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Subject: TR010036 A303 Sparkford to Ilchester - SCC's deadline 8 response
Date: 10 June 2019 20:59:50
Attachments: [TR010036 SCC Deadline 8 Cover Letter.pdf](#)
[Appendix 1 - Response to HE Section 278 comments.pdf](#)
[Appendix 2 - Response A303 Action point 18.pdf](#)
[Appendix 3 - Anti social behaviour evidence.pdf](#)
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**PLANNING ACT 2008
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE A303 SPARKFORD TO ILCHESTER
DUALLING
SUBMISSION MADE PURSUANT TO DEADLINE 8**

PLANNING INSPECTORATE REFERENCE TR010036

Please find attached relevant documents from Somerset County Council in respect of Examination Deadline 8.

Yours faithfully,

Andy Coupé

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Action Point 19 (from 14/15 May Issue Specific Hearings) – SCC to provide evidence of anti-social behaviour

1. Context

In its Summary of Relevant Representations at Deadline 1(REP1-013), under the heading of “Impact on the local highway network” the County Council stated:

“Further discussion is required in relation to de-trunking to agree the appropriate legal mechanism to include matters associated with process and maintenance due to the potential issue of creating future maintenance liabilities for the County Council.”

This request was repeated in the Executive Summary of the Joint Council’s Local Impact Report (REP2-049). Specifically, in relation to the section of proposed de-trunked road adjacent to the Mattia Diner, the County Council stated:

“The length of highway between Hazelgrove roundabout and the Mattia Diner is proposed to be de-trunked and will become a no through road. As a result, there is an unquantified risk that this length of highway will attract an antisocial use that may lead to significant financial exposure for the County Council in perpetuity”

Accordingly, the County Council submitted it should have the ability to review and approve the detailed design proposals of the sections of de-trunked road which it would inherit under the draft DCO, and for the payment of a contingency sum to enable the County Council to deal with the anti-social behaviour.

The Applicant responded at deadline 3 (ref REP3-003) and deadline 5 (REP5-020) suggesting that it was not the role of the DCO to address any anti-social behaviour attracted to de-trunked sections of road, and that whilst it would be prepared to consider design measures to address such concerns it would not provide a contingency sum for use by the Council in dealing with such issues.

In contrast, the County Council submitted at deadline 5(REP5-032):

Action 8 - Report of discussions between the parties on potential design change on road passing Camel Hill Services and other proposed cul-de-sacs

The ExA has requested that Somerset County Council and the Applicant should report on discussions "on potential design changes on road passing Camel Hill Services and other proposed cul-de-sacs". The County Council's concerns relate to the following areas:

1. The length of the existing A303 between Hazelgrove roundabout and the Mattia Diner. The County Council considers that the road would serve little if any public utility and could leave the County Council with significant financial liabilities given the likelihood of anti-social behaviour, including illegal gypsy and traveller encampments. Initial discussions with the Applicant have led the County Council to conclude that it will not be possible to eliminate these risks through the detailed design process, and

moreover that the risk of illegal gypsy and traveller encampments would remain high. The County Council believes there is a need for the Applicant to consider other options, and this topic is recorded as an area within the Statement of Common Ground as "Under Discussion". At this stage, therefore, the County Council would reserve its position in relation to the de-trunking of this length of the A303.

2. Podimore Road & proposed turning head

- In its Local Impact Report (LIR) representation (ref P5), the County Council considered that the construction road between Steart Hill and Camel Hill and Tracks 4 & 9 would further serve to provide a Non-Motorised User (NMU) route across the scheme, were they to be designated as public bridleway or restricted byway.

However, an additional link would be required between the proposed Podimore turning head and the minor road to the west to facilitate this.

- Since submission of the LIR, it has been noted that the DCO boundary does not extend beyond the proposed turning head to the West, yet such a facility would not in practice be possible to use given the existence of a Traffic Regulation Order (TRO) preventing the flow of traffic from the junction of Stockwitch Lane and Podimore Road towards the existing A303. Indeed, the associated TRO would prevent access by even pedal cyclists and equestrians, not just motorised vehicles.

