

A303 Sparkford to Ilchester Dualling Scheme TR010036

9.36 Responses to Action Points for Deadline 7

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**A303 Sparkford to Ilchester Dualling
Scheme**

Development Consent Order 201[X]

Responses to Action Points for Deadline 7

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1 Introduction

- 1.1.1 This report provides responses to the Hearing Action Points associated with Deadline 7 of the Development Consent Order (DCO) Examination for the A303 Sparkford to Ilchester Dualling Scheme ('the scheme').
- 1.1.2 Each Action Point relates to the table of action points issued by The Planning Inspectorate (EV-032, EV-033 and EV-039) following the issue specific hearings (ISH), open floor hearings, and compulsory acquisition hearings held on Tuesday 14 May 2019, Wednesday 15 May 2019 and Thursday 23 May 2019. Responses to each of the Action Points are contained within Chapter 2 of this report. The numbering adopted below corresponds to the numbering in the Action Points issued by the Examining Authority.
- 1.1.3 Chapter 3 of this report contains details of the additional clarifications / documents that the Applicant committed to providing as part of the Deadline 7 submission.

2 Action Points

2.1 Action points from Hearings held on Tuesday 14 May 2019 (EV-032) and Wednesday 15 May 2019 (EV-033)

Action Point 1

- 2.1.1 Action Point 1 requests: *Viewpoint 27 and 28 – a summary note on issues surrounding the environmental barrier, possibility of alternative to fence as mitigation and how this might be secured within the ES.*
- 2.1.2 The selection of a timber fence is considered to be the most balanced solution at this location given that a bund would have required the acquisition of additional land that is associated with residential property. The use of a fence rather than a bund minimises residential land-take.
- 2.1.3 From a visual impact perspective, it is considered that the presence of a two metre high timber acoustic fence (environmental barrier) has been adequately mitigated for, through the introduction of an intervening native hedgerow as well as further screening provided by a linear belt of trees and shrubs which will screen views to the fence over time, all of which will require less land-take than a bund. Existing vegetation between the proposed fence and residential property, which will be retained, will also screen views to the proposed fence. Additional hedgerow trees could also be included in the proposed hedgerow to provide an additional vertical element within the mitigation proposals.
- 2.1.4 However, the concerns of the Local Planning Authority are noted. The Applicant has therefore committed to reviewing opportunities to reduce adverse visual effects from the vicinity of Camel Hill Farm and the perception of the area with travellers on the A303 within row L5 of Table 3.1 Register of Environmental Actions and Commitments (REAC) of the Outline Environmental Management Plan (document 6.7, Volume 6, revision B) submitted as part of the Applicant's Deadline 7 submission.

Action Point 2

- 2.1.5 Action Point 2 requests: *Visual receptor 38 – submit revised Environmental Masterplan to reflect accepted non-material change i.e. additional planting to screen view and more mature specimens to screen viewpoint 38.*
- 2.1.6 An updated version of the Environmental Masterplan (Environmental Statement Addendum Appendix B Figure A2.4 Environmental Masterplan, Sheets 1 to 4 version C03, Sheets 5 to 6 C04, Sheet 7 C03) has been submitted as part of this Deadline 7 submission.

Action Point 3

- 2.1.7 Action Point 3 requests: *Visual receptor 6 – submit landscape assessment based on material change.*
- 2.1.8 This action point relates to PRow Y27/21. This right of way (a public footpath) currently runs between the A303 at its northern end and the B3151 at its southern end. There is no evidence of this right of way along the verge of

either road on site (no way marking, no obvious signs of use, no obvious point of access from the carriageways and no significant verge within which to walk to or from the right of way). The A303 at this location will be dualled along its current line, and as such the right of way will continue to be difficult to access from both ends. As such, we have proposed to stop this right of way up permanently, with the support of the Local Highway Authority..

- 2.1.9 An assessment for Visual Receptor 6 was included within the Appendix 7.4 Visual Baseline and Impact Schedules to the Environmental Statement (APP-072). For ease, this assessment for Visual Receptor 6 has been extracted from APP-072 and is presented in Table 2.1 below. To confirm, the PRoW would be stopped up permanently at commencement of construction and as such no future views are presented for Visual Receptor 6.

Table 2.1: Assessment for Visual Receptor 6

Visual receptor	Existing view	Proposed view during construction	Proposed view during operation	Effect on visual receptor
View looking northeast representative of PROW Y 27/21 (High sensitivity)	The open view comprises an arable field bounded by a mature hedgerow with trees. Glimpsed views of HGV are available above vegetation and where vegetation only offers intermittent coverage. The background of the view comprises the field boundary vegetation to the left and right of the view and West Camel Hill rising in the long distance in the centre of the view.	This PRoW would be permanently closed as part of the scheme. As such no future views are presented.	This PRoW would be permanently closed as part of the scheme. As such no future views are presented.	Construction: N/A Operation: Year 1: N/A Year 15: N/A

Action Point 4

- 2.1.10 Action Point 4 requests: *MfS2 – Provide specific paragraphs references that refer back or direct to the DMRB for road widths and speeds.*

General principles

- 2.1.11 The ‘status and application’ section on page 4 of Manual for Streets 2 (MfS2) provides some context of the range of situations that MfS2 might be applicable. This section notes that “the strict application of DMRB to non-trunk routes is rarely appropriate for highway design in built up areas, regardless of traffic volume”. This statement provides a clear indication that the scope of

MfS2 has generally been extended to cover a broader range of roads in urban areas. This sets the scene for the remainder of the document which, although it has been broadened in its scope to cover 'busier streets and non-trunk roads', is still heavily set in the context of an urban environment.

- 2.1.12 It was noted at Issue Specific Hearing 5 (ISH5) that the existing speed limit along the existing A303 is 50 miles per hour. This is a road safety intervention intended to reduce the instance and severity of road traffic collisions associated with high traffic volumes and existing road geometry, particularly associated with the potential for head-on collisions and right turning accidents. A re-evaluation of the speed limit may be required upon the change in classification of this road given that traffic volumes will be significantly reduced and many of the right turning opportunities will also be reduced. There is no evidence or suggestion that a lower speed limit would be appropriate or supported by the Local Highway Authority or Enforcement Authority. The following response is therefore given based on a possible parallel local road being rural (not urban) in characteristic and with a speed limit within the range of 50 miles per hour to 60 miles per hour.

Determination of design speed

- 2.1.13 Paragraphs 8.2.1 to 8.2.14 of the MfS2 provide guidance regarding the selection of design speed. These paragraphs are not prescriptive, and leave a degree of discretion to the designer. However, it is significant that the guidance in this section of the document is set in the context of speed limits that are certain to be lower than those for a parallel local road, and set heavily in an urban context. Specific observations include:
- 2.1.14 Paragraphs 8.2.3 and 8.2.4 of the MfS2 provide advice for areas subject to a 30 mile per hour speed limit. This is not relevant to a potential parallel local road where the speed limit is likely to be at least 50 miles per hour.
- 2.1.15 Paragraph 8.2.5 of the MfS2 indicates that, in rural areas not subject to a local speed limit, TD9/93 can be taken as a starting point for new routes. A potential parallel local road would be rural in nature and may be derestricted or close to it.
- 2.1.16 Paragraphs 8.2.8 and 8.2.7 of the MfS2 provide examples of situations where it may be appropriate to reduce design speeds or speed limits, including where a major route is passing through the centre of a small town or village, or where there is a site of significant ecological value. These examples do not apply to a potential parallel local road.

Determination of road widths

- 2.1.17 Paragraphs 8.6.1 to 8.6.12 of the MfS2 provide guidance regarding the selection of carriageway width.
- 2.1.18 Paragraph 8.6.1 of the MfS2 notes that the conventional lane width is 3.65 metres, although indicates that ideal widths in local circumstances may be less or greater than this. Paragraph 8.6.2 notes that narrower lanes may be appropriate in urban areas where this would facilitate pedestrian crossings. However this paragraph cautions the use of narrow carriageways as these may not be appropriate for cyclists. Given that there is unlikely to be a

pedestrian crossing at the Camel Hill pinch-point of a possible parallel local road, lane widths less than 3.65 metres are not justified in this case.

- 2.1.19 Paragraph 8.6.3 of the MfS2 advises that lane widths should be determined based upon, amongst other factors, design speed. Given that the design speed of a possible parallel local road would be 50 – 60 miles per hour (85 – 100 kilometres per hour), a conventional lane width of 3.65 metres is considered most appropriate.

Determination of vertical and horizontal alignment

- 2.1.20 Paragraphs 8.3.1 to 8.3.8 of the MfS2 provide guidance on the selection of horizontal alignment. Paragraph 8.3.3 advises that gentle curvature as provided based on DMRB requirements is ‘unlikely to be appropriate to the surrounding urban grain’ and paragraph 8.3.4 also advises that horizontal curves of four steps below desirable minimum radii can be used for design speeds of 60kph (40mph) and below. These paragraphs clearly set the proceeding guidance in the context of urban roads with speed limits of 40 miles per hour or below. Given that a potential parallel local road will be rural in nature with a speed limit of at least 50 miles per hour it is considered that MfS2 is inappropriate.

- 2.1.21 Furthermore, paragraph 8.5.3 of MfS2 directs designers towards the guidance contained in TD9/93 for the design of vertical curvature on roads with design speeds of 50 kilometres per hour (30 miles per hour) and above.

Action Point 5

- 2.1.22 Action Point 5 requests: *Formally submit documents submitted to ExA in relation to revocation of 1996 SRO and mitigation of route loss for Y 30/28.*
- 2.1.23 The Applicant notes that this action point is directed to Somerset County Council.

Action Point 6

- 2.1.24 Action Point 6 requests: *Somerset County Council and Applicant to provide joint note in relation to outstanding Right of Way legacy issue.*
- 2.1.25 The Applicant has not had time to properly consider the information provided by SCC on this point. The Applicant will respond at deadline 8.

Action Point 7

- 2.1.26 Action Point 7 requests: *Update error in dDCO in relation to revocation of 1996 SRO.*
- 2.1.27 The draft DCO submitted as part of Deadline 7 (version 0.5) has been revised to reflect this action point.

Action Point 8

- 2.1.28 Action Point 8 requests: *Queue lengths – Joint note about how active management at Podimore Roundabout can be included in DCO.*

- 2.1.29 This note sets out the Applicant's reasoning as to why a separate Requirement or other obligation is not required to ensure that Highways England works with Somerset County Council in relation to the operational management of Podimore Roundabout.
- 2.1.30 The Secretary of State's statutory directions and guidance to Highways England are set out in the document *Highways England: Licence* (April 2015)¹. The document makes it clear, to both Highways England and the wider community of road users and stakeholders, what the Department for Transport (DfT) expects Highways England to achieve in delivering the vision and plans for the network.
- 2.1.31 DfT expects Highways England to engage with road users and collaborate with other organisations to develop shared solutions. The need for Highways England to work with the Local Highway Authority (LHA) is explicitly enshrined in its license, together with the general duty to cooperate under section 5(1) of the Infrastructure Act 2015, and as such additional requirements / obligations are not required to secure a way of working that is secured by other legislative provisions.
- 2.1.32 To provide further detail, relevant sections of Highways England's licence with the DfT are set out below. These provisions ensure that the operation of Podimore Roundabout must be considered holistically, and in cooperation with SCC and its need to operate the Local Road Network (LRN) as the Local Highway Authority (LHA).
- 2.1.33 In terms of compliance with the license, paragraph 3.1 states:
- 2.1.34 *"The Licence holder **must**, without prejudice to the Licence holder's legal duties or other obligations, comply with or have due regard to (as appropriate) the conditions set out in this document, which constitute statutory directions and guidance issued by the Secretary of State to the Licence holder as provided for in section 6 of the Infrastructure Act 2015".* [emphasis taken directly from License]
- 2.1.35 It is clear from the above that the guidance has statutory status with which Highways England must comply. Paragraph 8.1 states:
- 2.1.36 *"The Licence holder **must** act within the conditions of this Licence at all times".* [emphasis taken directly from License]
- 2.1.37 Any failure by Highways England to comply with the conditions of the License is enforceable by the Highways Monitor (para. 8.2).
- 2.1.38 Paragraph 4.1 stipulates that Highways England must operate and manage the SRN, as a critical national asset, in the public interest. This requires Highways England to take due regard of interfaces with the LRN; for example simply prioritising traffic on the A303 without consideration of traffic using the LRN and seeking to cross the LRN would not be operating in the public interest.

