

Dear Ms Kopala,

BY E-MAIL ONLY

Secretary of State for Transport c/o  
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By email to: [REDACTED]@dft.gov.uk

## **THE A303 SPARKFORD TO ILCHESTER DUALLING DEVELOPMENT CONSENT ORDER 2021 CORRECTION REQUEST**

We write further to the above development consent order which was made by the Secretary of State for Transport on 29 January 2021. We have carefully considered the order as made and consider that there are a small number of anomalies for which we respectfully request that correction under section 119 of and Schedule 4 to the Planning Act 2008 is considered.

### **Identity of discharging authority for requirement 20 (Traffic monitoring and mitigation in Sparkford)**

The drafting of requirement 20 in Schedule 2 Part 1 provides that the details of the traffic monitoring and mitigation scheme have to be submitted to and approved in writing by 'the local highway authority'. This is inconsistent with the drafting of every other requirement in the order with a discharging authority, where that discharging authority is specified as the secretary of State.

A number of other schemes for elements outside the DCO are also secured by requirement namely:

- Requirement 17 (Provision of non-motorised user route at western end)
- Requirement 18 (No through road signs for Traits Lane and Gason Lane)
- Requirement 19 (Speed limit on B3151)

All of these requirements provide for schemes to be approved by the Secretary of State, not the local highway authority. Requirement 20 is accordingly inconsistent with similar requirements.

As noted in the Secretary of State's decision letter, the role of Somerset County Council as local highway authority and their ability to approve any matter was of considerable debate in the Examination. The Examining Authority concluded that the Secretary of State should be the discharging authority for the whole scheme (Examining Authority recommendation report, paragraph 16.6.16). The Secretary of State's decision letter accepted that position. The drafting of requirement 20 is not consistent with that overarching position.

There is no process in the order for approval under requirement by the local highway authority. Part 2 of Schedule 2 only provides for discharge by the Secretary of State, not by any other body. Highways England therefore considers that retaining the current wording of requirement 20 would result in a gap whereby there is no process or timescale for the discharge of this requirement in contrast to all other requirements.

Highways England therefore requests that the wording of Schedule 2, Part 1, subparagraph 20(1) of Requirement 20 be corrected to read as follows:

20.—(1) No part of the authorised development is to commence until written details of a traffic impact monitoring and mitigation scheme for Sparkford High Street has, after consultation by the undertaker with the local highway authority, been submitted to and approved in writing by the Secretary of State.

### **Minor typographical errors**

On reviewing the order as made, Highways England noted two minor errors which we would be grateful if you would review and resolve, in so far as they continue to appear on the Planning Inspectorate's website, being:

- Article 2(1), in the definition of Book of Reference, the closing parenthesis has been omitted; and
- Schedule 2, Part 1 sub-paragraph 15(4) within Requirement 15 (Highway lighting), the cross reference to sub-paragraph (2) has failed and shows as an 'Error! Reference source not found' message.

If it would be helpful to discuss any of the issues raised in this letter, please do not hesitate to contact me.

Yours sincerely



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