SSSI	<i>Site of Special Scientific Interest</i>
LIR	<i>Local Impact Report</i>	TP	<i>Temporary Possession</i>
LOAEL	<i>Lowest Observed Adverse Effect Level</i>		
LPA	<i>Local Planning Authority</i>		
MP	<i>Model Provision (in the MP Order)</i>		

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/document/TR010036-000363>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ3.0.1 – refers to question 1 in this table.

EXQ3	Question to:	Question:	SSDC Response
3.0	General and Cross-topic Questions		
3.0.9	The Applicant SSDC SCC	<p>Benefits of the Scheme</p> <p>The Applicant's response [REP5-024] to the ExA's Further Written Question 2.6.4 [PD-014] suggests that the scheme would be beneficial in that it would assist with employment sites within the Local Plan to come forward.</p> <p>Are the sites referred to predicated on the implementation of this scheme, or are they allocations that would come forward in any event?</p>	<p>The Council supports this scheme because it recognises the improvements it will bring to vehicle journey times, and increased resilience in the area, which is expected to strengthen the overall investment prospects.</p> <p>Whilst the sites referred to in REP5-024 are not predicated on the implementation of the scheme and they would be expected to come forward in any event they should benefit from the improved access.</p> <p>The Council is about to publish its updated Employment Land Review and this can be made available to the Examining Authority should they wish to see it.</p>
3.0.12	The Applicant SCC SSDC	<p>Scheme Lighting</p> <p>Within the draft Statement of Common Ground between the Applicant, SCC and SSDC [REP5-017], SCC comments on the responsibility of the proposed lighting system. The Applicant states that this is a matter of detailed design.</p> <p>It is unclear why this should be a matter of detailed design. What mechanism is in place to address this detail?</p>	<p>The impact of the highway lighting arrangements on the Hazlegrove PRG is a serious concern. There are three aspects to the lighting of the Scheme in the vicinity of the RPG:</p> <ol style="list-style-type: none"> 1. the replacement lighting to the reconfigures Hazlegrove Roundabout; 2. the potential for continuous lighting of the Camel Hill Link as a consequence of the illuminating the Hazlegrove Underpass in the hours of darkness; and 3. the potential for lighting the Camel Hill Link at conflict areas (i.e. junctions) on the Camel Hill Link arising from future Road Safety Audits.

EXQ3	Question to:	Question:	SSDC Response
			<p>With regards to Hazlegrove Roundabout lighting, an indicative lighting scheme is included in the application (APP-105 and APP-153) but there has been no discussion on its merits or its amendment in response to the Council's earlier comments due to this matter being postponed until the Detailed Design Stage.</p> <p>With regards to the last two scenarios, the potential for additional lighting is high and a 'worst case scenario' for assessing the potential impact on the RPG would be prudent.</p> <p>The worst-case scenario for a lighting scheme triggered by illuminating the underpass is provided in paragraph 5 of the Applicants reply to ExAQ2.6.7 (page 15 of REP5-025). The Applicant's reply also provides some broad assumption on the likely adverse effects for any additional lighting on the Camel Hill Link (paragraph 8).</p>
3.3	Biodiversity, Ecology, and Natural Environment (including (Habitats Regulations Assessment) (HRA)		
3.3.2	SSDC Natural England	<p>Biodiversity effects</p> <p>a) Are SSDC and Natural England satisfied with the approach set out in the Biodiversity Offsetting Report [REP4-018]?</p> <p>b) If not, could they please explain precisely any concerns and what effect these concerns may have on the overall approach and results?</p>	Yes, SSDC are satisfied with the approach.