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431389/strategic-highways-licence.pdf

- 2.1.39 *“4.1 The network for which the Licence holder is responsible is a critical national asset, which the Licence holder **must** operate and manage in the public interest, in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity”.* [emphasis taken directly from License]
- 2.1.40 *“4.2 (f). Cooperate with other persons or organisations for the purposes of coordinating day-to-day operations and long-term planning”.*
- 2.1.41 It is therefore incumbent on Highways England to cooperate with Somerset County Council in relation to the coordination of day-to-day operations and long-term planning. This will include the operation of Podimore Roundabout.
- 2.1.42 Further detail of how Highways England will exercise its role and deliver the aims and objectives set out in Part 4 of the license are included in Part 5 of the license. This refers to para 4.2(f) quoted in paragraph 2.1.40 above and states that compliance with this and the general duty to cooperate under section 5(1) of the Infrastructure Act 2015, can be achieved by Highways England cooperating with other persons or organisations to:
- a) facilitate the movement of traffic and manage its impacts;*
 - b) respond to and manage planned and unplanned disruption to the network;*
 - c) take account of local needs, priorities and plans in planning for the operation, maintenance and long-term development of the network (including in the preparation of route strategies, as required at 5.13); and*
 - d) provide reasonable support to local authorities in their planning and the management of their own networks.*
- 2.1.43 To comply with the above, the license requires (paragraph 5.18) Highways England to cooperate with, consult and take reasonable account of the views of Local authorities and devolved administrations, other network operators (including local highway authorities), road users, local communities and other relevant stakeholders. In doing so, para 5.19 states that Highways England should co-operate in a way which is demonstrably open and transparent, positive and responsive and collaborative. Highways England is required to:
- develop and implement a stakeholder engagement plan that demonstrates how it aims to communicate, engage and cooperate with others in exercising its functions and complying with the requirements set out in 5.17 - 5.19 (under paragraph 5.21); and
 - establish a stakeholder advisory panel and ensure that the membership of the panel includes representation from a credible range of local government and other stakeholders, including environmental and safety groups, as appropriate, and that the panel is consulted on a regular basis (paragraph 5.22).
- 2.1.44 Under the terms of its License, Highways England are clearly required to work collaboratively with other organisations such as SCC to ensure that the movement of traffic is facilitated, taking into account a requirement for reasonable support to local authorities in the management of their own

network. Highways England must remain focussed on the provision of better end-to-end journeys for all road users, and as such could not ignore issues on the LRN arms of the Podimore Roundabout in favour of the management of traffic on the SRN. As such, any wording within the DCO to secure collaboration with SCC would simply repeat matters that are contained in and enforceable under other statutory provisions, and a requirement duplicating that is accordingly unnecessary.

Current operational arrangements on the A303

2.1.45 There are a number of routine ways in which Highways England engages with local authorities in an operational capacity, designed to promote an appropriate collaborative working relationship to resolve any potential issues. Examples are provided below, and many of these approaches are already in place without needing to be formally secured in the DCO or other obligations.

2.1.46 An example of this is the South West Traffic Managers Forum which is attended by Highways England and Local Highway Authorities. In addition, Highways England's Route Managers and Service Managers liaise with Local Highway Authority Officers on a regular basis in a number of specific fora; in the event of an operational issue affecting the respective networks Highways England's operations officers would meet directly with the Local Highway Authority's officers to resolve the matter. An example of how this is put in practice is an existing operational order between the Applicant and SCC relating to Junction 25 of the M5. Here, specific operational issues resulting from the project were identified as existing, and an agreement was reached between the relevant parties as to how to collaboratively manage that interface.

2.1.47 The Podimore Roundabout does not present an existing capacity concern, but the above clearly demonstrates that the operational arrangements between the organisations are extant and functional, and as such no further requirements or provisions to ensure collaboration is required.

Action Point 9

2.1.48 Action Point 9 requests: *Underbridge lighting assessment – Evidence of professional judgement (between D4 and D5) about feasibility of lighting underbridge only, with reference to relevant guidance.*

2.1.49 The standards used by the Applicant's designer in designing and assessing the road lighting system in the vicinity of Hazlegrove Junction are:

- BS5489-1:2013 British Standards Code of practice for the design of road lighting.
- HSG-38 Health and Safety Executive - Lighting at work.
- TD34/07 Design of Road Lighting for the Strategic Motorway and All-Purpose Trunk Road Network.

2.1.50 BS5489 provides design guidance for carriageways and Non-motorised User (NMU) routes separately, and particularly provides requirements regarding minimum illuminance levels for each. BS5489 does not advise on a scenario

where the NMU route is lit adjacent to a road which is not lit. As advised at ISH5, this is an unconventional arrangement.

- 2.1.51 HSG-38 does provide some additional perspective for scenarios not included within road lighting design standards. Its particular value in this assessment work has been to provide guidance on glare and the implications of differential illuminance where efforts are deliberately made to illuminate one area of an enclosed space and minimise the illumination of an adjacent area.
- 2.1.52 TD34/07 sets out the general principles of design for lighting within trunk roads.
- 2.1.53 The Applicant's designer has produced a simplified 3D design model of the bridge and approaches using industry standard lighting design software Dialux 4.13. This has enabled design and experimentation of the NMU route lighting using various commercially available lanterns. The basic model, with an indicative lighting arrangement, is shown in Figure 2.1 below.

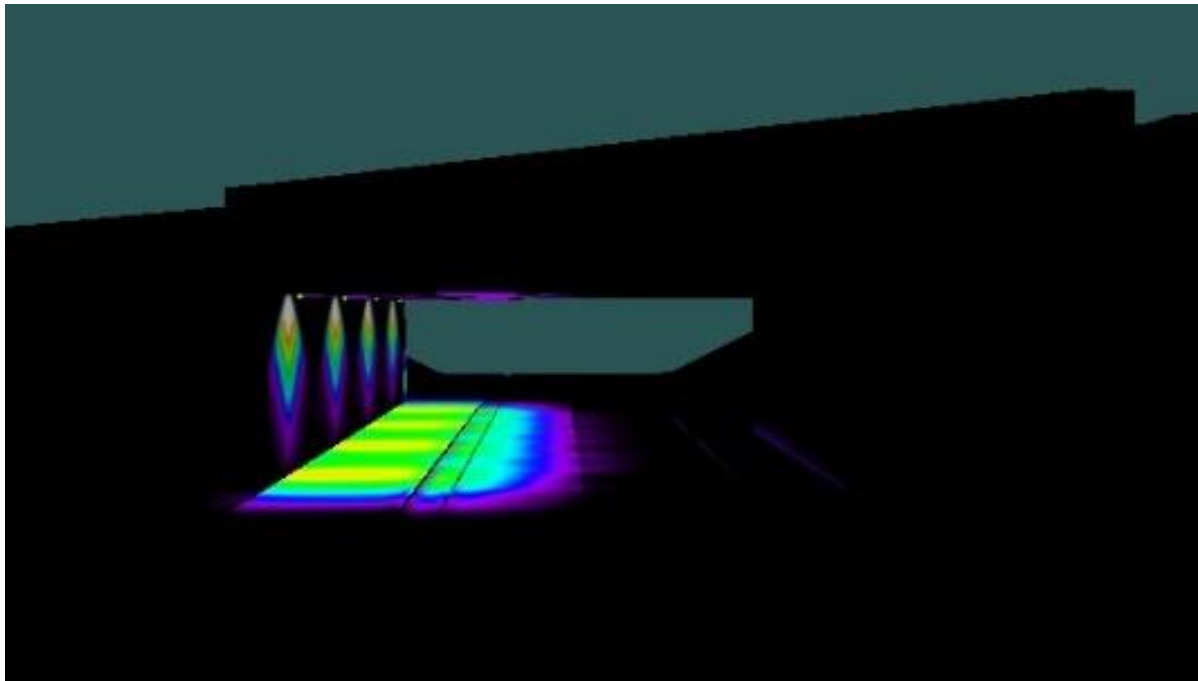
Figure 2.1: Dialux Visualisation of Hazlegrove Underbridge



- 2.1.54 Figure 2.2 shows a luminance visualisation of the underbridge where lighting is provided along the NMU route using the most concentrated light spread possible, in order to minimise light spill onto the adjacent carriageway.
- 2.1.55 The visualisation in Figure 2 demonstrates that, where the NMU route is lit but the adjacent road is not lit, the view of on approach to the underbridge will be unorthodox with the opposing half of the bridge in darkness. This unusual view may distract drivers and lead them to veer towards the lit side, possibly crossing lanes or mounting the kerb.
- 2.1.56 As the road through the underbridge is unlit, lanterns lighting the NMU route will appear disproportionately bright and cause potential glare to drivers. NMU route and any users / objects within it will be significantly better lit than the route ahead for the driver and likely cause distraction to them.

2.1.57 The Applicant's designer therefore considers that the approach to illuminating only the NMU route as shown in Figure 2.2 would be unsafe to drivers and non-motorised users.

Figure 2.2: Dialux Visualisation of 'most focussed' lanterns on NMU route in Hazlegrove Underbridge

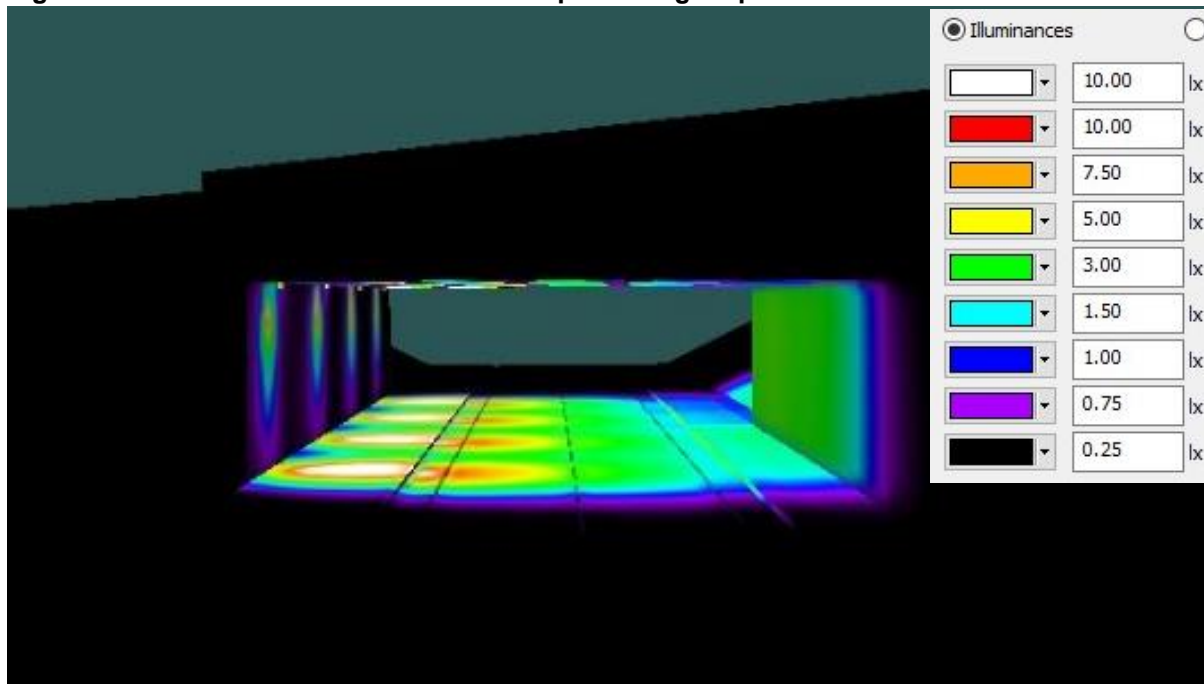


2.1.58 The Applicant's designer has investigated a 'compromise' between the solution shown in Figure 2.2 and a possible solution where the light spill from the NMU route covers enough carriageway to avoid driver distraction but not enough to require illumination of the carriageway approaches. In order to do this, less concentrated lantern units have been assessed in the Dialux software. The results are shown in Figure 2.3.

2.1.59 Figure 2.3 shows that the carriageway, NMU route and verge are likely to be more apparent to approaching drivers, therefore avoiding the distraction issues described above. However, Figure 3 shows that there is a considerable variation in luminance levels along the lane adjacent to the NMU route. The consequent 'flicker' effect would not be consistent with guidance in HSG-38. Furthermore the level of the light on the carriageway is significantly lower than the lighting classification requirements set in BS5489. Therefore, although the road may appear lit, it would not be lit in compliance with the lighting requirements set out in BS5489. Once illumination is provided along a road it is not appropriate to only illuminate this carriageway or part of it to levels lower than those in BS5489.

2.1.60 With reference to previous responses regarding this matter, the Applicant considers that there is no justification for the provision of illuminance on the carriageway, that is not compliant with the requirements of BS5489, or that is inconsistent with guidance regarding differential lighting levels and glare given in HSG-38. There is no identified security risk that warrants the provision of a non-standard, sub-optimal lighting system at this location.

Figure 2.3: Dialux visualisation of 'more dispersed' light spread



Action Point 10

2.1.61 Action Point 10 requests: *Summary of the traffic management requirements included as part of the proposed developments along Sparkford High Street, including any traffic management plan.*

2.1.62 The Applicant notes that this action point is directed to South Somerset District Council.

Action Point 11

2.1.63 Action Point 11 requests: *Note to confirm why it is considered traffic calming/mitigation through local villages is not required.*

2.1.64 The Applicant has provided responses in relation to traffic calming / mitigation measures through local villages (Sparkford and West Camel villages) in previous submissions throughout the Examination. The assessment for the need for traffic calming / mitigation takes into consideration the following aspects: capacity, safety and environment (specifically air quality and noise). Whilst there are no fixed thresholds against which to consider the need for traffic calming / mitigation, a requirement for such measures would be considered more likely if significant effects on capacity, safety, air quality and noise were predicted as a result of the scheme. These four aspects are reviewed in turn below, for both West Camel and Sparkford.