- In addition, there is a significant risk that such a cul-de-sac may be used as an unauthorised traveller encampment.

- At the Issue Specific Hearing on Traffic and Transport on 26 February 2019, the County Council sought that the highway between the existing A303 and the junction of Stockwitch Lane and Podimore Road should be stopped up and the land turned to green field. All highway rights should also be removed unless the Applicant was willing to accede to the County Council's request for an NMU route between Access Track and Podimore Road, in which case appropriate rights would need to be retained. The associated TROs would also need to be revoked.

- It is understood that the Applicant is developing outline design details in relation to the Podimore slip that should help to address the County Council's concerns on this matter, and that it would be willing to enter into a S278 agreement to secure the necessary works outside the development boundary. An update on progress will need to be provided at Deadline 6"

2. Latest Position

Further meetings have taken place between the Applicant and the County Council to discuss this specific issue. The discussions were successful at the time to the extent that in relation to the Podimore slip road, the parties agreed that there was no need for the proposed turning head and that the Applicant would carry out works outside the order limits to remove vehicular access to the slip road. This was to be secured by way of a section 278 agreement. Although the Applicant has orally indicated that it is still willing to secure the works via a S278 agreement, it is noted with some disappointment that the Applicant does not consider this should be secured within

the Development Consent Order (Action point 64, Deadline 7 submission). The County Council will respond to this separately.

In relation to the de-trunked road outside the Mattia Diner, the parties were unable to agree a solution to address the risk of anti-social behaviour, and consequently the County Council explored with the Applicant whether the road should remain as public highway. In particular, it questioned whether this section of road, which would be made into a cul-de-sac serving visitors to two business premises and farmland, fell within the definition of a public highway, and whether it was appropriate that it should by default on de-trunking become part of the local road network maintainable at the public's expense when the public at large derived no benefit from it.

The further response from the Applicant to Action point 8 was provided at deadline 6 and challenged the submissions by the County Council that the cul-de-sac road passing Camel Hill Services would be liable to anti-social behaviour and unauthorised encampments. The Applicant submitted that the Council had produced no evidence that such anti-social behaviour would occur.

3. Evidence of Anti-Social Behaviour and Unauthorised Encampments

The County Council has produced this paper in response to the Applicant's submission that there was no evidence to justify its concerns, and to assist the Examining Authority in understanding the very real cost to this authority and others in the area in terms of resources in dealing with these issues. Due to the limited time available in the examination proceedings to produce this paper the evidence provided relates only to recent incidents of anti-social behaviour and unauthorised encampments in cul-de-sac roads and other quiet or stopped up roads close to trunk roads.

These roads, with little or no through traffic and often hidden from view by the necessary landscaping for the trunk road, provide an ideal environment for anti-social behaviour. The cost of maintaining these roads and dealing with any anti-social behaviour often far outweighs the benefit to the public (if any) who might legitimately use these roads. In many cases, the road may serve only one or two premises and farmland, and in the case of de-trunked roads, is really no more than an over engineered private access for the benefit of those premises and visitors to them.

In addition to the cases referred to in section 3 of this note, the Examining Authority is referred to the following evidence submitted in relation to antisocial behaviour and unauthorised encampments:

- District Council's evidence submitted at deadline 7 in relation to the traveller encampments of which it is aware
- the submissions of Councillor Lewis regarding the existence of other encampments at ISH5

- The Applicant's response to the Examining Authority's Third Written Questions referring to 19 incidents of criminal activity in the vicinity of the Camel Hill Service Station in 2018 alone