EXQ3	Question to:	Question:	SSDC Response
3.3.3	The Applicant SSDC Natural England	<p>Biodiversity effects Paragraph 5.33 of the NPSNN indicates that, when considering proposals, the SoS should consider whether the applicant has maximised any opportunities for building in beneficial biodiversity features as part of good design. Could the parties explain whether they consider that the Applicant has achieved this, giving examples from the evidence submitted how they have come to their conclusions?</p>	<p>Generally, SSDC consider that the scheme should bring some biodiversity enhancement. The Biodiversity Offsetting calculations show that there is an increase in the ecological value over the value of the current habitats within the footprint of the development. There will also be an increase in the number of trees and hedgerow enhancement.</p> <p>The non-use of topsoil (or topsail inverted with sub soil) along road verges and elsewhere is likely to benefit the diversity of flora.</p> <p>Around 60 bat boxes will be erected providing enhanced roosting opportunities for these species over what is currently available and with consideration of the suitability of existing trees within the footprint of the works.</p> <p>Issues around the risk of species mortality in crossing the A303 will be considered at the detailed design stage.</p> <p>Further enhancements, of course, could be considered.</p>
3.4	Noise and Vibration		
3.4.2	The Applicant SSDC	<p>Noise monitoring and Mitigation The ExA appreciates that the applicant's case is that the proposals will not have a significant adverse effect on the local communities in terms of noise.</p>	<p>Figure 11.5 in Chapter 11 Noise and Vibration of the ES confirms that two Noise Sensitive Receptors will be affected adversely – Annis Hill and The Spinney. The applicant is proposing that mitigation in the form of noise bunds and compensation towards secondary glazing and</p>

EXQ3	Question to:	Question:	SSDC Response
		Notwithstanding this, do the parties consider that there is a need to monitor and if necessary, mitigate the noise impacts post construction?	acoustic ventilation. SSDC is satisfied that this mitigation is sufficient to reduce to noise impact to acceptable levels. SSDC considers that it is necessary to monitor this action post construction to ensure that this mitigation has been delivered in line with the applicant's proposals.
3.5	Landscape and Visual Effects		
3.5.2	SSDC	<p>Planting schemes The Applicant has indicated in its response to the ExA's Further Written Questions submitted at Deadline 5 [REP5-025] the utilised growing rates. Does SSDC consider that these rates are reasonable given the soil conditions in the area?</p>	<p>The Applicant's response to ExQ2.5.2 suggesting an average growth rate of 45 cm per annum to inform the planting screen heights is considered reasonable if the local growing conditions are good, the soils handled correctly, the detailed planting mixes include a high percentage of fast or medium growth tree species from the indicative woodland and linear belt mixes, and the planting stock is health, young and planted, protected, and maintained to high industry standards.</p> <p>The local soils, climate and topography are sufficient for adequate growing conditions. This is described in paragraph 9.7.26 of Chapter 9 Geology and Soils (page 19 of APP-046):</p> <p><i>"The MAGIC online map viewer²⁷ shows a map of the soil types present. Two different soil types are shown along the scheme alignment. At approximately chainage 0 - 2,000 metres the soil is described as slightly acid, loamy and clayey soils with impeded drainage. From approximately chainage 2,000 metres to the east, the soil is described as lime-rich loamy and clayey soils with</i></p>

EXQ3	Question to:	Question:	SSDC Response
			<p><i>impeded drainage. The Agricultural Land Classification (ALC) in the vicinity of the scheme is predominantly Grade 3”.</i></p> <p>The quality of the soils will also be dependent on their handling and the quality of any imported topsoil. This is covered in the Outline Soil Management Plan (Appendix B.3 of the Outline Environmental Management Plan (APP-148) and summarised in the Environmental Mitigation route map (REP5-021):</p> <p><i>“GS1. Objective: The protection of soil structure and quality – to prevent degradation of soils both within and outside the permanent and temporary development areas. Action: Completion of works in line with the site SMP (refer to Annex B.3 of this report for the Outline SMP). This is to ensure works are undertaken in accordance with appropriate guidelines including Defra’s Construction Code of Practice for the Sustainable use of Soils on Construction Sites (2009) and the British Standards Institution Specification for topsoil BS3882 (2015) particularly in areas where reinstatement of agricultural land is required. BS3882:2015 will also apply for topsoil spreading on areas of newly constructed earthworks where import is required.</i></p> <p><i>Where importation of topsoil is required for spreading on areas of newly constructed earthworks, this will be selected in accordance with BS 3882:2015 to ensure</i></p>

