

From: [Tessa Bond](#)
To: [A303 Sparkford to Ilchester](#)
Subject: A303 Sparkford to Ilchester - comments from Somerset County Council
Date: 16 September 2020 18:11:40
Attachments: [A303 Sparkford to Ilchester - Appendix 1 - SCC comments on Protective Provisions.pdf](#)
[A303 Sparkford to Ilchester - SCC response to Secretary of State.pdf](#)

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Highways England ("the Applicant") for an Order granting Development Consent for the A303 Sparkford to Ilchester Dualling.

REQUEST FOR COMMENTS FROM ALL INTERESTED PARTIES

Your Ref. 20015268

Thank you for your notification on 19th August 2020, inviting comments from Interested Parties on the Applicant's (Highways England) response to the Secretary of State.

Please find attached comments from Somerset County Council which we hope you will find useful.

Kind regards

Tess Bond

Senior Planning Officer

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Natasha Kopala
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Date: 16th September 2020

Your Ref: 20015268

Dear Ms Kopala,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Highways England ("the Applicant") for an Order granting Development Consent for the A303 Sparkford to Ilchester Dualling.

REQUEST FOR COMMENTS FROM ALL INTERESTED PARTIES

Thank you for your letter dated 19th August 2020 notifying Somerset County Council of the opportunity to provide comments on the Applicant's (Highways England) response to the Secretary of State.

Somerset County Council has always maintained strong support for the need for the single carriageway section of the A303 between Sparkford and Ilchester to be upgraded to dual carriageway as part of an end-end whole route improvement of the A303/A358 between the M3 and the M5 at Taunton and we would refer the Secretary of State to the supporting letter from the A303 Steering Group of interested local authorities (Somerset, Devon, Wiltshire, Dorset) issued on 11 September highlighting the benefits of the scheme and stating that: -

- *'parties working together can undoubtedly ensure that details are finalised in a manner that ensures the scheme is acceptable in planning terms' and*
- *'refusing the DCO would be a disastrous step backwards for the scheme at a time when the investment is most needed and would undoubtedly result in considerable*

additional delay and cost to the public purse which must be avoided promoting the need to improve the A303/A358/A30'.

Whilst we do appreciate and understand the position set out within the Examining Authority's (ExA) report, we do also welcome the majority of proposed amendments to the draft DCO as a suggested way forward to ensure that the development is acceptable in planning terms.

In accordance with our participation in the Examination, we have framed our response in light of the overarching basis of consideration for the project as set out in the National Policy Statement for National Networks; being that the Government has concluded that at a strategic level there is a compelling need for development of the national networks – both as individual networks and as an integrated system.

We have therefore taken into account the suite of relevant documentation and recent submissions in formulating our response and hope to be able to assist the Secretary of State in finding feasible solutions to any areas in which there may be matters of concern or current ambiguity.

We wish to reassure Highways England (HE) and the Secretary of State that we will work positively to ensure that the project can be delivered in accordance with the intended timetable.

Format of this response

Somerset County Council is the County Planning Authority and Local Highway Authority for the project. We have therefore only responded on the points that are within our remit. However, for ease of cross referencing we have addressed matters within the same order as HE.

Our response is split into Part A and Part B. Part A provides comments on HE's response to the Secretary of State's letter dated 21st July. Part B provides comments on HE's response to other matters set out within the draft DCO as proposed by the Examining Authority (ExA).

Part A

1. Potential for bird strike and changes to ponds

As the County Planning Authority and Local Highway Authority we note that HE sets out at paragraph 5.2.2 of document 9.45 that they will be the responsible maintaining authority for the ponds, and we understand that the maintenance responsibilities will be secured via a planning requirement: -

"It was determined during the Examination that the Applicant would be responsible for the ongoing maintenance of each of these ponds as they all serve the strategic highway. All the ponds will therefore be retained by the Applicant and maintained as part of Highways England's estate in accordance with the limits of responsibility plans to be approved under requirement 12(2)." (Doc. 9.45, paragraph 5.2.2)

2. in relation to the adverse effects on Non-Motorised Users and the Local Road Network, information on: (i) the deliverability of the mitigation proposed by the ExA for the three routes of particular concern: Eastmead Lane/Higher Farm Bridge route; Traits Lane/Gason Lane bridleway; and the Hazlegrove underbridge.

Eastmead Lane/Higher Farm Bridge

We welcome the mitigation measures proposed by the ExA, which we consider to be proportionate and reasonable. Securing these measures by virtue of a planning requirement appears to be an appropriate mechanism.

