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Subject: TR010036 A303 Sparkford to Ilchester - SCC's deadline 6A response
Date: 03 May 2019 16:00:30
Attachments: [TR010036 SCC Deadline 6a Cover Letter.pdf](#)
[TR010036 SCC confirmation of attendance at May 2019 Hearings..pdf](#)
[TR010036 SCC Answers to EXA 3rd written questions.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 6**

PLANNING INSPECTORATE REFERENCE TR010036

Please find attached relevant documents from Somerset County Council in respect of Examination Deadline 6a.

Kind regards,

Tess Bond
Senior Planning Officer
Infrastructure Programmes
Somerset County Council

01823 357147
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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

3 May 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 6a

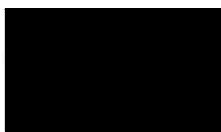
This submission is in response to the Examining Authority's Third Written Questions issued on 25th April 2019, and comprises the relevant information requested from Somerset County Council (SCC).

The submission consists of: -

- Somerset County Council's response to the Examining Authority's Third Written Questions.
- Notification of attendance at Issue Specific Hearings

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.

Yours sincerely,



Andy Coupe
Strategic Manager (Infrastructure Programmes)

TR010036 - Application by Highways England for the A303 Sparkford to Ilchester Dualling project

Somerset County Council Response to Deadline 6a: - The Examining Authority's written questions and requests for information (ExQ3) Issued on 25 April 2019

ExA Q Ref	Question	SCC Response
3.0.9	<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>SCC defer to South Somerset District Council (SSDC) in respect of employment sites within the Local Plan.</p>
3.0.12	<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 preliminary scheme design provides an outline of the highway lighting design. Only on completion of the detailed design can the location of the highway lighting infrastructure and associated energy supply network be determined and the maintaining authority confirmed.</p> <p>SCC seek provision within the DCO to be the approving authority on all matters of detail where they relate to the local road network. Highway lighting should form one of those matters of detail. As such, SCC has included "road lighting (including columns and brackets)" in the definition of "Detailed Information" to be provided to the Local Highway Authority pursuant to its proposed Protective Provisions.</p>

ExA Q Ref	Question	SCC Response
3.7.3	<p>Road Safety</p> <p>a) To what extent would the scheme be likely to contribute to safety improvements at the Hazlegrove and Podimore roundabouts?</p> <p>b) Would the inclusion of a Pegasus crossing make a positive contribution to safety?</p>	<p>a) The Applicant is considered best placed to provide a detailed response on the safety benefits of the scheme at the Hazlegrove and Podimore Roundabouts.</p> <p>b) In principle, yes. However, confirmation that installation of a crossing point(s) that meets the necessary design and safety standards on the referenced network can only be made on the submission and review of detailed design proposals. SCC would wish to approve such detail should the crossing point(s) be located on the LRN.</p>
3.7.5	<p>Private Accesses</p> <p>In the draft Statement of Common Ground between the Applicant and SCC and SSDC, [REP5 -017], SCC is concerned about the risk of mud and loose material deposited on highway from private accesses. The Applicant suggests that new accesses would have a bound surface for a distance of 5 metres from the Highway.</p> <p>Could the Council please explain why this would not address its concerns and what alternative mitigation and/or measures it seeks?</p>	<p>SCC is content that the applicant's proposal addresses the concerns regarding loose material being deposited onto the highway. Indeed, the following wording is proposed by both parties in relation to the Protective Provisions:</p> <p><i>"Provision shall be made in accordance with the Local Highway Authority's reasonable requirements at the site of the Works to prevent mud and other materials from being carried on to the adjacent highway by vehicles and plant. The operational highway in the vicinity of the site of the Works shall be swept as required to ensure its safe use at all times as a public highway."</i></p> <p>The item within the draft SoCG is however marked as "not agreed" as the Applicant provides that the measures outlined above would be secured by virtue of Requirement 12. SCC and the Applicant do not agree on</p>