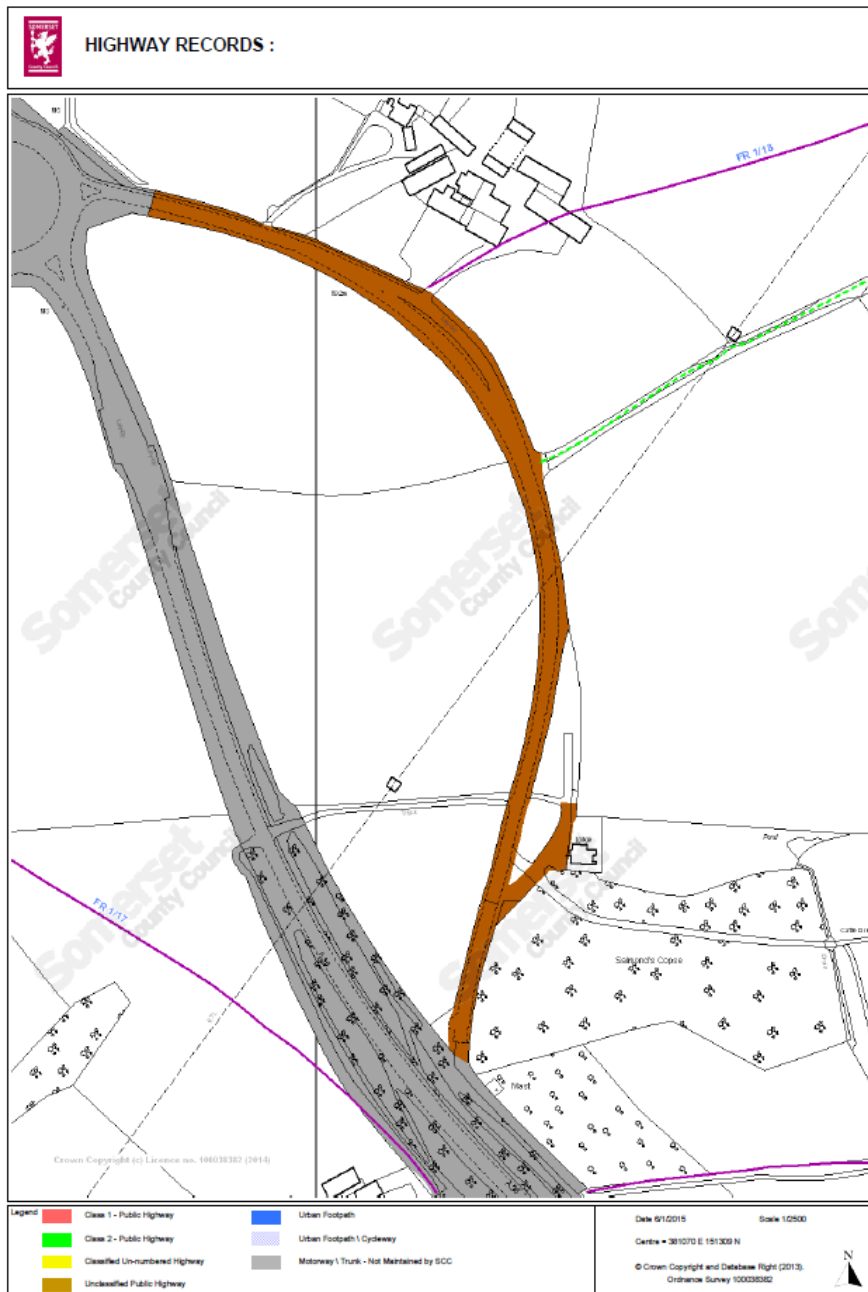
The Council's position remains that it is the Applicant's responsibility to address through its design the locations which are likely to attract anti-social behaviour, and which arise as a direct consequence of the authorised development. The Applicant should make full use of the powers available to it through the DCO process to stop up, restrict or regulate the use of those sections of severed local road or de-trunked road which are no longer of any benefit to the general public, and it makes sense for it to do so particularly where it retains ownership of the land under or adjoining the highway. The Examining Authority is referred to the Council's submissions in relation to Action Point 16.