The need for and the timing of delivery of these mitigation works relate directly to the authorised scheme, and therefore the requirement should be for HE to ensure their delivery. Furthermore, we believe the bridge to belong to HE and the works may require the temporary closure of the A303 and will probably need to be co-ordinated closely with the works to the trunk road to avoid unnecessary disruption. Added to this, we believe there may be alternative solutions to those advocated by HE that should be explored through the design stage and a safety audit.

For these reasons we do not consider that the requirement should be deleted or reworded as HE have proposed to require the delivery only of a scheme.

On the information currently available we do not consider that the proposed section 278 agreement, suggested by HE to be the correct mechanism for the delivery of the works. Unfortunately, from a legal perspective, the use of S.278 is currently outside our powers as we are not able to carry out works to a third party's bridge to carry higher rights (in this case a bridleway) where those rights do not currently exist. There are a number of ways in which these works might be delivered, and the mechanism for the delivery of these works will depend on a number of different issues such as the status of bridleway Y30/29, the ability or otherwise of HE to accommodate a bridleway within its maintenance access track if Y30/29 does not exist pursuant to the 1996 side roads order (which we consider to be achievable), the creation of bridleway rights by way of a separate order if the access track does not run the entirety of the route between Eastmead Lane and Higher Farm bridge, and the requirement for a Traffic Regulation Order if riders need to dismount to cross the bridge.

We acknowledge that some of these issues may give rise to the need for separate legal processes which, whilst they can run parallel to the delivery of the authorised development, may run to different timescales. There is therefore a possibility that the route in question might not be in place legally and physically at the point Eastmead Lane is stopped up. We would therefore suggest some flexibility in the mechanism to secure the mitigation that obligates HE to use best endeavours to pursue a reasonable resolution to be achieved. For example, the undertaker may seek an extension to the timescale for delivery in the event that this is necessary rather than risk this appropriate mitigation measure not being secured. This would allow the applicant sufficient time to pursue a material change to the DCO to enable the creation of this link in the event that the alternative legal mechanisms which could be employed are not successful.

Traits Lane/ Gason Lane bridleway

We consider that the securing of this footpath is an appropriate mitigation measure and would fully support the principle of it being secured by way of a requirement.

We acknowledge the position by HE that the delivery of the mitigation measure in this instance involves the use of Crown Land, and that HE has secured the Defence Infrastructure Organisation's (DIO) consent to the provision of a footpath.

We understand that the DIO has concerns in relation to the provision of a bridleway route across its land and we would welcome the opportunity to explore a bridleway route with the DIO outside of the DCO process as we are confident that the DIO's concerns, as expressed in their letter, can be resolved. The DIO correspondence provides their twofold reasoning for refusing to consent to a bridleway route.

The first relates to risk. The site is relatively insecure and already has an informal access route through the grounds. Should a horse be spooked, or the rider lose control of their horse it should not be beyond HE and the DIO to agree a form of security fence (assuming the current one is deemed to be insecure) that would protect the sensitive areas of the site. As alluded to above, a variation of the route proposed may also alleviate some of the concern in this respect. With an appropriate security fence in place the sensitive equipment should be at no greater risk of being damaged from bridleway users than footpath users.

The second relates to the observation post heritage asset. The County Council has not had the opportunity to assess this issue on site but would welcome that opportunity in order to propose potential solutions. We are aware that South Somerset District Council has given consideration to this Heritage Asset in their response to the Secretary of State, in which they provide *"Information from the South West Heritage Trust confirms that the underground structure is within the extent of the enclosure and its top approximately 2 meters deep,*

therefore protected from the impact of horse traffic. SSDC welcomes the Defence Infrastructure Organisation's concern for the care of this heritage asset but believes there is a means to achieve the NMU link without harming the Monitoring Post."

Whilst the County Council seeks minimum widths and gradients for new rights of way, these are negotiable in extraordinary circumstances. This is premised on the basis that in some cases it is better to have reduced width off-road provision for NMUs than have them using the road network. The County Council is aware that local bridleway associations share this view too. Therefore, subject to a site visit, it could well be that the DIO's concerns could be overcome. An initial desktop review suggests a pinch point of 2-3 metres between the corner of the asset and the nearby boundary fence line. For a short section of bridleway, such a width restriction would be acceptable.

It is understood that the DIO (or previous body) were presumably not resistant to a bridleway that featured over their land as part of the 1996 SRO. Records of any discussions between the predecessors of the applicant and the DIO in 1996 may elicit a potential way forward should these have not been explored already. The route selected in 1996 is different from the one in the current DCO, which in itself may help to allay some of the DIO's concerns.

However, given at this point the DIO has not been able to consent to a bridleway across its land, and no alternative route has been identified, we accept that the proposed requirement may only be able to refer to the provision of a footpath. Whilst the securing of a bridleway is desirable and one which the County Council would wish to be pursued, we acknowledge the difficulty in including it in the requirement when there is no certainty at present that it can be delivered as it depends on the outcome of further negotiations with the DIO.