EXQ3	Question to:	Question:	SSDC Response
			<p><i>that the topsoil provides suitable substrates for native plant species and to maximise biodiversity, in accordance with industry best practice”.</i></p> <p>The standard for plants, planting and plant establishment are covered in the Landscape and Ecological Management Plan, currently outlined in Appendix B.8 of the Outline Environmental Management Plan (APP-148).</p> <p>It’s important to note that the Scheme includes for the mitigation planting areas to be maintained for a period of 5 years from completion and not to the 15 years required for the planting to reach sufficient height to screen HGVs (please see the Environmental Mitigation route map, Reference L3, page 10). An adequate ongoing maintenance regime will need to be in place to ensure the 15 year screen heights are achieved.</p>
3.7	Traffic and Transport		
3.7.7	The Applicant SCC SSDC Parish Council's	<p>Traffic Monitoring and Mitigation</p> <p>The ExA appreciates that the Applicant’s case is that the proposals will not have a significant adverse effect on the local road network. Notwithstanding this, do the parties consider that there is a need to monitor and if necessary, mitigate the traffic impacts post construction?</p>	<p>The Joint Local Impact Report (January 2019) sets out SSDC and SCC’s concerns regarding the impact of the proposal on West Camel and Sparkford Villages. SSDC believe that given the nature of the local highway network in these communities, increases in traffic of this scale are significant and would have an adverse impact on the residents living in these communities. The speed of traffic in both West Camel and Sparkford is already a recognised concern locally and further rat-running as a result of the scheme will add to this local concern.</p>

EXQ3	Question to:	Question:	SSDC Response
			Consequently we believe that traffic calming measures and other associated mitigation measures should be secured through the DCO process. At the very least there should be a provision to allow for post construction monitoring and subsequent mitigation.
3.10	Draft Development Consent Order [REP5-005 & REP-006]		
3.10.1	The Applicant SCC SSDC	General Comment Several requirements do not have implementation clauses, for example Requirements 14 and 15. Appropriate implementation timetables need to be included to ensure mitigation is provided at the appropriate time.	SSDC agree.
3.10.2	The Applicant SCC SSDC	Article 2 Interpretation a) Is there a reason that Articles 2 does not include a definition of local highway authority? b) Do the parties agree that “local highway authority” has the same meaning as in the 1980 Act? Would that be a suitable definition?	SSDC defers to SCC on this point as it relates to SCC functions.
3.10.3	The Applicant SCC SSDC	Article 2 Interpretation Do the parties agree that the definition of “non-motorised user” is required to include walkers, cyclists, horse riders and carriage drivers?	SSDC defers to the SCC on this point.
3.10.4	The Applicant SCC SSDC	Article 2 Interpretation a) Is there a reason that the definition of local planning authority has been removed?	a) The applicant has said that it removed in reliance on the definition in the Planning Act 2008. SSDC has not agreed that it should be removed and has significant concern that this would result in SSDC

EXQ3	Question to:	Question:	SSDC Response
		<p>b) Do the parties agree that “the relevant planning authority” means the local planning authority for the land and matter in question, being South Somerset District Council or Somerset County Council. Would this be a suitable definition?</p>	<p>being identified as the local planning authority (as per s173(5) of the Planning Act 2008) without taking into account the functions (and therefore expertise) of the individual Councils. On that basis SSDC is requesting the “relevant planning authority” (RPA) be defined within the DCO.</p> <p>Identifying the RPA will mean the process for the applicant/contractor is easy to follow, reduce the risk of confusion and delay and reduce the workload for the Councils. It would also follow paragraph 6.2 of Guidance Note 15 which states that where there is more than one relevant planning authority this should be made clear in the definitions.</p> <p>b) There is concern that the definition proposed in paragraph b) definition gives the applicant and/or contractor a choice of which RPA to engage with and therefore SSDC would prefer either</p> <ol style="list-style-type: none"> a. define “SSDC” as the RPA for its functions and “SCC” as RPA for its functions and then throughout the document refer to SSDC and SCC as appropriate. The definition could be future-proofed for changes in local government organisation by referring to “or any other local government body that may undertake its relevant function”.