4. Case Examples

Case 1 - Standerwick Court Lane, Frome

The Lane is a former section of the A36 trunk road near Beckington in Somerset, which was detrunked in the 1980s and is coloured brown on the plan below. The trunk road is coloured grey.

The detrunked section of road provides an access for a busy farm shop at its northerly end, a main access for a residential property (marked the Lodge on the plan), a second access for Standerwick Court and an access for a mobile phone mast and some farmland. Two rights of way connect with the detrunked section. There is a significant amount of statutory undertakers' equipment in the road.



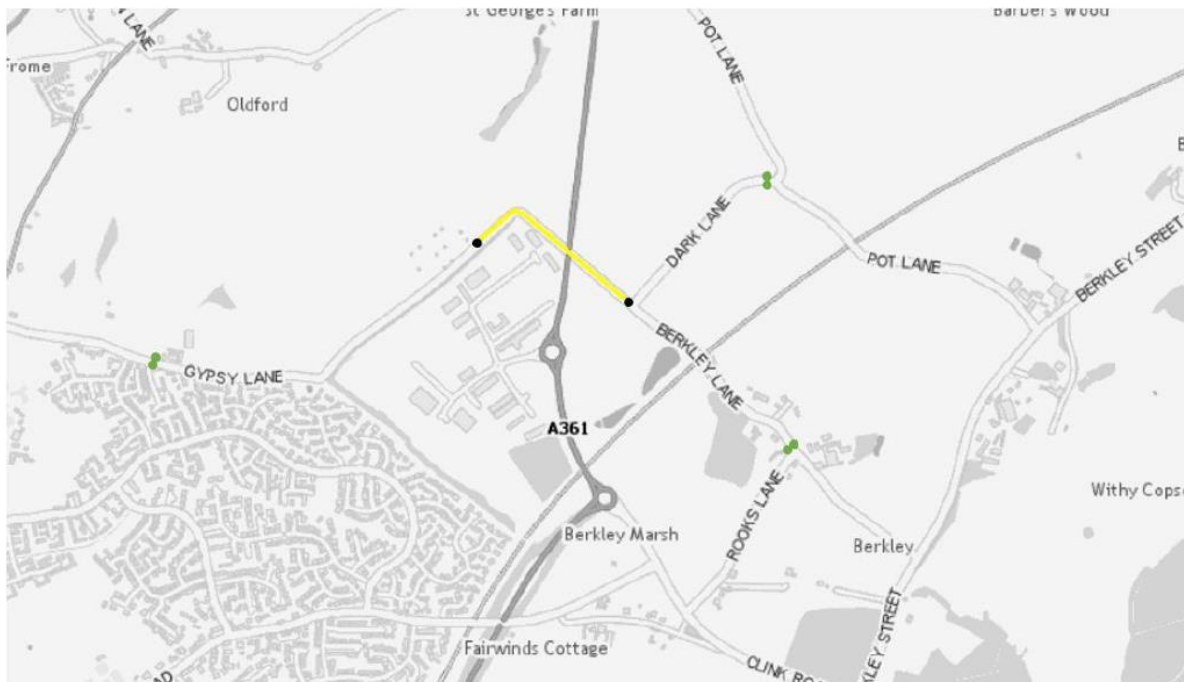
Following the detrunking of the road, the County Council made In October 1989 the Somerset County Council (Unclassified Road at Beckington)(Prohibition of Vehicles) Order 1989. This restricted vehicular access along the Lane from a point 20 yards east of the roundabout at the junction of the A36. A gate was erected at this point.

In 2012 an unauthorised encampment of 11 caravans occupied the land and the southerly end of Standerwick Court Lane. Residents immediately complained of intimidation, anti-social activities and the litter. Whilst the County Council were able to secure the removal of the travellers within a matter of days, the residents took matters into their own hands by depositing rubble onto the carriageway to reduce its width. Despite this, a further encampment occurred the following year.



