

## A303 Sparkford to Ilchester Dualling Scheme TR010036

### 9.44 Submission in response to the Secretary of State's letter dated 21 July 2020

Planning Act 2008

August 2020



## Infrastructure Planning

Planning Act 2008

# A303 Sparkford to Ilchester Dualling Scheme

Development Consent Order 202[X ]

---

**Submission in response to the Secretary of State's letter  
dated 21 July 2020**

---

<b>Regulation Number:</b>	
<b>Planning Inspectorate Scheme Reference</b>	TR010036
<b>Application Document Reference</b>	9.44
<b>Author:</b>	A303 Sparkford to Ilchester Dualling Scheme: Highways England Project Team

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev A	August 2020	Submission to the Secretary of State

## Table of Contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
<b>2</b>	<b>Birdstrike</b>	<b>2</b>
2.2	rDCO drafting	4
<b>3</b>	<b>Non-Motorised Users – Eastmead Lane (Higher Farm Lane Overbridge)</b>	<b>6</b>
3.1	Introduction	6
3.2	Summary	6
3.3	The Applicant's proposal	6
3.4	Examining Authority proposal	8
3.5	Existing north-south bridleway connections	8
3.6	Conclusion	15
3.7	rDCO drafting requirement 17: Provision of non-motorised user route at western end	16
<b>4</b>	<b>Non-Motorised Users – Traits Lane to Gason Lane (Crown Land)</b>	<b>17</b>
4.1	Summary	17
4.2	The two original alternatives	17
4.3	Examining Authority position	19
4.4	Response to Examining Authority report	20
4.5	Conclusion	20
4.6	rDCO	21
<b>5</b>	<b>Non-Motorised Users - Hazlegrove Underbridge</b>	<b>22</b>
5.1	Summary	22
5.2	Examining Authority Recommendation	22
5.3	Applicant's overall case	23
5.4	Illumination of the NMU route through the underbridge	24
5.5	Lighting of approaches	26
5.6	Delivery of a safe lighting scheme	27
5.7	Indicative lighting design	27
5.8	High-level environmental assessment	28
5.9	Conclusion for Hazlegrove Underbridge	32
5.10	Lighting both Hazlegrove Underbridge and approaches and the de-trunked local road	33
5.11	rDCO changes	35
<b>6</b>	<b>Socio-Economic Effects on De-Trunked Road</b>	<b>36</b>
6.1	Summary	36
6.2	The Applicant's case	37
6.3	Mitigation actions in the absence of the requested parallel local road	44
6.4	Conclusion	51
6.5	rDCO drafting	51
<b>7</b>	<b>Turning Heads</b>	<b>53</b>
7.1	The application and Applicant's case in front of Examination	53
7.2	Delivery where compulsory acquisition of permanent rights is not included in DCO	54
7.3	Development Consent	54
7.4	Delivery by agreement	55
7.5	Delivery by Material Change to the DCO	56
7.6	Proposals for Temporary Arrangements	57
7.7	Delivery of temporary measures	61

<b>7.8</b>	<b>rDCO drafting</b>	<b>61</b>
<b>7.9</b>	<b>Conclusion</b>	<b>62</b>
<b>Annex A:</b>	<b>Correspondence log with the Defence Infrastructure Organisation</b>	<b>63</b>
<b>Annex B:</b>	<b>Meeting minutes with the Defence Infrastructure Organisation</b>	<b>67</b>
<b>Annex C:</b>	<b>Applicant's proposed Section 278 Agreement for Higher Farm Lane</b>	<b>68</b>
<b>Annex D:</b>	<b>Letter received from the Defence Infrastructure Organisation 11 August 2020</b>	<b>69</b>
<b>Annex E:</b>	<b>Indicative Highways Lighting Design Drawings</b>	<b>70</b>
<b>Annex F:</b>	<b>Revised Signage Strategy and Signage Drawings</b>	<b>71</b>

# 1 Introduction

1.1.1 This submission responds to the requests for information set out in the Secretary of State's letter of 21 July 2020. It is set out in six parts:

- Chapter 2: Addresses the issues around the proposed balancing ponds and the measures required to satisfy the Defence Infrastructure Organisation that the scheme would not result in an increased risk of birdstrike. As part of this response, the Applicant also submits an amended version of the Outline Environmental Management Plan (OEMP) (Revision C) which has been updated to add a bird hazard management section in response to the issues raised.
- Chapter 3: Sets out the Applicant's response on the Non-Motorised User (NMU) route at Eastmead Lane and the requested information regarding the deliverability of a bridleway route using Higher Farm Lane.
- Chapter 4: Responds to the request for information to allow the Secretary of State to determine whether a requirement to provide a bridleway between Traits Lane and Gason Lane would be deliverable.
- Chapter 5: Provides further information relating to the proposal to light Hazlegrove Underbridge, explains why the Applicant cannot agree that lighting can be provided only for NMUs and not for motorised users, and includes a preliminary high-level environmental assessment of the impacts of providing lighting.
- Chapter 6: Addresses the points raised on the socio-economic effects on the de-trunked highway at the Hazlegrove roundabout. This part provides the response to the Secretary of State request for further information as to whether the Applicant is able to secure the delivery of a parallel road along the retained parts of the A303 de-trunked section and, if so, the extent to which such a parallel road would address the negative impacts identified by the Examining Authority, such as the risk of anti-social behaviour and the impact on local businesses such as the Mattia Diner and filling station.
- Chapter 7: Addresses the delivery of the turning head proposed through acquisition of permanent rights, explains that this is not proposed only through temporary possession, and sets out how the scheme can be delivered where the Secretary of State is not minded to grant the powers of compulsory acquisition sought.

1.1.2 The Applicant hopes that this response will be sufficient for the Secretary of State to decide to grant the application.

1.1.3 The Applicant would be happy to provide any further information which the Secretary of State may require having considered this response.

## 2 Birdstrike

- 2.1.1 The Applicant notes that the Secretary of State is seeking further information<sup>1</sup> regarding the potential scope of a Bird Hazard Management Plan (BHMP), the extent to which it would address the Defence Infrastructure Organisation's concerns around birdstrike, and confirmation that any changes proposed to the design of the ponds as part of the BHMP would be consistent with the Environmental Statement (ES) and drainage strategy.
- 2.1.2 The Applicant proposes revisions to requirement 3 of the rDCO to add a BHMP to the plans required as part of the Construction Environmental Management Plan (CEMP) and Handover Environmental Management Plan (HEMP). To requirement 3 and 12, the Defence Infrastructure Organisation is added as a required consultee. The Secretary of State will be provided with the consultee's comments and a report explaining how the Applicant responded to them as part of the discharge of requirements 3 and 12 (as set out in requirement 5). No works can commence until requirement 3 has been discharged, providing certainty to the Secretary of State that the details of the hazard management will be resolved prior to commencement. The Applicant has prepared and added a new bird hazard management section to the OEMP. The amended OEMP has been discussed with the Defence Infrastructure Organisation and a revised copy (Revision C) is submitted along with this submission.
- 2.1.3 The Applicant has been in contact with Defence Infrastructure Organisation Safeguarding regarding the detailed design of the ponds since 2018; the latest correspondence tracker is contained within Annex A of this report. Current discussions are focused on points of detail, not the principles of having ponds in the required locations. No design points which would require amendment of the drainage strategy or which would conflict with the ES have been requested by the Defence Infrastructure Organisation. The Applicant understand that the Defence Infrastructure Organisation is happy that the detailed design points and construction phase measures can be adequately addressed through detailed design and the CEMP. The Applicant is also proposing that Bird Hazard Management measures for the operational phase would be included in the HEMP to secure these in the long-term. The Defence Infrastructure Organisation has indicated that they would prefer a contractual arrangement for the operational phase, to which the Applicant is willing to agree in principle. Discussions on the form of that agreement are ongoing.
- 2.1.4 The Applicant prepared a Birdstrike Hazard Review to identify the issues to be addressed and inform the detailed design discussions. That identifies a number of measures to prevent the ponds becoming attractive to birds which includes that all pond areas should be designed to achieve the following requirements:
- Bank gradient – A gradient of 1:4 would deter bird access and enable the establishment of the aquatic planting required to cover the surface of the ponds.

---

<sup>1</sup> Paragraph numbers 11 to 14 of the Secretary of State's letter dated 21 July 2020.

- Bank profile – Banks would feature a 1-metre-wide ledge below the water surface at a depth of 0.15 metres for the placing of the coir pallets.
- Depth of pond – A maximum depth of 300 millimetres is required to enable marginal plants to thrive. The species mix has yet to be determined but would include floating plants to minimise the establishment of 'islands' forming from plant debris.
- Depth of planting medium – Depending on the type of pond liner specified, the ponds would require 150 millimetres maximum depth of subsoil atop the liner for aquatic plant establishment, plus 300 millimetres depth of water.
- Pond layout – The pond design should not feature sheltered bays, indentations, promontories or islands that would form sheltered refuges for birds.
- Minimisation of extent of open water - The aquatic planting to cover a minimum 40% surface area of the ponds to limit the potential for runways for wildfowl take off.
- Landscape planting - Additional small areas of scrub and tree planting will be introduced in the proposed grass areas around the ponds to disrupt sight lines and prevent birds from gaining easy access to grassland feeding areas. Scrub will also provide cover for predators and discourage birds. The species mix would aim to avoid providing a winter food source and contain a dense prickly shrub cover 2.5 metres to 3 metres wide. The introduction of scattered trees would encourage small aerial predators which would also discourage flocks of birds. Tree planting would be positioned to deter species that prefer to use a shallow angle to fly out of a waterbody, but also allow maintenance access to ponds.

2.1.5 All the measures listed are within the scope of the ES and drainage strategy. There will be a small gain overall to the biodiversity metric arising from the proposed landscape design changes due to the increase in habitats around the pond.

2.1.6 The detailed design is being developed by working with the Defence Infrastructure Organisation having regard to the above to ensure that the ponds do not become attractive to birds and thereby increase the risk of birdstrike. The Applicant most recently met with the Defence Infrastructure Organisation on 05 August 2020 when the specific detail of the ponds in the emerging detailed design was discussed. As noted in the minutes of the meeting of 05 August (included in Annex B of this report), the Defence Infrastructure Organisation made some requests on points of detail, such as that marginal planting does not include Iris as this dies back during the winter, and that the tree species on the periphery of the ponds should not be fruit bearing. The Applicant is amending the design to address these points.

2.1.7 On maintenance of the ponds, the Defence Infrastructure Organisation stated in the meeting of 05 August 2020 that the maintenance proposals for the ponds were acceptable<sup>2</sup>.

---

<sup>2</sup> See section 2 of the minutes (Annex B)

- 2.1.8 One issue still under discussion is monitoring, and engagement is continuing. The Applicant has started working on the detail of monitoring. In order that the level of birdstrike hazard can be managed effectively, an ongoing wetland bird survey (WeBS) is proposed to be undertaken to ascertain bird use. The surveys would be based on WeBS methodology for the WeBS Core Count amended to suit birdstrike hazard purpose.
- 2.1.9 The surveys will aim to assess the type and size of any bird population visiting the ponds, pond usage (feeding and breeding) and trends in numbers as the reeds became established. Surveys would be conducted over five years whilst identification of the selected scare methods are ongoing. The results would be tabulated in line with the WeBS methodology and would enable a comparison of usage and bird scare 'success' for each pond and inform bird scare management requirements and techniques on an ongoing basis. These proposals accord with the ES Appendix 4.7 Drainage Strategy Report (APP-060) requirements and also the ES chapter requirements (in particular Chapter 8 Biodiversity, APP-045).
- 2.1.10 In conclusion, the Applicant accordingly submits that it has and is addressing the Defence Infrastructure Organisation's concerns. Fundamental changes to the design of the ponds are not required and a detailed design which is consistent with the drainage strategy and the ES which meets the Defence Infrastructure Organisation's requirements is well progressed and entirely deliverable.

## 2.2 rDCO drafting

- 2.2.1 The Applicant proposes that requirements 3 and 12 of the rDCO are amended as set out below, and the revision of the OEMP listed in schedule 9 is updated to the revised version including the BHMP included in this submission (6.7 OEMP, Revision C).

Requirement 3:

### Construction Environmental Management Plan

—3.—(1) No part of the authorised development is to commence until a CEMP has been prepared in consultation with the [Defence Infrastructure Organisation](#), Environment Agency, the relevant planning authority and the local highway authority and submitted to and approved in writing by the Secretary of State.

(2) The CEMP must—

- (a) be substantially in accordance with the CEMP section of the outline environmental management plan certified under article 43 (certification of plans, etc.) including compliance with Table 3.1 (record of environmental actions and commitments) of that plan;
- (b) contain a record of all the sensitive environmental and cultural heritage features that have the potential to be affected by the construction of the proposed development;
- (c) incorporate the relevant measures detailed in the environmental statement;
- (d) include information on the control measures required to mitigate and reduce potential impacts which reflect the relevant mitigation measures included in the environmental statement;



- (e) require adherence to working hours of 07:00 to 18:00 on Mondays to Fridays and 07:00 to 13:00 on Saturdays, except for—
- (i) works requiring the full or partial closure of, or otherwise adversely affecting the operation of, the A303 highway;
  - (ii) works associated with the diversion of existing utilities;
  - (iii) works associated with traffic management and signal changes;
  - (iv) works associated with tie-ins to existing highways;
  - (v) deliveries of abnormally large or indivisible loads; and
  - (vi) any emergency works;
- (f) include management plans, working methods and mitigation measures for each of the topics covered in the environmental statement, including—;
- (i) Arboricultural Method Statement;
  - (ii) Archaeological Written Scheme of Investigation;
  - (iii) Japanese Knotweed Management Plan;
  - (iv) Materials Management Plan;
  - (v) Soil Handling and Management Plan;
  - (vi) Site Waste Management Plan;
  - (vii) Community Relations Strategy;
  - (viii) Groundwater Monitoring Strategy;
  - (ix) Construction Lighting Plan;
  - (x) Asbestos Management Plan;
  - (xi) Pollution Incident Control Plan; ~~and~~
  - (xii) Noise and Vibration Monitoring Strategy; ~~and~~
  - (xiii) [Bird Hazard Management Plan](#)

(3) The authorised development must be constructed in accordance with the approved CEMP.

(4) Upon completion of construction of the authorised development the CEMP and LEMP must be converted into the HEMP, and the authorised development must be operated and maintained in accordance with the HEMP.

Requirement 12:

### **Detailed design**

—12.—(1) No part of the authorised development is to commence until, after consultation with the [Defence Infrastructure Organisation](#), relevant planning authority and local highway authority on matters related to their functions, the detailed design of that part has been approved in writing by the Secretary of State.

Schedule 9; in Part 4, the Environmental Statement, the revision of the Outline Environmental Management plan is amended from 'B' to 'C'.

### **3 Non-Motorised Users – Eastmead Lane (Higher Farm Lane Overbridge)**

#### **3.1 Introduction**

3.1.1 Somerset County Council, South Somerset District Council and South Somerset Bridleway Association proposed a bridleway route which would follow bridleway Y30/29 until it reached bridleway Y30/UN at Higher Farm Lane, where the existing Higher Farm Lane Overbridge could be used to cross the A303 into the village of Podimore as mitigation for the closure of Y30/28.

3.1.2 The Secretary of State seeks information from the Applicant as to whether mitigation for the scheme using the route proposed over Higher Farm Lane could be delivered<sup>3</sup>.

#### **3.2 Summary**

3.2.1 The Applicant's case can be summarised as follows:

- There is no existing north south NMU route severed by the closure which requires to be replaced;
- East-west NMU routes are provided by the scheme, the design includes a continuous NMU route along the length of the scheme; and
- The scheme does not create severance in this case as there is no existing route on the south of the A303 which is being lost. The Examining Authority's proposal is fundamentally misconceived as a result.

#### **3.3 The Applicant's proposal**

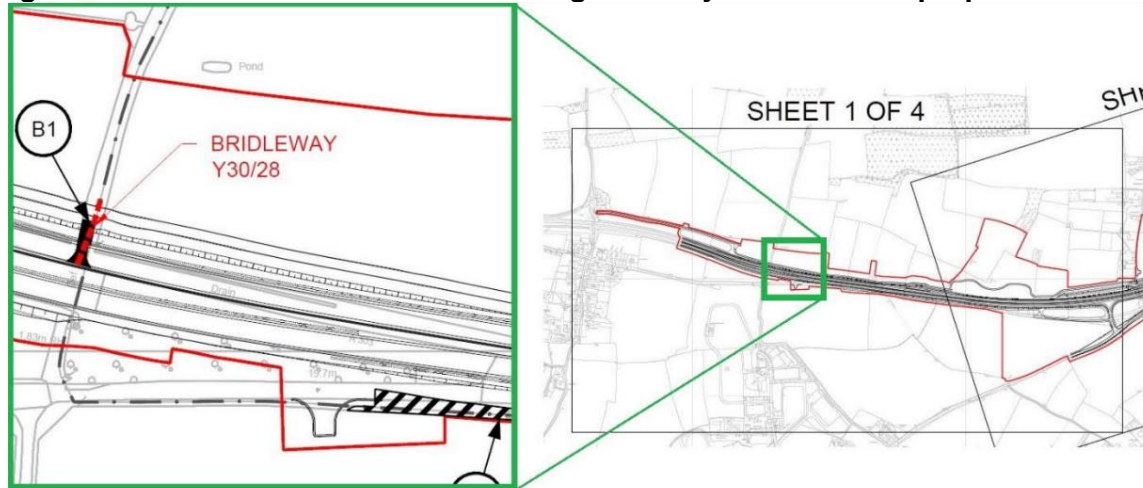
3.3.1 The Applicant included a small section of Right of Way Y30/28 (also known as Eastmead Lane) in Part 1, Schedule 4 of the draft Development Consent Order (dDCO) [APP-017] to be stopped up over a distance of 27 metres northwards from its junction with the existing A303.

3.3.2 The extent of the proposed closure is shown as a red dotted line in inset C of sheet 1 of the Rights of Way and Access Plans [APP-007]. An extract of this sheet, showing the extent of closure is provided below in Figure 3.1.

---

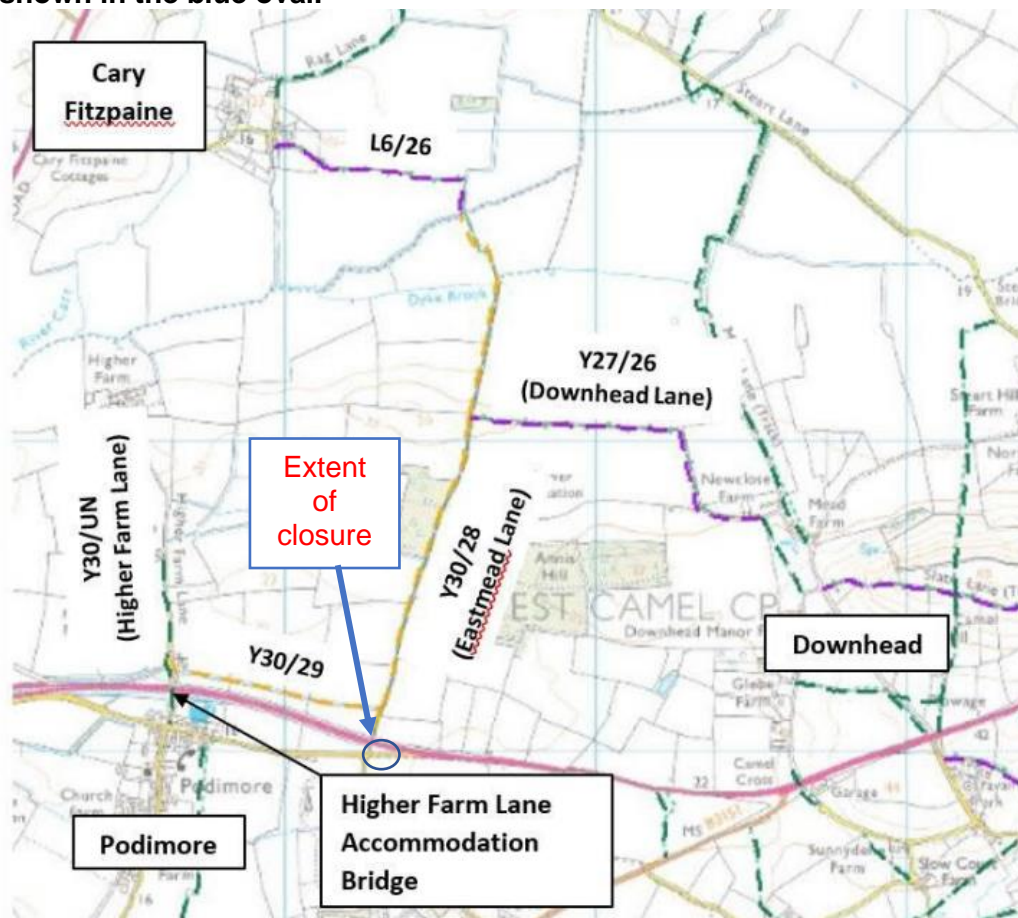
<sup>3</sup> Paragraph numbers 16 to 22 of the Secretary of State's letter dated 21 July 2020.

**Figure 3.1: Location of Eastmead Lane Right of Way and extent of proposed closure**



3.3.3 That closure is also shown in the context of the highway and Rights of Way in the area in Figure 3.2 below. The mapping shows the Right of Way continuing across the A303 highway, on the ground there is no facility on the southern side of the A303.

**Figure 3.2: Extracted from REP3-006, Topic Paper: Right of Way Y30/28 (Eastmead Lane), showing the connections to and from Eastmead Lane with extent of closures shown in the blue oval.**



Key: Green = Restricted Byway, Purple = Permissive Path Footpath, Yellow = Permissive Path Restricted Byway  
 Source: Background mapping: Ordnance Survey, Rights of Way: SCC definitive map at <https://roam.somerset.gov.uk/roam/map>

3.3.4 The reason for this proposed closure is that this connection to a dual carriageway would be unsafe. The southern portion of Eastmead Lane is within the area for construction of the dual carriageway, post construction this area will include a maintenance track and will be fenced preventing access from the north and south.

### 3.4 Examining Authority proposal

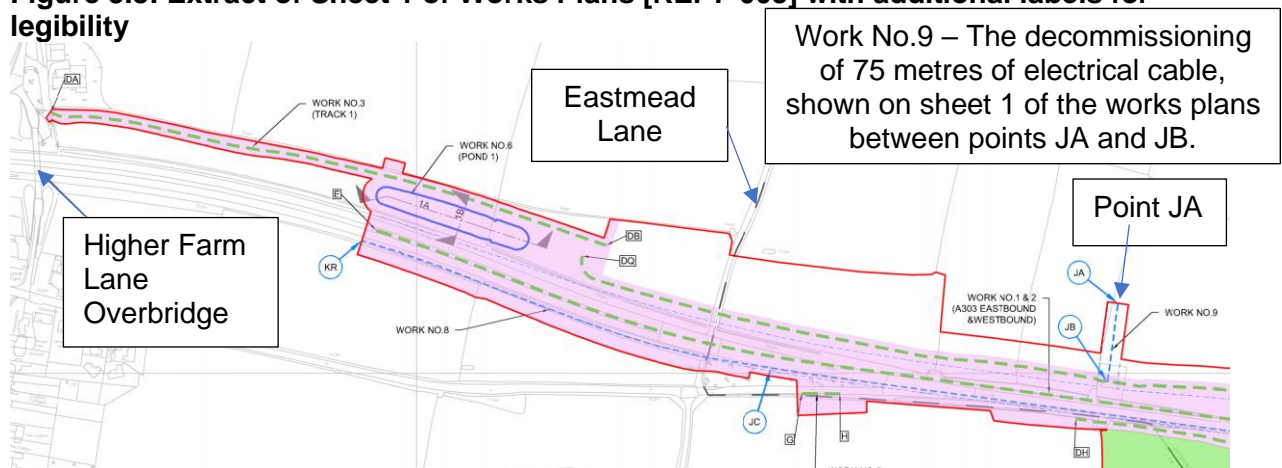
3.4.1 The Examining Authority has included in the rDCO new requirement 17 as follows:

#### ***Provision of non-motorised user route at western end***

*No part of the authorised development is to commence until details of a scheme for a bridleway connecting Eastmead Lane at the point marked "JA" on Works Plan HE5510507-MMSJV-LSI-000-DR-UU-2032 Revision C07 with the southern side of the A303 by way of the Higher Farm Lane overbridge that, after consultation with Somerset County Council, has been submitted to and approved in writing by the Secretary of State. The route must be available for use prior to the stopping up of that part of Eastmead Lane to the south of the said point.*

3.4.2 Point JA is shown on the extract of the works plan below in Figure 3.3. The use of this point in the requirement appears to be an error; point JA is used in the description of Work 9 and is on an electrical cable to be decommissioned, it is not related to Eastmead Lane and is some distance to the east of the lane. Higher Farm Lane overbridge (also shown) is outside the Order limits (red line) and the Applicant is not the highway authority for the route over the bridge.