West Camel

2.1.65 Parsonage Road in West Camel is forecast to have an increase of 300 vehicles per day (vpd) (AADT) by 2038 as a result of the scheme compared with the base year. The traffic in future years would reduce without the scheme 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 vpd referenced in the LIR (REP2-019) compares the 'without scheme' and 'with scheme' traffic forecast in 2038, although the 'with scheme' traffic level is only 300 vpd higher than the base year level.

- 2.1.66 In terms of capacity, 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).
- 2.1.67 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 were considered to be slight adverse. 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.
- 2.1.68 Although there were only two slight accidents at West Camel crossroads in the 5 year period used for accident analysis, there have been more accidents recorded in recent years, 7 in the 5-year period 2014-2018, meaning that the crossroads is now a cluster point. This existing problem has been recognised by Somerset County Council who stated during the recent hearings that they will be seeking to address the safety issue.
- 2.1.69 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).
- 2.1.70 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 reasons 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.

Sparkford

- 2.1.71 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).
- 2.1.72 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).
- 2.1.73 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 PM10 and NO2 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.
- 2.1.74 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.

Conclusions

- 2.1.75 As detailed in the Applicant's response to question 2.7.8 (REP5-025), while there is no standard criteria for assessing the need for traffic calming, the

Applicant does not believe it to be necessary in this situation due to the fact that the inclusion of the scheme and the associated additional traffic does not cause any significant impacts in terms of the performance of the nearby junctions; the air quality; the noise levels; or the rate of accidents.

Action Point 12

2.1.76 Action Point 12 requests: *OTMP - Amend 'should' to 'will' at 2.3.23 also review wording at 2.3.38.*

2.1.77 The Applicant has revised the Outline Traffic Management Plan (Annex B.5 to the Outline Environmental Management Plan, Revision B) to reflect the changes requested in this action point. This has been submitted at Deadline 7.

Action Point 13

2.1.78 Action Point 13 requests: *OTMP Communication Plan –*

- (a) Confirm who the working group referred to in paragraph 2.3.23 of the Outline TMP would consist of.*
- (b) confirm who will determine the detail of the Communication Plan in paragraph 2.3.36.*
- (c) review the wording at paragraph 2.3.38.*

2.1.79 The Applicant has revised the Outline Traffic Management Plan (Annex B.5 to the Outline Environmental Management Plan, Revision B) to reflect the changes requested in this action point. This has been submitted at Deadline 7.

2.1.80 Composition of the Traffic Management Working Group is clarified in paragraph 2.3.24 of the updated Outline Traffic Management Plan.

2.1.81 The Outline Traffic Management Plan has been updated to clarify that the Communications Plan will be developed during the 'construction preparation' stage and implemented throughout the construction stage. This plan will be prepared by the main contractor in accordance with the requirements of Highways England's established Project Control Framework (PCF) and is intended to describe the arrangements for engaging local people, road users and stakeholders and then keeping them informed throughout construction.

Action Point 14

2.1.82 Action Point 14 requests: *RNAS Yeovilton – SoCG to be accompanied by plan showing location of CBGM batching plant and other taller equipment such cranes.*

2.1.83 A plan showing the calculated Obstacle Limitation Service (OLS) height in metres above the existing ground level is included within Appendix A of the draft Statement of Common Ground between the Applicant and the Defence Infrastructure Organisation (DIO). The blue shaded area on the plan shows a possible area where the batching plant could be positioned that will not interfere with the OLS. The Applicant and the DIO are meeting on Thursday

30 May 2019 to discuss this. The Statement of Common Ground will be submitted to the Examination as soon as possible after Deadline 7.

Action Point 15

2.1.84 Action Point 15 requests: *RNAS Yeovilton - include height restrictions (to be) agreed with MoD/DIO within DCO.*

2.1.85 The Applicant agreed in the hearings to provide, as part of the statement of common ground with the DIO, an agreed indicative plan showing the areas of the construction compound within which the tall elements of plant such as the concrete batching plant can be located. The Applicant and the DIO are agreed that this point can be adequately addressed at detailed design. Given that, there is no detailed restriction wording agreed with the DIO and no amendment has been made to the DCO.

Action Point 16

2.1.86 Action Point 16 requests: *SSDC Economic Development Strategy – Provide document detailing economic benefits of scheme to wider area (as opposed to very local area) with accompanying note indicating where specific points are made.*

2.1.87 The Applicant notes that this action point is directed to South Somerset District Council.

Action Point 17

2.1.88 Action Point 17 requests: *Emerging Local Plan – Relevant key dates towards adoption.*

2.1.89 The Applicant notes that this action point is directed to South Somerset District Council.

Action Point 18

2.1.90 Action Point 18 requests: *Allocation of Gypsy and Traveller sites, together with information on 5-year supply.*

2.1.91 The Applicant notes that this action point is directed to South Somerset District Council.

Action Point 19

2.1.92 Action Point 19 requests: *Area of new woodland adjacent to Pond 5 in RPG – Submit updated Biodiversity Offsetting Report to reflect nonmaterial change.*

2.1.93 The Biodiversity Offsetting Report has been updated and re-submitted as part of Deadline 7 (document 9.16, Volume 9, revision B).

Action Point 20

2.1.94 Action Point 20 requests: *Provide answers to previous queries in relation to Pond 5 reflecting nonmaterial change.*

- 2.1.95 The Applicant's understanding is that this is in relation to the times and extent of wet areas of Pond 5 reflecting the non-material change.
- 2.1.96 The non-material change that resulted in the relocation of Pond 5 did not alter the geometry of the pond, but did affect its location, orientation and associated earthworks.
- 2.1.97 Therefore, the plan area of the permanent body of water within the proposed pond (Pond 5) remains as 4,600m². During a 1:1 year storm event the plan area of the water within Pond 5 remains as 8,700m² and the during a 1:100 year storm event the plan area of the water remains as 9,860m².

Action Point 21

- 2.1.98 Action Point 21 requests: *OEMP - Necessary changes particularly in respect of fencing and landscaping in light of non-material changes.*
- 2.1.99 The Outline Environmental Management Plan has been updated to reflect this change (document 6.7, Volume 6, revision B) and has been submitted as part of Deadline 7. In addition, an updated version of the Environmental Masterplan (Environmental Statement Addendum Appendix B Figure A2.4 Environmental Masterplan, Sheets 1 to 4 version C03, Sheets 5 to 6 C04, Sheet 7 C03) has been submitted as part of this Deadline 7 submission.

Action Point 22

- 2.1.100 Action Point 22 requests: *Heritage assets – submit details of assessed level of harm.*
- 2.1.101 The Applicant notes that this action point is directed to South Somerset District Council.

Action Point 23

- 2.1.102 Action Point 23 requests: *Listed milestone – Submit possible solutions to missing stone and how these could be secured in DCO.*
- 2.1.103 The Applicant has included the following additional mitigation which now makes up the second paragraph of row CH4 in Table 3.1 of the revised version of the Outline Environmental Management Plan document 6.7, Volume 6, revision B) that has been submitted as part of Deadline 7: *If the milestone is not recovered during works, consultation will be undertaken with South Somerset District Council and Historic England regarding potential mitigation. This will focus on the significance of the milestone through its function and context as a marker of the former turnpike route. Mitigation could include a record of the milestone from existing material and site survey, a replica milestone or a modern interpretation of the milestone. It should be noted that the provision of a replica or modern interpretation of the milestone will be subject to a safety assessment associated with its proposed position in the highway verge.*

Action Point 24

2.1.104 Action Point 24 requests: *Veteran tree – provide updated OEMP and ES table of errata in relation to non-material change reducing loss of veteran tree.*

2.1.105 The Outline Environmental Management Plan has been updated to reflect this change (document 6.7, Volume 6, revision B) and has been submitted as part of Deadline 7. The Environmental Statement Table of Errata has also been updated to reflect this change (document 9.2, Volume 9, revision C) and has been submitted as part of Deadline 7.

Action Point 25

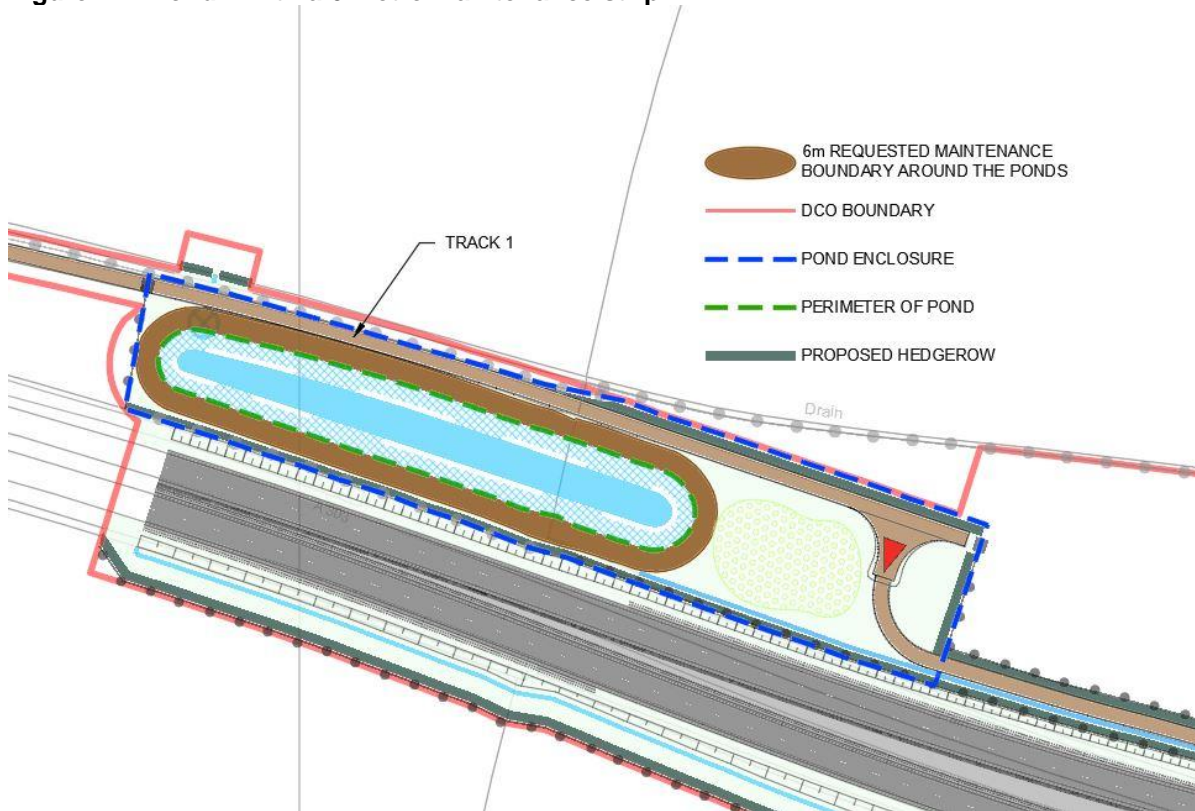
2.1.106 Action Point 25 requests: *Ponds – 6m access for maintenance. Submit plans showing where this can and cannot be met.*

2.1.107 The Applicant has reviewed the arrangement of all five pond enclosures to determine if a wider maintenance access strip could be accommodated. It has been determined that, during detailed design, it would be possible to accommodate 6m widths with minor rearrangement of the pond enclosures as described below. However, the Applicant's Operations team has confirmed that a 4m track, plus verge, is sufficient to allow them to safely maintain the ponds. As the party who will be responsible for undertaking this maintenance, the Applicant continues to advise that 6m is not required and it is entirely confident that appropriate machinery for the activities required is readily available which can be accommodated within the 4m width currently shown.

2.1.108 The term 'pond enclosure' has been used to describe the immediate part of the permanent works, normally enclosed by a proposed fence, within which the pond sits. The enclosure will include formal access tracks, drainage ditches, maintenance strips and landscape planting. Access around the perimeter of the pond will be possible if this is not impeded by physical elements such as fences, ditches and shrub / tree planting.