The County Council investigated a number of possible solutions, including a gating order, stopping up of the highway pursuant to section 116 of the Highways Act 1980, more rigorous enforcement of the traffic regulation order by the police and engineering works to obstruct the highway pursuant to section 92 of the Road Traffic Regulation Act 1984. None of these have been possible to implement to date due to, inter alia, funding issues and objections by statutory undertakers to the stopping up of the road.

Case 2 - Gypsy Lane, Frome



This case concerns illegal fly tipping on Gypsy Lane, Berkeley Lane and Dark Lane, Frome. The roads in question are quiet lanes in the vicinity of the A361 trunk road, which provide access to farm land, a transit site and residential premises. A report to Mendip District Council's cabinet records the nature of the problem and the difficulties in finding a suitable solution:

"Fly-tipping in the Berkley Marsh area has been ongoing for over 50 years. The problem grew when the road network was changed after the building of the by-pass.

Year on year the number of instances have grown together with the volume and tonnage of waste having to be cleared regularly.

Both overt and covert observations and surveillance have been undertaken in the area. Although some offences were captured on camera it has not been possible to identify the identity of those carrying out the fly-tipping in order that enforcement action can be undertaken.

With the costs of the clearance rising, meetings were held with the local residents and as outlined above a multi-agency initiative in the later part of 2015 resulted in a TTRO ultimately being put in place."

"On the 11 April 2016 following consultation between the Council and Somerset County Council, the County Council as Highway Authority made a Temporary Traffic Regulation Order ("TTRO") under the Road Traffic Regulation Act 1984 effecting a temporary road closure in respect of Berkeley Lane: from the northern side of the Pines Residential Site to the junction with Dark Lane and Dark Lane: from the junction with Berkeley Lane to the junction with Pot Lane for a distance of

approximately 992 metres. This temporary road closure runs through an area of the Council where fly-tipping was prolific. The TTRO was put in place for 18 months and from the table below it can be seen that the incidents of fly tipping and the clearance costs have significantly reduced since the TTRO has been in place. The TTRO has now expired and the Department for Transport has confirmed that the TTRO cannot be extended.”

The TTRO was enforced by the placing of concrete barriers on the highway by Mendip District Council.



The report continues to outline the cost to Mendip District Council of dealing with this antisocial behaviour:

"Below is a table of incidents and clearance costs in respect of the Gypsy Lane area of Frome (incorporating Berkley Land and Dark Lane.

YEAR	TOTAL OF INCIDENTS (DISTRICT)	NO. OF INCIDENTS – JUST GYPSY LANE AREA	COST OF GYPSY LANE CLEARANCE	TOTAL COST OF FLY-TIPPING (DISTRICT)
2013-2014	1834	123	£42,276.00	£88,762.63
2014-2015	2026	250	£40,840.48	£90,430.22
2015-2016	2078	324	£64,346.39	£114,279.77
2016-2017 ¹	1757	83 ²	£10,261.40	£63,485.88

There has been a saving of **£50,793.89³** with a reduction of **321 fly-tips**.

It is accepted that there has been a minor displacement to villages in the surrounds of Berkley – but the figures are self-explanatory.

(The original cost of implanting the TTRO cost the District Council £10,740.53.)

Without a PSPO it is anticipated that incidents of fly-tipping and the resultant costs of clearance will rise to levels that were evident before the TTRO was put in place and more."

Mendip District Council has temporarily addressed the issue by making a Public Space Protection Order (PSPO) in the Berkley Marsh area in order to curb the anti-social acts of large scale fly-tipping in the area. That PSPO closes part of the public highway to all vehicular traffic and remains in force for a period of 3 years. The making of the order was not without objections and legal challenge. The case

¹ The stated figures are for the 12-month period 01.04.2016 – 31.03.2017. Additional statistics and break down of figures will be available at the Cabinet meeting if required.