**Figure 3.3: Extract of Sheet 1 of Works Plans [REP7-003] with additional labels for legibility**



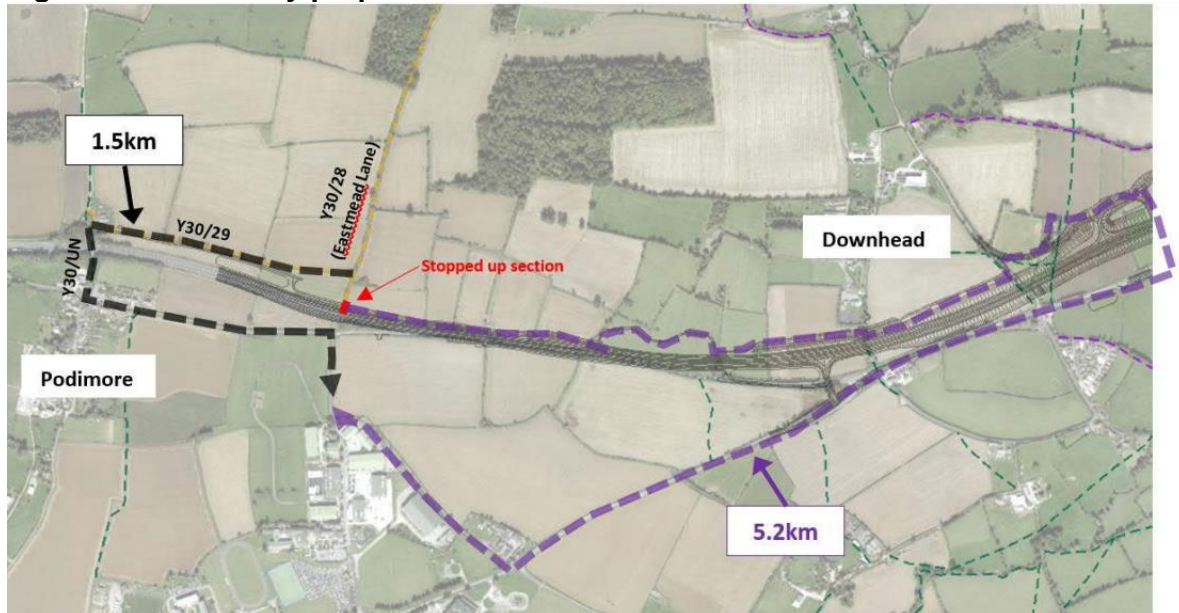
### 3.5 Existing north-south bridleway connections

3.5.1 The Applicant was asked about providing a bridleway during the Examination and advised that the assessments do not support provision of a route using Higher Farm Lane Overbridge as mitigation for the scheme. That is because there is no bridleway connection to replace.



3.5.2 Bridleway Y30/29 connects to Higher Farm Lane, a footpath (which is also used by vehicular traffic). Bridleway 30/28 connects to the A303. There is no direct connection to the point to the south of the A303 which the Interested Parties used to calculate the distances in their submissions. The plan in Figure 3.4 shows where the route which the Interested Parties would like to be established would run as a dashed black line, and the journey using the routes provided by the scheme as a purple dashed line.

**Figure 3.4: Bridleway proposals**



3.5.3 The Applicant submits that assessing the dashed purple line (see Figure 3.4) as if it is proposed as an alternative to Eastmead Lane is incorrect because there is no current connection between Eastmead Lane and the terminus of the route at present without using the A303 carriageway, which is an all-purpose highway, not a restricted NMU route.

3.5.4 As the Examining Authority noted in the Recommendation Report<sup>4</sup>, the Applicant considers the crossing of the A303 from north to south at the junction with Eastmead Lane to be unsafe and uncomfortable due to the width of the carriageway and speed of traffic. The junction of Eastmead Lane with the A303 is shown in the images in Figure 3.5 below:

<sup>4</sup> Paragraph 10.5.38

**Figure 3.5: the junction of Eastmead Lane with the existing A303**



(a) Aerial



(b) Looking north along Eastmead Lane from the A303 westbound carriageway (viewpoint shown by a white arrow in the aerial image)

- 3.5.5 In the Recommendation Report it is stated that “The Examining Authority accepts that crossing the A303 in this location is not ideal in terms of safety. Nevertheless, there are no physical barriers, and the hatching in the centre of the road is likely to be seen by some NMU’s as a refuge, allowing the road to be crossed in two stages”<sup>5</sup>, and “Therefore the Examining Authority disagrees that the road cannot be crossed at this point, and indeed, the Examining Authority crossed the A303 at this point during US12”<sup>6</sup>.
- 3.5.6 The Applicant has not stated that a crossing at this point is not physically possible but did assess that it is unsafe and uncomfortable. The hatched area in the middle of the highway should not be used as an NMU refuge, it is not designed for that purpose, and the Highway Code provides that road users should not enter it unless it is necessary to do so<sup>7</sup>. In any case, given that the Examining Authority seeks provision of a bridleway ostensibly as mitigation for this closure, the Applicant notes that it considers the likelihood of riders using the hatched area to cross the existing A303 with a horse as being very low, as, in addition to such an action being unsafe and uncomfortable, there is no NMU facility on the southern side in this area.
- 3.5.7 Journeys involving crossing the existing A303 from north to south and vice versa (indicated by the white ‘X’ in Figure 3.6 below) are not possible as there is currently no right of way leading to the southern verge of the A303 (as shown in Figure 3.7 and Figure 3.8).

<sup>5</sup> Paragraph 10.5.38

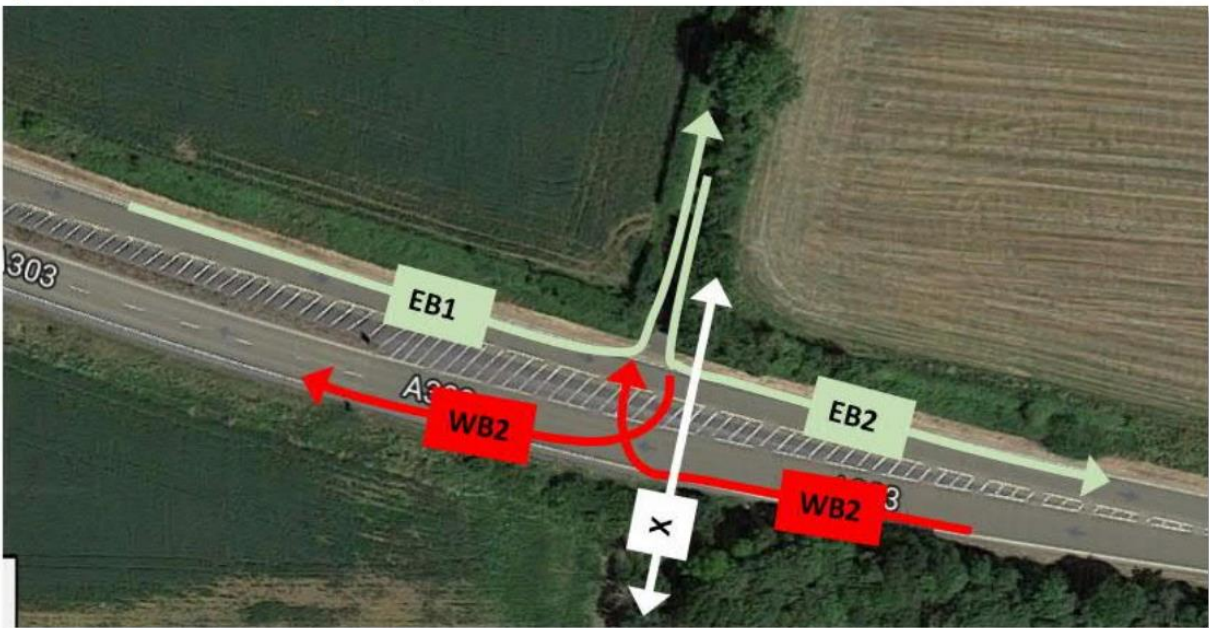
<sup>6</sup> *ibid*

<sup>7</sup> Highway Code (Department for Transport), Rule 130: “Areas of white diagonal stripes or chevrons painted on the road. These are to separate traffic lanes or to protect traffic turning right.

- If the area is bordered by a broken white line, you should not enter the area unless it is necessary, and you can see that it is safe to do so.
- If the area is marked with chevrons and bordered by solid white lines you **MUST NOT** enter it except in an emergency.”



**Figure 3.6: Figure copied from REP3-006, Topic Paper: Right of Way Y30/28 (Eastmead Lane), showing the connections to and from Eastmead Lane.**



**Figure 3.7: Google maps image of A303, looking west towards Podimore Roundabout**



**Figure 3.8: Google maps image looking East towards Sparkford showing southern verge to the south and east of the junction with Eastmead Lane**



- 3.5.8 As there is no NMU link on the southern side of the A303 in this area at present and Eastmead Lane only connects with the A303 itself, journeys involving the eastbound A303 (EB1 and EB2) are currently possible by NMUs although uncomfortable and unsafe due to the speed of traffic and lack of NMU provision in the verge. In particular EB1 would involve travel along the dual carriageway Podimore Bypass from the Podimore Roundabout. Journeys involving the westbound A303 (WB1 and WB2) would involve crossing central hatched road markings that road users should not enter.
- 3.5.9 There is currently no public right of way connection over the A303 between the southern section of Eastmead Lane and the existing local road to the south (the B3151). Therefore, the Applicant should not be expected to remedy this missing link as part of its DCO scheme.
- 3.5.10 The Examining Authority concluded that “The Proposed Development would effectively sever the community. This would be at odds with the policies within the NNNPS, which seeks to reduce community severance and improve accessibility”<sup>8</sup>. The Applicant does not accept that this is a reasonable conclusion on this right of way as there is no existing route on the south of the A303 which closing the 27-metre section of Eastmead Lane concerned would sever the connection to.

### **Current usage**

- 3.5.11 Existing use of this part of Eastmead Lane was found to be low during NMU surveys (documented in APP-093). Four pedestrians were observed using the

---

<sup>8</sup> 10.5.41



route during the August 2016 survey, and no users were observed at all during the September survey. During a site visit in June 2018 the relevant section of Eastmead Lane was observed to be impassable due to heavy overgrowth.

3.5.12 The Recommendation Report sets out that “The Examining Authority acknowledges that the number of NMUs using this route is likely to be low due to the speed and flow of traffic, but states that since it is an existing route it should be mitigated”<sup>9</sup>. The point regarding this being ‘an existing route’ is addressed above where it is noted that there is no NMU route connection to the south of Eastmead Lane.

### **The Examining Authority proposal**

#### ***Current status of Higher Farm overbridge***

3.5.13 Although the existing Higher Farm Lane is shown on the mapping as a footpath, it also provides vehicular access to the North of the A303 from Podimore, linking the recycling centre, shooting club and Higher Farm with the village. The route includes 30mph traffic signage and as far as the Applicant can establish, the existing vehicular access would have to be maintained and be combined with NMU / bridleway provision using the shared space over the bridge. The wording of requirement 17 in the rDCO to change the status of this route to bridleway would need to be amended in light of the existing vehicular use and how that is currently permitted.

3.5.14 There is currently no bridleway connection to the end of Y30/29 (shown dashed in blue on the plan in Figure 3.9 below).

**Figure 3.9: Link between bridleways between Higher Farm Lane and Eastmead Lane**



---

<sup>9</sup> Paragraph 10.5.38

3.5.15 The Applicant noted during the Examination that Somerset County Council has all of the necessary powers to change the overbridge to a bridleway, yet it has chosen not to do so to date. Somerset County Council can, and has been able for decades to, promote a change on Higher Farm Lane to create a bridleway, however it has clearly not considered that to be necessary.

***Works and costs to upgrade the overbridge route***

3.5.16 The Applicant assessed the need and costs of providing this route and instructed its subject matter experts to investigate what works would be required to facilitate bridleway use.

3.5.17 Given that this is a single lane 'humpback' bridge (as shown in Figure 3.10) with limited visibility over the crest and existing vehicular use, safety interventions may be required if use by horse riders is to be encouraged on this bridge. The nature of those interventions would need to be agreed with Somerset County Council. Given the steepness of the bridge, it is also considered to be likely that anti-skid surfacing would be required to be installed over the crest to support use by horse riders.

**Figure 3.10: Higher Farm Lane overbridge (google maps image)**



3.5.18 The current parapets on Higher Farm Lane overbridge (shown in Figure 3.11 below) are not suitable for horse riding use and would need to be replaced with higher ones. This would necessitate concrete repairs to the existing anchorage positions and cross drilling to allow installation of new parapets.

**Figure 3.11: Current parapets on Higher Farm Lane overbridge**



3.5.19 Passing places and widening may be required on the approaches on either side of the overbridge to facilitate the proposed use in a safe manner. This would require it to be assessed and agreed with Somerset County Council.

- 3.5.20 The surfacing of the bridge would need to be inspected. Where this requires repair or replacement, works to the bridge deck may also be required.
- 3.5.21 The initial estimate obtained by the Applicant to deliver a route suitable for use by horse riders using Higher Farm Lane, including allowing a cost for Somerset County Council to promote a Traffic Regulation Order (TRO), is approximately £450,000. Given the very low surveyed use of the route, and that there is no existing link to replace, the Applicant submits that the previous assessment made by Highways England that the benefit-cost ratio does not support delivery of this route is sound and should be supported.

## 3.6 Conclusion

- 3.6.1 The Applicant respectfully requests that the Secretary of State, having regard to all of the factors set out above, concludes that the provision of a bridleway over Higher Farm Lane overbridge is not necessary mitigation for the scheme. The Applicant therefore seeks deletion of requirement 17 in the rDCO as being unnecessary.
- 3.6.2 However, the Applicant does not wish to risk refusal on this point if this were the deciding factor. Accordingly, with considerable reluctance, if the Secretary of State concludes that the DCO could be granted but only if requirement 17 is included, the Applicant would accept such inclusion under amendment of the wording as set out in section 3.7 below.
- 3.6.3 The amendment to requirement 17 is required as, while the Applicant can enter into a legally binding agreement to fund the necessary processes and works, delivery of this route is out of its control. The formal change in status of the Lane would require the promotion of a TRO by Somerset County Council; such orders are subject to their own legal process, including, where required, an inquiry by an independent inspector and neither the Applicant nor Somerset County Council can guarantee that the Order would be made. The Applicant submits that it is unreasonable in the circumstances to prevent construction pending promotion and determination of a TRO.
- 3.6.4 The Applicant further submits that having to have a TRO in place prior to stopping up (which is necessary for construction) could substantially delay its construction programme and is likely to result in the scheme not being delivered.
- 3.6.5 Accordingly, the Applicant submits that the extent of its obligation should be to obtain approval of a scheme for delivery and enter into a legal obligation for delivery with Somerset County Council (most likely a Section 278 Agreement) securing the funding required at the estimate of £450,000 obtained by the Applicant. The Applicant has provided a Section 278 which would provide for the obligation to fund these works in its submission; this is included within Annex C of this response.
- 3.6.6 An amendment to the DCO is also required to correct the erroneous reference to point JA.

### **3.7 rDCO drafting requirement 17: Provision of non-motorised user route at western end**

3.7.1 Should the Secretary of State determine that a bridleway using Higher Farm Lane overbridge is required, the Applicant requests that requirement 17 of the rDCO is amended to read as follows:

#### **Provision of non-motorised user route at western end**

No part of the authorised development is to commence until details of a scheme for a bridleway connecting Eastmead Lane from the closure marked B1 on the rights of way and access plans with the southern side of the A303 by way of the Higher Farm Lane overbridge that, after consultation with Somerset County Council, has been submitted to and approved in writing by the Secretary of State. The scheme submitted for approval must include an explanation of the mechanisms for delivery of the measures and works set out in it, and where any legal agreement is required, must include a copy of the agreement in terms agreed by the proposed parties.

## **4 Non-Motorised Users – Traits Lane to Gason Lane (Crown Land)**

### **4.1 Summary**

- 4.1.1 The Secretary of State seeks information from the Applicant as to whether appropriate mitigation could be delivered for horse-riders and other NMUs who currently use Traits Lane to Gason Lane<sup>10</sup>.
- 4.1.2 The Applicant has been caught between three issues. First, it has no power to force the Defence Infrastructure Organisation to agree to the NMU link being a bridleway (as opposed to a footpath) as it is Crown land. The Defence Infrastructure Organisation has consistently declined to agree to it being a bridleway. It is clear to the Applicant, having engaged with the Defence Infrastructure Organisation over an extended period, that the Defence Infrastructure Organisation is not going to change its position.
- 4.1.3 Second, the original alternative route on non-Crown land passes through a memorial garden in which the landowners' family has scattered the ashes of family members over many years. This was not realised when it was proposed by the Applicant in the application as it is not a formal graveyard or equivalent. When this emerged, the Applicant did not consider it appropriate seek to impose the NMU link on this route and it was removed from the DCO during the Examination with the agreement of the Examining Authority as a non-material change. The Applicant continues to consider it inappropriate to impose the NMU link on this route for the reasons set out above.
- 4.1.4 The steep topography in parts of this locality is such that these are the only two practicable routes. If there was a practicable third route, the Applicant would have sought to take it forward to address the issues just summarised.
- 4.1.5 The Applicant considers the Examining Authority's analysis does not fairly balance the relevant issues and proposes an unworkable new requirement to deliver something which is undeliverable within the DCO boundary. The Applicant is not prepared to re-open the issue of intruding on the landowner's memorial garden, which would, in any event, require a post-DCO change to the scheme as it is now outside the Order limits. Whilst the Applicant agrees that a bridleway would be preferable, and has done its best to deliver one, on this occasion it is not deliverable because of the constraints just summarised.

### **4.2 The two original alternatives**

- 4.2.1 The NMU link proposed by the Applicant between Traits Lane and Gason Lane is scheduled in the final version of the DCO as a footpath (it was originally proposed as a bridleway) (as shown in Figure 4.1). This route is located in Crown Land (plot 7/6a).

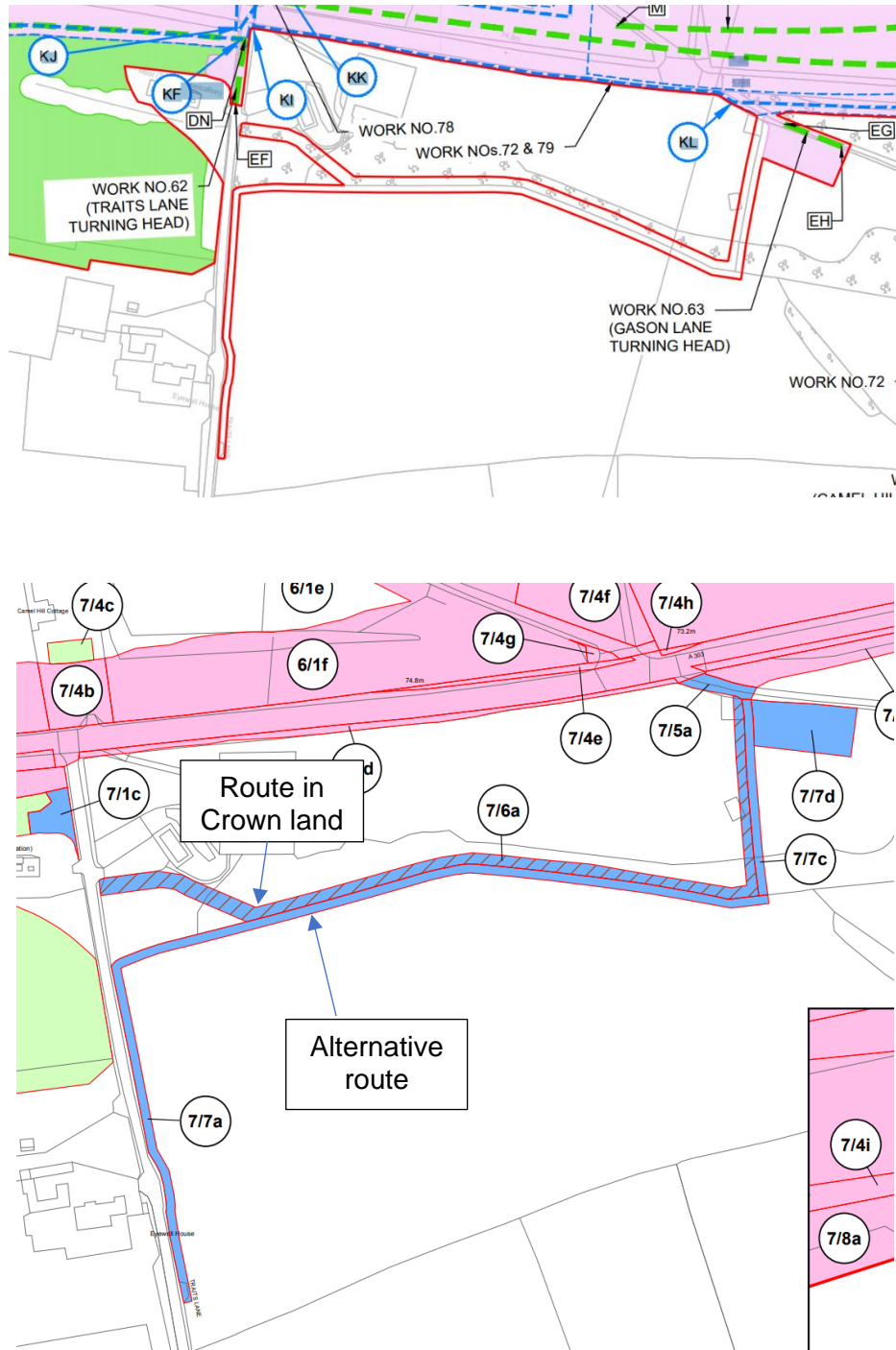
---

<sup>10</sup> Paragraph numbers 23 to 26 of the Secretary of State's letter dated 21 July 2020.



4.2.2 The Applicant originally included an alternative route in its application, as Crown Land consent to use the route through Crown Land had not been granted at the time of submission and it wanted to have a fall-back position.

**Figure 4.1: Extracts of APP-006, works plans and APP- 005 land plans (application versions)**



4.2.3 Consent was sought from the Defence Infrastructure Organisation for a brideway on the Crown Land, but this was consistently rejected and the Defence Infrastructure Organisation has confirmed its position since the Secretary of State's letter to which this submission responds.

- 4.2.4 The alternative route for the bridleway included in the original DCO was objected to by the landowner<sup>11</sup>. The reasons for objection were that the route would pass through a familial memorial garden dedicated to immediate relatives of the landowner (and where the ashes of relatives have been scattered) and that it would interfere disproportionately with the farming business. After discussions with the landowner the Applicant accepted this and withdrew the relevant plot from the DCO during the Examination.
- 4.2.5 Following confirmation from the Defence Infrastructure Organisation that Crown Land consent would be given to a route on Crown Land, but only for a footpath (as is explicitly set out in the Section 135 consent issued)<sup>12</sup>, the Applicant assessed the balance of interference between continuing to seek compulsory acquisition of the route outside of Crown Land in the face of the objection just outlined and the necessary diversion for horse riders if only a footpath is delivered. It concluded that it was not prepared to seek to force through the route affecting the memorial garden and would compromise on its original objectives by accepting the footpath across the Defence Infrastructure Organisation's land.
- 4.2.6 It did so in the knowledge that an alternative, longer route is available for horse riders, who are less sensitive to increases in distance than walkers. The alternative route for horse riders would be to use Traits Lane and Gason Lane (which would be cul-de-sacs and lightly trafficked), and Blackwell Road.
- 4.2.7 The Applicant therefore concluded that while this outcome was not its original intention, it is reasonable in all the circumstances.

### 4.3 Examining Authority position

- 4.3.1 The Examining Authority states that the "provision of an alternative route linking Traits Lane would require either the acquisition of the land immediately adjacent the proposed diversion or permission from the MoD to use the proposed diversion as a bridleway as well"<sup>13</sup> and "[t]he Examining Authority considers that it would be simpler to seek permission from the MoD to extend the use of the proposed footpath as a bridleway"<sup>14</sup>.
- 4.3.2 The Recommendation Report states that "The Applicant states that they are not at liberty to discuss their communications with the MoD, but that the reasons the MoD gave, at a very late stage, to only allow footpath rather than bridleway status, is for security reasons"<sup>15</sup>.
- 4.3.3 The Examining Authority has included in the rDCO a new requirement 19:

*Provision of bridleway between Traits Lane and Gason Lane*

*No part of the authorised development is to commence until a scheme for the provision of a bridleway connecting the points marked "EF" and "EG" on Works Plan*

---

<sup>11</sup> RR-030, RR-031, REP1-011

<sup>12</sup> AS-028, the s135 consent given by the MoD, is explicit that they are only consenting to new public rights of way by foot

<sup>13</sup> Paragraph 10.5.54

<sup>14</sup> Paragraph 10.5.54

<sup>15</sup> Paragraph 10.4.39

*HE5510507-MMSJV-LSI-000-DR-UU-2034 Revision C07 has, after consultation with Somerset County Council, been submitted to and approved in writing by the Secretary of State. The route must be available for use prior to the stopping up of the junctions of Traits Lane and Gason Lane with the A303.*

#### **4.4 Response to Examining Authority report**

4.4.1 The suggestion of the Examining Authority that other means of delivery of a bridleway (“the Examining Authority considers that the Applicant should seek an alternative means of providing this link”) implies that the Applicant did not seek to do so in the application. That is factually incorrect as demonstrated by the inclusion in the original application of two options. It also does not take account of the topography.

4.4.2 The Applicant can only repeat the following points:

- The acquisition of land immediately adjacent was considered, included in the initial application and objected to by the landowner. Given the landowner’s reasons for objecting, there is no reasonable basis to consider they would have changed their position that they oppose any acquisition (compulsory or voluntary) of the land. That land is now outside the DCO boundary.
- Permission for a bridleway was requested from the Defence Infrastructure Organisation and was denied. The Applicant has contacted the Defence Infrastructure Organisation in July and August 2020 following receipt of the Secretary of State’s letter, and the Defence Infrastructure Organisation has reconfirmed that consent will not be given for a bridleway on this route.
- The evidence the Examining Authority requested on the Defence Infrastructure Organisation position during the Examination is the correspondence and notes of meetings between the Applicant and the Defence Infrastructure Organisation. Those discussions were undertaken on the basis of being part of a private, voluntary negotiation between the parties and was never intended to be a public submission. The Applicant has no permission from the Defence Infrastructure Organisation to make the details of that engagement public. Had the Applicant submitted it as requested, that action would have damaged the relationship with the Defence Infrastructure Organisation, undermined the voluntary negotiations which continue and undermined the trust of all other landowners also in negotiation.

4.4.3 The Defence Infrastructure Organisation has helpfully provided the letter included in Annex D setting out its position and has confirmed that the letter can be included in this submission.