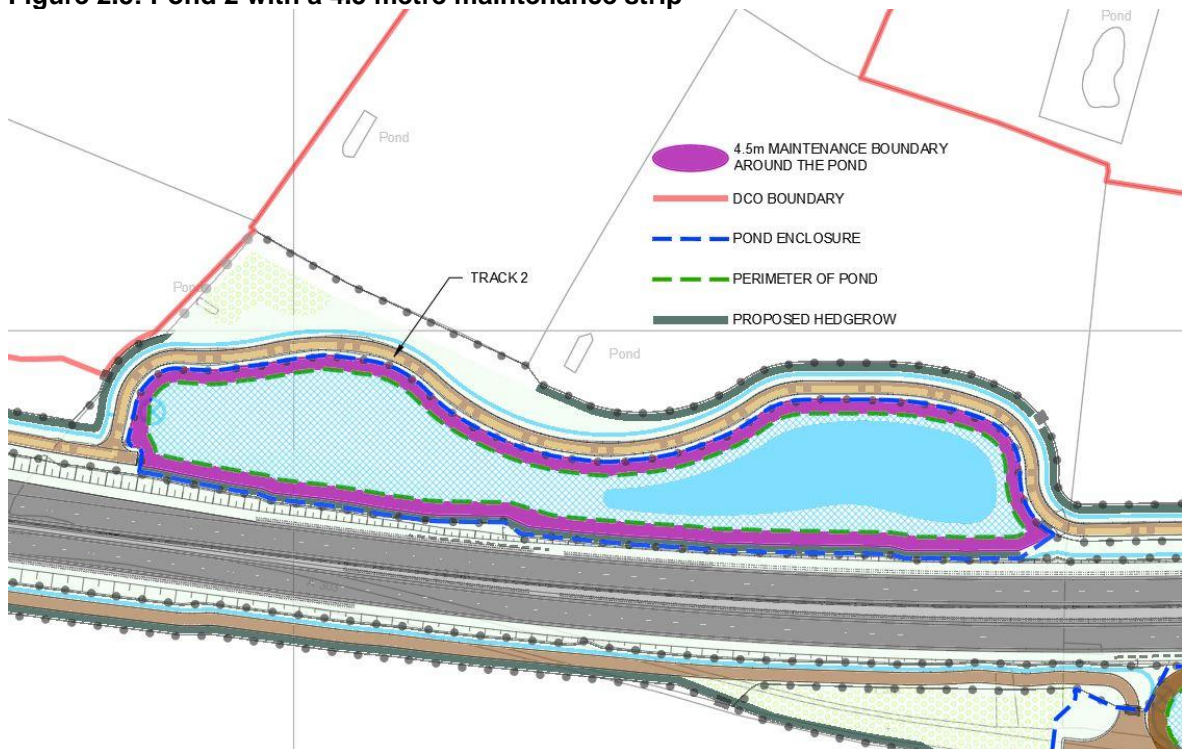
2.1.109 In the case of Pond 1, a maintenance strip of 6 metres width is not currently possible within the proposed design. However a 6 metre strip will be possible with a very minor rearrangement of elements within the pond enclosure. This includes moving the pond slightly further north and rearranging the area of planting located at the pond's eastern edge. This solution is presented in Figure 2.4.

Figure 2.4: Pond 1 with a 6 metre maintenance strip



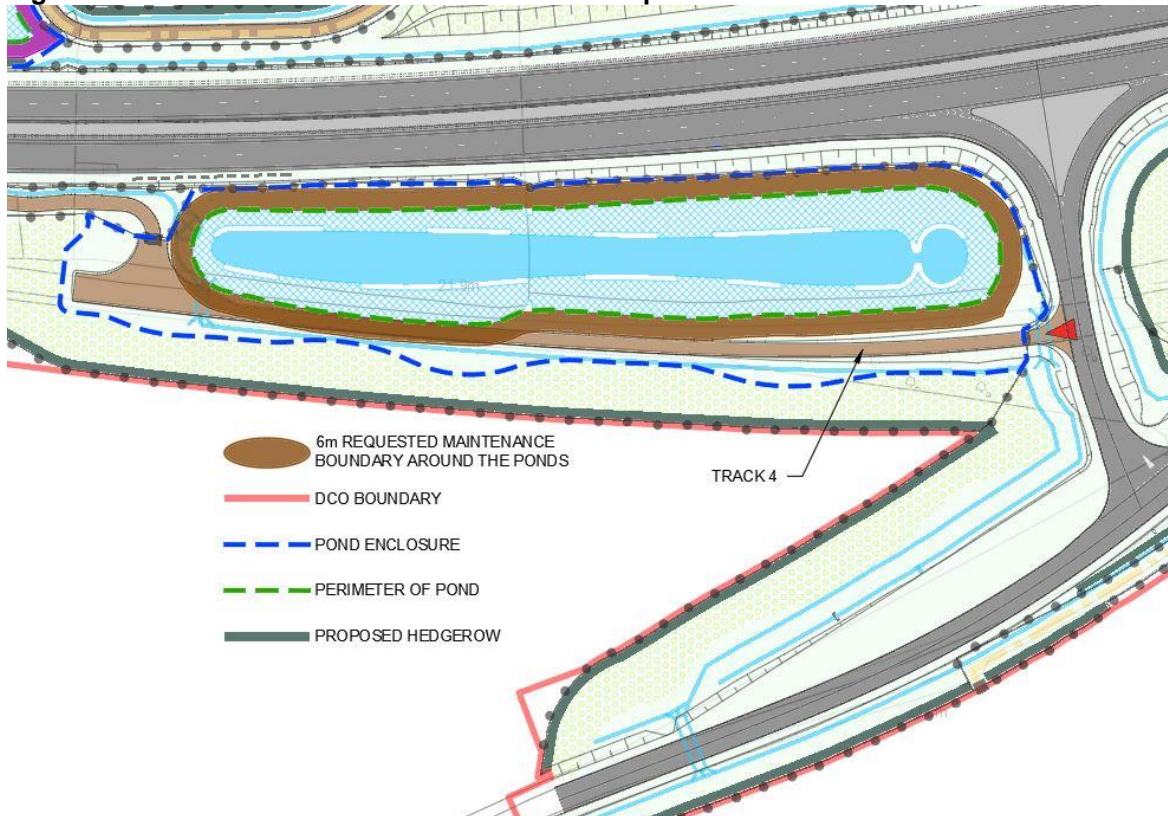
2.1.110 In the case of Pond 2 a maintenance strip of 6 metres width is not currently possible within the proposed design, and will not be possible within the limits of deviation. However with some minor re-shaping of the pond within its enclosure a strip of 4.5 metre width is possible. This solution is presented in Figure 2.5.

Figure 2.5: Pond 2 with a 4.5 metre maintenance strip



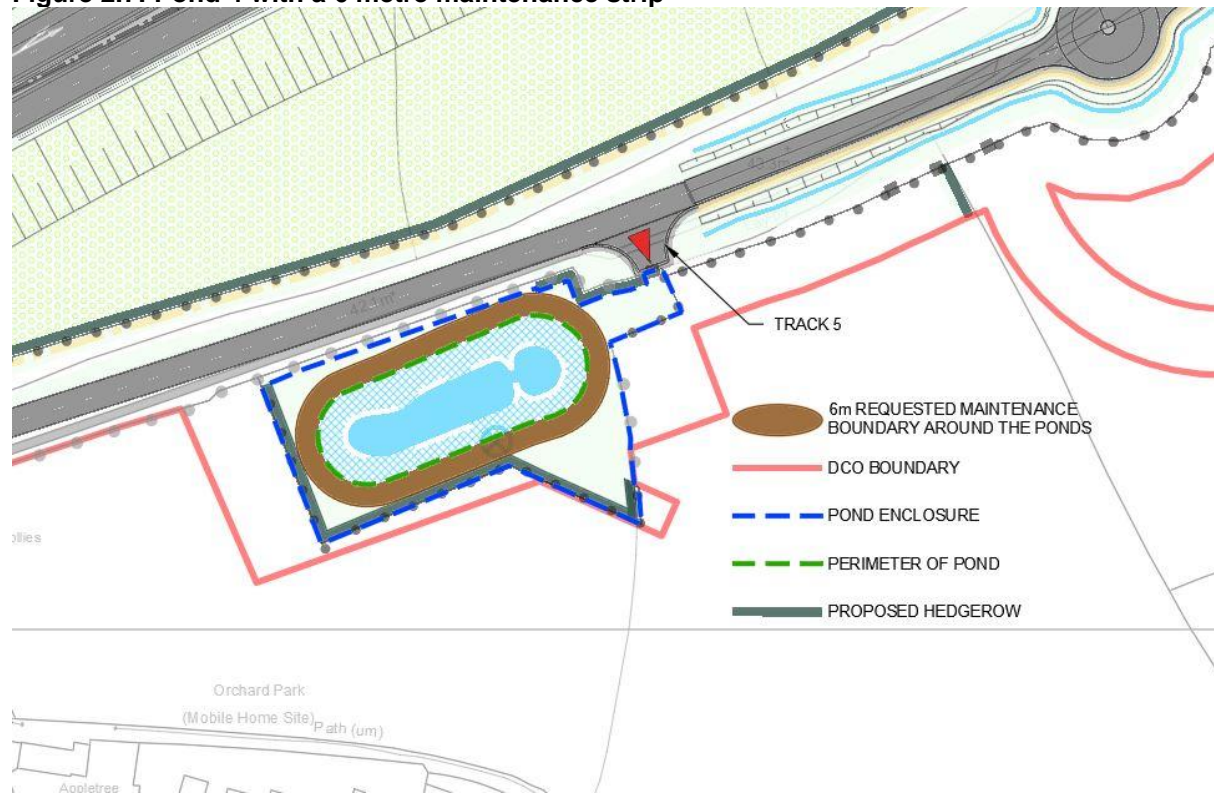
- 2.1.111 In the case of Pond 3 a maintenance strip of 6 metre width is not currently possible within the proposed design. However a 6 metre strip will be possible with a very minor rearrangement of elements within the pond enclosure. This includes moving the pond slightly further south and rearranging the fence located at the pond's north-western corner. This solution is presented in Figure 2.6.

Figure 2.6: Pond 3 with a 6 metre maintenance strip



- 2.1.112 In the case of Pond 4 a maintenance strip of 6 metre width is not currently possible within the proposed design. However a 6 metre strip will be possible by widening the area around the pond within the limits of the plot which is already proposed for permanent acquisition. This solution is presented in Figure 2.7.

Figure 2.7: Pond 4 with a 6 metre maintenance strip



2.1.113 In the case of Pond 5 a maintenance strip of 6 metre width is not currently possible within the proposed design. However a 6 metre strip will be possible with a very minor re-shaping of the pond. This solution is presented in Figure 2.8.

Figure 2.8: Pond 5 with a 6m maintenance strip



Action Point 26

2.1.114 Action Point 26 requests: *Provide information about whether increasing the maintenance access width would result in increased risk of bird strike.*

2.1.115 The Applicant is in ongoing discussions with the Defence Infrastructure Organisation (DIO) in relation to the bird strike risk. A number of measures are being discussed to ensure there is not an increased risk of bird strike as a result of the scheme, one being a proposal to densely plant the outskirts of the balancing ponds with common reed (*Phragmites australis*) which would mean the ponds would not be easily identified as waterbodies by birds in flight as they would effectively blend in with the surrounding vegetation. This would minimise the likelihood of additional birds being attracted to the area. Increasing the width of maintenance tracks around the ponds from 4 metres to 6 metres would therefore not result in an increased risk of bird strike. Such design measures will be further explored and confirmed through the detailed design process for the scheme, as agreed with the DIO.

Action Point 28

2.1.116 Action Point 28 requests: *Pepper Hill Cottage moderate/adverse effect in noise chapter of ES - Assessment of mitigation required.*

2.1.117 Using the criteria for the methodology for the assessment of operational impacts set out in Chapter 11 Noise and Vibration of the Environmental

Statement (APP-048), Pepper Hill Cottage is predicted to be subject to a minor beneficial change in the short-term and a negligible beneficial change in the long-term with the operational scheme.

- 2.1.118 The impact of construction noise is set out in Appendix 11.3 Construction Assessment for Residential Properties to the Environmental Statement (APP-092). Pepper Hill Cottage is identified as receptor R10. Table 11.10 of APP-092 shows that, without barrier mitigation, construction noise has the potential for a significant adverse effect at R10 because the noise during construction exceeds the baseline level by 5dB or more and the Significant Observable Adverse Effect Level (SOAEL) (72dB $L_{Aeq,T}$ in Table 11.5 of APP-048) is exceeded. Table 11.20 shows noise levels with barrier mitigation for R10. The criterion for potential significance relating to a 5dB increase is shown in the table but for all construction activities the noise level is below 72dB and therefore no significant adverse effect is expected.
- 2.1.119 Significant adverse effects are not therefore expected at Pepper Hill Cottage during either construction or operation of the scheme.

