

# A303 Sparkford to Ilchester Dualling Scheme TR010036

## 9.10 Table of Amendments to the Draft Development Consent Order Revision 0.4 to Revision 0.5 as Submitted At Deadline 7

June 2019



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Table of Amendments

	<b>Section/ Paragraph</b>	<b>Proposed amendments</b>	<b>Reason for proposed amendments</b>
1	Article 2 Definitions  New definition “complete”	<u>“complete” in relation to any works to highways under this Order means the date upon which the relevant part of the classification of roads under this Order takes effect or a public right of way on foot, by bicycle or with horses is created, which classification or creation of public rights may not take effect unless and until all works to the relevant section or part of the highway have been carried out in accordance with approved detailed design, the highway is open to public use and in the case of vehicular highways, the highway has been subject to road safety audit stage 3 and any works to be carried out as a consequence of that audit have been completed; and “completed” is to be construed accordingly.</u>	The principle of this addition was agreed in discussion in the May hearings. The Applicant does not accept the wording proposed by SCC and proposed the wording set out in this amendment.
2	Article 2 Definitions  New definition “exempt vehicles”	<u>“exempt vehicles” means: vehicles being used for the conveyance of goods or merchandise to or from any premises only reasonably accessible from the highway to which the restriction applies; vehicles being used in conjunction with any building operation or demolition on land in or adjacent to the highway to which the restriction applies; vehicles being used for the laying, erection, alteration or repair on land adjacent to the highway to which the restriction applies of any apparatus; a vehicle being used by the emergency services or on behalf of a local authority; and a bus.</u>	This term is used in schedule 3 Part 8, traffic regulation measures (weight restrictions). The drafting of the definition reflects that in the 2007 weight restriction order which is revoked under part 10
3	Article 2 Definitions	A definition has been inserted as follows:	At deadline 6a the SCC response includes suggested drafting for the definition of “relevant

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	New definition “relevant planning authority”	means the local planning authority for the land and matter in question, being South Somerset District Council or Somerset County Council	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 has accordingly used the SCC proposed definition.
4	Article 5(2)	Any enactment applying to land within <del>or adjacent to</del> the Order limits <u>or adjacent land</u> has effect subject to the provisions of this Order.	For consistency with the defined term ‘adjacent land’.
5	Article 13(4)(b)	any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that de-trunking must, unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of the local highway authority from the date of <del>de-</del> <u>trunking completion</u> .	The new definition of ‘complete’ includes the taking effect of the classification of roads provisions which would include detrunking but also includes the carrying out of works required by RSA 3 and that the highway is open to public use.

	<b>Section/ Paragraph</b>	<b>Proposed amendments</b>	<b>Reason for proposed amendments</b>
6	Article 14	Deletion of 'and open to traffic' in (3) and (4)	This is now included within the definition of complete and therefore covered by the drafting that roads must be completed.
7	Article 15(7)	The <del>street authority or local highway authority</del> <u>undertaker</u> will consult South Somerset District Council before <del>issuing or refusing</del> <u>seeking</u> any consent under this article.	These changes have been made pursuant to SSDC's request that it is consulted before consent is sought from SCC, not by SCC when considering whether to grant consent.
8	Article 19 (8), (12)	(8) Before exercising the powers conferred by paragraph <b>Error! Reference source not found.</b> the undertaker must consult <del>such</del> <u>South Somerset District Council and such other</u> persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.  <del>(12) The traffic authority will consult South Somerset District Council before issuing or refusing any consent under this article.</del>	
9	Article 38	—a) <del>The</del> <u>Subject to paragraphs (6) and (7) of this article, the</u> undertaker may fell or lop any tree or shrub, or cut back its roots...	In response to the Examining Authority's request.
10	Schedule 1 Work 5	<b>Work No.5</b> – Works associated with the closure of the existing slip road from the A303, shown on sheet 1 of the works plans between points G and H. <del>To include;</del>  <del>(a) Construction of the 'Podimore Turning Head'.</del>	Following acceptance of the non-material change this turning head has been removed from the scheme.