#### **4.5 Conclusion**

4.5.1 The Applicant has no ability to upgrade the footpath to a bridleway on Crown Land given that consent to do so has been sought from and refused by the Defence Infrastructure Organisation. This arises from Parliament’s continuing



wish to afford special status to Crown land. Any alternative would be outside the DCO and, given the Applicant previously sought the only practicable alternative route, which was ruled out for sound reasons, nothing has changed, nor is it likely to do so. There is an alternative route as already explained.

- 4.5.2 Given the balance of considerations on this issue and the number of conflicting factors the Applicant had to make a judgement call to accept the footpath option on Crown land. It is unfortunate that in the Recommendation Report, in the Applicant's view, the Examining Authority has not set out that a careful balance was required in coming to its conclusion and has not addressed those factors.

## **4.6 rDCO**

- 4.6.1 The Applicant therefore considers that imposition of requirement 19 would render the scheme undeliverable and requests its deletion.

## 5 Non-Motorised Users - Hazlegrove Underbridge

### 5.1 Summary

- 5.1.1 The Secretary of State has requested information from the Applicant as to whether lighting of Hazlegrove Underbridge at night can be delivered<sup>16</sup>.
- 5.1.2 Lighting of the underbridge could be delivered, though it would have to include lighting of the carriageway and entrances at either end as well for compelling road safety reasons which the Examining Authority has not accepted. The Secretary of State would need to have further environmental impact assessment and Habitat Regulations Assessment (HRA) of the impact of that lighting, which the Applicant estimates would take 12 weeks to provide.
- 5.1.3 The Applicant fully accepts that lighting the underbridge would make the NMU route more comfortable, however, in designing the scheme, it had to balance that consideration with the consequential environmental impacts arising from the substantial overall highway lighting which would be required. Somerset County Council agrees the underbridge should not be lit. For the reasons explained below the Applicant continues to believe that there is a strong overall case against this lighting during the night.

### 5.2 Examining Authority Recommendation

- 5.2.1 The Recommendation Report asserts that “the Examining Authority considers it should be possible using modern lighting methods to design a lighting scheme that would provide a safe and attractive environment for pedestrians whilst avoiding any unnecessary light spill that would give rise to an unacceptable risk to motorised users”<sup>17</sup>. The Applicant respectfully submits that there was no evidence before the Examining Authority to support that conclusion and no basis is given in the Recommendation Report for that assertion. As set out in this submission, using industry standard visualisation modelling and the relevant design guidance, the Examining Authority’s assertion is factually incorrect and highway lighting for motorised users would indeed be required.
- 5.2.2 Paragraphs 10.5.58-10.5.75 of the Examining Authority’s Recommendation Report specifically deals with the lighting issue within the Hazlegrove Underbridge and the fact that this is the main NMU crossing to the east of the scheme. In these paragraphs the Examining Authority makes specific reference to two documents; TD36/93 and TA 91/05. The Applicant notes that TD 36/93 has been withdrawn<sup>18</sup>, and in any case would not have been applicable to the Hazlegrove Underbridge as that guidance relates to subways

---

<sup>16</sup> Paragraph numbers 27 to 29 of the Secretary of State’s letter dated 21 July 2020.

<sup>17</sup> Recommendation report, paragraph 10.5.63

<sup>18</sup> That document has been superseded by CD 143 Designing for walking, cycling and horse-riding

for the exclusive use of pedestrians or combined pedestrians/cycleway<sup>19</sup>, and does not apply where vehicular carriageways are included.

- 5.2.3 TA 91/05 – Provision for Non-Motorised Users is applicable; section 8.14 of that document however confirms that lighting should not normally be considered in rural areas.
- 5.2.4 In the quote taken by the Examining Authority from TA91/05<sup>20</sup>, the lighting of underbridges is expressed as being subject to the environmental impacts of doing so. The extent of lighting which would be required (and the potential extent of which was set out in detail by the Applicant at Deadlines 5 and 7<sup>21</sup>) has not been assessed as it is not proposed as part of the scheme. A full assessment could not be undertaken to accompany this submission within the available time.
- 5.2.5 In reaching its conclusion the Examining Authority has not taken into account the wider environmental impacts because it has made an (unsupported) assumption that such effects could be avoided through the design of the underbridge lighting scheme.

### 5.3 Applicant's overall case

5.3.1 A high-level environmental assessment has been undertaken which identifies:

- Additional adverse effects to the landscape character of Hazlegrove House Registered Park and Garden (Landscape Character Area 2), visual amenity from Hazlegrove House as a visual receptor (view point 35), the existing Public Right of Way (WN 23/38) (viewpoint 38), and residential receptors;
- An increase in the significant cultural heritage impacts on Hazlegrove House and Hazlegrove House Registered Park and Garden (RPG); and,
- Additional adverse effects on protected species.

5.3.2 The Applicant submits that lighting of the underbridge at night is not necessary to comply with any relevant design standard and has not been demonstrated to be necessary by any assessment undertaken in accordance with DMRB; and that the disbenefits, particularly for landscape, cultural heritage and ecology of lighting the underpass and approaches outweighs the benefits in this case.

5.3.3 The issues are considered further below.

---

<sup>19</sup> The abstract of TA36/93 provides that it "Gives layout and dimensional requirements for the planning and design of subways for the exclusive use of pedestrians and for the combined use of pedestrians and pedal cyclists."

<sup>20</sup> Recommendation report, paragraph 10.5.63

<sup>21</sup> REP5-025, response to written questions 2.6.6, 2.6.7, and REP7-027, response to action point 9

## 5.4 Illumination of the NMU route through the underbridge

- 5.4.1 The Applicant would note that as explained during the Examination<sup>22</sup>, the reason for illumination of the underbridge during the daytime is not security, but road safety. It is proposed to illuminate the underbridge during the day in order to minimise the contrast between daylight along each approach and relative darkness under the structure that drivers along the local road (Camel Hill Link) might experience. It is therefore lit during the day as that is necessary for road safety; for drivers going from daylight to the dull underbridge and back into daylight, too great a degree of change could adversely affect visibility. The same principle is true at night and the underbridge NMU route cannot be treated in isolation from the vehicular highway.
- 5.4.2 The standards used by the Applicant's subject matter expert 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.
  - DMRB TD34/07 Design of Road Lighting for the Strategic Motorway and All Purpose Trunk Road Network.
  - DMRB TA49/07 Appraisal of new and replacement lighting on the strategic motorway and all-purpose trunk road network.
- 5.4.3 BS5489 provides design guidance for carriageways and 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 Issue-Specific Hearing 5 (14 May 2019), this would be an unconventional arrangement (see paragraph 2.2.26 and 2.2.27 of REP7-028).
- 5.4.4 The Applicant undertook a lighting appraisal on the network of roads near Hazlegrove Junction Underbridge. This appraisal has been conducted in accordance with TA49/07. This method includes a road safety review. That review was conducted, and no exceptional circumstances were identified that might require illumination at night-time.
- 5.4.5 During the Examination, the Applicant's subject matter experts produced a simplified 3D design model of the bridge and approaches using industry standard lighting design software Dialux. This allowed design and experimentation of the NMU route lighting. HSG-38 includes some assessment work which has been undertaken 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. That has been used in assessing the possibility for providing lighting for NMUs only. Having undertaken that work, the Applicant concluded and explained that the underbridge cannot be lit only

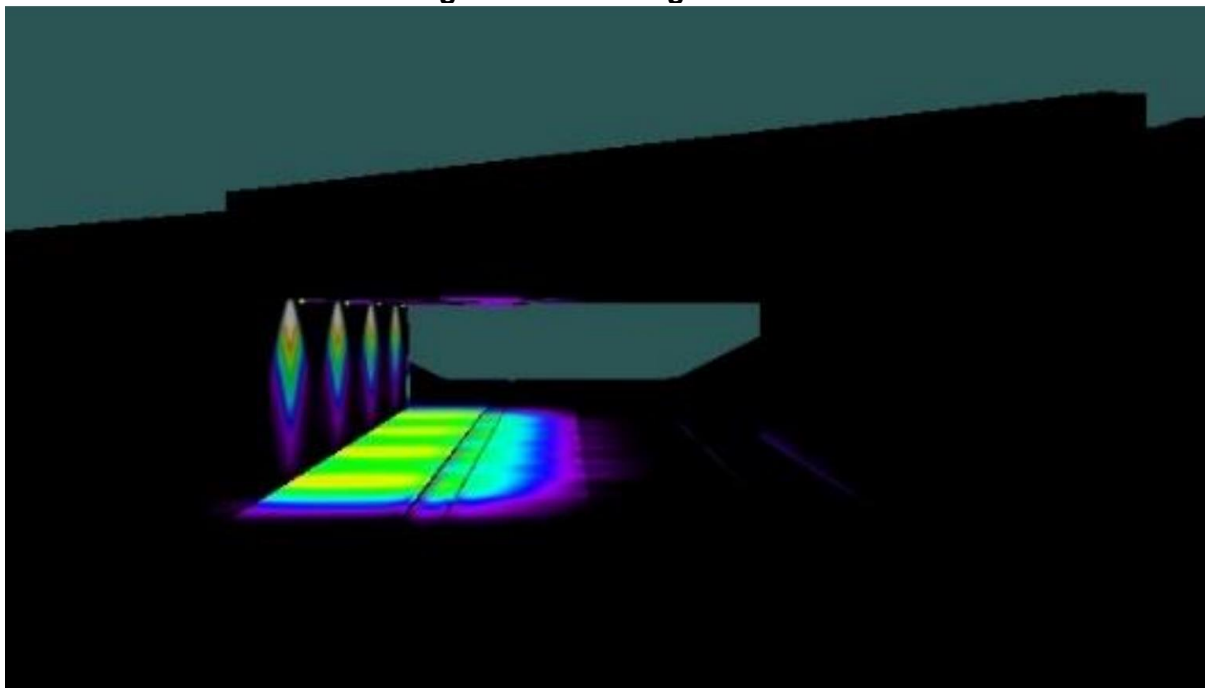
---

<sup>22</sup> See in particular REP5-025, response to written question 2.6.7, and REP7-027, response to action point 9

for NMUs, because, as demonstrated in the visualisations, the light would spill onto the carriageway.

- 5.4.6 Figure 5.1 (which is a copy of Figure 2.2 of REP7-027) 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.

**Figure 5.1: A copy of Figure 2.2 of REP7-027 Dialux Visualisation of 'most focussed' lanterns on NMU route in Hazlegrove Underbridge**



- 5.4.7 The visualisation in Figure 5.1 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. As the road through the underbridge is unlit, lanterns lighting the NMU route will appear disproportionately bright and cause potential glare to drivers. The 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.
- 5.4.8 The Examining Authority states that “One of the key roles of artificial lighting is to keep people safe and prevent accidents”<sup>23</sup>. The Examining Authority’s proposal to light the underbridge for NMUs would not achieve that goal. The Applicant’s subject matter expert has in contrast advised that illuminating only the NMU route would be unsafe to drivers and non-motorised users.
- 5.4.9 Other lighting options, including using dimmed lights on the NMU route to reduce glare and potential driver distraction were investigated during the Examination<sup>24</sup>. In particular, the Applicant’s subject matter expert investigated

---

<sup>23</sup> Recommendation report, paragraph 10.5.61

<sup>24</sup> And reported in REP7-027

a 'compromise' between the solution shown in Figure 5.1 above 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. That approach creates 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.

5.4.10 As set out in response to written question 2.6.6<sup>25</sup>, the proposed NMU route is almost entirely off carriageway, including a degree of separation over and above a conventional facility in the verge alongside a road. It is located in a rural area where antisocial behaviour is unlikely to occur or be perceived to be a potential problem by users approaching the underbridge.

5.4.11 The rights of way leading to and from the underbridge will not be illuminated and as such a small isolated section of lighting at the underbridge would not provide any significant improvement in security or safety over the course of an entire journey. It is debatable whether a significant level of use of this NMU route, particularly by equestrians, will take place during the hours of darkness along a route which, as a whole, will be largely unlit.

5.4.12 Following receipt of the Secretary of State's letter, the Applicant's subject matter experts have reviewed the position with regard to the emerging detailed design and advise that it is not possible to physically separate NMUs from the carriageway (which would assist in addressing light spill), as any physical barrier would reduce visibility and sightlines to an unsafe level. Accordingly, if the underbridge is lit for NMUs, it must be lit for drivers as well. This in turn has road safety implications and requires the lighting of the whole stretch to be considered. In short, the underbridge cannot be treated in isolation from the highway either side of it.

## 5.5 Lighting of approaches

5.5.1 Should night-time lighting be provided within the underbridge it would be necessary to extend this lighting beyond the limits of the structure to provide a suitable approach or transition from an open, dark environment to an enclosed, lit environment. Conventional design codes do not provide any guidance regarding this because, as already stated, it is not normal practice for an underbridge to be illuminated when the network leading to it is not. The decision regarding the 'transition length' therefore, would be subjective and the views of the local highway authority would be sought in determining it. The view of the Applicant's subject matter expert is that it would be prudent to provide a transition on the approach to the underbridge.

5.5.2 The Applicant notes that as recorded in the minutes of the Technical Working Group (Traffic and Engineering) between Highways England (represented by

---

<sup>25</sup> REP5-025

Sweco) and Somerset County Council meeting of 27 February 2020<sup>26</sup>, both the Applicant and Somerset County Council as local highway authority do not consider the underbridge should be lit at night. Accordingly, a transition length has not yet been discussed.

## 5.6 Delivery of a safe lighting scheme

- 5.6.1 In the light of the Secretary of State's letter, the Applicant has given consideration to the nature of the lighting scheme which would be appropriate. This is necessarily preliminary work as the Applicant has always considered that lighting was inappropriate and did not have a reason to design a lighting scheme in detail (as opposed to the work needed to respond to questions in the Examination).
- 5.6.2 The length of the transition lighting required would be subjective given the absence of guidance. The Applicant's subject matter expert advises that a reasonable approach would be to provide lighting along the same approach length as would be provided on the approach to any junction that requires illumination. TD34/07 "Design of road lighting for the strategic motorway and all-purpose trunk road network" (part of the DMRB) advises that such a transition length should be 1.5 times the Desirable Minimum Stopping Sight Distance (DMSSD) for that road. The Design Speed for Camel Hill Link is 60 kilometres per hour, the DMSSD for this design speed is 90 metres and therefore the likely length of approach lighting would be 135 metres.
- 5.6.3 If lighting were to be provided for 135 metres along the Camel Hill Link approach to the underbridge this would result in continuous lighting of Camel Hill Link from Hazlegrove Roundabout up to and including the junction between Camel Hill Link and the Hazlegrove Junction Eastbound On-Slip. Because this junction would be illuminated, it is also possible that a further 135 metres of lighting would be required on the eastbound approach to this junction.

## 5.7 Indicative lighting design

- 5.7.1 In response to the Secretary of State's letter, the Applicant's advisors have produced an indicative lighting design<sup>27</sup>. This is detailed below, and drawings are included in Annex D of this report. It is assumed that columns associated with this lighting system would be 10 metres high, consistent with those already proposed at the Hazlegrove Roundabout.
- 5.7.2 That design is based upon the following guidance:
- Institution of Lighting Professionals – Professional Lighting Guide 02:2013 'The application of conflict areas on the Highway' (PLG-02).
  - BS 5489-2:2016 'Code of practice for the design of road lighting – Part 2 Lighting of Tunnels'.

---

<sup>26</sup> Item 5.4 records "The preference from both HE and Somerset County Council is for the tunnel not to be lit".

<sup>27</sup> Drawings HE551507-MMSJV-HGN-000-DR-CH-0531 and \HE551507-MMSJV-HGN-000-DR-CH-0532, annexed to this submission.

- 5.7.3 The installation of lighting at Hazlegrove Underbridge would also require lighting on each approach. As described below, the extent of the approach lighting to the north of the underbridge would be significant as a result of the proposed road layout in that area
- 5.7.4 The retained Hazlegrove Roundabout, including the approach from Camel Hill Link, is already lit in the DCO design. The provision of 90 metres of approach lighting to the south of the underbridge would effectively connect the underbridge and roundabout lighting systems with the provision of only one additional 10 metre high column (Ref Link 07-A in drawing HE551507-MMSJV-HGN-000-DR-CH-0531 included in Annex E of this submission).
- 5.7.5 The northern extents of the 90-metre approach lighting would be very close (within approximately 20 metres) to the centreline of the A303 eastbound on-slip at its junction with Camel Hill Link. In order to avoid partial or differential lighting of the junction it is considered appropriate to extend the lighting so that it fully includes the junction. Guidance within PLG-02 advises that, where a junction is lit, its approaches should also be lit for a distance equivalent to five seconds' travel distance. Camel Hill Link would be de-restricted (60 miles per hour) and so five second's travel distance would be approximately 130 metres. The extents of this approach lighting would in turn come into close proximity with the direct access to Hazlegrove School, and the guidance within PLG-02 regarding five seconds' travel distance applies again. This in turn would require the illumination of the Camel Hill Roundabout and its approaches.
- 5.7.6 The resulting layout would require an additional eleven 10 metre-high lighting columns on Camel Hill Link, three on the A303 eastbound off-slip, one on the access to Hazlegrove School, three on the Camel Hill Roundabout, one on Vale Farm Link and four on the A303 eastbound off-slip approach to the Camel Hill Roundabout. This is shown on drawing HE551507-MMSJV-HGN-000-DR-CH-0531, and the associated lighting levels are shown on drawing HE551507-MMSJV-HGN-000-DR-CH-0532 (both drawings are included within Annex E of this submission).
- 5.7.7 The DCO design was carried out using the CU Phosco P650 lantern. This lantern is no longer available and has been replaced by lanterns with better optics and utilising less energy. The alternative lighting design has been designed using the same lanterns to allow direct comparison of lighting design. Designs and assessments using a currently available product may result in small improvements to the design potentially allowing either a reduced number of lanterns and / or lower height columns or less obtrusive light along with reduced energy requirements to light the scheme to the same level. However, this would not result in the reduction of the overall extent of lighting.

## **5.8 High-level environmental assessment**

- 5.8.1 The indicative lighting design has been used to undertake a high-level environmental assessment to identify any potential significant effects which would require detailed assessment. In the absence of a full lighting design, a



full environmental assessment cannot be undertaken, although some broad assumptions can be drawn as to the likely effects. The anticipated lighting that would be required to facilitate night-time lighting of Hazlegrove Underbridge would have additional adverse effects to those included within the ES and ES Addendum, principally for landscape and visual receptors, cultural heritage, and biodiversity. These are considered in turn in the below sections.

## **Landscape**

- 5.8.2 The only lighting currently visible from within the Hazlegrove House RPG is that of the existing Hazlegrove Roundabout and also that of the illuminated canopy associated with the Shell Fuel Station at the Camel Hill Services on the existing A303. This existing lighting is very localised and set in the context of existing intervening vegetation in part. The additional lighting associated with the night time illumination of the underbridge and associated lighting required on the approaches to the underbridge would result in additional discordant features during both day (i.e. lighting columns) and night (i.e. illumination), with a further 24 10 metre-high lighting columns present, forming additional vertical elements within the landscape, and increasing the visual intrusion of the scheme.
- 5.8.3 In hours of darkness, the layers of lighting upon the rising hillside to the A303 would be visible amongst proposed tree and shrub planting in an otherwise relatively unlit landscape. As such, it is considered that there would be additional adverse effects to the landscape character of Hazlegrove House RPG (Landscape Character Area 2), as well as to visual amenity from Hazlegrove House as a visual receptor (view point 35), the existing Public Right of Way (WN 23/38) (viewpoint 38), and residential receptors represented by view point 28, the latter of which may see a rise to significant adverse effects in the early years of operation as a result of the increased lighting provision. This would be particularly the case during early years of operation prior to vegetation maturing and the winter months where trees would be without leaf cover.

## **Cultural Heritage**

- 5.8.4 The current proposal is for lighting of the Hazlegrove Junction only. Four of these lighting columns would be within the footprint of Hazlegrove House RPG. As noted in Chapter 6 Cultural Heritage (page 34) of the ES [APP-043], during the first few years of operation the installation of lighting columns at the Hazlegrove Junction would result in an increase in light experienced in key views from the RPG that contribute to the value of the heritage asset. This would negatively impact the rural setting of the asset. However, as vegetation matures the lighting would be screened or filtered reducing its impact over time.
- 5.8.5 To allow for lighting to the underbridge an additional 24 10-metre-high lighting columns would be required for the lighting of the Camel Hill link. Twenty-three of these are to the north of the underbridge and an additional one to the south. Of these, nine would be within the footprint of Hazlegrove House RPG, taking the total of columns in the footprint of the RPG to 13.

- 5.8.6 During daylight hours in Year One of the scheme being in operation, the columns would be very visible in views south west across Hazlegrove House RPG, and from the Hazlegrove House itself. The lighting would be in an elevated position to much of the RPG, and on the embankment, which would end key views from the north of the park, introducing a modern feature inconsistent with the historic character of the RPG. As installations clearly recognised and understood as part of the road network, they would increase the modern character of a road network in the north of the park, contrary to the historic parkland character. This impact would be reduced as the planting matures, however during the winter the screening offered by the vegetation would be lost, increasing the impact.
- 5.8.7 During hours of darkness in Year One the light spill from the street lights would be clearly visible in views south west across the lower areas of the park. This lighting would end key views, and illuminate the road and traffic, increasing the impact from the construction of the road network. From higher areas of the park the light is likely to manifest as pin points of light in the landscape. Again, this would end key views south west across the RPG, including from Hazlegrove House. This would increase the modern road network character in key views across the park. The lighting would be layered and staggered up the embankment increasing the overall impact in key views. As with daylight hours the impact would be reduced as planting matures, but winter views are likely to be appreciably negatively impacted.
- 5.8.8 As such it is considered that the significant permanent construction and operational impacts reported for Hazlegrove House and Hazlegrove House RPG in Chapter 6 Cultural Heritage of the ES [APP-043] would remain and be increased by the lighting of the underbridge due to the additional lighting required on the Camel Hill link.

### **Biodiversity**

- 5.8.9 The introduction of additional lighting along the Hazlegrove Underbridge and approaches would result in additional adverse effects to protected species, as detailed below.

#### **Bats**

- 5.8.10 The main impacts to bat species as a result of increased lighting would be the presence of lit corridors posing a barrier to movement and light spill onto retained and proposed vegetation reducing its suitability for foraging, commuting and roosting bats. Studies have shown that lighting along roads creates barriers, which many bat species cannot cross, even at very low light levels. Species may also alter flight paths, which link roosts and foraging grounds, to avoid artificial light. Of the bat species recorded in proximity to the proposed artificial lighting a number are light sensitive, including lesser horseshoe; long-eared bat and Myotis bat species.
- 5.8.11 Light sensitive bat species are generally less adapted to human disturbance and therefore far less common than species that are less sensitive to light. Of the light sensitive species detailed above, in particular the lesser horseshoe

bat is 'rare and endangered'<sup>28</sup> on a national level, although south-west England provides a European stronghold. The indicative lighting plan (drawing HE551507-MMSJV-HGN-000-DR-CH-0532, Annex E) shows light spill onto retained and created habitats. The drawing shows contours of anticipated light spill down to a level of 1 lux, which is the maximum lighting level from a clear full moon. Light spill of 1 lux may therefore result in limited disturbance to most bat species. However, it should be noted that light levels recorded along preferred commuting routes of lesser horseshoe bats in natural unlit conditions were 0.04 lux and therefore, any amount of artificial light spill may be detrimental for this species.

5.8.12 The indicative lighting plan shows light spill of up to 25 lux onto proposed tree, shrub and woodland planting. However, the lighting model does not take account of topography and therefore, where the road is on embankment, there is potential for light spill to extend further than that shown on the plan. Therefore, the lighting proposals would reduce the availability of suitable habitat (both existing and retained) for foraging, commuting and roosting bats as well as creating a considerable barrier to bat species moving across the landscape. Artificial lighting could also increase the chances of predation, particularly by owls for example, and therefore bats may further modify their behaviour in response.

5.8.13 There is a low risk of the proposed artificial lighting attracting flying insects as the lighting proposed will be LED with no UV component or blue spectral content. Therefore, invertebrate populations (providing prey for bat species) within adjacent dark areas would not be significantly affected.

#### **Badgers**

5.8.14 No known badger setts would be subject to additional light spill as a result of the proposals. Created and retained tree, shrub and woodland habitat adjacent to the scheme (as described above), which would provide suitable foraging habitat for badgers, would be subject to additional light spill. As badgers are sensitive to light disturbance, the area of suitable habitat available to badgers would be reduced as a result of this lighting.

#### **Otters**

5.8.15 Otters, a nocturnal species, have been recorded along Dyke Brook to the north of the proposed scheme and have been recorded crossing the road at the Hazlegrove Roundabout (Appendix 8.10 Water Vole and Otter Technical Report, APP-083). Although records of otter are low, light spill from the proposals would further increase the barrier effect of the A303 for this species and reduce the area of available woodland habitat for this species.

#### **Great crested newts**

5.8.16 This species has been recorded to the north and south of the Hazlegrove Roundabout (Appendix 8.9 Great Crested Newt Technical Report, APP-082).

---

<sup>28</sup> Somerset Bat Species Action Plan (undated) available online at: <http://wwwold.somerset.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=43047> (last accessed August 2020).

The existing A303 is considered a barrier to dispersal for great crested newts. However, light spill onto retained and proposed habitat, including woodland, trees and shrubs would reduce the amount of available habitat for great crested newts.

### **Summary**

5.8.17 In summary, the proposals for additional lighting would create a barrier to movement and reduce the availability of suitable habitat for bats, badgers, otters and great crested newts, leading to additional adverse effects on these species. For bat species, these effects are likely to be significant.

## **5.9 Conclusion for Hazlegrove Underbridge**

5.9.1 The Applicant fully accepts that lighting the underbridge – looked at in isolation - would make the NMU route more comfortable for users. In designing the scheme, however, it had to balance that consideration with the consequential impacts of the wider lighting which would be required for overall road and NMU safety considerations applying relevant standards and guidance.