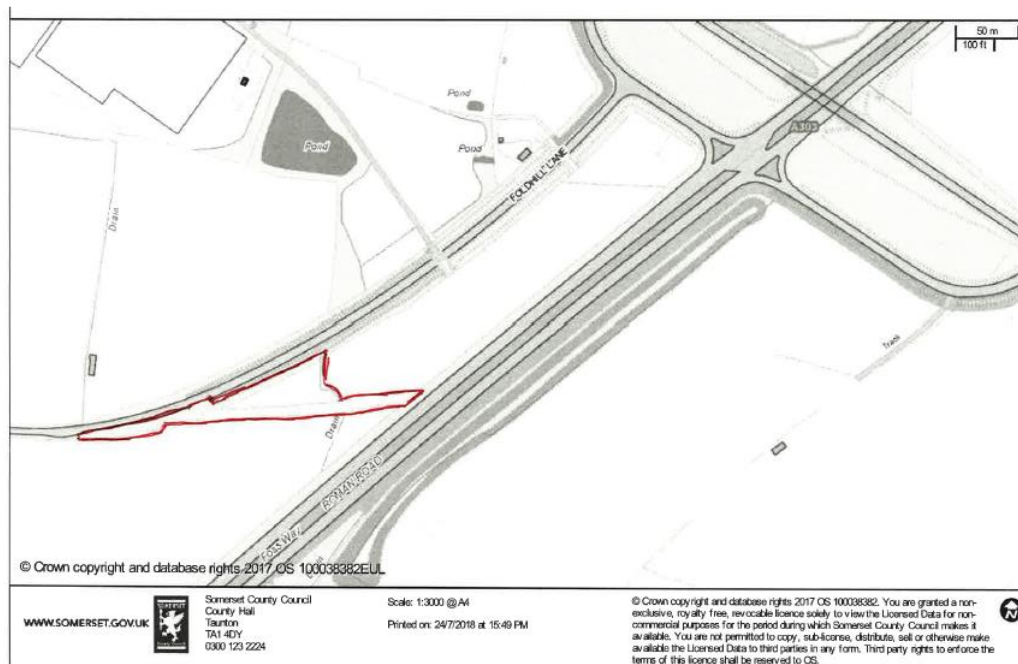
² The 12 months of the TRC has resulted in no fly-tips beyond the hard road closures. The costs accrued are for clearances on Gypsy Lane from Bath Road to The Pines Residential Site and the junction of Dark Lane and Pot Lane.

³

highlights the costs of dealing with anti-social behaviour, and the link between trunk roads and antisocial behaviour on the nearby local road network.