	<b>Section/ Paragraph</b>	<b>Proposed amendments</b>	<b>Reason for proposed amendments</b>
11	Schedule 1  Work 93	<p><b>Work No.93</b> – Works to the existing Hazlegrove Roundabout, shown on sheet 4 of the works plans. To include;</p> <ul style="list-style-type: none"> <li>(a) Removal of redundant traffic signs.</li> <li>(b) Modification of road markings.</li> <li>(c) Modification of splitter islands to accommodate <del>non-motorised user route</del><u>public right of way</u>.</li> <li>(d) Provision of a <del>NMU</del><u>right of way</u> facility around the southern and western perimeter of the roundabout.</li> </ul>	Amended to remove the term non-motorised user as agreed in the hearings in May 2019.
12	Schedule 1  Item (g)	(c) creation and removal of ramps, means of access, <del>non-motorised links</del> , footpaths, cycle tracks, bridleways and crossing facilities, including the hard surfacing of ways;	
13	Schedule 2 part 1 Requirements, definition of HEMP	Addition of " <u>and the ongoing commitments and obligations in the LEMP;</u> "	To reflect the changes made to the requirements consequential to the Examining Authority's request to insert a new LEMP requirement.
14	Schedule 2 part 1 Requirements, requirement 3	<p>Minor amendments to refer to the CEMP section of the OEMP and the relevant parts of the ES as some measures will be separately addressed in the LEMP which no longer forms part of the CEMP.</p> <p>Minor amendments to the HEMP provisions to require that the now separated LEMP is included in the HEMP.</p>	

	<b>Section/ Paragraph</b>	<b>Proposed amendments</b>	<b>Reason for proposed amendments</b>
15	Schedule 2 part 1 Requirements, new requirement 4	A new requirement for the Landscape and ecological management plan has been inserted.  The following requirements have been renumbered accordingly.	In response to the Examining Authority's request to insert a new LEMP requirement.
16	Schedule 2 part 1 Requirements, requirement 6(4)	The landscaping scheme prepared under subparagraph <b>Error! Reference source not found.</b> must be based on the environmental statement and the results of the surveys undertaken under subparagraph <b>Error! Reference source not found.</b> , <a href="#">and must be in accordance with the LEMP.</a>	To require the landscaping to have regard to the LEMP as agreed in the May hearings.
17	Schedule 2 part 1 Requirements, requirement 6(5)(c) and (d)	(d) proposed finished ground levels <a href="#">and profiles of any proposed bunds and cuttings</a> ;  (e) hard surfacing materials, including surfacing of access tracks and roads <a href="#">and surfacing or facing materials of bunds</a> ;	As requested by the Examining Authority.
18	Schedule 2 part 1 Requirements, requirement 9(3)	In the event that contaminated <a href="#">land or</a> material, including	As requested by the Examining Authority.
19	Schedule 2 part 1 Requirements, requirement 13(2)	Addition of <a href="#">a signage strategy for the authorised development</a> to the matters which must be submitted for approval as part of the detailed design.	As requested by the Examining Authority.
20	Schedule 2 part 1 Requirements, requirement 15	(1) No part of the authorised development is to commence until written details of proposed noise mitigation in respect of the use and operation of that	As requested by the Examining Authority.

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		<p>part of the authorised development, <del>including noise barriers and any low noise surfacing</del>, have been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.</p>	
21	Schedule 2 part 1 Requirements, new requirement 17	<p><u>Delivery approach plan</u></p> <p><u>17. (1) (1) No part of the authorised development is to commence until a delivery approach plan for the construction of the authorised development has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority and relevant planning authority. The delivery approach plan must set how the authorised development will be delivered to ensure that mitigation works will be in place at the point when the works for which that mitigation is required are completed, which mitigation works includes but are not limited to;</u></p> <p><u>(a) the landscaping approved under requirements 6 and 7;</u></p> <p><u>(b) the surface water drainage approved under requirement 14;</u></p> <p><u>(c) the noise mitigation approved under requirement 15; and</u></p> <p><u>(d) the highway lighting approved under requirement 16.</u></p> <p><u>(2) Where any requirement refers to any part of the authorised development and discharge is sought for a</u></p>	Added to the DCO in response to action point 56.