EXQ3	Question to:	Question:	SSDC Response
			<p>This would ensure that the Councils are consulted where this has been agreed regarding an area not usually considered its primary function (e.g. SSDC being consulted in Requirement 11 on traffic management issues)</p> <p>b. Alternatively the SSDC could also support the RPA being defined as SSDC and SCC followed by a list of which articles and requirements relate to each authority.</p>
3.10.5	The Applicant SSDC	<p>Article 21(8)(c) Do the parties agree that if the development results in damage to a listed building so as to affect its special character as a building or special architectural or historic interest it makes sense for the contractor to notify the local planning authority so that it can consider what works are necessary to rectify the damage?</p>	<p>SSDC agrees that the local planning authority should be notified. SSDC considers that compensation is not a satisfactory remedy in the event of damage. On this basis SSDC considers that works (if any) to repair the damage should be carried out in accordance with approval to be obtained but</p> <p>a) It has concern that the contractor may not be necessarily qualified to determine whether the damage cause would affect the buildings special character or special architectural or historic interest and any damage should be subject to inspection by a suitably qualified person.</p> <p>b) The responsibility to determine the works necessary to rectify the damage does not fall on the LPA and its role should be limited to that of a</p>

EXQ3	Question to:	Question:	SSDC Response
			consultee on the schedule of works to be approved by the SoS. Provision to ensure the works are carried out to a satisfactory standard will be necessary.
3.10.6	The Applicant SCC SSDC	Article 43 The Environmental Mitigation Route Map is to be referred to in Requirement 3, and the Limits of Responsibility Drawing(s) will be used in connection with Requirement 12. Do the parties agree that these documents should be added to the list of documents at Article 43?	SSDC agree.
3.10.7	The Applicant SCC SSDC	Schedule 2 - Requirement 1 Interpretation The definition of "LEMP" includes mitigation measures for "Schedule 1 birds", however "Schedule 1 Birds" is not defined. Do the parties agree that "Schedule 1 birds" needs to be defined in the interests of clarity?	SSDC agree.
3.10.8	The Applicant SCC SSDC	Schedule 2 - Requirement 1 Interpretation The Applicant has accepted (response to the ExA's Further Written Question 2.1.7) the need for a Conservation Management Plan for that part of the RPG within the red line boundary. Do the parties agree that a definition of "Conservation Management Plan" for the Hazlegrove House Registered Park and Garden is required?	SSDC agree. Historic England, National Lottery Heritage Fund and the Gardens Trust all provide advice on the objectives, form and content of a Conservation Management Plan and an agreed definition for the Hazlegrove RPG CMP would be sensible.
3.10.9	The Applicant SCC	Schedule 2 - Requirement 1 Interpretation	a) SSDC agree. b) SSDC agree

EXQ3	Question to:	Question:	SSDC Response
	SSDC	<p>European protected species” and “priority species” are not defined in the Planning Act 2008 (as amended)</p> <p>Do the parties agree that for the purposes of Schedule 2:</p> <p>a) “European protected species” has the same meaning as in regulations 40 (European protected species of animals) and 44 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017 (as amended); and</p> <p>b) A definition for “priority species” should be provided?</p>	
3.10.10	The Applicant SCC SSDC	<p>Schedule 2 - Requirement 3(2)(d) Construction Environmental Management Plan</p> <p>Do the parties agree that this requirement should include a reference to the Environmental Mitigation Route Map in the interests of clarity?</p>	SSDC agree.
3.10.11	The Applicant SCC SSDC	<p>Schedule 2 - Requirement 8(3) Contaminated Land and Groundwater</p> <p>Do the parties agree that for the avoidance of doubt this clause should read: “In the event that contaminated land or material, including impacted groundwater...”?</p>	SSDC agree.
3.10.14	The Applicant SCC SSDC	<p>Schedule 2 - Requirement 12(3) Detailed Design</p> <p>In order to be consistent with Section 7(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), do the parties agree that in</p>	SSDC agree.