5.9.2 Having regard to the positive and negative impacts the Applicant considered that the balance clearly did not fall in favour of lighting the underbridge. Having reviewed the position and with regard to the high-level assessment set out above, the Applicant submits that:

- Lighting of the underbridge at night is not necessary to comply with any relevant design standard and has not been demonstrated to be necessary by any assessment undertaken in accordance with DMRB;
- Lighting of the underbridge only for NMUs is not physically possible (because the lighting affects the carriageway) and cannot therefore be delivered safely without lighting the carriageway and approaches as well;
- The disbenefits, particularly for landscape, cultural heritage and ecology, of lighting the underpass and approaches outweighs the benefits.

5.9.3 This conclusion is reinforced if the de-trunked section of the A303 is also lit, as the Examining Authority is proposing. The cumulative effects of this are considered in the next section.

5.9.4 If the Secretary of State is not with the Applicant on this point and wishes to include lighting for the underbridge and by necessity the approaches, the Applicant advises that it will require 12 weeks to undertake the design and assessment work required to put the necessary environmental and habitats information before the Secretary of State to ensure that his decision to include the lighting would be made with the required information in front of him. This will also allow Interested Parties to understand the full implications.

5.9.5 The Applicant's decision making on this issue has not been driven by cost considerations. For completeness, however, the Applicant would highlight that the cost of the lighting scheme outlined has not been allowed for in the scheme budget. Whilst a detailed cost estimate has not been prepared the Applicant would point out that the cost involved is not trivial; in other words

this is not a minor adjustment to the scheme. It would be of great concern to the Applicant in relation to its long-standing approach to design optioneering, the expectation that it follow applicable standards and guidance and its preparation of scheme budgets if the Examining Authority's recommendations were imposed on the scheme if the DCO is granted.

## **5.10 Lighting both Hazlegrove Underbridge and approaches and the de-trunked local road**

5.10.1 The Applicant notes the Examining Authority has also suggested<sup>29</sup> that the de-trunked A303 highway at the Mattia Diner and filling station could be lit for the convenience of NMUs and to help to prevent anti-social behaviour. A high-level cumulative assessment of the lighting for the underbridge / approaches and the de-trunked A303 has therefore been undertaken.

5.10.2 The conclusions are summarised below. As already indicated, the Applicant would need to carry out a detailed environmental impact assessment and HRA assessment for the underbridge lighting, which took account of any proposed lighting of the de-trunked local road. The Applicant does not consider lighting the de-trunked A303 is justified.

### **Landscape**

5.10.3 Currently the landscape is mostly unlit and the rural character and associated darkness dominates during night-time hours, with the exception of the Hazlegrove Roundabout and the Shell Fuel station forecourt and canopy.

5.10.4 The collective presence of additional lighting along the approaches to the Hazlegrove Underbridge and lighting along the de-trunked section of the existing A303 would introduce a further 43 lighting columns to the area compared to the DCO design assessed within the ES (Chapter 7 Landscape, APP-044). Whilst existing and proposed intervening vegetation would aid screening of some aspects of the proposed additional lighting, it remains likely that these urbanising elements would still be perceived from within the RPG during day and night, particularly in the early years of the scheme in operation, bringing further discordant features into the southern aspect of the park and views of the borrowed landscape from higher up in the park. It is therefore likely that there would be an increase in adverse effects upon both Landscape Character Area 2 and visual receptors 35 and 38 as a result of this change.

### **Cultural Heritage**

5.10.5 The scheme as submitted proposes lighting at the Hazlegrove junction. The lighting of the underbridge with associated street lighting and the lighting of the de-trunked A303 would result in an additional 43 lighting columns visible in key views south west across the Hazlegrove House RPG and from Hazlegrove House.

---

<sup>29</sup> Recommendation report section 11.6

- 5.10.6 During daylight hours in Year One of the scheme being in operation, the columns would be very visible in views south west across Hazlegrove House RPG, and from the Hazlegrove House itself. The lighting would be in an elevated position to much of the RPG, and on the embankment, which would end key views from the north of the park, introducing modern features inconsistent with the historic character of the RPG. As features clearly recognised and understood as part of the road network, they would increase the modern character of a road network in the north of the park, contrary to the historic parkland character.
- 5.10.7 The layers of lighting columns from both the Camel Hill link and the de-trunked A303 would increase the visibility of the road network, making it dominant in views from the RPG. This impact would be reduced as the planting matures, however during the winter, the screening offered by the vegetation would be lost increasing the impact.
- 5.10.8 During hours of darkness in Year One of the scheme being in operation, the light spill from the street lights would be clearly visible in views south west across the lower areas of the park. This lighting would end key views, and illuminate the road and traffic, increasing the impact from the construction of the road network. From higher areas of the park the light is likely to manifest as pin points of light in the landscape. Again, this would end key views south west across the RPG, including from Hazlegrove House. This would increase the modern road network character in key views across the park. The lighting would be layered and staggered up the embankment increasing the overall impact in key views. As with daylight hours the impact would be reduced as planting matures, but winter views are likely to be appreciably negatively impacted.
- 5.10.9 As such it is considered that the significant permanent construction and operational impacts reported for Hazlegrove House and Hazlegrove House RPG in Chapter 6 Cultural Heritage of the ES [APP-043] would remain and be increased by the lighting of the underbridge due to the additional lighting required on the Camel Hill link.

## **Biodiversity**

- 5.10.10 The introduction of additional lighting along the Hazlegrove Underbridge and approaches would have additional adverse effects to protected species, as detailed below.

### **Bats**

- 5.10.11 Effects to bats would be similar to those described above for bats in paragraphs 5.8.10 to 5.8.13, with the main impacts being from the presence of lit corridors, posing a barrier to movement, light spill onto retained and proposed vegetation reducing its suitability for foraging, commuting and roosting bats.
- 5.10.12 The indicative lighting plan shows light spill of up to 25 lux onto proposed tree, shrub and woodland planting as well as retained woodland habitat to the south of the de-trunked road section (which are areas designated as Local Wildlife Sites). The impact of lighting the Hazlegrove

Underbridge, approaches and de-trunked section would compound the lighting impacts to bats.

### **Badgers**

5.10.13 Impacts of light spill on badgers would be similar to those reported above in paragraph 5.8.14. The impact of lighting the Hazlegrove Underbridge, approaches and de-trunked section would compound the lighting impacts to badgers.

### **Otters**

5.10.14 Impacts of light spill on otters would be similar to those mentioned above in paragraph 5.8.15. The impact of lighting the Hazlegrove Underbridge, approaches and de-trunked section would compound the lighting impacts to otters.

### **Great crested newts**

5.10.15 Impact of light spill on great crested newts would be similar to that mentioned above in paragraph 5.8.16. The impact of lighting the Hazlegrove Underbridge, approaches and de-trunked section would compound the lighting impacts to great crested newts described above.

### **Summary**

5.10.16 In summary, the proposals for additional lighting would create a barrier to movement and reduce the availability of suitable habitat for bats, badgers, otters and great crested newts, leading to additional adverse effects on these species. The effects of lighting the Hazlegrove Underbridge, approaches and the de-trunked section would be greater than lighting either of these sections individually. For bat species, these effects are likely to be significant.

## **5.11 rDCO changes**

5.11.1 If the Secretary of State is minded to include a lighting scheme then it is essential that it is the scheme outlined in this submission and not that proposed by the Examining Authority. The wording for the DCO requirement which the Applicant would recommend is:

Requirement 15, Highway lighting, sub-paragraph 15(2)

(2) The scheme must include measures for lighting the Hazlegrove junction underbridge, [the approaches to the underbridge and such other sections of the authorised works which require to be lit having regard to existing and proposed highway lighting for the authorised works and the local highways connecting thereto.](#) ~~during hours of darkness for the benefit of pedestrians and other non-motorised users~~

## 6 Socio-Economic Effects on De-Trunked Road

### 6.1 Summary

- 6.1.1 The Secretary of State has requested further information as to whether the Applicant is able to secure the delivery of a parallel road along the retained parts of the A303 de-trunked section. If so, the extent to which such a parallel road would address the negative impacts identified by the ExA, such as the risk of anti-social behaviour and the impact on local businesses such as the Mattia Diner and filling station, and how delivery of this parallel road would be secured<sup>30</sup>.
- 6.1.2 A parallel local road using the retained parts of the A303 is not deliverable as part of the current DCO as it would involve substantial land outside the Order limits. It has not been designed, assessed or consulted on and is not provided for in the scheme budget. The DCO process is not designed to allow this scale of change to a live application.
- 6.1.3 Furthermore, the route proposed does not have the required width available to meet normal design standards as there is a pinch point next to the Defence Infrastructure Organisation land.
- 6.1.4 A parallel local road on this route could only be delivered, in theory, by a public commitment by the Applicant to bring this forward as a sub-standard design in a future change to the DCO to be delivered as additional works to the main scheme which would be in construction in the meantime.
- 6.1.5 The Applicant does not consider that there is any conventional means to secure this commitment by reference to this application. For example, a Grampian style requirement linked to commencement or works or opening for traffic would introduce such considerable delay and uncertainty into the project it would threaten the entire scheme.
- 6.1.6 It could only ever be a public statement of intent by Highways England to bring forward a change to the granted DCO to deliver such a (substandard) parallel local road. There is no guarantee consent for the road and related compulsory acquisition powers would be granted, nor that the Defence Infrastructure Organisation would agree to sell some of its site. There is no current funding for the works, the land acquisition and consenting costs of which would be substantial.
- 6.1.7 The Applicant does not wish to make such a commitment for the same reasons that it did not include this parallel local road in the current scheme. The Applicant's reasons for this were explained extensively in the Examination.
- 6.1.8 The Applicant notes and welcomes the statement by the Examining Authority in its Recommendation Report<sup>31</sup> that the lack of this parallel local road is not a reason to withhold consent. The Applicant notes that Somerset County Council did not advocate for this parallel local road. This is confirmed in its

---

<sup>30</sup> Paragraph numbers 30 to 37 of the Secretary of State's letter dated 21 July 2020.

<sup>31</sup> Paragraph 10.5.114



letter to the Secretary of State of 7 August 2020 in which the Council agrees with the Examining Authority that the absence of this parallel local road is not a reason to withhold consent for the overall scheme.

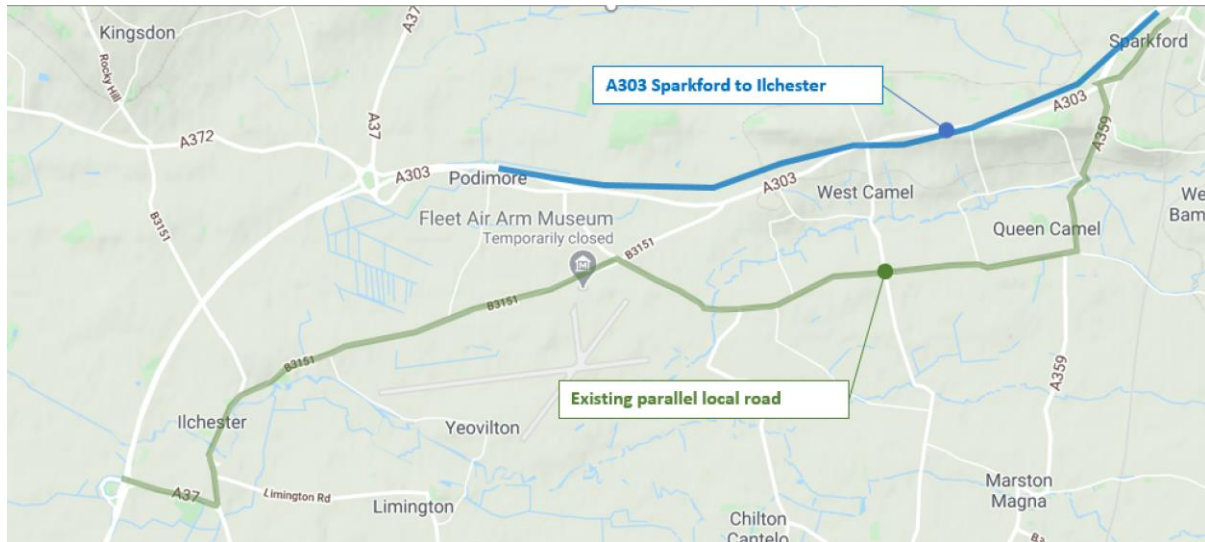
- 6.1.9 On the basis that the parallel local road cannot be secured, the second part of the Secretary of State's question does not arise. The Applicant has nevertheless commented below on mitigation of adverse effects in both scenarios i.e. the current proposal and the (hypothetical) scenario in which the parallel local road were secured.

## 6.2 The Applicant's case

### Meaning of Parallel Local Road

- 6.2.1 The Applicant emphasises that the use of the term 'parallel local road' as used by Interested Parties and the Examining Authority means a new road running immediately alongside the A303, which is not the meaning of the term as used by highway design standards.
- 6.2.2 As the Applicant explained in the Examination (paragraph 1.3.7 of Responses to Local Impact Report, Written Representations and comments on responses to the Examining Authority's Written Questions [REP3-003]), a parallel local road is a route which allows the same journey to be made between the start and end points using an alternative, public road. It does not mean a road running immediately alongside the strategic highway. There already exists a parallel local road for this stretch of the A303, West Camel Road, located to the south of the existing A303 which runs from Sparkford to the A37 at Ilchester and which is shown in green on Figure 6.2 below.

**Figure 6.1: Plan showing existing A303, route of improved A303 and existing parallel local road**



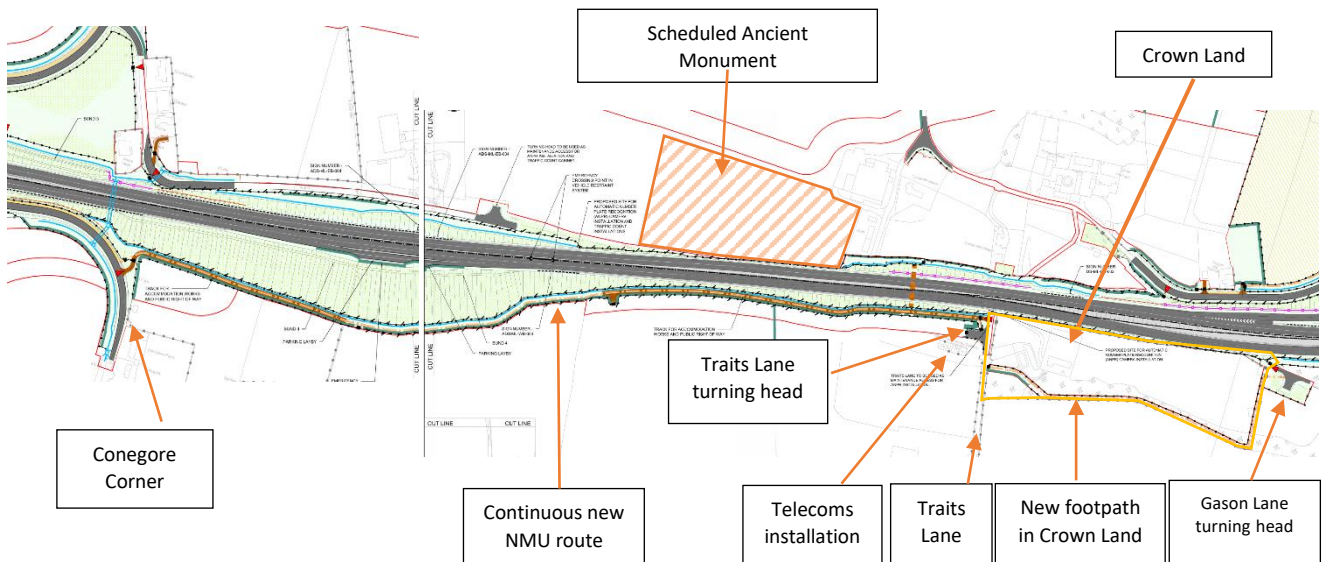
- 6.2.3 The horizontal alignment of the existing A303 is not compatible with modern geometric standards, and so the alignment of the proposed dual carriageway will be straighter than the existing road. Given that the existing road could not be used as part of the dual carriageway, the alignment of the preferred route (when first conceived) was therefore deliberately aligned either slightly north

or slightly south of the existing carriageway for much of its length. Although this was prompted by geometric design reasons, it was also seen as an opportunity to retain as much of the existing carriageway as practicable for local use. Due to land constraints at Camel Hill however a continuous parallel local road between the B3151 and A359 is not possible.

6.2.4 The two crossings at Canegore Corner and Camel Hill present an obstacle to the development of an immediately adjacent continuous route between the B3151 and A359. The 'PLR' being referred to in the Recommendation Report, and the question, relates only to a section between Gason Lane (at the end of the de-trunked A303 serving the local businesses at Hazlegrove) to Canegore Corner (Howell Hill). In this response, 'PLR' accordingly means a new, immediately adjacent section of local highway between Gason Lane and Canegore corner only.

6.2.5 Using extracts from sheets 4 and 5 of the general arrangement drawings submitted by the Applicant [REP8-002], the relevant area is shown below in Figure 6.2.

**Figure 6.2: Plan showing constrained section of the scheme**



6.2.6 As set out in the Applicant's Responses to Local Impact Report, Written Representations and comments on responses to the Examining Authority's Written Questions<sup>32</sup> at paragraph 1.3.6 onwards, the scheme already incorporates a parallel local road along approximately half its length. Along with the provision of some additional local roads and access tracks, the scheme enables access to the local road network and the A303 at either the B3151 or A359 junctions.

6.2.7 A continuous parallel NMU route has been provided using a mixture of dedicated paths, mixed use tracks and local road verges.

6.2.8 As the Applicant set out in detail in the Examination, the Examining Authority's proposed parallel local road cannot be accommodated within the red line and

<sup>32</sup> REP3-003

meet the applicable standards of design and safety. The Applicant again notes that a new, immediately adjacent parallel local road on this section has not been demonstrated to be necessary through traffic modelling or for any other highway reason, was assessed as having marginal benefits only and does not have a convincing Benefit Cost Ratio (BCR) analysis.

- 6.2.9 It is noted that the local highway authority, Somerset County Council, accepted the proposed design<sup>33</sup>, including the layout of local roads and junctions, as per the submitted scheme. Somerset County Council are not requesting a parallel local road in this location. The District Council submitted that they support this scheme for a number of reasons including that it will deliver "increased resilience in the area"<sup>34</sup>; this accords with the case for the scheme that it will improve resilience by providing more running lanes (so that the whole highway is not closed in one direction if one lane is blocked), reducing head on collisions, preventing right hand turns (reducing the likelihood of collisions) and providing slip accesses and exits rather than T-junctions. A new, immediately adjacent continuous parallel local road is not necessary to provide appropriate resilience in this location.

### **Delivery within current application**

- 6.2.10 The Applicant assumes the question relates to securing a parallel local road along the retained parts of the A303 de-trunked section within the current application. The Applicant set out at the preliminary meeting, in the hearings and maintained in various written responses (see for example Responses to Local Impact Report, Written Representations and comments on responses to the Examining Authority's Written Questions [REP3-003] at 1.3.21 on) that the inclusion of the new PLR as suggested by the Parish Council would be a material change to the scheme from that applied for. It would require amendment of the order limits to accommodate the PLR as it would increase land take. It would necessitate changes to the general arrangement drawings, the traffic modelling and environmental assessment. This is not a minor design change or a point of detailed design, it would be a material change to the DCO scheme. That change has not been included in the design, has not been consulted on, and has not been modelled for traffic impacts or assessed for environmental impacts. It is not allowed for in the scheme budget.

- 6.2.11 On that basis, the Applicant cannot undertake to secure delivery of a new section of immediately adjacent parallel local road which is not in the current design.

- 6.2.12 In order to deliver a PLR which Highways England's professional highway engineers advise would be compliant with the relevant standards (and therefore safe), land outside the current red line is required. That land is owned and used by the Defence Infrastructure Organisation and is accordingly not able to be compulsorily acquired. The Applicant therefore

---

<sup>33</sup> See Layout line 1 of the Statement of Common Ground REP8-010 and its letter of 7 August 2010 to Secretary of State

<sup>34</sup> SSDC response to additional written questions [REP6a-006], question 3.0.9

cannot 'secure' its use other than through the agreement of the Ministry, which agreement is not in place.

6.2.13 The Applicant also notes that PLRs require additional land-take and therefore require careful and sympathetic design particularly in rural areas. The provision of a new single carriageway in addition to the new dual carriageway in the same corridor can also constitute over-development, especially in rural locations. These potential impacts have not been assessed for adding the section of parallel local road requested.

#### **Delivery outside the current application**

6.2.14 If the DCO were granted in its current form, the Applicant could, in theory, bring forward a proposal to change the DCO to alter the current design to include additional elements to deliver the Examining Authority's parallel local road. This would be a significant exercise for the reasons already indicated relating to design, land assembly (particularly in relation to the Defence Infrastructure Organisation land), environmental impact assessment, consultation and the consent application process.

6.2.15 This could not be secured by any recognised means. For example, a Grampian style requirement to deliver the Examining Authority's parallel local road linked to commencement of the main scheme works or opening the scheme to traffic would create so much delay and uncertainty it would threaten the entire scheme.

6.2.16 The only option would be some kind of public commitment by the Applicant to seek to deliver the parallel local road in parallel with construction of the main scheme, to be constructed as and when consent, land and scheme budget was secured.

6.2.17 The Applicant will not make such a commitment for the reasons it did not include the parallel local road in scheme and its implications for the wider Investment Programme. The optioneering stage balances a range of considerations. HE has a structured way of doing this and considerable experience of doing this. The optioneering and decision making for this scheme has followed the Applicant's Project Control Framework (PCF) process, used across the Regional Investment Strategy programme, including taking into account 56 different factors in identifying the preferred option<sup>35</sup>. The development of the Application has repeatedly reviewed and re-considered local road provision for this scheme, particularly with regard to consultation responses in line with its optioneering processes.

6.2.18 The sifting process at PCF Stage 1 assessed the relative merits of each option, including an assessment of the relative operational resilience of each option, and the relative degree of severance that each option might create which would impact on the well-being of the local community. On the basis of the PCF Stage 1 assessment, Option A2 (the current proposal) and Option F1 (which included a full Parallel Local Road along the route the Examining

---

<sup>35</sup> This is set out in REP3-003 at 1.3.12

Authority report considers) were shortlisted for further detailed assessment and public consultation in PCF Stage 2.

- 6.2.19 Option F1 was included despite anticipated significant environmental impacts in part because of the benefits that the retention of the existing A303 carriageway was considered to offer. At the commencement of PCF Stage 2, Option A2 was renamed Option 1, and F1 was renamed Option 2. The proposed Option 1 (the current scheme) route crosses the existing carriageway at two locations; Canegore Corner and Camel Hill. The two crossings at Canegore Corner and Camel Hill present an obstacle to the development of a continuous parallel local road between the B3151 and A359. Construction to the north of the proposed A303 at Camel Hill would encroach into the Camel Hill Scheduled Monument. When consulted on this prospect Historic Buildings and Monuments Commission for England (HBMCE) advised that they would not support such a proposal. Constructing to the north of the proposed dual carriageway was therefore rejected. Construction to the south of the proposed A303 would encroach into a site currently owned by the Defence Infrastructure Organisation. Highways England do not have powers of compulsory acquisition over the Defence Infrastructure Organisation, and as such any scheme requiring the use of this land would be reliant on the successful acquisition of it by agreement.
- 6.2.20 At the end of PCF Stage 2 Option 1 was selected as the preferred route. The principal reasons why Option 1 was selected in favour of Option 2 were that it minimised land-take, minimised impact to working farms, minimised construction in an unspoilt rural setting as the route follows the existing corridor very closely, was preferred by stakeholders and most of the local community, has less impact on biodiversity, and is the shortest of the two options so will provide the best journey time and increase the benefits of the scheme.
- 6.2.21 The preferred route decision took full account of the limitations of Option 1 in respect of its ability to accommodate a continuous parallel local road between the B3151 and A359, and of the comments made during the non-statutory consultation and buildability review. However, whilst there are potential benefits, there are also expected to be disbenefits, and it may not have been possible to satisfactorily mitigate the adverse environmental impacts of Option 2.
- 6.2.22 In February 2018 the potential for a parallel local road at this location was again reviewed in response to Statutory Consultation feedback. A highway and parallel local road arrangement aligned such that it did not encroach into the Scheduled Monument to the north was produced, which demonstrated that an area of land approximately 5 metres wide and 100 metres long would be required from the Defence Infrastructure Organisation site to allow the PLR.
- 6.2.23 Formal consent to the inclusion of land for a footpath (and not a bridleway, as was requested<sup>36</sup>), took two years to obtain from the Defence Infrastructure

---

<sup>36</sup> AS-028, the s135 consent given by the MoD, is explicit that they are only consenting to new public rights of way by foot

Organisation (from May 2017 to mid-2019). Reaching agreement for land for a parallel local road would be considerably more complex. This supports the decision the Applicant made, as the complications around using Defence Infrastructure Organisation land for something far more substantial than a footpath was unlikely to be resolved.

6.2.24 Any delays to the scheme's submission date would have meant that the Applicant would not have achieved submission of the DCO application in line with the schedule set by the Department for Transport for the Road Investment Strategy 2015 – 2020. [This would result in the delivery of the benefits of this scheme and the wider benefits of the corridor of improvements set out in the RIS being delayed. Chapter 2 of the NPSNN sets out the need case for the development of national networks and the Government's policy, including the benefits from meeting this need, to which the scheme will contribute. The benefits of the scheme include increased safety, capacity, resilience, connectivity and supporting economic growth, and those benefits underpin the case for the scheme as proposed in the application.](#)

### **Land constraints**

6.2.25 As noted, the design has been progressed to accommodate constraints which cannot reasonably be removed, including a scheduled ancient monument and an operational Defence Infrastructure Organisation site.