Action Point 29

- 2.1.120 Action Point 29 requests: *Bund 4 – Confirm position of bund and landscape effect.*
- 2.1.121 Bund 4 will be located from Howell Hill running east, and in effect will create a false cutting to aid screening of the scheme from West Camel in the south and south west. To the west of Howell Hill, the realigned A303 will fall into cutting north of the existing A303 alignment, with the exception of the realigned northern section of Howell Hill, which will run adjacent to the newly aligned A303. A proposed native hedgerow will continue the existing field / highway boundary along Howell Hill to aid integration with the local landscape and screen views of Howell Hill. In addition to the A303 being in cutting or false cutting, all earthworks will be planted with trees and shrubs to further integrate the scheme and provide additional screening value. This is indicated on the Environmental Masterplan (Environmental Statement Addendum Appendix B Figure A2.4 Environmental Masterplan, Sheets 1 to 4 version C03, Sheets 5 to 6 C04, Sheet 7 C03) which has been submitted as part of this Deadline 7 submission.
- 2.1.122 In terms of noise, the impact of the scheme with this mitigation is shown in the short-term noise change contour map (APP-134), and in the long-term noise change contour map (APP-135). In the short-term the receptors in the vicinity of Coneygore Farm, Howell Hill, are subject to $L_{A10,18h}$ increases from 0.1dB to 1.6dB, classified by DMRB as either Negligible or Minor – as set out in Table 11.8 of Chapter 11 Noise and Vibration of the Environmental Statement (APP-048). In the long-term the increases are 1.1dB to 2.5dB (classified by DMRB as negligible). In all cases the noise levels are below SOAEL and as there are no moderate or major noise increases, no significant adverse effects due to noise arise: the mitigation included in the scheme is therefore sufficient to meet the needs of the National Policy Statement for National Networks (paragraph 11.3.9 of APP-048).

Action Point 30

2.1.123 Action Point 30 requests: *Provide Flowcharts of asserted Approval process.*

2.1.124 The Applicant notes that this action point is directed to Somerset County Council.

Action Point 31

2.1.125 Action Point 31 requests: *Provide response to Applicant's note on Protective Provisions [AS-030].*

2.1.126 The Applicant notes that this action point is directed to Somerset County Council.

Action Point 32

2.1.127 Action Point 32 requests: *Provide to SCC a list of plots in Schedule 5 which will be used for the creation of highway and clarify occupation of local highway under schedule 7.*

2.1.128 A response to this action point was provided by the Applicant on 20 May 2019 (AS-034).

Action Point 33

2.1.129 Action Point 33 requests: *Submit explanation of when use of DCO powers over adjacent land would apply and any interaction with schedules 5 and 7.*

2.1.130 A response to this action point was provided by the Applicant on 20 May 2019 (AS-034).

Action Point 34

2.1.131 Action Point 34 requests: *Provide details of maintenance of drainage features to SCC.*

2.1.132 A response to this action point was provided by the Applicant on 20 May 2019 (AS-034).

Action Point 35

2.1.133 Action Point 35 requests: *Provide note on agreed position on maintenance of drainage features including minimum standards.*

2.1.134 As set out at action point 34, the Applicant provided principles and details of its drainage maintenance approach to SCC on 20 May 2019 (AS-034). These provide SCC with a detailed outline of what maintenance will be likely to be required for any assets it becomes responsible for. The Applicant has received no response to that submission from SCC and so has not been in a position to agree any standards. However, the Applicant does not consider that it is appropriate at this stage to attempt to tie either SCC or the Applicant to any particular maintenance programme or standard.

- 2.1.135 The Applicant notes that there is no practical need to agree these standards. The limits of responsibility will allocate responsibility for drainage features to the highway authority whose highway is drained by them; SCC will only be responsible for maintaining features which drain local highway as part of that highway estate. As highway authorities, both parties have legal responsibilities to ensure the safe operation of their highways; safe operation will include maintaining drainage. Both authorities are also under obligations under flood risk legislation to manage flood risk which will also require maintenance to be carried out on drainage assets. How each party maintains its drainage assets is essentially a maintenance approach decision for that authority which will determine its approach at a higher level than this project. These assets will form part of a wider programme of highway maintenance, they will not be maintained in isolation from the rest of the highway estate. The Applicant accordingly does not consider that this needs to be prescribed in the DCO.

Action Point 36

- 2.1.136 Action Point 36 requests: *Provide response to SCC's response to Applicant's note on protective provisions (Action Point 31) Including: consider need for definition of completion and how this could be addressed having regard to SCC proposal and propose alternative(s).*
- 2.1.137 A response to this action point was provided by the Applicant on 22 May 2019 (AS-038). A definition of completion has been added to the draft DCO as submitted at Deadline 7 (version 0.5)

Action Point 37

- 2.1.138 Action Point 37 requests: *Provide summary of differences on parties' positions on protective provisions and associated matters.*
- 2.1.139 A response to this action point was provided by the Applicant on 22 May 2019 (AS-038).

Action Point 38

- 2.1.140 Action Point 38 requests: *OEMP– amend wording to reflect topsoil arrangements at specific locations.*
- 2.1.141 The Outline Environmental Management Plan has been updated to reflect this change (document 6.7, Volume 6, revision B) and has been submitted as part of Deadline 7.

Action Point 39

- 2.1.142 Action Point 39 requests: *OEMP – provide schedule of changes in relation to accepted non-material change alongside updated OEMP.*
- 2.1.143 The changes that have been made in relation to the accepted non-material change reflected on the environmental masterplan (Environmental Statement Addendum Appendix B Figure A2.4 Environmental Masterplan,

Sheets 1 to 4 version C03, Sheets 5 to 6 C04, Sheet 7 C03) submitted as part of this Deadline 7 submission include the following:

- Movement of the school access drive alignment to the north allowing a new view of Hazlegrove House, and to contribute to the sense of being in a parkland by bringing the access track away from the existing woodland planting to the south.
- Movement of the Pond 5 south west and the movement of the Pond 5 access track to the west of Pond 5 allowing this to be screened from view when approaching the school, meaning that this is not a detracting feature in the historic landscape.
- Additional woodland planting to the north, ensuring woodland planting on either side of the school access drive, would allow for an increased sense of arrival within the Registered Park and Garden (RPG).
- Additional screening planting in front of the environmental barrier in between Bund 7 and 8 to reduce any adverse visual impact of this barrier.

2.1.144 No additional mitigation measures have been added to the Outline Environmental Management Plan as a result of this non-material change.

Action Point 40

2.1.145 Action Point 40 requests: *Produce report setting out changes from OEMP submitted at D5 [REP5-013].*

2.1.146 The changes that have been made to the Outline Environmental Management Plan are detailed in Table 2.2 below.

Table 2.2: Schedule of changes to Table 3.1 REAC of the OEMP since Deadline 5 (REP5-013)

Row	Mitigation included	Reason for additional information
GH7	The inclusion of GH7 detailing the following mitigation: <i>To ensure all proposed environmental mitigation retain their function notwithstanding any design amendments within the vertical and horizontal limits of deviation. This includes the heights of proposed mitigation bunds, which are tied to the height of the carriageway so that the height of the bund is always maintained in relation to the height of the carriageway. Construction to take place in accordance with the Works Plans (REP5-003) and Environmental Masterplan (APP-107) and written landscaping scheme (Requirement 5 of the DCO).</i>	Concerns from South Somerset District Council (REP6-021 at line 8) and Historic England.
CH4	The inclusion of the following additional mitigation which now makes up the second paragraph of row CH4: <i>If the milestone is not recovered during works, consultation will be undertaken with South Somerset District Council and Historic England regarding potential mitigation. This will focus on the significance of the milestone through its function and context of a marker of the former turnpike route. Mitigation could include a record of the milestone from existing material and site survey, a replica milestone or a modern interpretation of the milestone. It should be noted that the provision of a replica or modern interpretation of the milestone should be subject to a safety assessment associated with its proposed position.</i>	Including as a direct response to Action Point 23.

Row	Mitigation included	Reason for additional information
CH14	The inclusion of CH14 detailing the following mitigation measures: <i>An unexpected finds protocol will be written and implemented to deal with archaeology unexpectedly uncovered during construction, including treasure. This will set out the process of notification, recording and reporting for unexpected finds.</i>	To ensure there is a mitigation protocol in place in the event of any unexpected finds.
L4	The inclusion of L4 detailing the following mitigation measures: <i>A review of the landscape design as part of the environmental masterplan to be undertaken to ensure the retention of long-distance views from the PRow along Slate Lane looking south. It will be important to ensure that these long-distance views are designed whilst still ensuring that the landscape screening of views to the proposed Downhead Junction are retained. Consultation with South Somerset District Council's Landscape Architect to be undertaken as part of the detailed design when retaining these long-distance views is required.</i>	Included following review of South Somerset District Councils' Deadline 5 submission (REP5-033).
L5	The inclusion of L5 detailing the following mitigation measures: <i>Investigate other means of screening the proposed A303 from Camel Hill farm that would be more in keeping with the rural character, such as a stone-faced bund. Consultation with South Somerset District Council's Landscape Architect to be undertaken as part of the detailed design when designing the visual screening in this location.</i>	Included following review of South Somerset District Councils' Deadline 5 submission (REP5-033).
L6	The inclusion of L6 detailing the following mitigation measures in relation to bridge design to ensure they are in keeping with the character of the area: <i>Investigate the design of the proposed bridges at Hazlegrove and Downhead Junctions to ensure they are more reflective of the local landscape or the A303 corridor. This should be undertaken in consultation with South Somerset District Council, who have suggested the use of local stone facing panels or pier substructures.</i>	Included following review of South Somerset District Councils' Deadline 5 submission (REP5-033).
B1	The inclusion of the following additional text to the second bullet point to ensure that we possible, reduced levels of topsoil will be included: <i>Wherever it is possible for this habitat type to establish without any topsoil (dependant on the substrate beneath) none would be applied. Application of topsoil increases nutrient levels within the soil, which has a detrimental effect on species diversity and therefore it will be applied only where necessary, such as where the below substrate would not adequately support grassland habitat.</i>	Included following review of South Somerset District Council's Deadline 6 submission (REP6-022).
B2	The inclusion of the following additional text to the second bullet point to provide clarity that the mitigation proposals will be completed under a Natural England development licence: <i>The following works will be completed under a Natural England development licence.</i>	Included following review of South Somerset District Council's Deadline 6 submission (REP6-022).
B3	Removal of the installation of temporary hopovers and inclusion of the following mitigation measures: <i>Night works are not anticipated to take place along the extent of the northern haul route. Traffic along the northern haul route would occur during the following working hours: between 07:00 and 18:00 on weekdays and 07:30 and 13:00 on Saturdays. There may be a small period of time during March / October when the days are short and bats may be flying at times that vehicles are using the track but the risks of bat mortalities would be low given the short period of time concerned. A speed limit of 10 mph would be in place, which would minimise the risk of collisions.</i>	Included following review of South Somerset District Council's Deadline 6 submission (REP6-022).

Action Point 41

- 2.1.147 Action Point 41 requests: *Provide more detail in respect of LEMP content including mitigation measures to the Environmental Statement specific to the scheme with reference to relevant reports.*
- 2.1.148 Additional information has been provided to the indicative contents of the LEMP contained within Annex B.2 of the Outline Environmental Management Plan submitted as part of Deadline 7.

Action Point 42

- 2.1.149 Action Point 42 requests: *Schedule 2 add draft separate requirement securing LEMP (potential changes to ExA's suggested wording).*
- 2.1.150 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point through inclusion of a new requirement 4.
- 2.1.151 As shown in the Management Plan Approach diagram submitted by the Applicant on 22 May 2019 (AS-038), the certified OEMP sets out the scope of the CEMP and LEMP. As requested, the LEMP has been separated from the CEMP for the construction phase. The LEMP however is required to form part of the HEMP post construction as that HEMP is intended to act as a complete reference for the management obligations in the operational period. That will include the LEMP obligations which are shown in 3 sections, the construction and establishment period, the up to design year period, and permanent / ongoing obligations. The wording included in the DCO therefore follows the drafting of the CEMP requirement as the CEMP and LEMP have to come together into the HEMP.
- 2.1.152 The alignment with the CEMP requirement has necessitated some changes to the wording proposed by the Examining Authority in question 3.10.18. In particular, the Applicant has set out the matters which must be included in list format instead of body text; amended the requirement to follow the ES to remove use of the word 'reflect' given previous advice from the Examining Authority that this term is uncertain, added Natural England as a required consultee and removed the local highway authority as a consultee as landscape and ecology are not within their areas of responsibility.

Action Point 43

- 2.1.153 Action Point 43 requests: *Requirement 5 – (a) Specifically ensure landscape scheme is to be in accordance with LEMP (b) 5(c) add at end "and profiles of any proposed bunds and cuttings" (c) 5(d) add at end "and facing materials to bunds" surface facing materials of bunds.*
- 2.1.154 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point under minor amendment to the wording suggested by the Examining Authority for 5(d) to provide "surfacing or facing materials of bunds".