EXQ3	Question to:	Question:	SSDC Response
		place of “ <i>permanent change or alteration of the listed features</i> ”, the following text should be substituted since this terminology is well known and understood? “ <i>permanent change or alteration in any manner which would affect its character as a building of special architectural or historic interest</i> ”	
3.10.15	The Applicant SCC SSDC	Schedule 2 - Requirement 12(6) Detailed Design Do the parties agree that this requirement should include “ <i>and shall be electronically notified to the Environment Agency, the local highway authority, the local planning authority, and where the works relate to the Hazlegrove House Registered Park and Garden, the Historic Buildings and Monuments Commission for England</i> ” in order to ensure that appropriate notification of amendments takes place?	SSDC agree.
3.10.17	The Applicant SCC SSDC	Schedule 2 - Requirement 13 Surface Water Drainage While the dDCO limits the relevant discharge rates, it does not provide for the maintenance of the Sustainable Drainage Systems (SuDS) schemes. Therefore, it could lead to excessive water retention on the site with unassessed effects. By ensuring that the SuDS schemes are managed and maintained this avoids this issue. a) Therefore, is a scheme for the management including maintenance of the SuDS schemes to ensure long-term effective operation required?	a) SSDC agree. b) SSDC agree.

EXQ3	Question to:	Question:	SSDC Response
		<p>b) Should be this scheme for the approval of the Local Lead Flood Authority as this this is the statutory authority and thus would be the appropriate level for authorisation?</p>	
3.10.18	<p>The Applicant SCC SSDC</p>	<p>Schedule 2 Potential New requirement - LEMP Much of the mitigation is to be provided in accordance with the LEMP, however, limited information has been submitted to indicate the matters that should be included within the LEMP. The limited information does not appear to be specific to this scheme, but reflects the general headings within <i>Highways England (2001) Manual of Contract Documents for Highway Works Volume 1 Specification for Highway Works: Series 3000 Landscape and Ecology</i>. In order to ensure that the LEMP provides the necessary mitigation in the short term and the long term, do the parties agree that a separate requirement with the following wording is desirable? <i>"No part of the authorised development is to commence until a LEMP, substantially in accordance with the outline LEMP, for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and local highway authority to the extent that it relates to matters relevant to its function.</i></p>	<p>SSDC agree.</p>

EXQ3	Question to:	Question:	SSDC Response
		<p><i>The LEMP shall reflect the survey results and the biodiversity, ecological and landscape design, mitigation and enhancement measures included in the environmental statement.</i></p> <p><i>The scheme shall be implemented in accordance with the LEMP.”</i></p>	
3.10.19	The Applicant SCC SSDC	<p>Schedule 2 Potential New requirement - Restoration of land used temporarily for construction</p> <p>a) The dDCO does not include any provision for the restoration of the land following the completion of construction. Do the parties agree that such a requirement is necessary?</p> <p>b) If so, would the following wording make appropriate provision for restoration?</p> <p><i>“Any land within the Order limits which is used temporarily for construction of the works and not ultimately incorporated in the permanent works or approved landscaping, must be reinstated in accordance with details submitted to and approved in writing by the relevant planning authority in consultation with, where appropriate, the relevant highway authority. Such work shall be completed no later than the end of the first planting or seeding season following the opening of the scheme to traffic.”</i></p>	<p>a) SSDC agree.</p> <p>b) SSDC agree.</p>