6.2.26 The Applicant has engaged productively with the Defence Infrastructure Organisation on its proposals however that does not mean that the Ministry would make any other land available, especially land in use as and immediately adjacent to an operational site. The parallel local road proposal simply does not reflect the reality of Highways England's inability to acquire and / or use Crown Land unless the Defence Infrastructure Organisation consents and the risk to the programme that inclusion of such land would represent.

### **Design of a potential parallel local road**

6.2.27 The Applicant does not accept that a suitable parallel local road of appropriate width can be accommodated within the red line. The Examining Authority's Recommendation Report at 4.3.14 states that the Examining Authority is not persuaded that, with a more flexible approach in terms of design and speed, that a parallel road could not be achieved within the constraints.

6.2.28 With respect to the Examining Authority, that conclusion ignores the clear, expert highway designer's explanation of the application of DMRB and Manual for Streets 2 (MfS2) set out by the Applicant in Responses to Action Points for Deadline 7<sup>37</sup>, in response to Action point 4. Manual for Streets 2 is focused on urban environments, not rural roads such as the proposed PLR. The 'status and application' section on page 4 of 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

---

<sup>37</sup> REP7-027



for highway design in built up areas" (emphasis added) and MfS2 is heavily set in the context of an urban environment.

- 6.2.29 The Applicant cannot understand from the Recommendation Report why the Examining Authority has discounted, without explanation, the clear advice in MfS2 that in rural areas not subject to a local speed limit, DMRB TD9/93 should be taken as a starting point for new routes<sup>38</sup>. That provides that lane widths should be determined based upon, amongst other factors, design speed. The Applicant summarises below why it cannot support an unsuitably narrow highway in this location.
- 6.2.30 It was noted at Issue Specific Hearing 5 [REP7-028] 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.
- 6.2.31 The suggested parallel local road would therefore be rural (not urban) in character with a speed limit within the range of 50 miles per hour to 60 miles per hour. 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. MfS2 paragraph 8.6.2 notes that narrower lanes may be appropriate in urban areas where this would facilitate pedestrian crossings, however the use of narrow carriageways may render these inappropriate for cyclists, which would affect NMU use. The Applicant's subject matter experts advised that 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.
- 6.2.32 The Applicant objects in principle to the idea of being pressured to deliver a highway which all its analysis says would be sub-standard and compromise the safety of its users. There is no highways design before the Secretary of State which would deliver a DMRB compliant parallel local road within the red line or which has been subject to any road safety assessment. In suggesting reducing lane width to accommodate a parallel local road, the Examining Authority recommendations would create a highway which in the view of the Applicant's subject matter expert was less safe than it could and should be, particularly for the very NMU's the Examining Authority asserts are insufficiently served by the Applicant's design.
- 6.2.33 The Parish Councils, are not a highways authority and are not responsible or liable for the design of this scheme. Their views on highways design simply cannot be given the same weight as those of the strategic highway company acting on specialist advice and having all the legal liabilities for their scheme

---

<sup>38</sup> Paragraph 8.2.5 of the MfS2; the Examining Authority was directed to this in REP7-027 at paragraph 2.1.15

design. The 'alternative' is based on 2D sketch drawings with no account taken of topography and has been the subject of sustained and detailed criticism from the Applicant's specialists throughout the Examination.

### **'Expressway' standard**

- 6.2.34 As set out in the Applicant's Deadline 8 Report [REP8-022] at Section 3.3, the submissions made by Interested Parties that the A303 becoming an Expressway will require an immediately adjacent parallel local road to be added to the highway are factually incorrect.
- 6.2.35 DMRB Volume 0, Part 5, GD300 sets out the requirements for new and upgraded all-purpose trunk roads (expressways). The full application of GD 300 standards applies to the implementation of a level 4 scheme only. Guidance is to be sought from the Overseeing Organisation (Highways England) for the development of level 1, 2 or 3 schemes. Delivery of a level is not a commitment to implementing another level in the future.
- 6.2.36 Information on levels can be found within Appendix E/C of GD 300. The design of the A303 Sparkford to Ilchester Dualling scheme predates the publication of the standard; however, the scope of the scheme is broadly consistent with level 2. The full requirements of GD300 therefore do not apply as this is not a level 4 scheme. The implication of GD 300 on the scheme is that it does not introduce additional requirements on the scheme, and there is no commitment to implement another level in the future.

## **6.3 Mitigation actions in the absence of the requested parallel local road**

- 6.3.1 The Applicant is requested to identify how a new parallel local road would address the negative impacts identified by the Examining Authority. Given that, for the reasons set out above, the Applicant cannot deliver the parallel local road requested in the current application, it has therefore considered what other aspects of mitigation arise from the Recommendation Report and what could be suggested to address the concerns identified.
- 6.3.2 The Applicant accepts there will be an adverse effect on the business of the Camel Hill filling station and the Mattia diner. Other than that, the Applicant does not agree with the conclusions of the Examining Authority as regarding adverse effects. Given its strong wish to avoid a refusal the Applicant has nevertheless put forward proposals below to address the concerns of the Examining Authority.

### **Retention of the de-trunked A303 at Hazlegrove by Highways England**

- 6.3.3 The Applicant confirms that it would be willing to accept the recommendation made by the Examining Authority that the area of the current A303 serving the Mattia diner, service station and adjacent plots remains part of the strategic highway network and is maintained by Highways England.
- 6.3.4 The Applicant does not accept the anti-social behaviour concerns raised are based on any objective evidence and therefore considers that the burden of retaining and maintaining this area is not likely to be significant.



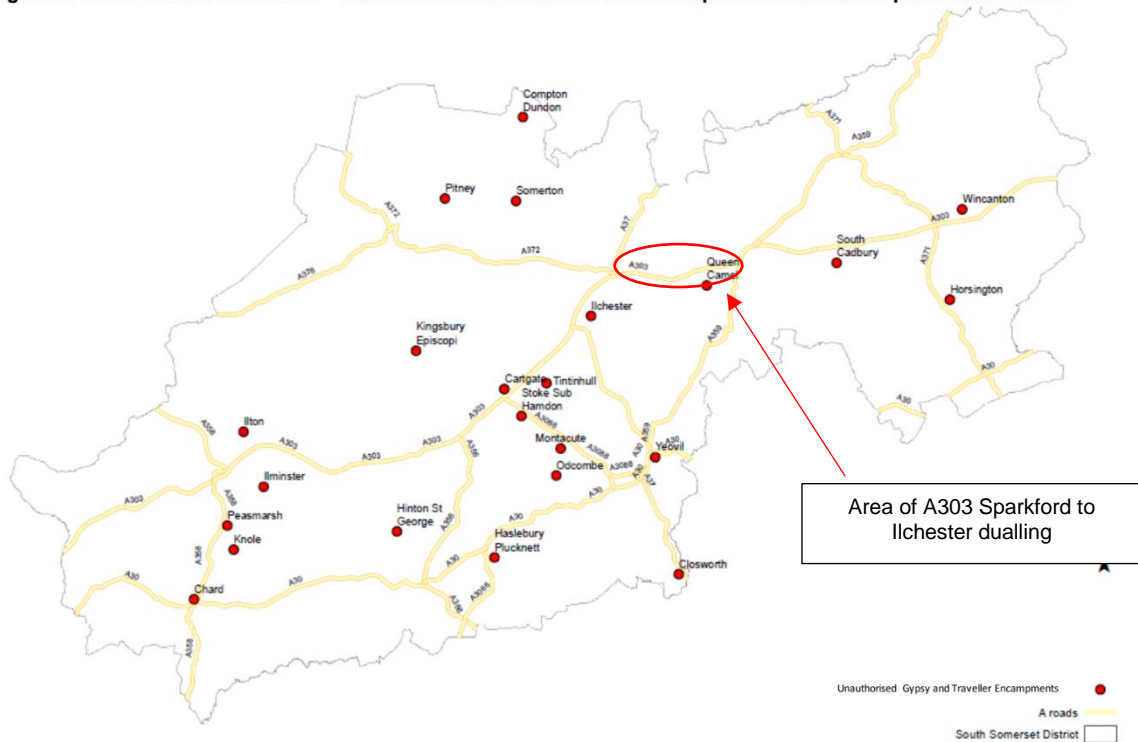
- 6.3.5 The Applicant notes that the anti-social behaviour issues raised during Examination focused on use of the de-trunked A303 road at Hazlegrove by vehicles being driven at inappropriately (and illegally) high speeds, and the potential for use as illegal encampments by travelling people<sup>39</sup>. The Applicant also maintains its position that no evidence was presented in Examination showing that there is an objective basis to believe that an illegal encampment problem will be caused.
- 6.3.6 In response to written question 3.6.5, the Applicant provided information on records of Anti-Social Behaviour in the area [REP6a-002]. The police.uk website crime map shows that, during 2018, there were a total of 19 records of criminal activity at the service station. Of those 19, only 2 records were of anti-social behaviour (which includes personal, environmental and nuisance anti-social behaviour), both in March 2018. The majority of criminal activity reported in 2018 relates to "other theft". This would include, for example, vehicles driving off without paying for fuel. Shoplifting is then the second most frequently occurring criminal activity (3 incidents), which again would be linked to the shops and food outlets located at the service station. All other criminal activity is limited to 1 – 2 reported incidents for the year per type. It is the Applicant's position that the alterations to the local road network in the vicinity of the services are unlikely to alter the propensity for criminal activity in this location. The majority of criminal activity appears to be related to the service station which is unchanged by the scheme.
- 6.3.7 South Somerset District Council was requested to provide historical information on illegal encampments in the area given that was raised as a potential issue in this location. The information supplied [REP7-051] demonstrates that any problem with illegal encampments is focused to the south of the scheme near Yeovil and the A30. There were 118 encampments over the period 2010 to 2019 in the locations shown in Figure 6.2 replicated below. Only one encampment was in the vicinity of the scheme and was in Queen Camel, not along the A303.

---

<sup>39</sup> For example, see Somerset County Council's Deadline 5 submission, Action 8 paragraph 1 [REP5-032]

**Figure 6.2: A copy of Figure 2 of South Somerset District Council REP7-051 with area of highway affected by the scheme added**

Figure 2: South Somerset District – locations where unauthorised encampments have taken place 2010 – 2019



6.3.8 The Applicant would prefer to retain responsibility for this area than be forced to give an indefinite and uncapped financial indemnity to Somerset County Council. Such an obligation, to fund undefined measures to address the asserted risk of the consequences of criminal behaviour by third parties, is not acceptable to the Applicant. It also wishes to do the maximum possible to assist the Secretary of State in re-considering its currently proposed refusal of the scheme.

6.3.9 The Applicant's expectation is that, if the DCO is granted and the scheme is constructed, that the passage of time will demonstrate that the anti-social behaviour Somerset County Council and the Examining Authority is concerned about does not arise in practice and this stretch of retained A303 can be transferred to Somerset County Council at a future date as part of the Applicant's wider ongoing operational relationship with Somerset County Council. This will reflect the fact that its fundamental character clearly sits most appropriately as part of the local road network rather than the strategic road network.

**Lighting of the de-trunked A303 at Hazlegrove**

6.3.10 The Applicant notes the criticism of this stretch of highway not being lit which is made in Examining Authority's Recommendation Report (section 11.6). This is a new issue and was not discussed in detail in Examination. This highway was not proposed to be lit because it is not considered necessary and doing so would increase visibility of the highway in a generally dark

landscape, in particular from Hazlegrove House RPG, creating adverse ecology, landscape and heritage impacts.

6.3.11 The Applicant notes that the majority of rural local roads and NMU routes in the areas outside of settlements are unlit; the situation proposed is therefore no different to the routes this stretch will link to. This is a predominantly unlit landscape and lighting therefore needs to be carefully assessed.

6.3.12 Following receipt of the Recommendation Report, the Applicant has undertaken a high-level assessment of lighting this in location.

### **Preliminary / DCO Design**

6.3.13 The Preliminary / DCO design comprised 24 new 10-metre-high lighting columns around the retained Hazlegrove Roundabout and each of its approach arms. This included three on the retained de-trunked section of existing A303 carriageway at its connection to the roundabout. This was shown in drawing HE551507-MMSJV-HLG-000-DR-EO-0010 Rev C01 (APP-153).

### **Alternative Design**

6.3.14 In response to the Secretary of State's letter an outline alternative design has been prepared which involves the installation of night-time lighting along the full extent of the de-trunked section of A303 in order to minimise the risk of anti-social behaviour. The design is shown on drawing HE551507-MMSJV-HGN-000-DR-CH-0531 included in Annex E of this report.

6.3.15 The resulting layout would require an additional nineteen 8-metre-high lighting columns on the de-trunked section of A303. The associated lighting levels are shown on drawing HE551507-MMSJV-HGN-000-DR-CH-0532 included in Annex E of this report.

### **Environmental Assessment**

#### ***Landscape***

6.3.16 In the initial assessment presented within the ES there was no requirement for lighting along the de-trunked section of the A303 (Chapter 7 Landscape of the ES, APP-044). Instead lighting was limited to the Hazlegrove Roundabout and its approaches. The only existing lighting currently visible from receptors within the Hazlegrove House RPG is that of the existing Hazlegrove Roundabout and also that of the illuminated canopy associated with the Shell Fuel station on the existing A303. This existing lighting is very localised and set in the context of existing intervening vegetation. It is important to note that the fuel station canopy would be screened by intervening vegetation by Year 15 of operation under the current DCO landscape design proposals.

6.3.17 However, the introduction of additional lighting along the de-trunked section of the A303 would bring a further 19 light columns into the view from viewpoints 35 and 38 within the RPG. Intervening existing vegetation between the new road and existing A303 would aid screening of the columns during day light hours, however a linear strip of lighting across the view may still be visible above proposed and existing planting during hours of darkness, and

particularly during the early years of operation and also during winter months when trees have lost leaf cover. Over time proposed planting between the RPG and the de-trunked road would strengthen this visual screen, however given the local topographical variations it is still possible that lighting may be visible even once proposed vegetation has established. The addition of the lighting columns and night-time lighting impacts would bring urbanising features to the landscape and local views, resulting in an increase in adverse effects both upon visual receptors 35 and 38 but also that of the Hazlegrove Landscape Character Area 2.

### ***Cultural Heritage***

- 6.3.18 In the submitted scheme no lighting is proposed along the de-trunked section of the A303. Currently the Shell Fuel station ends key views south west across Hazlegrove House RPG, to the detriment of the historic parkland character. The construction of the embankments and, once mature, the planting would obscure the Shell Fuel station, representing an improvement to the current situation.
- 6.3.19 The introduction of 19 lighting columns along the de-trunked section of the A303 would be visible within the RPG, as in Year One of the scheme being in operation, the top of the columns and lanterns would be visible above the embankment during daylight hours. This would introduce a modern feature into key views across the RPG, including from Hazlegrove House, contrary to the parkland character. As features directly associated with the road network it would also increase the presence on the road network character in these key views. As planting matures this impact would be reduced, however winter views are likely to be appreciably negatively impacted.
- 6.3.20 During hours of darkness the lighting spill from the street lights would be visible within the lower parts of the RPG. This would introduce a modern feature, contrary to the historically dark views experienced across the park. From higher areas of the RPG, including from Hazlegrove House the lighting is likely to manifest as pin points of light. Again, this would end key views south west across the RPG, including from Hazlegrove House. The street lighting would increase the modern road network character in key views across the park. As with daylight hours the impact would be reduced as planting matures, but winter views are likely to be appreciably negatively impacted.
- 6.3.21 As such it is considered that the significant permanent construction and operational effects reported for Hazlegrove House and Hazlegrove House RPG in Chapter 6 Cultural Heritage of the ES [APP-043] would remain and be increased by the lighting of the underpass due to the additional lighting required on the de-trunked A303.

### ***Biodiversity***

- 6.3.22 The introduction of additional lighting along the de-trunked section would have additional adverse effects on protected species.

### *Bats*

- 6.3.23 The main impacts to bat species as a result of increased lighting would be the presence of lit corridors posing a barrier to movement; and light spill onto retained and proposed vegetation reducing its suitability for foraging, commuting and roosting bats. Studies have shown that lighting along roads creates barriers, which many bat species cannot cross, even at very low light levels. Species may also alter flight paths, which link roosts and foraging grounds, to avoid artificial light. Of the bat species recorded in proximity to the proposed artificial lighting, a number are light sensitive, including lesser horseshoe; long-eared bat and *Myotis* bat species. Light sensitive bat species are generally less adapted to human disturbance and therefore far less common than species that are less sensitive to light. Of the light sensitive species detailed above, in particular the lesser horseshoe bat is 'rare and endangered'<sup>40</sup> on a national level, although south-west England provides a European stronghold. The indicative lighting plan (drawing HE551507-MMSJV-HGN-000-DR-CH-0532, Annex E) shows light spill onto retained and created habitats.
- 6.3.24 The indicative lighting plan shows light spill of up to 25 lux onto proposed tree, shrub and woodland planting as well as retained woodland habitat to the south of the de-trunked road section (which are areas designated as Local Wildlife Sites).

### *Badgers*

- 6.3.25 One recorded subsidiary sett located to the south of the de-trunked road section would be subject to additional light spill as a result of the lighting proposals (Confidential Badger Report, APP-144). This would be in addition to the created and retained woodland habitat adjacent to the scheme, which provide suitable habitat for foraging badgers, being subject to additional light spill.
- 6.3.26 As badgers are sensitive to light disturbance, the area of suitable habitat available to badgers would be reduced as a result of this lighting.

### *Otters*

- 6.3.27 Otters, a nocturnal species, have been recorded along Dyke Brook to the north of the proposed scheme and have been recorded crossing the road at the Hazlegrove Roundabout (Appendix 8.10 Water Vole and Otter Technical Report, APP-083). Although records of otter are low, light spill from the proposals would further increase the barrier effect of the A303 for this species and reduce the area of available woodland habitat for this species.

### *Great crested newts*

- 6.3.28 This species has been recorded to the north and south of the Hazlegrove Roundabout (Appendix 8.9 Great Crested Newt Technical Report, APP-082). The existing A303 is considered a barrier to dispersal for great crested newts.

---

<sup>40</sup> Somerset Bat Species Action Plan (undated) available online at: <http://wwwold.somerset.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=43047> (last accessed August 2020).

However, light spill onto retained and proposed habitat, including woodland, trees and shrubs would reduce the amount of available habitat for great crested newts.

6.3.29 The Applicant maintains its position that this lighting is not appropriate.

### Local businesses

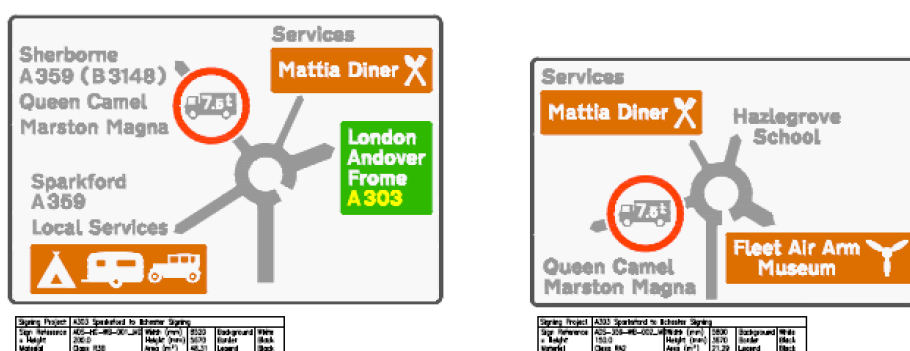
6.3.30 There are only two businesses affected – the Camel Hill filling station and the Mattia Diner.

6.3.31 The Applicant notes that the existing signage only states 'services' and that this was proposed to be replicated. The approach taken on this sort of signage was to replicate only the existing signage in order to avoid introducing visual clutter on the highway for both landscape and safety reasons. However, having regard to paragraph 11.5.12 of the Recommendation Report, the Applicant asked its design and delivery contractors to review the approach to signage.

6.3.32 The Applicant considers that there is scope to add more detail to the new signage, including for the businesses on the former A303. The Applicant cannot at this stage provide complete detail of what the signage would be as it is subject to approval processes, but has proposed amendments to the signage strategy [REP5-020] to secure a commitment to provide more signage where that is approved.

6.3.33 A proposed amended signage strategy with the changes shown in track and revised drawings are submitted with this response in Annex F and an initial visualisation of the type of signage which could be provided is shown in Figure 6.3.

**Figure 6.3: Examples of possible signage for Mattia diner**



6.3.34 There is no other mitigation that can be offered, given that the main impact is the loss of passing trade. This is a common scenario with bypasses and other major highways schemes and Parliament has chosen to not compensate affected businesses for diverted trade.

6.3.35 In the case of the Camel Hill filling station, the Applicant is compulsorily acquiring part of the site, such that it is aware that the owner (which is a national company) will be making a material detriment claim for acquisition of the entire site. By way of an update, the Applicant can explain that it will be



accepting this argument and will therefore be acquiring the entire site if the scheme goes ahead.

## 6.4 Conclusion

- 6.4.1 The Examining Authority PLR cannot be delivered within the current DCO. The Applicant does not consider that it should be pressured to deliver a substandard PLR by any other mechanism and does not intend to do so.
- 6.4.2 The Applicant is, reluctantly, prepared to accept continuing responsibility for the de-trunked section of the existing A303 serving the Mattia Diner and Camel Hill Services.
- 6.4.3 The Applicant has put forward a revised signage strategy for the Mattia Diner in response to the Examining Authority's observations on this (Annex F of this submission).
- 6.4.4 The Applicant does not consider that lighting the retained A303 is justified.
- 6.4.5 The Applicant stands by its approach to its optioneering and design judgments on this issue. The Applicant agrees with the Examining Authority and Somerset County Council that this issue does not warrant withholding consent for the scheme.

## 6.5 rDCO drafting

- 6.5.1 The Applicant therefore accepts the principle of proposed amends in the rDCO that would see it retain responsibility for this area. The Applicant however submits that the drafting seeking to achieve this which is proposed by the Examining Authority does not work in law. The Examining Authority proposes that the highway should be de-trunked but remain the responsibility of the Applicant. As was explained in the Examination, the Applicant does not own all of the subsoil of the area concerned and therefore some of the highways vests in them by operation of law due to their status as highway authority only. To de-trunk the highway means the Applicant is no longer the highway authority under the Highways Act 1980.
- 6.5.2 Simply stating that Section 265(7) of the Highways Act 1980 does not apply (i.e. that on de-trunking the highway does not automatically vest in the local highway authority) only prevents automatic transfer to Somerset County Council, it does not resolve the position of Highways England and will in fact create a legal gap.
- 6.5.3 The application of section 10 of the Highways Act 1980 to the de-trunking by Article 14 of the rDCO but then prohibiting vesting in Somerset County Council by Article 13(5), would leave the de-trunked section with no legal highway authority. In default, the highway would then accrue to Somerset County Council by operation of the Highways Act 1980, meaning that there would be a direct conflict between the Act and the DCO.
- 6.5.4 The Applicant submits that the correct approach is to specify that the DCO as an enactment specifies that the Applicant is the highway authority for the de-trunked road in accordance with section 1(1A)(d) of the Highways Act 1980.

The Applicant has submitted with this response an amended draft of the rDCO showing the changes it considers are necessary to achieve this section of road remaining with the Applicant.

## 7 Turning Heads

### 7.1 The application and Applicant's case in front of Examination

- 7.1.1 The Secretary of State has requested further information as to how the Applicant would address and secure the delivery of permanent turning heads if it is not able to use temporary possession powers in the way it originally proposed<sup>41</sup>.
- 7.1.2 The Applicant proposes (and has always proposed) in the DCO to acquire permanent rights over these plots, with all the attendant consequences in terms of deprivation of rights and access to compensation for landowners. The Applicant has never proposed that these turning heads could be delivered through temporary possession alone and agrees entirely that would not be appropriate.
- 7.1.3 The Applicant is therefore concerned that there may have been a fundamental misunderstanding of the position if the Secretary of State considers this point relates to temporary possession powers. Compulsory acquisition is and always has been proposed, included in the Book of Reference and shown on the land plans throughout.
- 7.1.4 Temporary possession of the plots is sought to physically build the scheme, but supplements, not replaces, the acquisition of permanent rights. The rights are how the creation of areas of highway are secured, temporary possession only allows the Applicant to occupy all of the areas necessary for construction, including ahead of rights being finally acquired. The red line areas are slightly larger and squarer than the final turning heads will be to allow for detailed design and construction, and temporary possession is required in all of them. The Applicant notes that regardless of the position on landownership, temporary possession is necessary over the larger area within the order limits (red line) to create safe, secure working areas during construction without unnecessarily acquiring land or rights which are not needed post-construction.
- 7.1.5 The Applicant set out the legal background to its proposal in detail in its legal submission at Deadline 8 [REP08 –23]. As set out in that submission, the Applicant was seeking to ensure proportionate use of powers of acquisition by only seeking rights where that is sufficient to deliver the project. This is in accordance with Planning Act 2008 guidance<sup>42</sup> on compulsory acquisition which obliges the promoter to minimise the interference with private rights and interests. For this reason, the Applicant decided that using the creation of rights, rather than the full acquisition of the freehold interest, was the appropriate approach for the non-motorised user highways and for small turning head areas.
- 7.1.6 The legal essence of all public highways (whether footpaths, cycle paths, bridleways or vehicular carriageways) is the same – a right to pass and repass along a defined route. The case law has referred to the public right

---

<sup>41</sup> Paragraph numbers 38 to 40 of the Secretary of State's letter dated 21 July 2020.

<sup>42</sup> Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, Ministry of Housing, Communities & Local Government, September 2013

over a highway as being “an easement for the benefit of the public”<sup>43</sup>. A highway accordingly exists where there are public rights of passage over a defined route.

7.1.7 The Applicant considers that it is clear from the wording of the Planning Act 2008 that rights or interests in land can be acquired by compulsion, including new rights created by compulsion in DCOs.

7.1.8 As the Applicant explained in REP06-23 a preference for the use of freehold acquisition in this scenario is a question of policy not law.

## **7.2 Delivery where compulsory acquisition of permanent rights is not included in DCO**

7.2.1 If the Secretary of State decides not to grant the compulsory acquisition powers for the turning heads (i.e. the powers in relation to plots in the Book of Reference), Highways England is confident that the turning heads can be delivered as explained below.