Action Point 44

- 2.1.155 Action Point 44 requests: *Requirement 12 – Response to analysis of paragraphs 1.41 and 1.42 of Volume 1 of DMRB on potential local approval.*
- 2.1.156 The Applicant has reviewed the contents of the Design Manual for Roads and Bridges (DMRB) and believes that the reference given above relates to document number GD01/15 “*Introduction to the Design Manual for Roads and Bridges*”. This document formed Part 2 of Section 1 of Volume 0 of the DMRB until June 2018 when it was superseded by document number GG101 as part of a wider overhaul of the DMRB (available at this link: <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol0/section1/G%20101%20Introduction%20to%20the%20Design%20Manual%20for%20Roads%20and%20Bridges%20-web.pdf>).
- 2.1.157 GG101, which has the same name and broadly the same scope as its predecessor, addresses ‘interactions with local roads’ in paragraph 2.6 by stating “*Where works that will subsequently be adopted by a local highway/road authority are to be carried out by an Overseeing Organisation, any departure applications shall first be submitted to the Overseeing Organisation*”. No other requirements are given regarding local roads in GG101. This requirement differs from GD01/15 in that it does not require that agreement regarding design is required with the adopting authority. This has been removed to reinforce to designers that liability for the design and decisions taken leading to it rests solely with them, and no other party.
- 2.1.158 It is a matter of good practice (not a specific requirement of the DMRB) that designers agree technical standards for local roads with the adopting authority, and in the case of this scheme the designer did agree all design speed and cross-sectional design standards with the local highway authority as part of the pre-application design development.
- 2.1.159 Should an immediately adjacent parallel local road have been part of the scheme, the Applicant would have agreed the design standards for it with the local highway authority in the same manner. Based on the current designer’s experience it would have been appropriate to suggest that such a road would be designed to DMRB standards, not Manual for Streets 2.

Action Point 45

- 2.1.160 Action Point 45 requests: *Requirement 12 – Potential wording for local approval mechanism for specified words.*
- 2.1.161 The Applicant notes that this action point is directed to Somerset County Council.

Action Point 46

- 2.1.162 Action Point 46 requests: *Requirement 12 – Revised wording to incorporate delivery of Signage Strategy.*

- 2.1.163 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point.

Action Point 47

- 2.1.164 Action Point 47 requests: *Submit details of how SoS notification of discharge of requirements has worked on other schemes with reference to South Somerset District Council (SSDC) request for a notification obligation on approvals under requirements.*
- 2.1.165 On other consented Highways England DCO schemes, the Secretary of State notifies Highways England of its decision on any application for discharge. There is no obligation of which the Applicant is aware for notification of any other body. Once notified by the Secretary of State, Highways England updates the project webpage with that decision, however this is done as a voluntary measure as part of Highway's England's commitment to transparency and openness, it is not a DCO requirement. That approach will be followed for this scheme as part of Highway England's business as usual.
- 2.1.166 As previously submitted, it is normal for a determining authority to notify of its decisions, not an applicant. The Applicant has proposed an amendment to schedule 2 part 2 to provide for notification to the relevant planning authority and the local highway authority as well as the Applicant.

Action Point 48

- 2.1.167 Action Point 48 requests: *Article 2 – provide definition of “relevant planning authority”.*
- 2.1.168 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point.
- 2.1.169 At Deadline 6a, the SCC response included suggested drafting for the definition of “relevant planning authority” being “means the local planning authority for the land and matter in question, being South Somerset District Council or Somerset County Council”. The SSDC response was that the relevant planning authority should be identified based on its functions. The SSDC sought that the DCO either define “SSDC” as the relevant planning authority for its functions and “SCC” as relevant planning authority for its functions and then throughout the Order refer to SSDC and SCC as appropriate, or that the relevant planning authority was defined as SSDC and SCC followed by a list of which articles and requirements relate to each authority. The Applicant considers that the SSDC suggested approach is unnecessarily complicated and risks either an omission or something being incorrectly allocated. The Applicant contacted the Councils suggesting that ‘relevant planning authority’ is retained as the term used in the DCO and the SCC definition is used. The Applicant has not received any response on this point in time to agree a definition for this submission. The Applicant has accordingly used the SCC proposed definition.

Action Point 49

- 2.1.170 Action Point 49 requests: *Article 3 – Ensure separation of Internal Drainage Board and Local Lead Flood Authority provisions and ensure appropriate consistency where necessary.*
- 2.1.171 The Applicant does not consider that Article 3 requires to be amended and suggests that this point arose in connection with requirement 13, surface water drainage (now requirement 14) and the protective provisions part 3 for the protection of drainage authorities.
- 2.1.172 Article 3 has been previously amended in response to comments from the Environment Agency.
- 2.1.173 The LLFA has been a prescribed consultee under the surface water drainage requirement in every draft of the DCO, including the application version (APP-017 p50); the Applicant is therefore not clear that there is any issue between the parties on that point.
- 2.1.174 The Applicant is aware that SCC as LLFA have requested to be added to the protective provisions part 3 for the protection of drainage authorities. The purpose of those provisions is to protect authorities into whose assets the scheme drainage connects. The original drafting therefore included the internal drainage board and the Environment Agency. Following correspondence with the EA, they advised that, as no main rivers are affected by the scheme and following amendment to Article 3, they do not need to be included in the protective provisions (REP5-028). The inconsistency in the protective provisions is accordingly the continuing inclusion of the EA, not that the LLFA are not included. This has been addressed for this deadline by deletion of the EA.
- 2.1.175 The LLFA do not require to be included in the protective provisions as they are not the party responsible for maintaining the watercourses into which the development drainage will connect, that is the Somerset Drainage Board Consortium. That body has not requested amendment to these draft provisions, see final statement of common ground (REP5-015).

Action Point 50

- 2.1.176 Action Point 50 requests: *Pond 4 – If to be maintained by Applicant then appropriate changes (dDCO and relevant drawings) to facilitate this.*
- 2.1.177 The draft DCO does not specify the detail of what works or parts of works are to be maintained by which body. The allocation of responsibility follows the responsibility for maintaining the highway which the drainage serves. The Applicant has agreed that, in line with all of the other ponds, as Pond 4 partly serves land within the strategic highway estate, it will remain with the Applicant.
- 2.1.178 The allocation of responsibility for maintenance will be set out in the limits of responsibility drawings to be approved as part of the detailed design (per requirement 13(2), previously numbered requirement 12 before the addition of the new LEMP requirement requested by the Examining Authority). The limits of responsibility drawings cannot be finalised until after the detailed

design has been produced. SCC will be consulted on these drawings before they are submitted for approval.

Action Point 51

- 2.1.179 Action Point 51 requests: *Ponds (generally) – Undertake assessment of landscape implications of amendments to reduce birdstrike risk.*
- 2.1.180 It is not considered that a change in pond design from one large to several smaller wet areas will alter the findings of Chapter 7 Landscape (APP-044) as reported in the Environmental Statement.

Action Point 52

- 2.1.181 Action Point 52 requests: *Article 5 – Provide note setting out scenarios where Traffic Regulation Orders may be required so SCC can more fully understand purpose.*
- 2.1.182 The Applicant understood this query to relate to the issue concerning the use of powers outside the red line and when it was envisaged that the TRO power may be used over local highway. A response to this action point was provided by the Applicant on 20 May 2019 (AS-034).

Action Point 53

- 2.1.183 Action Point 53 requests: *Articles 15 and 19 – include provision for consultation with SSDC at same time as applying to SCC for consent rather than via SCC.*
- 2.1.184 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point.

Action Point 54

- 2.1.185 Action Point 54 requests: *Article 16 – Amend title to include “highways”.*
- 2.1.186 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point.

Action Point 55

- 2.1.187 Action Point 55 requests: *Article 38 – Revised drafting of 38(1) to make clear subservient to 38(6) and (7).*
- 2.1.188 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point.

Action Point 56

- 2.1.189 Action Point 56 requests: *Requirements (generally) – Implementation clauses. Relevant amendments to ensure timing and completion of mitigation.*

- 2.1.190 The Applicant has proposed a new requirement (17) which would require the approval, prior to the commencement of development, of a delivery approach plan setting how and when all of the matters approved under requirements, including landscaping, noise mitigation and highway lighting, will be delivered.
- 2.1.191 It is the Applicant's position that it is wholly inappropriate to include wording within the DCO to ensure the completion of the proposed mitigation for the scheme. Requirements dealing with the completion of development are not normally included within DCOs or protective provisions. This is demonstrated by a review of the Highways England DCOs that have been confirmed to date – none of which include any provisions explicitly seeking the completion of the development or the mitigation required in connection with it.
- 2.1.192 Within each of the following DCOs there are no specific references to 'completion':
- A14 Cambridge to Huntingdon Improvement Scheme.
 - A1680/A180 Port of Immingham Improvement.
 - A19/A184 Testos Junction Improvement.
 - A19/A1058 Coast Road Junction Improvement.
 - A556 Knutsford to Bowdon Scheme.
- 2.1.193 Outside of the highways projects, none of the 5 most recent confirmed DCOs include any provision relating to the time limits for the completion of the development. These include:
- Millbrook Power Station (granted development consent on 13 March 2019)
 - Tees CCPP Station (granted development consent on 5 April 2019);
 - Tilbury 2 harbour facility (granted development consent on 20th February 2019).
 - Eggborough CCGT (granted development consent on 20 September 2018)
 - Silvertown Tunnel (granted development consent on 10 May 2018).
- 2.1.194 No aspect of the A303 Sparkford to Ilchester scheme presents any specifically different circumstances to those above which would merit a departure from the established and accepted approach.
- 2.1.195 Indeed, if such a requirement was considered appropriate, then it would have been included in The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009. The 'model provisions' include requirement wording for time limits for the commencement of the authorised development but not for completion. This is in line with planning practice under the Town & Country Planning Act 1990 under which it is common and accepted practice for conditions to be imposed setting time limits for the commencement of development but not for completion.
- 2.1.196 Paragraph 15.2 of PINS' Advice Note 15 states:

- 2.1.197 *“The law and policy relating to planning conditions², imposed on planning permissions under the TCPA1990, will generally apply when considering Requirements to be imposed in a DCO in relation to the terrestrial elements of a proposed NSIP”.*
- 2.1.198 Paragraph 55 of the National Planning Policy Framework states:
- 2.1.199 *“Planning conditions should only be imposed where they are:*
- *necessary;*
 - *relevant to planning and;*
 - *to the development to be permitted;*
 - *enforceable;*
 - *precise and;*
 - *reasonable in all other respects.”*
- 2.1.200 Government guidance on the use of conditions states that any proposed condition that fails to meet any of the 6 tests should not be used. In terms of conditions requiring development to be completed in its entirety, the guidance is clear that:
- 2.1.201 *“Conditions requiring a development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve. Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development”.*
- 2.1.202 The implementation of the scheme’s mitigation would be carried out in accordance with the suite of plans and strategies approved by the DCO – either as certified documents or under requirements – and failure to deliver in line with the approved documents / plans would be enforceable. The draft DCO contains requirements 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 which all require details to be submitted for approval and the development to be carried out in accordance with those details. In addition, the new requirement 17 (proposed at Deadline 7) will require a delivery approach plan for the construction of the authorised development to be submitted to and approved by the Secretary of State following consultation with the local highway authority and relevant planning authority. This further obviates the need for a requirement which seeks to ensure the completion of development.

Action Point 57

- 2.1.203 Action Point 57 requests: *Requirement 8(3) – Amend to include reference to “land or materials”.*
- 2.1.204 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point.

² In particular, in England, relevant paragraphs of the National Planning Policy Framework and associated Planning Practice Guidance

Action Point 58

- 2.1.205 Action Point 58 requests: *Requirement 14 – Delete subordinate clause in middle of 14(1).*
- 2.1.206 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point.

Action Point 59

- 2.1.207 Action Point 59 requests: *Schedule 1 - Removal of term “non-motorised user” from works descriptions and replace with more specific descriptions.*
- 2.1.208 The draft DCO submitted as part of Deadline 7 (version 0.5) has been updated to reflect this action point.

Action Point 60

- 2.1.209 Action Point 60 requests: *Higher Farm Lane – Suggested wording for upgrading of rights.*
- 2.1.210 The Applicant notes that this action point is directed to Somerset County Council.