Case Study 3 - Foldhill Lane, Martock

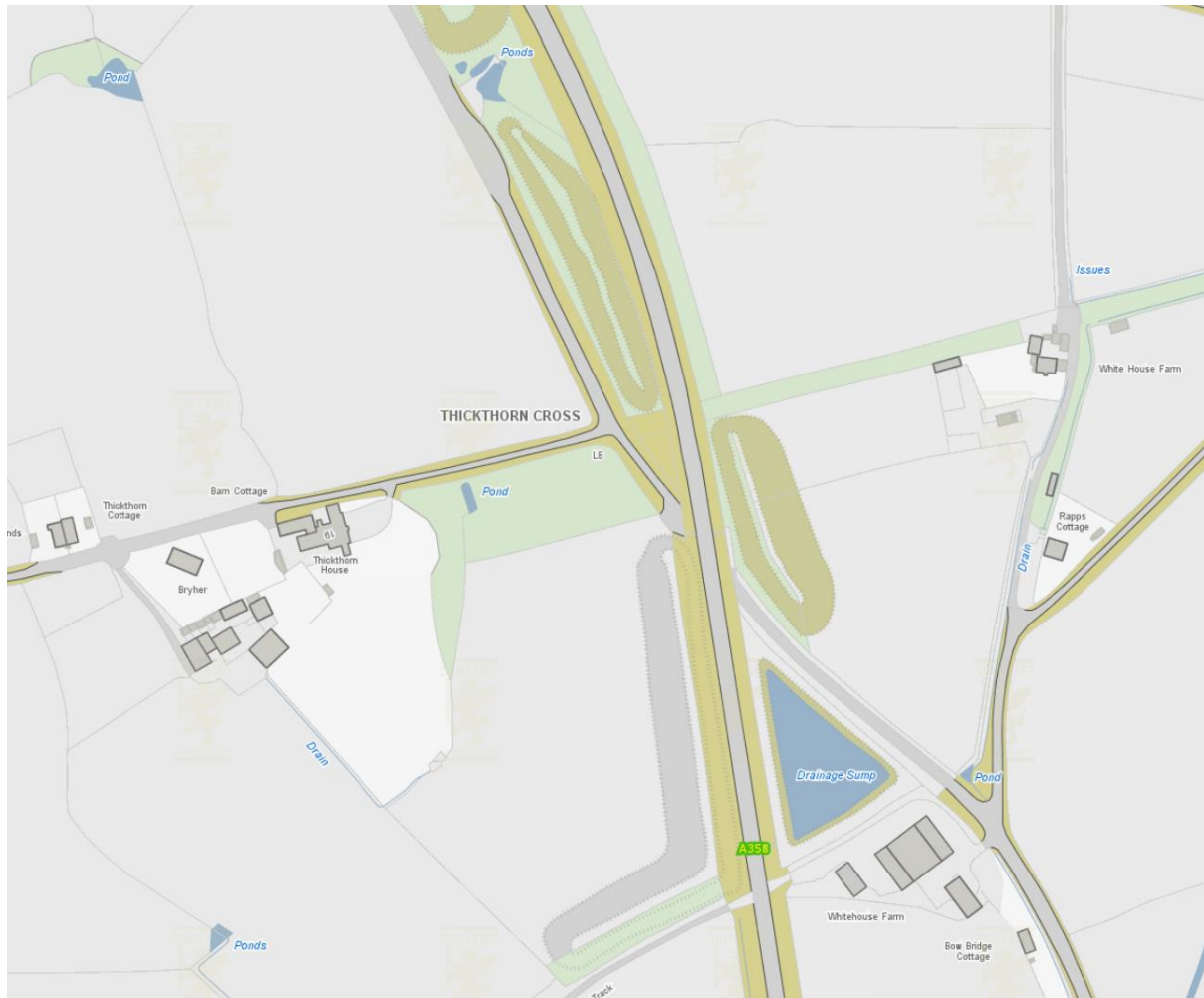
Foldhill Lane was stopped up by way of a Side Roads Order made in 1988 as a consequence of improvements to the A303.



The Council received its first reports of an unauthorised occupation in August 2017. A site inspection revealed 2 caravans and vehicles and assorted paraphernalia on the stopped up highway and adjoining land. Residents complained of the build up of rubbish, pollution from car breaking and fires on the site. The Council commenced possession proceedings and obtained an order for possession in October 2018.



Case 4 – Thickthorn Cross adjacent to A358 Ashill Bypass



This dead end spur of road arising from the construction of the A358 Ashill bypass was the location of the burnt out car used to dump the body of Catherine Wells-Burr in 2012.

Case 5 - Huntworth Business Park, Bridgwater

Huntworth Business Park is a cul-de-sac road in Bridgwater adjacent to the M5 motorway. Since Feb 2016 there have been at least 11 unauthorised encampments and associated fly-tipping.