7.2.2 In essence:

- Assuming the DCO is granted in November 2020, the 3-year delivery programme for construction will commence. This provides a substantial window within which to resolve this issue within the existing programme;
- The Applicant is already well placed to secure the necessary land / rights by agreement – this is explained further below;
- If it becomes apparent that any of the land / rights is unlikely to be secured by agreement after grant of the DCO (bearing in mind those landowners who are awaiting grant of the DCO to commence substantial discussions), the Applicant will promote a Material Change to the DCO to add freehold compulsory acquisition powers and exercise them. This is considered further below;
- To cover the situation where a turning head cannot be delivered on the original programme, the Applicant has analysed the temporary arrangements which would be put in place pending resolution of the land/rights and construction of the permanent arrangements. The position regarding each turning head is explained below.

## **7.3 Development Consent**

7.3.1 The DCO will grant the development consent for the construction of the turning heads and classify them as part of the highway as and when they are complete (Article 14(3) and (4) of the rDCO). The turning heads are not complete until they have been finally constructed but will be classified as and when they are.

---

<sup>43</sup> *Dovaston v Payne* 1795 2 H Bl 527

7.3.2 There is no suggestion in the letter from the Secretary of State that any other powers would not be granted and no suggestion that delivery of the turning heads is not appropriate.

## 7.4 Delivery by agreement

7.4.1 The Applicant's principal approach is to secure the land/rights by agreement. The current position can be summarised in Table 7.1 below. The landowners fall into two categories:

- (a) Landowners which have agreed in principle to sell the necessary land/rights for the turning heads to Highways England; and,
- (b) Landowners which have stated that they do not wish to negotiate until the DCO is granted and they know the scheme is proceeding.

7.4.2 All the relevant landowners are well known to Highways England from dialogue over an extended period in relation to the scheme and have been approached by Highways England to investigate the possibility of acquiring the land for turning by negotiation. All landowners have received access to surveyors to obtain professional advice which Highways England are paying for. As will be appreciated, they have had every opportunity to object as part of the Examination and have not done so. The Applicant has no reason to think that it will not be able to secure the necessary land/rights once the DCO has been granted.

**Table 7.1: A summary of the Applicant's position on securing the land / rights by agreement**

	Turning head	Land owner & Plots	Current position
1	Work 27: Downhead Lane turning head.	Plot 4/4b J and C Plested.	Agreement in principle to sell, pending grant of DCO and detailed design.
2	Work 61: Camel Hill Quarry turning head	Plot 5/3j Highways England Company Limited (in respect of subsoil as presumed landowner to centreline of highway and as highway authority) Unknown (in respect of subsoil).  J Turner (in respect of subsoil as presumed landowner to centreline).	Agreement in principle to sell has been reached with Mr Turner, with an option agreement being progressed ahead of grant of DCO. Under that, the Applicant would acquire the freehold of plot 5/3j.  The other interest in this plot has been included because and, although it is already subject to highways rights, the ownership is unknown, one of the presumed owners is not Highways England and on de-trunking Highways England will cease to be relevant highway authority for any highway rights.
3	Work 62: Traits Lane turning head	Plot 7/1c B Hewlett	Agreement in principle to sell, pending grant of DCO.

	Turning head	Land owner & Plots	Current position
4	Work 63: Gason Lane turning head	Plot 7/7d D and B Hewlett	Agreement in principle to sell, pending grant of DCO.
5	Work 64: Camel Hill Services turning head	Plot 7/8c Motor Fuel Group Limited	Agreement in principle to sell, pending grant of DCO.

7.4.3 Highways England would highlight that some of the main landowners affected by the proposed scheme have declined to enter into agreements, including option agreements, ahead of grant of the DCO as they do not believe the project will be implemented. There have been a number of schemes proposed to improve this area of highway in the past which have not reached construction, and there is accordingly a high degree of scepticism amongst landowners that this scheme will be delivered.

7.4.4 Motor Fuel Group has agreed in principle to sell all of their interest voluntarily to Highways England but does not wish to progress that sale unless and until the DCO is granted. They have advised they wish to continue the current use of the affected land for as long as possible ahead of it being required by Highways England, and do not want to agree a sale date until the detailed construction programme is known.

## 7.5 Delivery by Material Change to the DCO

7.5.1 If necessary, the Applicant will seek to secure the land required for the turning heads by promoting an amendment to the DCO to add freehold compulsory acquisition powers. This is clearly within the scope of a Change application and would be a Material Change given it involves new compulsory acquisition powers.

7.5.2 The case for obtaining compulsory powers of freehold acquisition to deliver the turning heads in these circumstances would be overwhelming. Highways England cannot envisage any credible circumstances where such a Change application would not be granted.

7.5.3 The only issue is timing. Highways England would want to leave a reasonable period after the grant of the DCO to secure the land / rights by agreement (the Applicant refers to 'land / rights' because the outcome would either be a transfer of the freehold land or a dedication of the freehold by the landowner to make the land public highway). If it became apparent that the negotiations were not going as expected within four months of the grant of the DCO, then the Applicant would start preparing the appropriate Material Change application for consultation and would take that forward in parallel with the negotiations until either the full land/rights were secured by agreement or the Material Change application was granted.

7.5.4 Applying The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) and the associated 2015 Guidance, the Applicant estimates that the longest timeline would be:



- 4 months from the start of preparation of the application to submit it. This would allow for a Statement of Community Consultation, consultation under section 42, 44, 47 and 48 and preparation of the application documents;
  - One month for acceptance;
  - Three months for Pre-Examination;
  - Four months for Examination (it is assumed at least one landowner objects; this period could easily be shorter given the very narrow issues);
  - Two months for Examining Authority report;
  - Two months for Secretary of State decision.
- The Applicant would then implement the amended DCO by way of a General Vesting Declaration, which would give access to the land within four months.
- This application would deliver the land / rights within 20 months, which would be well within the 3-year delivery programme from DCO confirmation, assuming the Change application process (i.e. consulting on draft Statements of Common Ground) began in, say, May 2021. The works themselves are minor in the context of the scheme as a whole.

7.5.5 In practice, the Applicant considers that launching and pursuing the Material Change application would substantially increase the chances of all the land / rights being secured by agreement allowing the pre-application process to be halted or the application withdrawn.

## 7.6 Proposals for Temporary Arrangements

7.6.1 Where agreement has been secured in time for the main construction programme, the relevant heads will be constructed as intended. Where agreement or compulsory acquisition powers have not been secured in time, temporary arrangements will be put in place, pending the securing of the land/rights.

7.6.2 The temporary arrangements will involve:

- Construction of all aspects of the work bar the relevant part of each relevant turning head; and,
- Signage at appropriate locations to warn road users that there is no turning head available.

7.6.3 The Applicant has reviewed each of the proposed turning heads and identified what temporary arrangements are appropriate depending on the circumstances.

### **Work 27: Downhead Lane turning head, Plot 4/4b**

7.6.4 The proposed turning head is adjacent to the farm building as shown in Figure 7.1. The existing lane past this point is stopped up and does not access the existing A303. The lane appears very narrow and overgrown (by tree canopy) as it passes the farm buildings.

**Figure 7.1: Proposed turning head location**



7.6.5 There is an existing turning head at the end of the lane near the A303 which would be removed by the scheme. The Applicant would design the works to retain that for as long as possible pending delivery of the new turning head. Given the narrowness of the lane and as it does not access any properties past the farm, it is unlikely that large vehicles will be using the lane past the farm. Therefore, the Applicant's subject matter experts have assessed that the delay in provision of a turning head is very unlikely to pose any safety risk for turning vehicles, which in any event is a pre-existing situation.

7.6.6 Temporary signage could be provided during construction warning of no through road, no access to the A303 and no turning.

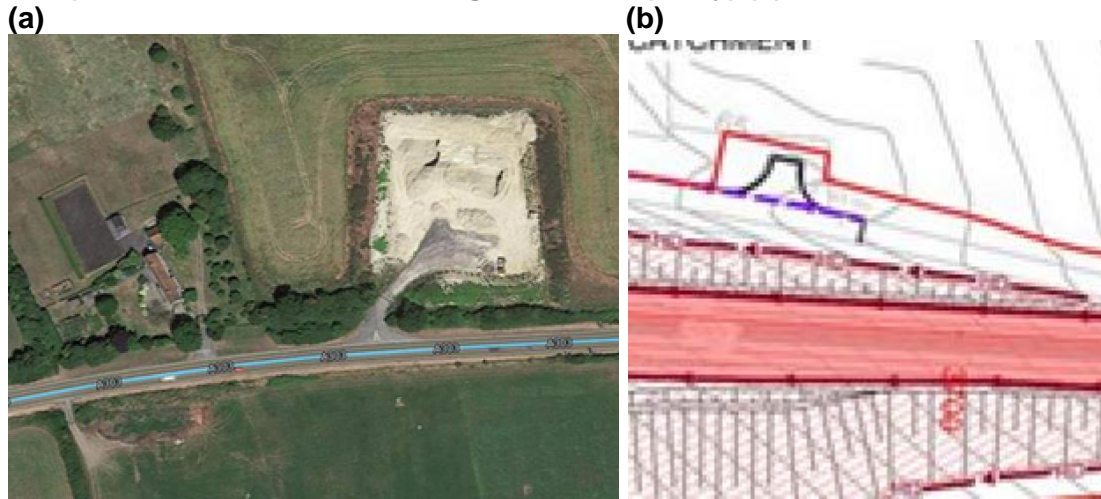
**Work 61: Camel Hill Quarry turning head, Plot 5/3j**

7.6.7 The Applicant notes that, in this case, the area concerned consists of highway verge and an access and is already subject to highways rights. The ownership is however unknown, and Highways England will cease to be the relevant highway authority once the adjacent A303 is de-trunked, so resolving the position was considered necessary. In practical terms, there is accordingly no greater interference with owners' rights proposed than already exists on the ground at this time. The difference would be that this area of highway will be local not strategic. The Applicant also notes that it is the presumed owner of the subsoil of part of this plot due its ownership of the adjacent land.

7.6.8 The A303 in this location will form a dead-end access road leading to the Quarry. Quarry vehicles can turn in the Quarry property, which is the present situation (Figure 7.2a). The proposed turning head is on what will be a new access road (Figure 7.2b).

7.6.9 The signage noting that there is no through road will be erected before the new access road is opened. During construction the Applicant will provide a temporary turning area within the red line as part of its site management.

**Figure 7.2: Current Quarry access (a) and proposed turning head shown inside red line (direct from A303 with turning inside the quarry) (b)**



### Work 62: Traits Lane turning head, Plot 7/1c

7.6.10 The proposed turning head is at the end of Traits Lane as it accesses onto the existing A303. Figure 7.3 shows the entry onto the A303 and two accesses one the left and right, both are believed to be accesses to telecom installations. The proposed turning head is located at the end of the lane adjacent to the new A303 and adjacent to the maintenance access. There is a residential property on the right about a 300m down (away from the A303) the lane from the proposed turning head.

**Figure 7.3: Existing entry onto the A303**



7.6.11 The maintenance access to be formed can be used to provide a turning facility during construction.



7.6.12 It is highly unlikely that large vehicles will be using the lane past the house as it is clearly unsuitable for such use, and therefore pending delivery of the permanent turning head it is very unlikely to create a safety risk with turning vehicles.

7.6.13 Temporary signage will nevertheless be provided to confirm the lack of access to the A303, no through road and the lack of turning.

#### **Work 63: Gason Lane turning head, Plot 7/7d**

7.6.14 The proposed turning head is at the end of Gason Lane as it accesses onto the existing A303. Figure 7.4 shows the lane's existing entry onto the A303 and two field accesses on the left. The proposed turning head is located at the end of the lane adjacent to the new A303. The only access taken from this lane past the residential property 1km further down the lane, is to the fields as shown in the left of the image, there will be no through access during and after construction. The turning head is into the two fields on the left.

**Figure 7.4: Gason Lane's existing entry onto the A303 and two field accesses on the left**



7.6.15 The existing field access will provide an opportunity to make a U-turn for a car or van when the lane is stopped up for the construction. Farm machinery can turn in the fields being accessed.

7.6.16 The Applicant's subject matter experts consider that the temporary situation is very unlikely to create a safety risk for people and turning vehicles.

7.6.17 Temporary signage will nevertheless be provided during construction to highlight the lack of access to the A303 and no turning facility, pending provision of the permanent turning head.

#### **Work 64: Camel Hill Services turning head, Plot 7/8c**

7.6.18 This proposed turning head would be at the stopped-up end of the existing A303 next to the filling station (Figure 7.5). This will be the de-trunked section of highway and is wide enough for most vehicles to turn safely. Large vehicles (such as tankers delivering to the service station or Heavy Goods Vehicles

using the service station) will turn using the forecourt on exiting. Use of the forecourt to turn on exit poses no greater risk from a safety perspective than current operations.

7.6.19 Accordingly, the Applicant does not consider that temporary arrangements pending delivery of the permanent turning head are required.

**Figure 7.5: Proposed location of Camel Hill Services turning head**



## 7.7 Delivery of temporary measures

7.7.1 The rDCO allows, within the Order Limits, “(q) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development;”. The provision of temporary turning facilities would be covered by this provision.

7.7.2 All of the signage related to the temporary measures would be set out in the Traffic Management Plan which needs to be approved prior to the commencement of development under requirement 11 of the rDCO.

## 7.8 rDCO drafting

7.8.1 The Applicant submits that where the Secretary of State is not prepared to grant powers of acquisition of permanent rights, temporary possession powers should still be granted over the plots for the purposes of construction of the scheme. Temporary possession of these areas has been sought since consultation stage, the landowners have been properly notified of the intention to seek that power and were given the opportunity to challenge it during Examination, they did not do so. In addition to the turning heads, these plots are required for other elements of construction and for service diversion works. The Applicant is not aware of any challenge to those uses.

7.8.2 The point in issue relates to the permanent use of the turning heads only and how that permanent interference with the landowners' rights is secured (i.e. through acquisition of the freehold or of permanent rights), not temporary possession during construction. The Applicant notes that Examining Authority proposes that, where the Secretary of State is not comfortable with the delivery of the turning heads through acquisition of permanent rights, the plots should be deleted from the land plans and the Book of Reference. The Applicant respectfully submits that goes too far and that the correct approach would be to move these plots to schedule 7 (Land of which only temporary possession may be taken) of the DCO, and change the colouring of them on the land plans to green. This would make it absolutely clear that only temporary possession may be taken over this land while still allowing the Applicant to occupy as necessary during construction.

## **7.9 Conclusion**

- 7.9.1 The Applicant still hopes the Secretary of State will grant the DCO as applied for.
- 7.9.2 If, however, the Secretary of State decides not to grant the compulsory acquisition rights sought in the DCO application, then the Applicant has demonstrated how the permanent turning heads can still be delivered and that acceptable interim arrangements can be put in place where necessary.
- 7.9.3 The Applicant is completely committed to delivering the turning heads as part of this scheme.



## Annex A: Correspondence log with the Defence Infrastructure Organisation

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues tables)
6 August 2020	Teams Meeting	Further meeting to discuss the Secretary of State's 'Minded to Refuse' letter and potential for MoD to submit further evidence which can be shared by HE why only a footpath is acceptable.
31 July 2020	Teams Meeting	Meeting to discuss the Secretary of State's 'Minded to Refuse' letter and potential for MoD to submit further evidence which can be shared by HE why only a footpath is acceptable.
28 July 2020	Email	Sweco requested a meeting to discuss the Secretary of State's 'Minded to Refuse' Letter.
16 June 2020	Email	Further response received from DIO Safeguarding Team with comments from the bird strike advisor.
27 May 2020	Email	Sweco responded to the Defence Infrastructure Organisation's points on the pond landscaping proposals.
05 May 2020	Email	Response received from the Defence Infrastructure Organisation Safeguarding Team with feedback on the design proposals from the bird strike advisor.
24 April 2020	Email	Sweco issued a Technical Note with appended design drawings to update the Defence Infrastructure Organisation on the progress made on the scheme design.
26 March 2020	E-mail	Highways England confirmed that the asset was considered in the Cultural Heritage Assessment submitted with DCO Application and addressed in the Written Scheme of Investigation.
26 February 2020	E-mail	MoD confirmed they are content with Highways England acquiring interest in subsoil of plot 7/5a by agreement. MoD requested clarification whether impact on existing asset on their land has been considered.
1 October 2019	Skype Meeting	Skype meeting to discuss progress of the scheme and consent to acquire land from the Defence Infrastructure Organisation and progress of the dedication agreement for the footpath.
1 October 2019	E-mail	Highways England emailed Defence Infrastructure Organisation to confirm intention to purchase freehold interest in subsoil of plot 7/5a by agreement.
25 September 2019	E-mail	Meeting invite for 1 October sent. Highways England confirmed intention to purchase freehold interest in subsoil of plot 7/5a by agreement.
2 September 2019	E-mail	Confirmed that parcels of land requiring surveys had changed, request for Defence Infrastructure Organisation to review revised licences.
6 August 2019	E-mail	Defence Infrastructure Organisation confirmed a charge would be required to compensate Defence

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues tables)
		Infrastructure Organisation staff to facilitate request re surveying land.
30 July 2019	E-mail	Confirmed that happy to provide a week's notice.
3 July 2019	E-mail	Defence Infrastructure Organisation confirmed RNAS Yeovilton content re ecology survey licence. Defence Infrastructure Organisation requested confirmation that a week's notice can be provided to allow surveyors to be escorted,
21 June 2019	E-mail	Highways England confirmed the proposed width of the footpath on Defence Infrastructure Organisation land.
19 June 2019	E-mail	Defence Infrastructure Organisation requested confirmation regarding the proposed width of footpath on Defence Infrastructure Organisation land.
10 June 2019	E-mail	SoCG submitted to Defence Infrastructure Organisation for signing. Defence Infrastructure Organisation responded with a signed copy of the SoCG.
7 June 2018	E-mail	Correspondence between organisations on the drafting of the SoCG.
5 June 2019	E-mail	Copy of ecology survey licence packed was email to the MoD. Confirmation from the Defence Infrastructure Organisation that information was submitted to RNAS Yeovilton.
5 June 2019	E-mail	MoD confirmed response to Rule 17 request and that only a footpath is acceptable on MoD land.
4 June 2019	E-mail	Notified the Defence Infrastructure Organisation safeguarding team that a request under Rule 17 made by the Examining Authority and confirmed issues can be dealt with in the detailed design stage.
30 May 2019	E-mail	Licence issued to Defence Infrastructure Organisation for ecology surveys.
30 May 2019	Skype Meeting	Meeting with Defence Infrastructure Organisation regarding update on the SoCG.
09 May 2019	Meeting	Meeting with Defence Infrastructure Organisation to discuss PAR and OLS restrictions on proposed compound location.
11 April 2019	Letter	Letter of consent received from the Defence Infrastructure Organisation for the acquisition of land for plots 7/5a and 7/6a.
11 April 2019	Skype Meeting	Skype meeting to discuss progress of the scheme and consent to acquire land from the Defence Infrastructure Organisation and progress of the dedication agreement for the footpath.
09 April 2019	Teleconference	Meeting to discuss safeguarding concerns with Defence Infrastructure Organisation. Further meeting with technical experts being arranged.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues tables)
05 April 2019	E-mail	Issue of the draft footpath dedication agreement to both Defence Infrastructure Organisation and Somerset County Council for review and comment.
14 March 2019	E-mail	Further queries from Defence Infrastructure Organisation safeguarding team and additional information issued.
07 March 2019	Letter	Receipt of letter confirming Defence Infrastructure Organisation support for the proposed material change for the movement of the main compound location
06 March 2019	Skype Meeting	Skype meeting to discuss progress of the scheme. Discussion regarding the consent to acquire land from the Defence Infrastructure Organisation and progress of the dedication agreement. Confirmation of support from the Defence Infrastructure Organisation for the proposed material change for the revised compound location
08 February 2019	E-mail	Confirmation from the Defence Infrastructure Organisation that content for a footpath to be placed on Defence Infrastructure Organisation land.
29 January 2019	E-mail	Further discussion with the Defence Infrastructure Organisation Safeguarding team regarding the ponds associated with the scheme and the height restrictions associated with the proposed new compound site.
14 January 2019	Meeting	Discussion held regarding the proposed designation of the right of way across the Camel Hill signal station site.
06 March 2019	Meeting	Discussion between Highways England and the Defence Infrastructure Organisation regarding outstanding issues with the SOCG.
21 November 2018	E-mail	e-mail regarding Bird strike risk.
15 November 2018	Meeting on RNAS site proposal for a new set of landing lights (LL)	Defence Infrastructure Organisation informed HE they are planning on conducting UXO surveys Approval for the footpath granted but not for bridleway.
1 October 2018 to 1 November 2018	E-mails re: LL	Arranging a meeting with the LL project manager for the proposed LL plans and solicit agreements.
25 September 2018	E-mail (I) re: Footpath	Follow-up email regarding the progress with the Footpath Creation Report that was previously sent.
18 July 2018	E-mail	Asking access to Defence Infrastructure Organisation property at Camel Hill
12 July 2018	E-mail	Intention to use the field (for the proposed new LL) as a construction compound during the work
12 July 2018	E-mail	Request to upgrade the footpath to a bridleway. Plan/drawing is provided.
9 July 2018 & 3 July 2018	E-mails	Footpath creation report and the Creation Agreement were requested to discuss.
22 June 2018	E-mail	Review of the draft Statement of Common Ground.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues tables)
19 June 2018	E-mail	The 3 accesses to the Camel Hill property will be affected. Three accesses have been labelled A-C and provides an explanation of each in terms of its location. Access A will be closed permanently. Access B will only be accessible from the southern end of Gason Lane therefore Gason Lane / A303 junction will be closed permanently. Access C will only be accessible from the southern end of Traits Lane as Traits Lane / A303 junction will be closed permanently. These have been annotated on a plan
11 June 2018	E-mail	Requests access to ProjectWise to overlay the design onto the land plots.
7 June 2018 & 2 June 2018	E-mails	Query about noise as part of the noise modelling.
19 March 2018 to 3 April 2018	E-mails	Proposed land take and the possible impact on the Defence Infrastructure Organisation signalling station had been discussed and asked feedback from the Defence Infrastructure Organisation safeguarding team.
9 March 2018	E-mail	Discussion on the proposal of a footpath diversion across land currently owned by the Secretary of State for Defence.
2 March 2018	E-mail	Plan showing the possible impacts on the Defence Infrastructure Organisation signalling station, for review by the Defence Infrastructure Organisation safeguarding team.
10 November 2017	E-mail	The Defence Infrastructure Organisation have no objection to the scheme in principle but require to be kept informed of any further amendments to this scheme.
30 October 2017	E-mail	Defence Infrastructure Organisation was provided with the design plans and portal login. In addition to a request for work to commence on the plans.
24 January 2017	E-mail	Request regarding access to ecology survey (KS/0063E/001)

## **Annex B: Meeting minutes with the Defence Infrastructure Organisation**

## Minutes of meeting

Project Name: A303 Sparkford to Ilchester Widening  
 Project Reference: 551507  
 Project Manager: David Stone

Minutes by: Janet Lascelles  
 Date: 05/08/2020  
 Document Reference: HE551507-GTY-MAN-000-MI-ZX-50007

Location:	Teams Call	Error! Reference source not found.	05/08/2020	Time:	15:00 - 16:00
Present	██████████	DIO			■
	██████████	DIO			■
	██████████	Birdstrike Management Ltd			■
	██████████	Highways England			■
	██████████	Highways England			■
	██████████	Galliford Try			■
	██████████	Galliford Try			■
	██████████	Sweco			■
	██████████	Sweco			■
	██████████	Sweco			■
Apologies:	██████████	Sweco			■

## A303 Birdstrike Discussion

- | 1 | Current Status between HE and DIO  | Action |
|---|--|--------|
|   | <p>■ made reference to past statements by the DIO (letters dated 18 June 2019 and 26 November 2019) and the DfT letter dated 21 July 2020 outlining the Secretary of State’s view on the birdstrike issue.</p> <p>■ confirmed that the HE need to respond to the Secretary of State by the 18 August 2020, therefore an agreement of understanding between the DIO and HE is needed before then.</p> <p>■ confirmed that the DIO stance remained that the main issues to resolve were the pond designs and the provision of a Bird Hazard Management Plan.</p> |        |

■ also stated the impact of the ponds on the RNAS Yeovilton airspace provision:

Pond 1 - key route from RNAS Yeovilton towards another airfield

Ponds 2 and 3 - within the area of runway climb

Ponds 4 and 5 - a heavily trafficked area

## 2 Design Proposals

■ presented the designs as issued to attendees on 03/08/2020, namely Section 6 of the Birdstrike Review Paper, and draft copies of the following drawings:

HE551507-GTY-ELS-000-DR-LX-50202-P02.01

HE551507-GTY-ELS-000-DR-LX-50205-P02.01

HE551507-GTY-ELS-000-DR-LX-50206-P02.01

HE551507-GTY-ELS-000-DR-LX-50207-P02.01

HE551507-GTY-ELS-000-DR-LX-50210-P02.01

HE551507-GTY-ELS-000-DR-LX-50223-P02.01

HE551507-GTY-ELS-000-DR-LX-50225-P02.01

■ and ■ explained how the pond designs had developed in consultation with the DIO over the past few months, in line with Section 6 of the Birdstrike Review Paper.

■ requested the following alterations to the design to meet the DIO requirements:

- Marginal planting not to include Iris as this dies back during the winter. This plant mix should ensure year-round planting.
- Tree species on the periphery of the ponds should not be fruit bearing.

Sweco to review proposals and issue the plant mixes and tree species to DIO.

## 2 Maintenance and Monitoring

■  
**Action**

■ referenced the maintenance proposals as issued to attendees on 03/08/2020, namely Section 7 of the Birdstrike Review Paper. Requirements differ between the establishment period (yr 1 and 2) and the ongoing maintenance (yr 3 onward).