Action Point 61

- 2.1.211 Action Point 61 requests: *Submit response to SCC’s suggested wording relating to unrecorded rights of way.*
- 2.1.212 The Applicant assumes that this point refers to the email received from SCC on 14 May 2019 which suggested an additional requirement as follows:
- 2.1.213 *‘Upon the recording of any higher rights in relation to applications 859M & 861M to modify the Somerset Definitive Map & Statement, the undertaker and any successor in title, shall cooperate in full to ensure that any possible right of way cul-de-sac situations are resolved without compensation or costs being sought for any dedication agreement or diversion order relating to AA-AB (861M) and BF-BM-BN-BO-BP (859M), or equivalent routes thereof. NB: In relation to AA-AB, this could change depending on any change to the proposed mitigation for Y 30/28’.*
- 2.1.214 The Applicant does not agree that this suggested requirement is appropriate, necessary or enforceable and therefore submits that it cannot form a requirement. The scheme has been prepared and should be examined on the basis of the facts and circumstances pertaining to it – not potential, uncertain future events. As set out in the response to action point 56, requirements must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 2.1.215 In seeking to force the Applicant to address future unknown events the Council is asking for the scheme to be treated differently to every other planning determination which has to be made on the facts and circumstances of the case, not conjecture. The Council’s suggestion essentially asks the Examining Authority to treat as material an

- undetermined application under a different legal regime, which may find that higher rights exist and which legal regime already adequately addresses the outcome of decisions made under it.
- 2.1.216 The requirement seeks to alter the effect of a separate legal regime under which the modifications are being considered for one landowner in one case; that cannot be done by requirement and it is not appropriate for the Council to seek it. Highways England as landowner will be required to respond to any determination of higher rights in the same way as any other landowner, to seek to treat the Applicant differently from every other landowner is unreasonable. The attempt to seek to remove the Applicant's legal rights to compensation or costs is again, entirely unreasonable as well as being unrelated to the development and unnecessary. There is no precedent cited for requirements being used to curtail a party's legal rights under a separate regime; the Applicant does not believe that such a precedent exists given that the proposed drafting cannot possibly meet the tests for a valid requirement.
- 2.1.217 The suggested wording is conditional on an unknown future event, that higher rights are found. Not only does this suggest a degree of pre-determination by the Council, but it also seeks to bind successors in title – that is not something which can lawfully be done through requirements as they do not bind the title, they run only with the consent to which they relate. The Applicant strongly objects to this on the basis that the proposed wording is contrary to law and unenforceable, and therefore cannot meet the legal tests for requirements.
- 2.1.218 The Council also submitted:
- 2.1.219 *“Proposal regarding Y30/28: Would a way forward be to accept the existence of Y 30/29 through the inclusion of it in Sch 3 or 4, ie: confirm the whole route of Y 30/29 as shown in the 1996 SRO. Given it is a route that is already shown in a statutory instrument, I understand it wouldn't need to fall within the red line in order for the DCO to actually confirm the existence of the route. The negotiation of the route in 1996, possible use since and the inclusion of it on our digital mapping would indicate there should be little opposition or change.”*
- 2.1.220 The County Council appears to be seeking to use the DCO to correct historic mistakes in its definitive mapping – that is not the function of the DCO, it is not a proper planning purpose and the Applicant objects to the proposal. The Applicant has included the bridleway in the rights of way assessments and the scheme. The Applicant has amended the revocation provision so that the small area of the route within the redline is unaffected by the Order.
- 2.1.221 The Applicant does not consider that the DCO could 'confirm' the route, that is not a power that the Applicant believes exists. The DCO would have to create the right of way as a new right of way. The Applicant does not consider that is appropriate given that affected landowners would have had no notice and no chance to make representations on that point, creation of that route is not shown on the plans and not listed in the relevant schedules and the majority of the right of way falls outside of the Order limits.

Action Point 62

- 2.1.222 Action Point 62 requests: Revocation of previous Orders – Amended wording to resolve agreed position.
- 2.1.223 The Applicant has suggested an amendment to address this point in the draft DCO submitted as part of Deadline 7 (version 0.5).

Action Point 63

- 2.1.224 Action Point 63 requests: *SCC's views on Road Safety Audit Stages 3 and 4 and need for safety net.*
- 2.1.225 The Applicant notes that this action point is directed to Somerset County Council.

Action Point 64

- 2.1.226 Action Point 64 requests: *Section 278 Agreement in relation to Podimore Road – Mechanism to secure, whether in dDCO or otherwise.*
- 2.1.227 As the Applicant advised in Issue Specific Hearing 7, it does not agree that a section 278 agreement is necessary to make the scheme acceptable in planning terms. Accordingly, the Applicant's position is that a requirement seeking to secure a S278 would not meet the necessary legal tests.
- 2.1.228 The Podimore turning head was removed from the scheme in direct response to a request to delete it from Somerset County Council. The Applicant had discussed minor works to remove the stub of the highway outside the red line with SCC, however this was outside of the DCO and, for the Applicant's purposes these works are not necessary elements to make the scheme acceptable in planning terms. If, following the change made at the explicit request of SCC, the County Council consider that works to the local highway are desirable they have the powers necessary to carry these out themselves. It is not necessary for the Applicant to do so. If these works were a necessary part of the DCO they would have been included in the red line. If they became necessary due to the deletion they would have to have been brought into the DCO or the Applicant would not have been able to agree to the SCC request.

2.2 Action Points from 23 May 2019 (EV-039)

Action Point 1

- 2.2.1 Action Point 1 requests: *Applicant to confirm that Pepper Hill Cottage, Sheira Leigh and Blue Haze are included in the noise assessment, if so where, and what the results are for these respective residential properties during construction and operation.*
- 2.2.2 The details of the construction noise are given in Appendix 11.3 Construction Assessment for Residential Properties (APP-092). Tables 11.1 to 11.10 show construction noise levels without barrier mitigation and tables 11.11. to 11.20 shows construction noise levels with barrier

mitigation. The criterion for potential significance relating to a 5dB increase is shown in these tables, however a significant adverse effect would only arise if, in addition, SOAEL was exceeded for 10 days or more days of working in 15 consecutive days or for a total number exceeding 40 in any six months (paragraph 11.4.31 of the noise chapter of the environmental statement (APP-048)). For construction noise SOAEL is 72dB in the daytime (Table 11.5 of APP-048).

- 2.2.3 The operational noise levels were reported in detail in the noise and vibration update (REP6-11).
- 2.2.4 Table 2.3 below sets out the receptor numbers used in reporting the construction and operational noise assessments and the outcome of the assessment at these locations. The assessment for operational noise compares daytime noise levels for the do-minimum opening year (i.e. without the scheme) with the do-something opening year (short-term [ST] change) and do-something design year (long-term [LT] change) and classifies these using the DMRB classification set out in Table 11.8 of APP-048 and where beneficial is a noise decrease and adverse is a noise increase.

Table 2.3: Assessment outcome at three receptor locations

Receptor	Easting [m]	Northing [m]	Construction number	Operational number	Construction assessment outcome	Operational assessment outcome
Pepper Hill Cottage	358967	125601	R10	R459	Below SOAEL with barrier mitigation so no significant effect	ST minor beneficial LT negligible beneficial
Blue Haze	358116	125469	R8	R284	Below SOAEL with barrier mitigation so no significant effect	ST minor beneficial LT negligible beneficial
Sheira Leigh	357821	125395	R6	R527	Below SOAEL with barrier mitigation so no significant effect	ST minor beneficial LT negligible beneficial

Action Point 2

- 2.2.5 Action Point 2 requests: *Applicant to update the ES Table of Errata to confirm the correct units (metres squared instead of metres cubed) within Table 12.21 of Chapter 12 People and Communities.*
- 2.2.6 The Environmental Statement Table of Errata has been updated to confirm the correct units and has been submitted as part of the Deadline 7 submission (document 9.2, Volume 9, Revision C).

Action Point 3

- 2.2.7 Action Point 3 requests: *Applicant to provide a note in relation to Table 12.21 amending the percentage of plots taken and explaining what the*

figures comprise of and how that aligns with the relevant plots listed in the Book of Reference.

2.2.8 The Environmental Statement Table of Errata has been updated to confirm the correct percentages and has been submitted as part of the Deadline 7 submission (document 9.2, Volume 9, Revision C).

2.2.9 Table 2.4 below details the land take detailed within Table 12.21 and the associated plot references within the Book of Reference.

Table 2.4: Land take detailed in Table 12.21 of APP-049 and the relevant plots listed in the Book of Reference

Significant adverse effects for private property land take (detailed in Table 12.21, APP-049)	Relevant plot references
Pepper Hill Cottage, north of the A303, opposite Gason Lane	7/4f
The Spinney, north of the A303, opposite Plowage Lane	4/3h
Hill View, private property to the south of the A303 approximately 180m west of Steart Hill	5/5a, 5/5b, 5/5c

Action Point 4

2.2.10 Action Point 4 requests: *Applicant to amend the Rights of Way and Access plans to represent the differentiation of the various types of Public Rights of Way by colour.*

2.2.11 The Applicant notes this Action Point is required for Deadline 8.

Action Point 5

2.2.12 Somerset County Council (SCC) to submit wording in relation to Requirement 13 differentiating between Local Highway Authority and the Lead Local Flood Authority, following review of paragraph 2.2.5 of the Applicant's submission on 20 May 2019.

2.2.13 The Applicant notes this Action Point is directed to Somerset County Council.

Action Point 6

2.2.14 Action Point 6 requests: Applicant to then respond at Deadline 8 in relation to SCC's wording to be submitted in response to the action point 5.

2.2.15 The Applicant notes this Action Point is required for Deadline 8.

Action Point 7

2.2.16 Action Point 7 requests: *Applicant to revise Explanatory Memorandum to clarify function and effect of Article 5(2).*

2.2.17 The draft Explanatory Memorandum submitted as part of Deadline 7 (version F) has been updated to reflect this action point.

Action Point 8

- 2.2.18 Action Point 8 requests: *SCC to respond on the proposed wording in 2.2.7 of the 22 May submission, including a list of wording to be proposed in new wording in X(2).*
- 2.2.19 The Applicant notes this Action Point is directed to Somerset County Council.

Action Point 9

- 2.2.20 Action Point 9 requests: *In relation to the definition of 'highway', in protective provisions, SCC to propose wording on what details do or do not apply in relation to Public Rights of Way.*
- 2.2.21 The Applicant notes this Action Point is directed to Somerset County Council.

Action Point 10

- 2.2.22 Action Point 10 requests: *SCC to provide a list of examples of works outside the red line boundary that they consider would be caught by the definition of 'works'.*
- 2.2.23 The Applicant notes this Action Point is directed to Somerset County Council.

Action Point 11

- 2.2.24 Action Point 11 requests: *SCC to provide alternative wording instead of conditional approval for the protective provisions.*
- 2.2.25 The Applicant notes this Action Point is directed to Somerset County Council.

Action point 12

- 2.2.26 Action Point 12 requests: *Applicant to amend Applicant's protective provisions paragraph 13 to refer to local highway authority.*
- 2.2.27 The Applicant considers that this paragraph already refers to the local highway authority and suggests that this action point actually relates to an omission of 'local' before highway; that change has been made. The Applicant notes that in the draft DCO submitted as part of Deadline 7 (version 0.5), the relevant paragraph is number 42.

Action point 13

- 2.2.28 Action Point 13 requests: *Applicant to respond on definition of completion and of single completion date.*
- 2.2.29 The Applicant has inserted a definition of 'complete' into the draft DCO submitted as part of Deadline 7 (version 0.5). The Applicant has added a new paragraph (paragraph 44) to the protective provisions part 4 which

provides that all of the local highways will be complete for the purposes of the DCO on a single date. The Applicant, having discussed the point, does not consider it practical or necessary that the whole scheme is completed on a single date. This is partly because the local highway authority is not affected by completion of trunk road works and the Applicant wishes to retain the flexibility to complete those in parts, and partly because it is inappropriate for completion of PRowS to be delayed to the end of the project. Many of the PRowS to be formed will be delivered early to act as diversions for routes which are to be closed.

Action point 14

- 2.2.30 Action Point 14 requests: *SCC to respond on wording on protective provisions paragraph 16.*
- 2.2.31 The Applicant notes this Action Point is directed to Somerset County Council.

Action Point 15

- 2.2.32 Action Point 15 requests: *Applicant to confirm wording in Schedule 7 in relation to construction of new road for plots 2/4c and 4/1c.*
- 2.2.33 Schedule 7 sets out the purposes for which land may be temporarily possessed. For the quoted plots it provides the following (detailed in Table 2.5 below):

Table 2.5: Schedule 7 wording in relation to plots 2/4c and 4/1c

(1) Plot Reference Number shown on land plans	(2) Purpose for which temporary possession may be taken	(3) Relevant part of the authorised development
2/4c	The construction of B3151 link, works to the public highway, utility diversions under the public highway	Works 16, 32 and 33
4/1c	Works associated with the closure of local road at Downhead, the construction of Downhead Turning Head, utility diversions	Works 27 and 38

- 2.2.34 The Applicant understands that this action point relates to the SCC request that clarification is provided that no new highway is formed on land possessed under Schedule 7: the Applicant has already given that clarification and set that out on a plot by plot basis in AS-034.
- 2.2.35 The Applicant notes that the descriptions in column two of Schedule 7 relate to the purposes for which possession of the plot may be taken - not the works which are to be carried out on that plot, hence why some plots list all works whereas clearly not all works will or could be constructed on them. This is the normal drafting as it relates to the explanation in the statement of reasons as to why land which is only required for the construction period is needed and what it will be used for. It is therefore normal in this table to identify numerous plots which are required for the carrying out of construction of works on adjacent land.