ExA Q Ref	Question	SCC Response
		the wording of Requirement 12 as SCC are seeking to be the approving body for detailed design matters associated with the Local Highway Network.
3.7.7	<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.</p> <p>Notwithstanding this, do the parties consider that there is a need to monitor and if necessary, mitigate the traffic impacts post construction?</p>	<p>SCC's position is that it is not clear what methodology has been used to make the determination that the impacts would be 'slight adverse' in relation to impacts in Sparkford and West Camel, and that this level of impact would not require mitigation.</p> <p>In the event that the ExA does not consider mitigation is necessary, a mechanism for monitoring and if necessary mitigation post construction could be helpful. SCC would be keen for the parties to agree the level of impact at which mitigation is appropriate so that there is no future ambiguity on this point. SCC considers that annual monitoring would be appropriate for 15 years post construction, in line with the modelled forecasts.</p>
3.10.1	<p>General Comment</p> <p>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.</p>	SCC agrees that the Requirements should have implementation clauses linked to when an impact or safety issue arises. In relation to Requirement 15, any approved highway lighting must be installed and operational prior to that part of the authorised development being open to the public.
3.10.2	<p>Article 2 Interpretation</p> <p>a) Is there a reason that Articles 2 does not include a definition of local highway authority?</p> <p>b) Do the parties agree that "local highway authority" has the same meaning as in the 1980 Act? Would that be a suitable definition?</p>	<p>a) SCC appreciates that the reference to "SCC" is to avoid confusion arising from the undertaker also being a highway authority. SCC advises that the following may aid in providing a clear definition <i>"means Somerset County Council or its successor in statutory function as local highway authority"</i></p>

ExA Q Ref	Question	SCC Response
3.10.3	<p>Article 2 Interpretation</p> <p>Do the parties agree that the definition of “non-motorised user” is required to include walkers, cyclists, horse riders and carriage drivers?</p>	<p>Yes. Whilst the County Council is not aware of a precise definition for non-motorised user, we would concur that it should include walkers, pedal cyclists horse riders and carriage drivers, the latter two users sometimes referred to as equestrians. Indeed, the Design Manual for Roads & Bridges refers to non-motorised users as “pedestrians, cyclists and equestrians”.</p>
3.10.4	<p>Article 2 Interpretation</p> <p>a) Is there a reason that the definition of local planning authority has been removed?</p> <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>a) SCC considers that the definition should not be excluded.</p> <p>b) The definition suggested is an improvement and has been used in other DCOs, however SCC acknowledges the concerns of SSDC that there may be some confusion as to which Relevant Planning Authority is being referred to in each case. This could be addressed as SSDC suggest in the drafting of the DCO.</p>
3.10.6	<p>Article 43</p> <p>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.</p> <p>Do the parties agree that these documents should be added to the list of documents at Article 43?</p>	<p>SCC understands that the mitigation route map is a signposting document to explain where mitigation outlined in the Environmental Statement is secured within the DCO. Whilst it is appreciated that it may be useful to include the document in Article 43, we acknowledge that in the event that consent is granted, the drafting of the DCO may change and therefore this may affect the signposting accuracy of the document.</p> <p>In relation to the Limits of Responsibility drawings we defer to the Applicant to comment in respect of whether</p>

ExA Q Ref	Question	SCC Response
		these drawings could be subject to change as part of the detailed design process.
3.10.7	<p>Schedule 2 - Requirement 1 Interpretation The definition of “LEMP” includes mitigation measures for “Schedule 1 birds”, however “Schedule 1 birds” is not defined.</p> <p>Do the parties agree that “Schedule 1 birds” needs to be defined in the interests of clarity?</p>	SCC defer to SSDC in respect of comments linked to ecology.
3.10.8	<p>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.</p> <p>Do the parties agree that a definition of “Conservation Management Plan” for the Hazlegrove House Registered Park and Garden is required?</p>	SCC defer to SSDC in respect of comments linked to conservation.
3.10.9	<p>Schedule 2 - Requirement 1 Interpretation European protected species” and “priority species” are not defined in the Planning Act 2008 (as amended) 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)</p>	SCC defer to SSDC in respect of comments linked to ecology.