■ stated that the maintenance requirements over the first 5 years would be the responsibility of Galliford Try and all environmental activities would be set out within the Construction Environmental Management Plan.

■ confirmed that the CEMP would be have to be discharged by the Secretary of State, therefore the DIO could become a consultee for this document to ensure it addressed the DIO concerns.



■ to confirm if the DIO would be in agreement with this.

■ did state that the maintenance proposals were acceptable, but it was the monitoring of birds both during the establishment and ongoing maintenance that concerned the DIO, and the protocols for enforcing actions between the DIO and HE. ■

■ noted that any ongoing management and protocols would need to be robust and in perpetuity.

■ set out the current proposals as stated within Section 7 of the Birdstrike Review Paper.

■ stated that a more frequent monitoring regime would be expected and agreed to forward the DIO's recommendations. ■

■ requested an example of agreed protocols with DIO. ■ agreed to forward some guidelines or parameters around which the protocols could be set. ■

■ explained that it was the intention that the ongoing maintenance requirements and any agreed monitoring and protocol requirements to be included within the Handover Environmental Management Plan (HEMP). As per the CEMP, this would also be discharged by the Secretary of State, and the DIO could become a consultee for this document.

■ stated that the HEMP would end up in the public domain.

■ agreed to confirm if the DIO would accept a HEMP instead of a separate Bird Hazard Management Plan. ■

### **3 Next steps**

■ to arrange a meeting for week commencing 10 August to review actions and agree the HE/DIO position.

## **Annex C: Applicant's proposed Section 278 Agreement for Higher Farm Lane**

**THIS AGREEMENT** is made this                      day of                      20   .

**BETWEEN**

1        **HIGHWAYS ENGLAND COMPANY LIMITED** registered in England and Wales with company number 09346363 of Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4LZ ("**Highways England**"); and

2        **SOMERSET COUNTY COUNCIL** of County Hall, Taunton, Somerset, TA1 4DY ("**the Council**")

and collectively referred to as the "Parties" or individually referred to as "the Party"

**WHEREAS**

- (A)        The Council is the Local Highway Authority for the administrative area in which the Scheme is located.
- (B)        Highways England is the strategic highways company appointed by the Secretary of State by virtue of the Appointment Order.
- (C)        Highways England have applied for a Development Consent Order to carry out the Scheme in order to dual a section of the A303 trunk road between Sparkford and Podimore for which Highways England is the Highway Authority under the Act.
- (D)        The Parties have agreed that works to the local highway network at Higher Farm Lane, Podimore for which the Council is the Highway Authority under the Act to accommodate use by horse riders would provide mitigation for the works proposed in the Scheme.
- (E)        The Parties have agreed to enter into this Agreement to facilitate the design and delivery of the Works with the intention that works are delivered by the Council at the expense of Highways England.

**NOW IT IS AGREED AS FOLLOWS:**

**1        DEFINITIONS**

1.1        In this Agreement the following expressions shall unless the context otherwise requires have the following meanings:

“**Act**” means the Highways Act 1980 (as amended);

“**Appointment Order**” means the Appointment of a Strategic Highways Company Order 2015;

“**Consents**” means approvals, consents, licences, permissions, or registrations and includes planning permission under the Town and Country Planning Act 1990;

“**Development Consent Order**” or “**DCO**” means the Order for Development Consent to construct and operate the Scheme applied for by Highways England and given planning inspectorate reference TR010036 and includes any Order granted by the Secretary of State pursuant to that application;

“**DMRB**” means the Design Manual for Roads and Bridges published by Highways England and any amendment to or replacement of it for the time being in force;

**“Higher Farm Lane”** means the section of the local highway known as Higher Farm Lane and shown on the definitive map as footpath Y30/31, running from the village of Podimore, over the A303 to the junction to the north where a connection to bridleway Y30/29 is proposed, and which section is shown on the plan annexed to this agreement as a dashed purple line within the orange box;

**“RSA”** or **“Road Safety Audit”** means a review of the proposed design or any works and any road safety impacts carried out in accordance with DMRB or such other standard as the parties may agree;

**“Scheme”** means the A303 Sparkford to Ilchester Dualling scheme for which consent is sought in the DCO;

**“Works”** means all elements of the design and delivery of works which in the opinion of the Council (acting reasonably) are necessary to achieve the objectives set out in Schedule 1 to this Agreement.

- 1.2 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement.
- 1.3 The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedules.
- 1.4 Any reference to a statute or statutory provision includes a reference to that statute or statutory provision as amended extended or re-enacted and to any regulation, order, instrument or subordinate legislation under the relevant statute or statutory provision.
- 1.5 Words importing one gender shall be read and construed to include any other gender.
- 1.6 Unless the context otherwise requires, words importing the singular shall include the plural and vice versa.
- 1.7 Reference to any person includes any reference to a body corporate unincorporated association or a partnership and vice-versa.
- 1.8 Reference to any right exercisable by any Party hereunder shall be construed as including (where appropriate) the exercise of such right by all other persons having a like right.
- 1.9 References to a statute or a provision of a statute include any statute or provision of a statute amending consolidating or replacing it for the time being in force.
- 1.10 Words denoting an obligation on a party to do any act matter or thing shall include an obligation to procure that it be done and words placing a party under a restriction shall include an obligation not to permit or to allow infringement of the same.

1.11 Any words following the terms including, include, in particular, for example or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

## **2 STATUTORY PROVISIONS**

2.1 The Council enters into this Agreement which is made pursuant to Section 278 of the Act, section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and any other enabling powers.

## **3 COMMENCEMENT**

3.1 This Agreement shall not commence and shall have no effect unless and until:

- (a) The Secretary for State for Transport grants the DCO; and
- (b) The DCO requires that the Works are delivered; and
- (c) Highways England, having reviewed the DCO as granted, decides it wishes to proceed to construct the Scheme.

3.2 Where the DCO is granted, Highways England shall notify the Council within 3 working days of taking any decision whether or not it will proceed to construct the Scheme.

## **4 THE WORKS**

4.1 As soon as reasonably practicable after this Agreement comes into force in accordance with clause 3, the Council, in consultation with Highways England, shall prepare a scheme for the Works which scheme must identify the physical works to be carried out to Higher Farm Lane and any legal orders which require to be promoted.

4.2 Following completion of the scheme required by clause 4.1;

- (a) the detailed plans and specifications for the physical elements of the Works shall be submitted to the Council for approval; and
- (b) the Council will prepare drafts of any Order required under the Road Traffic Regulation Act 1984 required as part of the Works in accordance with the scheme prepared under clause 4.1.

4.3 The Council shall be responsible for obtaining any Consents required to carry out the Works.

4.4 The Council shall be responsible for drafting, consulting on, making and (where applicable) seeking confirmation of any legal order required as part of the Works under the Road Traffic Regulation Act 1984 or any other legislation in accordance with the applicable regulations.

- 4.4 The Council shall be responsible for approving, procuring, carrying out, supervising and, inspecting any Works in accordance with the detailed plans and specifications of the Works approved under clause 4.2 and thereafter for maintaining the same.
- 4.5 In approving the Works under Clause 4.2 the Council may have regard to affordability of those works with respect to the balance of the sum paid to it under clause 5.1.
- 4.6 The Council shall be responsible for carrying out any RSAs which are required for the Works. Highways England shall be entitled to participate in and review any documents associated with or produced by those RSAs where they request to do so.
- 4.7 The Council will carry out the Works as soon as reasonably practicable following the approval or preparation pursuant to clause 4.2 (and grant of any consents where applicable), and will use reasonable endeavours to
- (a) commence the promotion of any legal order required as part of the Works within 3 months of preparation; and
  - (b) commence any physical works required as part of the Works no later than 6 months after an order promoted under 4.4 has been made.

## **5 PAYMENT OF COSTS AND RECONCILIATION OF SPEND**

- 5.1 Highways England shall pay to the Council four hundred and fifty thousand pounds sterling (£450,000) to design and deliver the Works. This sum shall be paid in one instalment within 30 days of the coming into force of this Agreement.
- 5.2 The Council may use the sum paid under clause 5.1 towards the payment of all costs properly and reasonably incurred by the Council in fulfilling its role and duties associated with development and delivery of the Works, including the time of its own officers.
- 5.3 Highways England shall have no liability for any cost in excess of the sum paid under clause 5.1 above.
- 5.4 The Council covenants with Highways England that it will repay to Highways England such amount of any payment made by Highways England to the Council under this Agreement which has not been expended in accordance with the provisions of this Agreement (and money shall be deemed to be expended if the Council has properly entered into a contract for the expenditure of the money for the purpose for which it is paid which is reasonably likely to result in the fulfilment of that purpose). Repayment under this clause shall be due on the earlier of
- (a) the date being ten working days after the date of completion of the Works; or
  - (b) the first anniversary of the date of the any RSA4 report produced for the Scheme or any part thereof;

together with any interest which may have accrued from the date of payment to the date of refund.

- 5.5 The Council shall provide to Highways England such evidence, as Highways England shall reasonably require, in order to confirm the expenditure of the sum received from Highways England under this Agreement pursuant to clause 5.1.

## **6 COMMUNICATIONS**

- 6.1 All communications between the Parties hereto shall be valid and effectual if dispatched by first class recorded delivery or letter to the Party to whom such notice request demand or other written communication is to be given or made under this agreement and addressed as follows:

- (a) in the case of the Council to the Strategic Manager (Infrastructure Programmes Group), Somerset County Council, County Hall, Taunton TA1 4DY;
- (b) in the case of Highways England to the Highways England A303 Sparkford Project Manager; Elliot Hayes, Highways England, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6HA

or such other name and address for service as shall have been previously notified to the other Party.

## **7 SETTLEMENT OF DISPUTES**

- 7.1 In the first instance in the event of a disagreement arising between the Parties, the Parties will raise the disagreement with their respective Regional Delivery Directors and/ or Chief Executives for further discussion in an effort to reach agreement on the dispute.

- 7.2 In the event of any dispute or difference arising between the Parties to this Agreement which is not satisfactorily resolved through the means outlined in clause 8.1 in respect of any matter contained in this Agreement such dispute or difference shall be referred to an independent and suitable person holding appropriate professional qualifications to be appointed (in the absence of an agreement) by or on behalf of the president for the time being of the Institution of Civil Engineers and such person shall act as an expert whose decision shall be final and binding on the Parties in the absence of manifest error and any costs shall be payable by the Parties to the dispute in such proportion as the expert shall determine and failing such determination shall be borne by the Parties in equal shares.

- 7.3 Any expert howsoever appointed shall be subject to the express requirement that a decision is reached and communicated to the relevant Parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than twenty-eight working days after the conclusion of any hearing that takes place or twenty-eight working days following receipt of any file or written representation.



**8 GENERAL**

- 8.1 No consent or approval modification alteration or waiver of any of the provisions of this Agreement except as otherwise herein provided for shall be effective unless the same is in writing and signed on behalf of all of the Parties hereto and annexed to this Agreement.
- 8.2 For the purposes of the Contracts (Rights of Third Parties Act) 1999 it is agreed and declared that nothing herein shall confirm any third party rights.
- 8.3 This Agreement is strictly personal to each Party who shall not be entitled to part with or assign in any way with its interest and obligations under this Agreement unless to a successor body in its statutory function as Highway Authority under the Act.
- 8.4 The validity, construction and performance of this Agreement shall be governed by English law.
- 8.5 The provisions of this Agreement shall come into force in accordance with clause 3, shall remain in force until discharged by performance or until this Agreement is terminated by agreement between the parties.
- 8.6 Clause 5.4 shall survive termination and will remain in force until any refund due under that clause has been paid in full.

**9 GOVERNING LAW**

- 9.1 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter of formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

IN WITNESS whereof the Parties have executed this document on the day and year first before written.

Executed as an agreement by affixing the common seal of **SOMERSET COUNTY COUNCIL** in the presence of:

.....

Authorised Signatory

Executed as an agreement by affixing the common seal of **HIGHWAYS ENGLAND COMPANY LIMITED** in the presence of:

.....

Director or Authorised Signatory

.....

Director or Company Secretary or Authorised Signatory

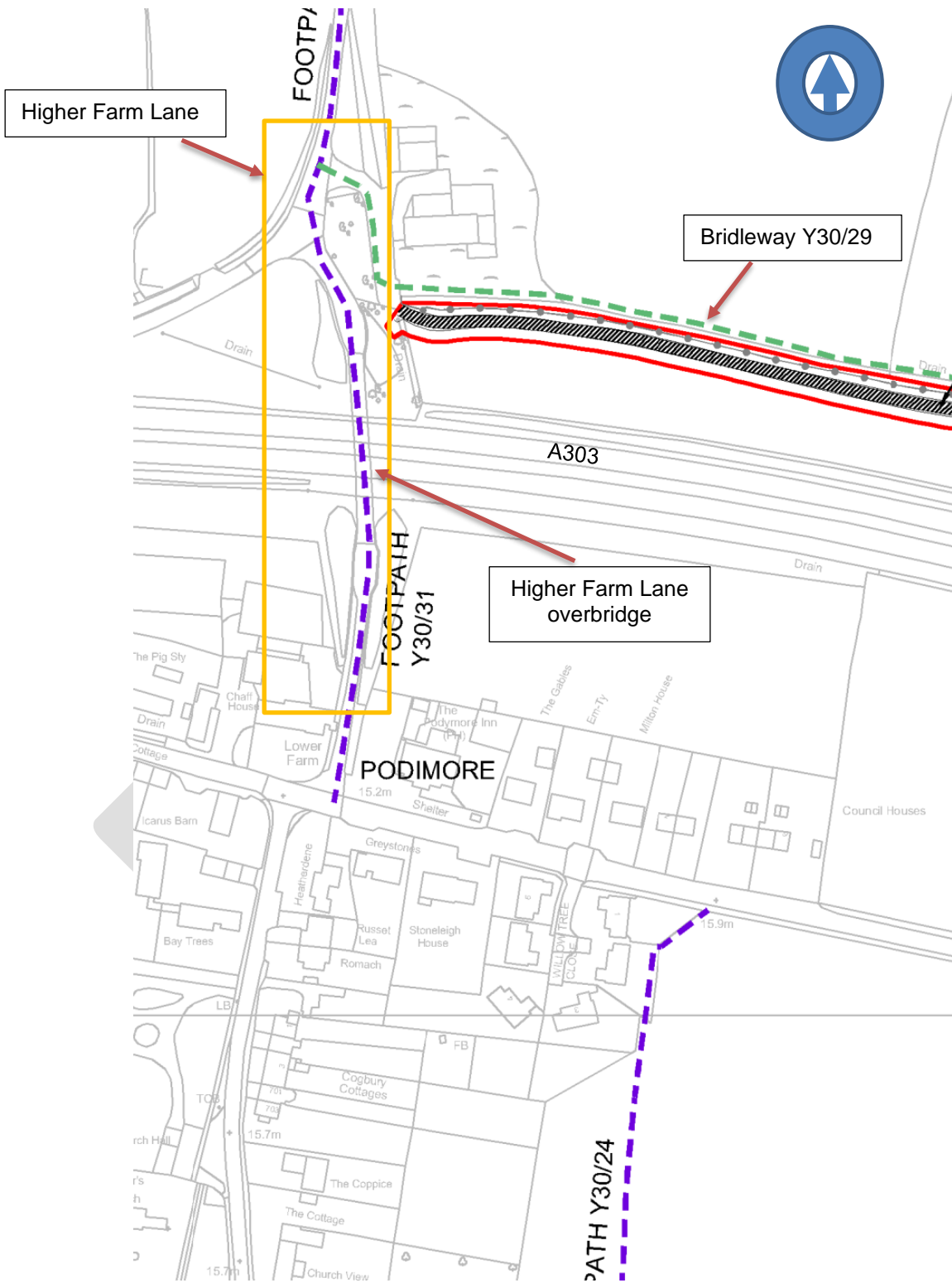
DRAFT

## Schedule 1: Works objectives

The objectives are:

- (a) to provide a way suitable for use as bridleway over Higher Farm Lane;
- (b) to ensure that the status of Higher Farm Lane permits lawful use as a bridleway;
- (c) to connect the way to be provided under objective (a) to existing bridleway Y30/29 at Higher Farm Lane;
- (d) to ensure that the overbridge over the A303 forming part of the route of Higher Farm Lane is safe for use by horse riders; this objective may involve:
  - (i) increasing the height of or replacing the parapets on the overbridge; and
  - (ii) ensuring that the surfacing of the overbridge is suitable for use by horse riders.

Annex 1: Plan



This is the plan referred to in the Agreement between Highways England Company Limited and Somerset County Council under s278 of the Highways Act 1980 and dated the                    day of                    20[    ].

## **Annex D: Letter received from the Defence Infrastructure Organisation 11 August 2020**



# Defence Infrastructure Organisation

Alexander Dunlavy MRICS  
Ministry of Defence  
Defence Infrastructure Organisation  
Building M055 HMNB Devonport  
Plymouth  
PL2 2BG  
Telephone 01752 553241  
Telephone MOD 9375 53241  
E-mail [alexander.dunlavy100@mod.gov.uk](mailto:alexander.dunlavy100@mod.gov.uk)

Hannah Sanderson  
Senior Project Manager  
Highways England  
Temple Quay House  
2 The Square, Temple Quay  
Bristol  
BS1 6HA

Our Ref: 0402/YEOV/24

11<sup>th</sup> August 2020

Dear Ms Sanderson

## **Royal Naval Air Station Yeovilton – Camel Hill Radio Station**

After consultation with the Royal Navy, who own and operate Royal Naval Air Station Yeovilton, and its subsidiary site, Camel Hill Radio Station, I can confirm that on behalf of the Secretary of State for Defence, we are only prepared grant rights for a footpath at our site.

The reason why we are unable to grant rights for a bridleway is twofold.

Firstly, is the matter of risk. Camel Hill Radio Station is an active Ministry of Defence site, containing sensitive equipment. It is felt that if a horse was to enter the site it would be able to do a considerable amount of damage, placing air safety at the Air Station in serious jeopardy. Whilst we appreciate that the risk of this happening is low, the damage that could occur would have a very high impact on the Air Stations capability to operate and fly aircraft safely, and as such this is not a risk that the Royal Navy would be willing to entertain.

It is worth noting that the Royal Navy would prefer not to have a footpath either, due to this risk, but in the end agreed to this, in order to try and regulate unofficial trespass as well as trying to support another Government organisation.

Secondly, on the Camel Hill Radio Station site we have a Royal Observer Corps Monitoring Post (Cold War), which is deemed as a heritage asset. We are able to grant a footpath, as the amount of land which has to be given up, does not impinge on this asset. It is however worth noting that this is by the tiniest of margins. Whereas, if we were to grant a bridleway, which would require us to give up a greater amount of land, the heritage asset would be significantly impacted on, as it would be located directly in the centre of a bridleway. As the custodian of this asset and a government department, we have a duty of care to manage our heritage assets in appropriate ways, and as such we therefore cannot allow a bridleway. Furthermore, if a bridleway was to be rerouted, it would sterilise significant proportions of our site.

I hope this explains our position and closes the matter.

Yours sincerely,

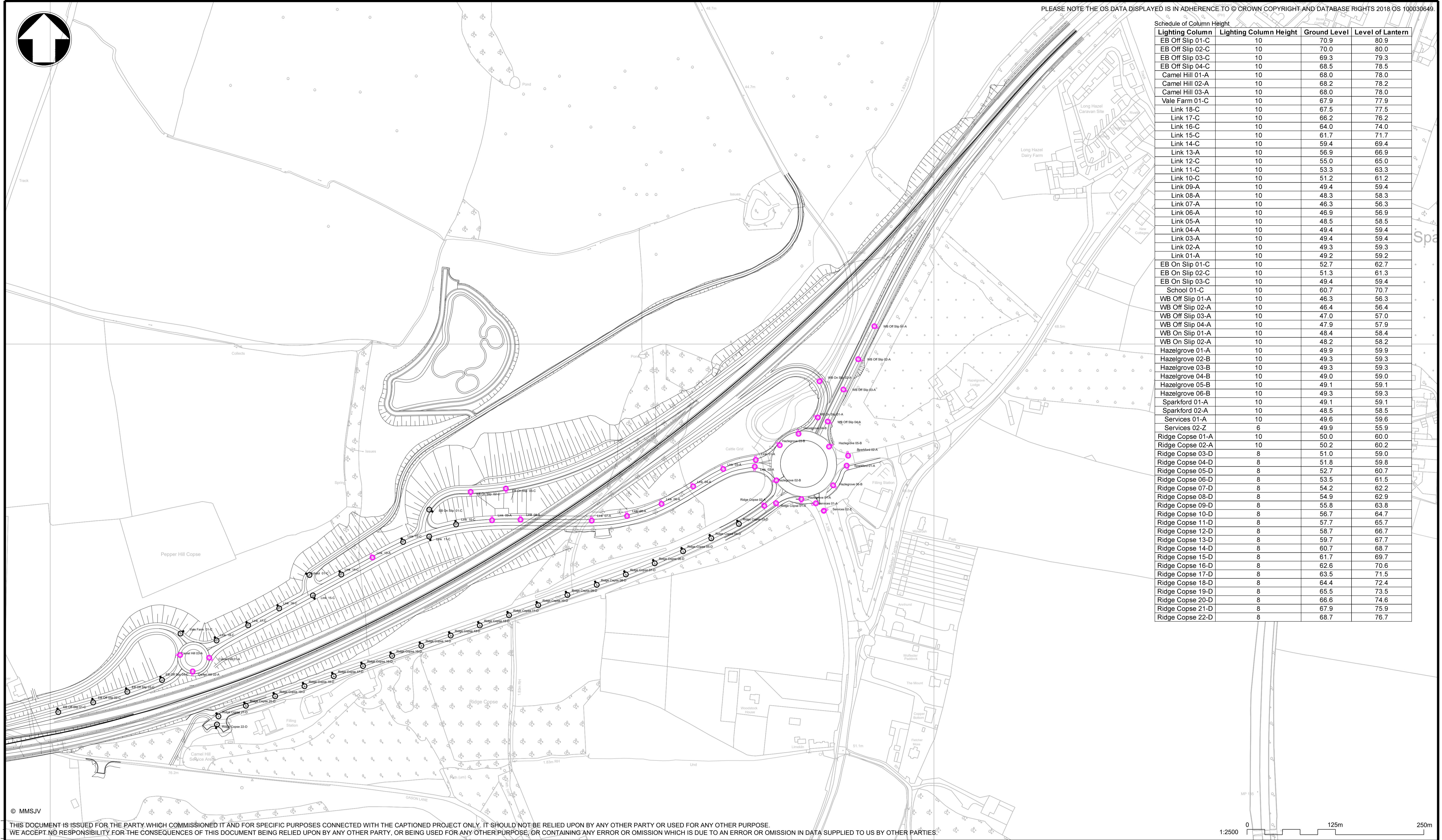
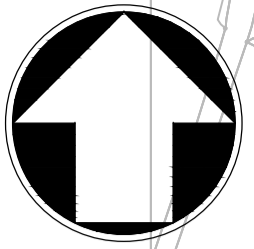
(signed electronically)

Alexander Dunlavy MRICS

Senior Estate Surveyor

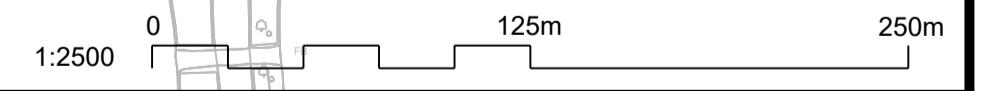
## **Annex E: Indicative Highways Lighting Design Drawings**





Lighting Column	Lighting Column Height	Ground Level	Level of Lantern
EB Off Slip 01-C	10	70.9	80.9
EB Off Slip 02-C	10	70.0	80.0
EB Off Slip 03-C	10	69.3	79.3
EB Off Slip 04-C	10	68.5	78.5
Camel Hill 01-A	10	68.0	78.0
Camel Hill 02-A	10	68.2	78.2
Camel Hill 03-A	10	68.0	78.0
Vale Farm 01-C	10	67.9	77.9
Link 18-C	10	67.5	77.5
Link 17-C	10	66.2	76.2
Link 16-C	10	64.0	74.0
Link 15-C	10	61.7	71.7
Link 14-C	10	59.4	69.4
Link 13-A	10	56.9	66.9
Link 12-C	10	55.0	65.0
Link 11-C	10	53.3	63.3
Link 10-C	10	51.2	61.2
Link 09-A	10	49.4	59.4
Link 08-A	10	48.3	58.3
Link 07-A	10	46.3	56.3
Link 06-A	10	46.9	56.9
Link 05-A	10	48.5	58.5
Link 04-A	10	49.4	59.4
Link 03-A	10	49.4	59.4
Link 02-A	10	49.3	59.3
Link 01-A	10	49.2	59.2
EB On Slip 01-C	10	52.7	62.7
EB On Slip 02-C	10	51.3	61.3
EB On Slip 03-C	10	49.4	59.4
School 01-C	10	60.7	70.7
WB Off Slip 01-A	10	46.3	56.3
WB Off Slip 02-A	10	46.4	56.4
WB Off Slip 03-A	10	47.0	57.0
WB Off Slip 04-A	10	47.9	57.9
WB On Slip 01-A	10	48.4	58.4
WB On Slip 02-A	10	48.2	58.2
Hazelgrove 01-A	10	49.9	59.9
Hazelgrove 02-B	10	49.3	59.3
Hazelgrove 03-B	10	49.3	59.3
Hazelgrove 04-B	10	49.0	59.0
Hazelgrove 05-B	10	49.1	59.1
Hazelgrove 06-B	10	49.3	59.3
Sparkford 01-A	10	49.1	59.1
Sparkford 02-A	10	48.5	58.5
Services 01-A	10	49.6	59.6
Services 02-Z	6	49.9	55.9
Ridge Copse 01-A	10	50.0	60.0
Ridge Copse 02-A	10	50.2	60.2
Ridge Copse 03-D	8	51.0	59.0
Ridge Copse 04-D	8	51.8	59.8
Ridge Copse 05-D	8	52.7	60.7
Ridge Copse 06-D	8	53.5	61.5
Ridge Copse 07-D	8	54.2	62.2
Ridge Copse 08-D	8	54.9	62.9
Ridge Copse 09-D	8	55.8	63.8
Ridge Copse 10-D	8	56.7	64.7
Ridge Copse 11-D	8	57.7	65.7
Ridge Copse 12-D	8	58.7	66.7
Ridge Copse 13-D	8	59.7	67.7
Ridge Copse 14-D	8	60.7	68.7
Ridge Copse 15-D	8	61.7	69.7
Ridge Copse 16-D	8	62.6	70.6
Ridge Copse 17-D	8	63.5	71.5
Ridge Copse 18-D	8	64.4	72.4
Ridge Copse 19-D	8	65.5	73.5
Ridge Copse 20-D	8	66.6	74.6
Ridge Copse 21-D	8	67.9	75.9
Ridge Copse 22-D	8	68.7	76.7

© MMSJV  
 THIS DOCUMENT IS ISSUED FOR THE PARTY WHICH COMMISSIONED IT AND FOR SPECIFIC PURPOSES CONNECTED WITH THE CAPTIONED PROJECT ONLY. IT SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR USED FOR ANY OTHER PURPOSE.  
 WE ACCEPT NO RESPONSIBILITY FOR THE CONSEQUENCES OF THIS DOCUMENT BEING RELIED UPON BY ANY OTHER PARTY, OR BEING USED FOR ANY OTHER PURPOSE, OR CONTAINING ANY ERROR OR OMISSION WHICH IS DUE TO AN ERROR OR OMISSION IN DATA SUPPLIED TO US BY OTHER PARTIES.