- 2.2.36 Plot 2/4c is the existing local highway B3151. It is understood that the query relates to the wording “construction of the B3151 link”, the Applicant submits that this is an entirely accurate description of one of the reasons why occupation is required (the others being utility diversions). Possession of this highway is necessary in order to carry out the works to create the new B3151 link as that new link has to connect into the existing highway – that work cannot be carried out without occupying the highway. The red line of this plot follows the extent of the existing highway (noting that highway legally includes verges as well as the carriageway), it is not possible to create new highway in this plot as it is all already legally highway. Possession is necessary to undertake permanent works in immediately adjacent land, which includes construction of new highway under work 16. The description in schedule 7 is accordingly accurate and any amendment would only decrease accuracy as the work for which the land requires to be occupied includes the construction of the B3151 link, the description is therefore factually and legally correct.
- 2.2.37 Plot 4/1c is the existing local highway at Downhead; again the red line of this plot follows the extent of the existing highway and it would not be physically or legally possible to create new highway on it as there is simply no land in the plot which is not already legally highway. Possession of this is required to allow the works necessary to build and connect the new highway turning head to be formed on immediately adjacent land in plot 4/4b. This highway is stopped up at the southern extent where it enters plot 4/1d, and works consequential to that stopping-up will be carried out from both sides including from plot 4/1c. As with plot 2/4c, the Applicant submits that the description in schedule 7 is accordingly accurate and any amendment would only decrease accuracy as the work for which the land requires to be occupied includes the construction of the turning head as that must, in order to be of any utility, tie into the existing highway and that work requires occupation of the existing highway.

Action Point 16

- 2.2.38 Action Point 16 requests: *Applicant to confirm ownership of A303 outside Mattia Diner to confirm ownership of land below surface of A303.*
- 2.2.39 For the section of the A303 adjacent to the Mattia Diner the freehold ownership is unregistered and therefore largely unknown. As such, and in the absence of any evidence of ownership, the legal presumption is that the adjacent land holders own to the centreline of the part of the existing highway abutting their property. Land ownership details are shown on the plan contained in Appendix A of this report.
- 2.2.40 The plan shows that Highways England would be the presumptive owner of the subsoil of parts of the existing highway but not all, and only across one half of the carriageway at various points. Areas of the freehold under the A303, including the subsoil of the eastbound carriageway would be owned by DGN limited and Sparkford Copse Trust, and two areas of the westbound carriageway would be in the ownership of John Gregory Turner. Based on the land registry information and the legal presumption, there are accordingly at least four ownerships under the area of highway concerned.

This is unsurprising and entirely consistent with the legal position that a highway authority does not have to own the freehold of a highway as the highway is vest in it by operation of law, not through landownership.

Action Point 17

- 2.2.41 Action Point 17 requests: Applicant and SCC to set out respective positions to proposed section 278 works and how these matters should be secured.
- 2.2.42 The Applicant will provide a response at Deadline 8.

Action Point 18

- 2.2.43 Action Point 18 requests: Applicant and SCC to set out position regarding the temporary possession and Compulsory Acquisition of rights and any reference to case law.
- 2.2.44 The Applicant will provide a response at Deadline 8.

Action Point 19

- 2.2.45 Action Point 19 requests: SCC to provide evidence of anti-social behaviour.
- 2.2.46 The Applicant notes this Action Point is directed to Somerset County Council.

Action point 20

- 2.2.47 Action Point 20 requests: *Applicant and SCC to submit final version of protective provisions pursuant to their case.*
- 2.2.48 The Applicant has included its final version of the protective provisions in schedule 8 of the draft DCO submitted as part of Deadline 7 (version 0.5).

3 Additional responses for Deadline 7

3.1 The Applicant's comments on the Report on the Implications for European Sites (RIES)

3.1.1 The Applicant has reviewed the published RIES (PD-015) issued by the Examining Authority on 16 April 2019 and can confirm that they are in agreement with the findings of the report and have no further comments.

3.2 The Applicant's responses to SSDC's comments on the Mitigation Route Map

3.2.1 Table 3.1 below details how South Somerset District Council's comments on the mitigation route map have been addressed.

Table 3.1: Applicant's responses to SSDC's comments on the Mitigation Route Map

South Somerset District Council Comment (REP6-022) on the Mitigation Route Map ()	Applicant's response
2 nd bullet: suggest that 'Minimal topsoil' is replaced with 'no topsoil' or 'top soil inverted with subsoil'.	The inclusion of the following additional text to the second bullet point of Row B1 of the OEMP (document 6.7, Volume 6, revision B) and Mitigation Route Map (document 9.21, Volume 9, revision B) to ensure that where possible, reduced levels of topsoil will be included: <i>Wherever it is possible for this habitat type to establish without any topsoil (dependant on the substrate beneath), none would be applied. Application of topsoil increases nutrient levels within the soil, which has a detrimental effect on species diversity and therefore it will be applied only where necessary, such as where the below substrate would not adequately support grassland habitat.</i>
A Development Licence is required from Natural England under the Protection of Badgers Act 1992.	The inclusion of the following additional text to the second bullet point of Row B2 of the OEMP (document 6.7, Volume 6, revision B) and Mitigation Route Map (document 9.21, Volume 9, revision B) to provide clarity that the mitigation proposals will be completed under a Natural England development licence: <i>The following works will be completed under a Natural England development licence.</i>
Depending on the distance between trees, hop overs would be ineffective for some species as they are likely to immediately drop to ground level once in the open gap. Planted tubs between the two points should be considered at night and removed in the morning when access is required.	Removal of the installation of temporary hopovers and inclusion of the following mitigation measures in row B3 of the OEMP (document 6.7, Volume 6, revision B) and Mitigation Route Map (document 9.21, Volume 9, revision B): <i>Night works are not anticipated to take place along the extent of the northern haul route. Traffic along the northern haul route would occur during the following working hours: between 07:00 and 18:00 on weekdays and 07:30 and 13:00 on Saturdays. There may be a small period of time during March / October when the days are short and bats may be flying at times that vehicles are using the track but the risks of bat mortalities would be low given the</i>

South Somerset District Council Comment (REP6-022) on the Mitigation Route Map ()	Applicant's response
	<i>short period of time concerned. A speed limit of 10 mph would be in place, which would minimise the risk of collisions.</i>
Suggest adding that vegetation to be cleared is checked by a licensed dormouse ecologist prior to removal. If found, an EPS licence would be required.	No updates to the OEMP or Mitigation Route Map have been made as the dDCO at Requirement 10 states that ' <i>no part of the authorised development may be undertaken unless the ecological effects are supervised by an appropriately qualified person appointed by the undertaker, which person may be the Ecological Clerk of Works. In the event that any protected or priority species which were not previously identified in the environmental statement 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</i> '.
A Badger underpass is not mentioned.	Bait marking surveys showed that badgers were only crossing the A303 at one location and this was where the tunnel was proposed. There is no requirement for a badger underpass / tunnel within Hazlegrove House Registered Park and Garden.
The Barn Owl Trust recommends: <ul style="list-style-type: none"> Plant high hedges or lines of closely-spaced trees next to the road surface on both sides. Or, plant trees 3-4 metres back from the road-edge and allow the side branches to reach within 1 metre of the road surface. 	No amendments to the OEMP or Mitigation Route Map have been made as the Applicant considers this an aspect associated with the Detailed Design of the scheme.
Hedgerows need to be planted so that there is enhancement not merely an equivalent. For example, frequent trees and diverse species. Operational management will determine value following construction, e.g. need to be tall, wide and bushy.	There is a net loss of hedgerow length of 91.91 metres. However, 30% of hedgerow to be lost comprise 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.
Details of the physical dimensions of the noise bund or any other barriers that are required to mitigate the noise impact at the two noise sensitive properties – The Spinney and Annis Hill Farm should be provided. It is important that SSDC understands this mitigation so that we can ensure the design implementation is completed.	Details of the physical dimensions of the noise mitigation for The Spinney and Annis Hill are detailed within paragraphs 2.5.159 to 2.5.167 and Figure 2.20 of Chapter 2 The Scheme of the Environmental Statement (APP-039).

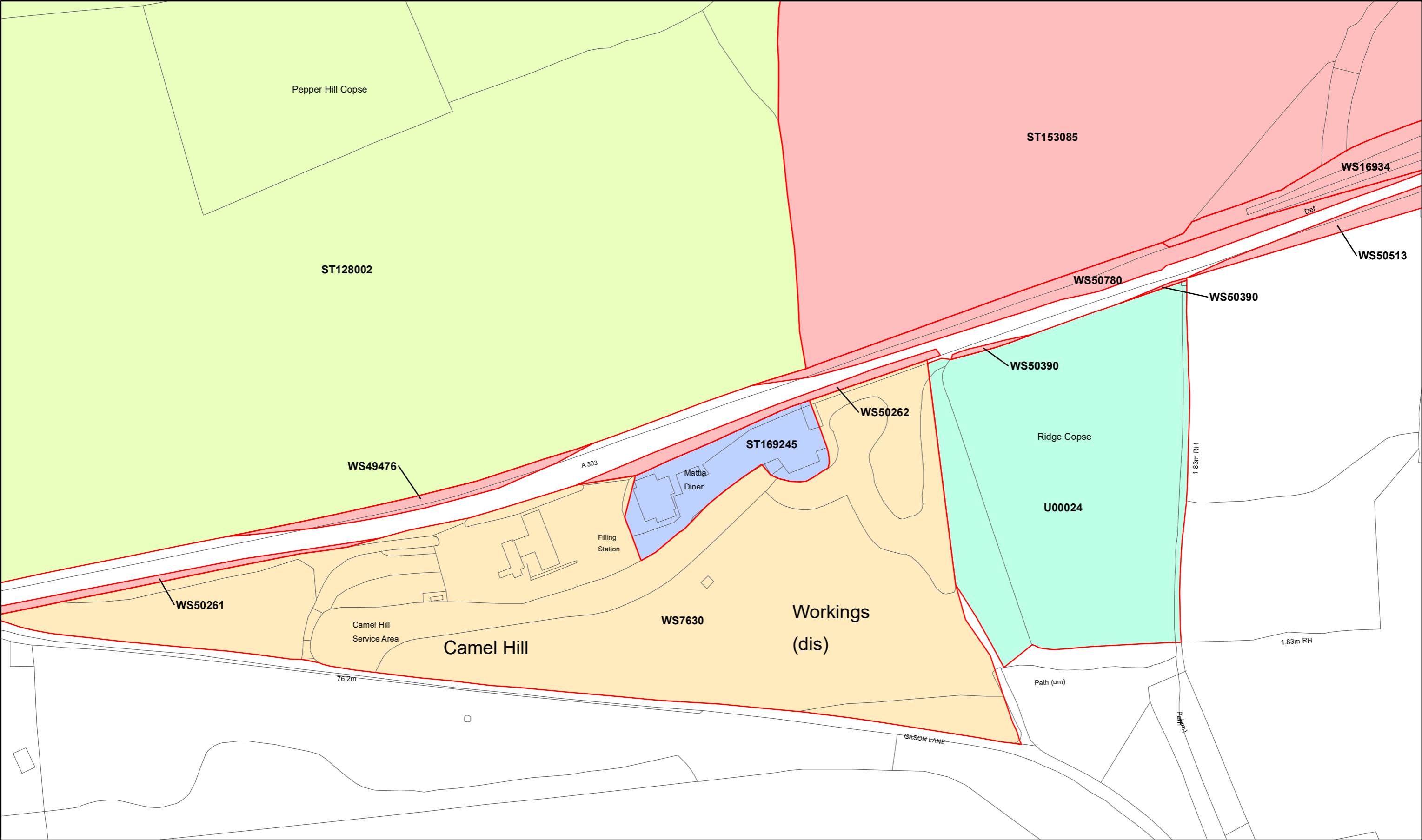
3.3 Statement of Common Ground Progress Update

3.3.1 Table 3.2 below provides a summary of the Applicant's progress with the remaining Statements of Common Ground (SOCG) that are still to be finalised as part of the DCO Examination.

Table 3.2: SOCG progress update

Statement of Common Ground	Progress update	Anticipated submission of final version
Somerset County Council and South Somerset District Council	Outstanding items still being discussed with Somerset County Council and South Somerset District Council	Submission of signed version by Deadline 8.
Parish Council	Awaiting final comments from the Parish Councils.	Submission of signed version as soon as possible after Deadline 7.
Defence Infrastructure Organisation (DIO)	Discussions with the DIO are ongoing. A meeting is scheduled between the Applicant and the DIO on Thursday 31 May 2019 to finalise the SOCG.	Submission of signed version as soon as possible after Deadline 7.
Church Commissioners	Discussions with the Church Commissioners are ongoing.	Submission for Deadline 8.
Historic England	Discussions with Historic England have taken place over the last few weeks.	Submission of signed version as soon as possible after Deadline 7.
Sky SOCG	Discussions with Sky are ongoing.	Submission of signed version as soon as possible after Deadline 7.
SSE SOCG	Discussions with SSE are ongoing.	Submission of signed version as soon as possible after Deadline 7.
Virgin Media SOCG	Discussions with Virgin Media are ongoing.	Submission of signed version as soon as possible after Deadline 7.
Wessex Water SOCG	Discussions with Wessex Water are ongoing.	Submission of signed version as part of Deadline 7.
Mr and Mrs Walton	Discussions with Mr and Mrs Walton are ongoing.	Submission of signed version as soon as possible after Deadline 7.

Appendix A: Plan to support response to Action Point 16



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Date: 29/05/2019