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		<u>part, the delivery approach plan must set out how that part fits into the overall plan and why it is appropriate for that part to commence as a part.</u>					
22	Schedule 3 parts 5 and 6	Deletion of references to Podimore turning head.	Following acceptance of the non-material change this turning head has been removed from the scheme.				
23	Schedule 3 part 10	Amendments: <table border="1"> <tr> <td>Yeovilton West Camel Queen Camel Sparkford</td> <td>A303</td> <td>Sparkford to Ilchester improvement and slip roads Side Roads Order 1996</td> <td>To be revoked in so far as it is in force and within the Order limits, <u>under exception of the bridleway lying to the north of track 1 and shown as a dashed green line on sheet 1 of the rights of way and access plans and marked as Bridleway Y30/29, which</u></td> </tr> </table>	Yeovilton West Camel Queen Camel Sparkford	A303	Sparkford to Ilchester improvement and slip roads Side Roads Order 1996	To be revoked in so far as it is in force and within the Order limits, <u>under exception of the bridleway lying to the north of track 1 and shown as a dashed green line on sheet 1 of the rights of way and access plans and marked as Bridleway Y30/29, which</u>	In order to exclude the short area of bridleway which falls within the red line from revocation.
Yeovilton West Camel Queen Camel Sparkford	A303	Sparkford to Ilchester improvement and slip roads Side Roads Order 1996	To be revoked in so far as it is in force and within the Order limits, <u>under exception of the bridleway lying to the north of track 1 and shown as a dashed green line on sheet 1 of the rights of way and access plans and marked as Bridleway Y30/29, which</u>				

	Section/ Paragraph	Proposed amendments				Reason for proposed amendments
					<a href="#">bridleway is not revoked.</a>	
24	Schedule 3 part 10	Addition of new revocation of <a href="#">The County Council of Somerset (Bridgehampton and West Camel) (Weight Restriction) Order 2007</a>				This was omitted from previous drafts.
25	Schedule 3 part 10 Schedule 4 parts 2 and 5	Various amendments				A number of amendments and corrections have been made to the descriptions in this part following acceptance of the material change and a consistency review.
26	Schedule 5 Plot 1/2b	<p>Column 2</p> <p><del>To designate the road to be formed on the plot as public highway open to vehicular traffic.</del></p> <p><del>To transfer responsibility for maintenance of the public highway so designated to Somerset County Council.</del>  <a href="#">To plant and maintain hedgerows and undertake and maintain landscaping.</a></p>				Following acceptance of the non-material change, it is no longer proposed to construct highway on this plot.
27	Schedule 5 Schedule Plot 1/5a	Deletion of plot 1/5a from schedule 5 and inclusion in schedule 7				Following acceptance of the non-material change, it is no longer proposed to construct highway on this plot. Permanent rights are no longer required on this plot and it has been moved to schedule 7.
28	Schedule 5 Plot 7/7a	Deletion of plot 7/7a				Following acceptance of the non-material change, it is no longer proposed to construct a right of way on this plot.
29	Schedule 5 Plot 7/7c	Amendment of plot 7/7c				This has been amended to remove the footpath element but retain the small area at the north end of

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			the plot which is necessary to allow connection into the highway to be formed on plot 7/7d.
30	Schedule 7  Plot 7/5c	Addition of plot 7/5c	Following acceptance of the non-material change this plot has been added to schedule 7.
31	Schedule 8 part 3	Deletion of references to the Environment Agency	As set out in the Environment Agency's submission at deadline 5, their inclusion is no longer required given the agreement reached on Article 3.
32	Schedule 8 part 4	The Applicant has inserted its protective provisions as advised to the Examining Authority before the May hearings under amendment.  Amendments include a provision (paragraph 44) that all of the local highways works will be completed for the purposes of the DCO on a single date.	The Applicant considers that the completion of all of the local highway should be provided for in this section as it only relates to vehicular highways – the PRoWs will be completed sooner in many cases as they are required as diversions earlier in the process.
33	Schedule 8 part 5	New part for the protection of the local highway authority as regards non-vehicular highways (public rights of way)	The Applicant maintains its position as expressed in the May hearings that application of the part 4 protective provisions to public rights of way is disproportionate and will in most cases be practically inapplicable. The Applicant does agree that a few points could be usefully addressed and has added this part to do that in a proportionate manner.