ExA Q Ref	Question	SCC Response
	<p>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	<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>	<p>Reference to the EMRM would be helpful, however SCC considers that the accuracy of the document needs to be considered as outlined above in response to ExA Q3.10.6</p>
3.10.11	<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:</p> <p>“In the event that contaminated <i>land</i> or material, including impacted groundwater...”?</p>	<p>SCC defer to SSDC in respect of comments linked to contaminated land.</p>
3.10.13	<p>Schedule 2 – Requirement 12</p> <p>The ExA understands the Applicant’s position that all matters should be subject to the approval of the SoS rather than any matters being the subject to local approval.</p> <p>However, if the ExA concluded that those parts of the proposal that are to ultimately to be the responsibility of SCC pursuant to the Limits of Responsibility Drawing(s) (Article 43) should be subject to the approval of SCC, as local highway authority, with the Applicant paying the</p>	<p>SCC has provided a response to this at Deadline 6 in its review of the dDCO and proposed Protective Provisions.</p>

ExA Q Ref	Question	SCC Response
	Council's reasonable costs associated with such approval, what wording would the Applicant and SCC suggest to facilitate such an arrangement?	
3.10.14	<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 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?</p> <p><i>"permanent change or alteration in any manner which would affect its character as a building of special architectural or historic interest"</i></p>	SCC defer to SSDC in respect of comments linked to conservation.
3.10.15	<p>Schedule 2 - Requirement 12(6) Detailed Design</p> <p>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?</p>	Yes.
3.10.17	<p>Schedule 2 - Requirement 13 Surface Water Drainage</p> <p>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</p>	a) SCC agrees that a maintenance regime would need to be secured. Appendix 4.7 (Drainage Strategy Report) of the Environmental Statement dated July 2018 does set out an indicative maintenance regime within Tables 7.1;

ExA Q Ref	Question	SCC Response
	<p>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.</p> <p>a) Therefore, is a scheme for the management including maintenance of the SuDS schemes to ensure long-term effective operation required?</p> <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>	<p>Table 7.2; and Table 7.3. However, it's not clear how maintenance is then actually secured within the DCO.</p> <p>When being consulted on Town and Country Planning Act applications, SCC as the Lead Local Flood Authority will seek individual planning conditions to secure the submission, approval and implementation of maintenance arrangements, where relevant. SCC will be able to provide draft wording at the relevant Issue Specific Hearing.</p> <p>b) SCC advises that the scheme is submitted to the Local Planning Authority for approval in consultation with the Lead Local Flood Authority.</p>
3.10.18	<p>Schedule 2 Potential New requirement – LEMP</p> <p>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 Highways England (2001) Manual of Contract Documents for Highway Works Volume 1 Specification for Highway Works: Series 3000 Landscape and Ecology.</p> <p>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?</p> <p><i>"No part of the authorised development is to commence until a LEMP, substantially in accordance with the</i></p>	<p>SCC defer to SSDC in respect of comments linked to landscape and ecology.</p>

ExA Q Ref	Question	SCC Response
	<p><i>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><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	<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</i></p>	<p>a) Yes</p> <p>b) The reinstatement work will need to be completed to the reasonable satisfaction of the local highway authority where works impact upon the LRN or land which is highway maintainable at public expense. In addition, further consideration may need to be given to the timescale for completion where the scheme is opened to traffic in parts.</p>

ExA Q Ref	Question	SCC Response
	<i>planting or seeding season following the opening of the scheme to traffic."</i>	

Planning Inspectorate Reference TR010036
Deadline 6a submission – 03 May 2019
Notification of wish to attend the Issue Specific Hearings

This notification is in response to the Examining Authority (ExA) Rule 13 letter of 16th April 2019 and ExA Rule 8(3) and Rule 9 letter dated 24 April 2019 and comprises the relevant notification requested for Somerset County Council to the Planning Inspectorate regarding Highway England's application for a Development Consent Order (DCO) in relation to the A303 Sparkford to Ilchester project

Somerset County Council wish to notify the ExA that they wish to attend the Issue Specific Hearings scheduled for Tuesday 14th May; Wednesday 15th May; and Thursday 23rd May (if required). In addition, SCC will attend the Compulsory Acquisition Hearing scheduled for 23rd May if required.