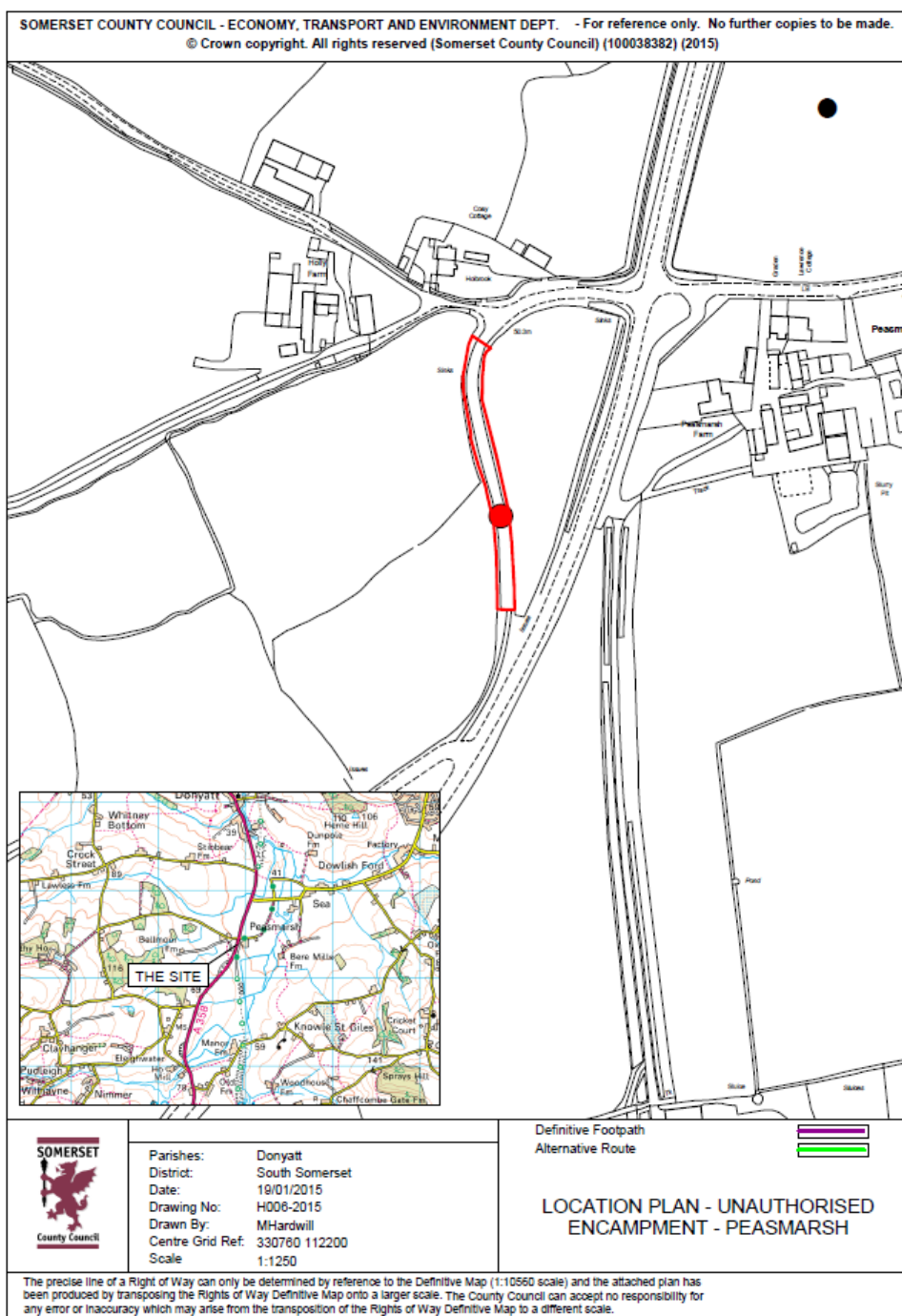




Further Cases - Cul-de-sac roads at Station Road, Martock and Peasmarsh Road

Three unauthorised encampments have been experienced in the last five years on dead end roads in these locations.

The map below shows the location of one of these encampments, which was on land which was formerly part of the A358. In 1973 an order was made to stop up the vehicular rights whilst preserving of rights of way on foot across the land. The order did not restrict the width of the Land available for pedestrian access. Since then the Land has been maintained by the Council as a public footpath. This location (outlined in red on the plan) was the site of an unauthorised encampment in 2015.



It has not been possible in the time available to provide location maps for the other two encampments.