REV.	DATE	AMENDMENT DETAILS	ORIG	CHKD	APPD
P01	06/08/20	Initial version	JB	CS	ER

**Notes**

- The lighting layout on this drawing reflects an outline preliminary design in response to items 29 and 35 of the Secretary of State's letter of 21<sup>st</sup> July 2020.
- The Lighting layout on this drawing is based on the need to light the Hazelgrove Underbridge during the hours of darkness and the additional extents of lighting required to ensure both approach and departure are lit to standard during the hours of darkness.
- The lighting design assumes the underbridge is illuminated during the hours of darkness to the appropriate levels using the daytime lighting equipment.
- Lighting provision based on a CU Phosco lighting's P650 lantern, which was available at the time of the preparation of the DCO design although is now discontinued.
- Exact locations and spacing of lighting columns will depend on the actual lantern used.
- Refer to Drawing HE551507-MMSJV-HLG-000-DR-EO-0532 for illuminance contours associated with this layout.

**Key to symbols**

- 8m column - 108W LED Lantern
- 10m column - 151W LED Lantern
- 10m column - 237W LED Lantern
- Existing 6m column

**Reference drawings**

**Drawing Status**  
 Suitable for Information

**Client**

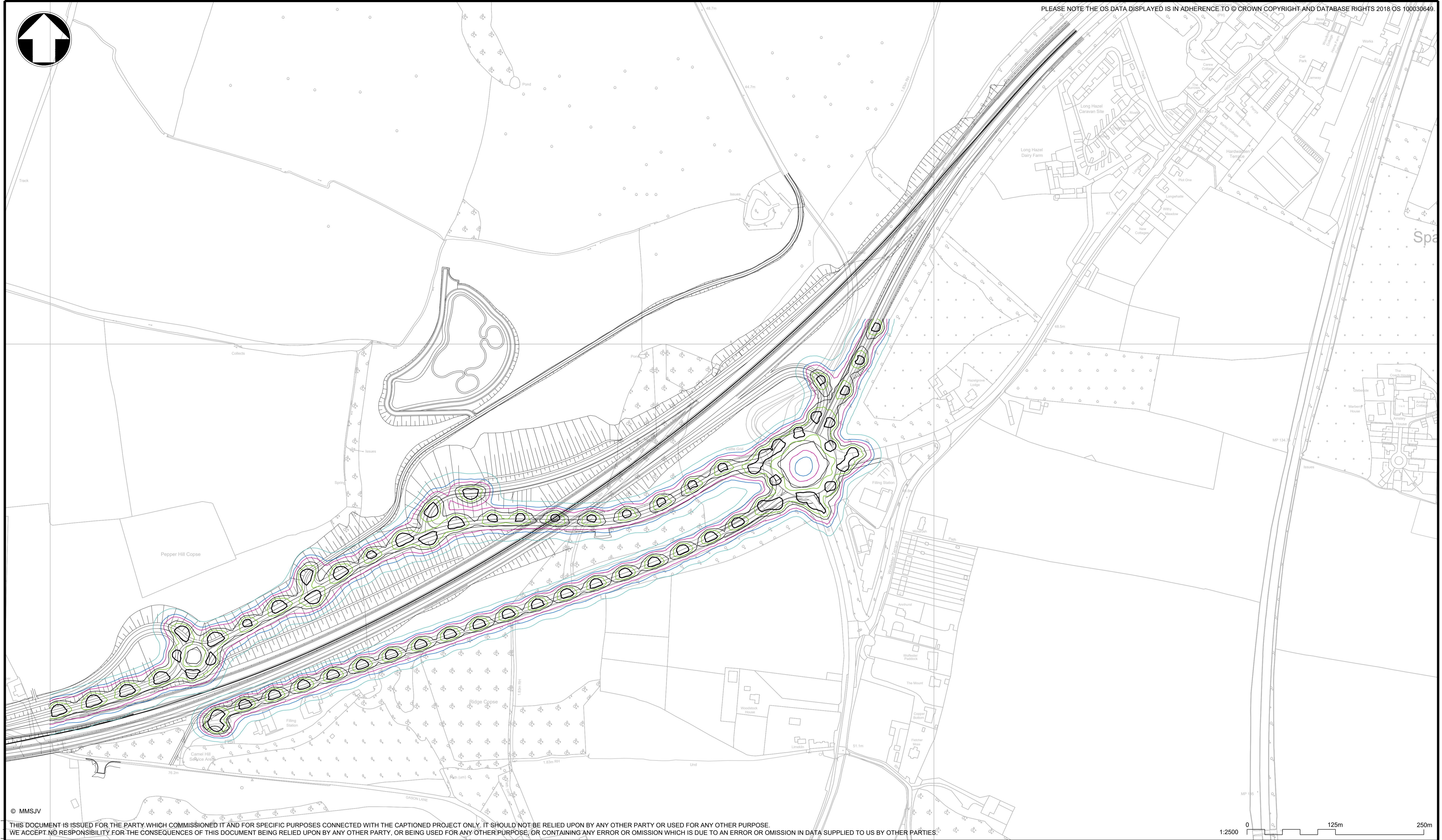
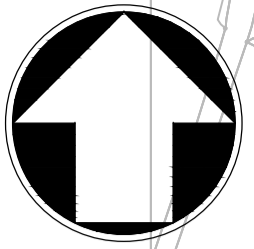
**Project Title**  
 A303 SPARKFORD TO ILCHESTER DUALLING

**Drawing Title**  
 ALTERNATIVE LIGHTING LAYOUT

Scale	AS SHOWN	Designed	Neil Brown	Drawn	J.E. BROWN	Checked	C.M. SETTERS	Approved	E. RAPA
Original Size	A1	Date	Jul 2020	Date	06/08/20	Date	06/08/20	Date	07/08/20
Drawing Number	HE551507 - MMSJV	Originator	- HGN -	Volume	-	Project Ref. No.		389107	
Location	000	- DR - CH -	0531	Revision		P01			

**Mott MacDonald Sweco**  
 Stoneham Place  
 Stoneham Lane  
 Southampton  
 SO50 9NW  
 Tel: +44 (0)23 8062 8800  
 Fax: +44 (0)23 8062 8801  
 www.mottmac.com





© MMSJV

THIS DOCUMENT IS ISSUED FOR THE PARTY WHICH COMMISSIONED IT AND FOR SPECIFIC PURPOSES CONNECTED WITH THE CAPTIONED PROJECT ONLY. IT SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR USED FOR ANY OTHER PURPOSE. WE ACCEPT NO RESPONSIBILITY FOR THE CONSEQUENCES OF THIS DOCUMENT BEING RELIED UPON BY ANY OTHER PARTY, OR BEING USED FOR ANY OTHER PURPOSE, OR CONTAINING ANY ERROR OR OMISSION WHICH IS DUE TO AN ERROR OR OMISSION IN DATA SUPPLIED TO US BY OTHER PARTIES.

REV.	DATE	AMENDMENT DETAILS	ORIG	CHKD	APPD
P01	06/08/20	Initial Version	JB	CS	ER

<p><b>Notes</b></p> <ol style="list-style-type: none"> <li>1. Refer to Drawing HE551507-MMSJV-HLG-000-DR-EO-0531 for the lighting layout and associated notes.</li> <li>2. The illuminance contours shown on this drawing reflect an outline preliminary design in response to items 29 and 35 of the Secretary of State's letter of 21st July 2020.</li> <li>3. Illuminance contours indicated are based on a flat 2D surface model and do not take into account level differences within the finished road or verge level.</li> </ol>	<p><b>Key to symbols</b></p> <p>Illuminance Contours</p> <ul style="list-style-type: none"> <li>1.0 1 Lux</li> <li>3.0 3 Lux</li> <li>5.0 5 Lux</li> <li>10 10 Lux</li> <li>15 15 Lux</li> <li>25 25 Lux</li> </ul>	<p><b>Reference drawings</b></p>
---	---	----------------------------------

<p>Drawing Status</p> <p>Suitable for Information</p>	<p>Suitability</p> <p>S2</p>	<p>Project Title</p> <p>A303 SPARKFORD TO ILCHESTER DUALLING</p>																
<p><b>Mott MacDonald Sweco</b></p> <p>Stoneham Place Stoneham Lane Southampton SO50 9NW</p> <p>Tel : +44 (0)23 8062 8800 Fax : +44 (0)23 8062 8801 www.mottmac.com</p>		<p>Drawing Title</p> <p>ALTERNATIVE LIGHTING LAYOUT LUX LEVELS</p>																
<p>Client</p> <p><b>highways england</b></p>	<p>Scale</p> <p>AS SHOWN</p> <p>Original Size</p> <p>A1</p>	<table border="1"> <tr> <th>Designed</th> <th>Drawn</th> <th>Checked</th> <th>Approved</th> </tr> <tr> <td>Neil Brown</td> <td>J.E. BROWN</td> <td>C.M. SETTERS</td> <td>E. RAPA</td> </tr> <tr> <th>Date</th> <th>Date</th> <th>Date</th> <th>Date</th> </tr> <tr> <td>Jul 2020</td> <td>06/08/20</td> <td>06/08/20</td> <td>07/08/20</td> </tr> </table>	Designed	Drawn	Checked	Approved	Neil Brown	J.E. BROWN	C.M. SETTERS	E. RAPA	Date	Date	Date	Date	Jul 2020	06/08/20	06/08/20	07/08/20
Designed	Drawn	Checked	Approved															
Neil Brown	J.E. BROWN	C.M. SETTERS	E. RAPA															
Date	Date	Date	Date															
Jul 2020	06/08/20	06/08/20	07/08/20															
<p>Drawing Number</p> <p>HE PIN</p> <p>HE551507 - MMSJV</p>	<p>Originator</p> <p>- HGN -</p>	<p>Volume</p> <p>0532</p> <p>Project Ref. No.</p> <p>389107</p> <p>Revision</p> <p>P01</p>																



## **Annex F: Revised Signage Strategy and Signage Drawings**

### **Tourist signage**

The tourist signage strategy is shown in drawing HE551507-MMSJV-000-HGN-DRCH-0206 (Revision C02) (also contained in Annex E of this report). The destinations included in the strategy are the Fleet Air Arm Museum, Motor Museum, Long Hazel Camp Ground and the Mattia Diner.

#### ***Fleet Air Arm Museum***

The Fleet Air Arm Museum is currently signed along the A303 eastbound from as far as Junction 25 of the M5. The museum is also signed westbound from the existing Hazlegrove junction, including the A359 northbound approach to the roundabout. The signage strategy reflects this, providing signage from the A303 eastbound at Downhead and the A303 westbound at Camel Cross. The signage from the A359 northbound approach to Hazlegrove is also maintained, although in order to rationalise signage at the westbound approach the museum is not signed on the A303 westbound approach to Hazlegrove.

#### ***Motor Museum (Haynes International Motor Museum)***

Haynes International Motor Museum (signed as 'Motor Museum') is currently signed from the B3151 approach to Camel Cross and the A359 northbound approach to Hazlegrove. This is maintained in the proposed strategy. The motor museum is also currently signed on the A303 westbound approach to the Hazlegrove junction. However, this has been removed from the proposed strategy in order to rationalise signage on the nearside westbound verge, on reflection of the fact the westbound drivers are actually directed to leave the A303 at the previous junction (South Cadbury).

#### ***Long Hazel Campground***

The Long Hazel Campground appears to have an advance sign on the A303 eastbound and westbound approaches to the Hazlegrove Roundabout, and on the A359 exit from the roundabout itself. The signs on the existing A303 approach will not be retained although the campground will be signed from the Hazlegrove roundabout onwards.

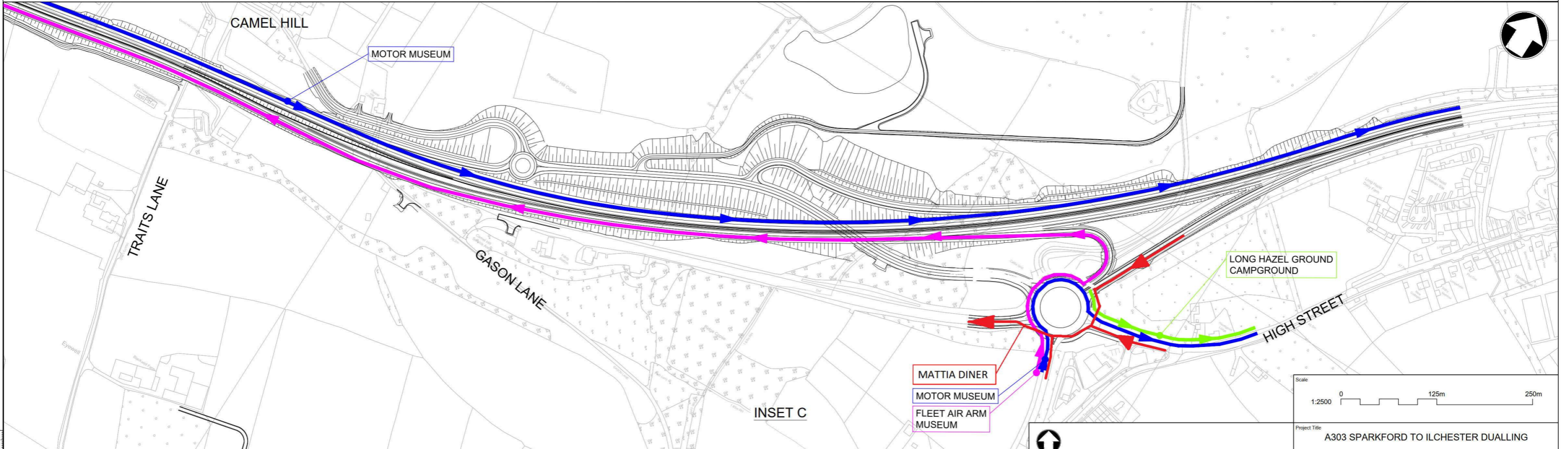
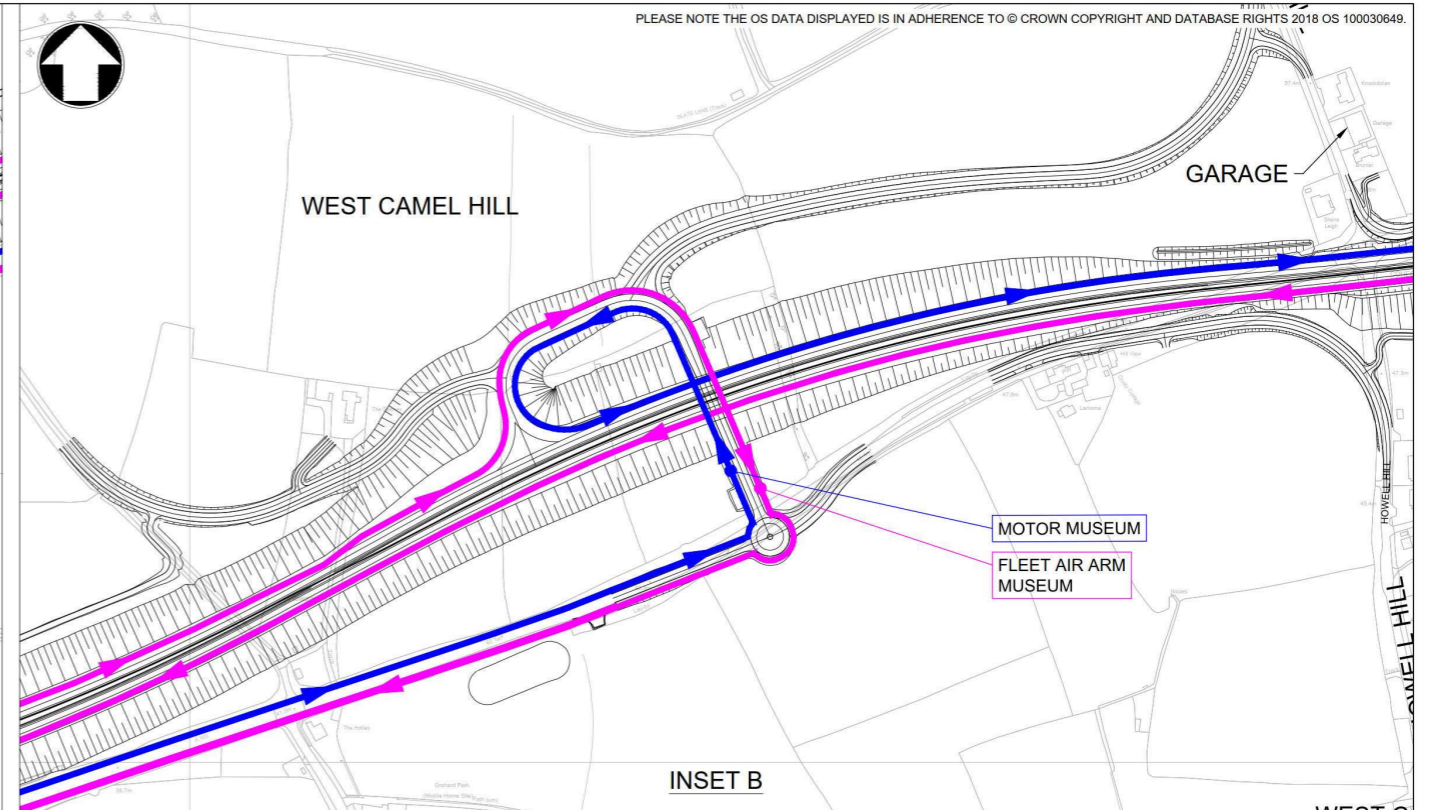
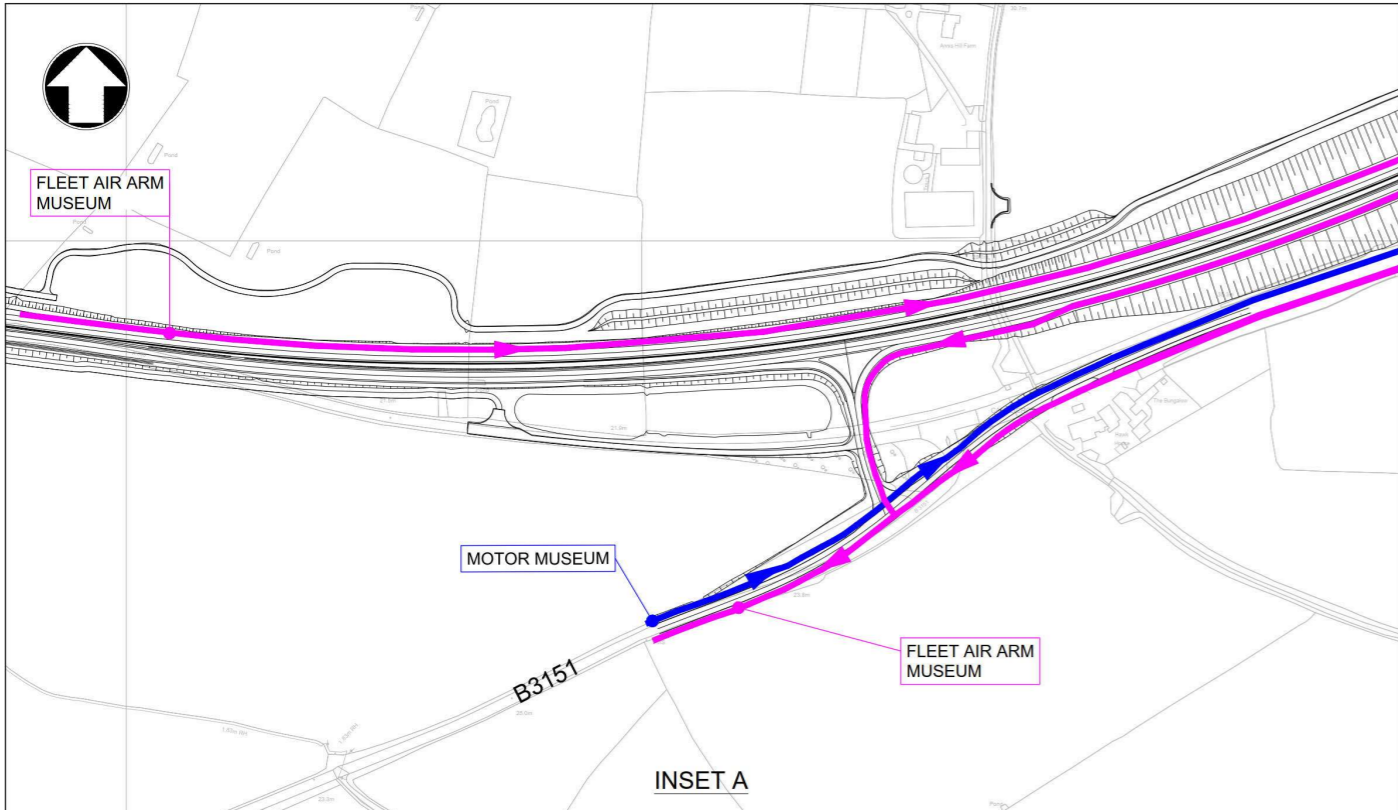
#### ***Mattia Diner***

Tourist signs for the Mattia Diner are proposed to be included in Hazlegrove roundabout signage, specifically naming the diner.

#### ***Other destinations***

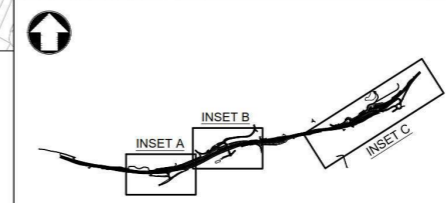
No other local facilities have been accommodated within the proposed signage strategy as they do not currently benefit from authorised signage on the existing network. Proprietors of nearby facilities are able to apply for signs to be erected,

under a Section 278 agreement, on the road network if their facility meets specific criteria which are listed on the UK government website here:  
<https://www.gov.uk/guidance/apply-for-brown-tourist-signs-on-roads-the-highwaysagency-manage>).



**KEY:**

- FLEET AIR ARM MUSEUM PROPOSED SIGNAGE ROUTE. ROUTE SIGNAGE PROVIDED IN ACCORDANCE WITH TSRGD 2016. SIGN TO INCLUDE SYMBOL T117, TEXT "FLEET AIR ARM MUSEUM"
- MOTOR MUSEUM PROPOSED SIGNAGE ROUTE. ROUTE SIGNAGE PROVIDED IN ACCORDANCE WITH TSRGD 2016. SIGN TO INCLUDE SYMBOL T129, TEXT "MOTOR MUSEUM"
- LONG HAZEL PARK CAMPGROUND PROPOSED SIGNAGE ROUTE. ROUTE SIGNAGE PROVIDED IN ACCORDANCE WITH TSRGD 2016. SIGN TO INCLUDE SYMBOLS T6 AND T7
- MATTIA DINER



Scale: 1:2500		0		125m		250m	
Project Title: A303 SPARKFORD TO ILCHESTER DUALLING							
Drawing Title: TOURIST SIGNAGE STRATEGY							
Drawing Status: Published - DEFINITION						Suitability: A3	
Scale: 1:10000	Designed: AZ	Drawn: SP	Checked: CS	Approved: ER			
Original Size: A1	Date: 13/10/17	Date: 06/03/19	Date: 06/03/19	Date: 06/03/19			
Drawing Number: HE551507	Originator: MMSJV		Volume: -HGN-		Project Ref. No: 370772		
000	-DR-CH-		0206		Revision: C02		
REV.	DATE	AMENDMENT DETAILS	ORIG	CHKD	APPD		
C02	10/08/20	MATTIA DINER ADDED	CS	CS	ER		
C01	06/03/19	ISSUED FOR DCO	SP	CS	ER		

THIS DOCUMENT IS ISSUED FOR THE PARTY WHICH COMMISSIONED IT AND FOR SPECIFIC PURPOSES CONNECTED WITH THE CAPTIONED PROJECT ONLY. IT SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR USED FOR ANY OTHER PURPOSE. WE ACCEPT NO RESPONSIBILITY FOR THE CONSEQUENCES OF THIS DOCUMENT BEING RELIED UPON BY ANY OTHER PARTY, OR BEING USED FOR ANY OTHER PURPOSE, OR CONTAINING ANY ERROR OR OMISSION WHICH IS DUE TO AN ERROR OR OMISSION IN DATA SUPPLIED TO US BY OTHER PARTIES.