In the absence of its provision, horse riders would still be able to travel from Traits Lane to Gason Lane using the local road network. In this respect we agree with HE's comments at paragraph 4.2.5 – 4.2.7 of document 9.44 that this alternative, longer route for horse riders is acceptable as such traffic is less sensitive to longer routes than walkers and with the Traits Lane and Gason Lane becoming cul-de-sacs as a result of the scheme will be lightly trafficked.

Hazlegrove underbridge

The County Council has no comments to make in respect of lighting. We note that HE have provided additional commentary in respect of the proposed Pegasus Crossing, which we have considered below in Part B of our response.

3. in relation to the de-trunked section of the A303 that would continue to provide access to the Mattia Diner and filling station information on:

(i) how the Applicant would be able satisfactorily to address the risks of anti-social behaviour and the financial responsibilities for the de-trunked section other than by the amendment to article 13(4) proposed by the ExA.

We note and welcome the ExA's proposed amendment of the draft DCO which provides that this detrunked section will remain with HE, and HE's acceptance of this recommendation.

To clarify, our concern is that it is the creation of a de-trunked cul-de-sac road that will lead to an increase in anti-social behaviour, and that the level of anti-social behaviour experienced in this area historically is not an accurate indicator of the likely level of anti-social behaviour once the road has been de-trunked and stopped up at the end.

We note also HE's proposal to acquire the whole of the petrol filling station site (para 7.4.4 of 9.44), and it seems entirely appropriate in the circumstances given its acquisition of this site that it retains control of the road serving these premises.

Podimore

At Deadline 8 of the Examination, Somerset County Council submitted a document titled *"Deadline 8 Submission - Appendix 1 - Response to Action Point 17 (23 May) and response to the Applicant's comments on Action Point 64 (14 & 15 May)"*.

Action Point 17 requested the following: - Applicant and SCC to set out respective positions to proposed section 278 works and how these matters should be secured.

Action Point 64 requested the following: - Section 278 Agreement in relation to Podimore Road – Mechanism to secure, whether in dDCO or otherwise.

Within our submission we noted that the DCO boundary did not extend beyond the proposed turning head to the West of the existing Podimore slip, 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 our response, we highlighted that there is a significant risk that such a cul-de-sac may be used as an unauthorised traveller encampment and, at the Issue Specific Hearing on Traffic and Transport on 26 February 2019, we 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, and the associated Traffic Regulation Orders would also need to be revoked. It was understood at the time that HE was 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 S.278 agreement to secure the necessary works outside the development boundary to be delivered by HE at its own expense.

The County Council has not been consulted on any amended design and the S.278 has not progressed.

As set out in our Deadline 8 submission, we consider the measures to be required as mitigation for the project, and respectfully request that this matter is given consideration to ensure that the issue is satisfactorily resolved.

As we believe HE and SCC are in agreement that physical works are required and we believe these can be delivered within the current limits of the public highway, this could be worded by way of a Grampian type requirement providing for agreement of a scheme of works to be delivered by HE and at their own expense.

(ii) whether the Applicant is able to secure the delivery of a parallel road along the retained parts of the A303 detrunked section and, 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.

The County Council refers the Secretary of State to our earlier response dated 7th August 2020 in which we outlined that the County Council notes comments from both the ExA and the Secretary of State in relation to the parallel road, in particular that the ExA concluded that while it would be a desirable and prudent modification to the Proposed Development, the failure to provide it did not justify withholding consent and should be afforded only moderate weight. The County Council did not offer comment during the Examination on the parallel road, but we concur with the ExA that a failure to provide it does not justify withholding consent.

4. in relation to the Applicant's proposals to use temporary possession powers to deliver permanent Works on land that would then be designated as public highway, information from the Applicant on: (i) 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

The County Council has considered at length the ExA report in relation to HE's proposed use of temporary possession powers under Article 33 to deliver permanent works in the form of the turning heads and the acquisition of compulsory rights to designate the land as public highway, and the Applicant's submissions on this point.

The County Council remains of the view that this is an inappropriate and incorrect use of powers, as set out in its legal submission at deadline 8 of the Examination (REP8-027). The County Council notes that the Secretary of State is minded to agree with the ExA's concerns about HE's ability to deliver permanent turning heads using temporary possession powers and has invited HE to identify alternative mechanisms for their delivery. Accordingly, the County Council restricts its response to this aspect, rather than analysing in legal terms the approach previously adopted.

Whilst the delivery of the turning heads will minimise the potential harmful impacts of the development, the turning heads are also an integral part of that development in order to safely sever the junctions of the local highway network and the detrunked sections of road from the new trunk road. If they were not to be provided, there is the potential for vehicles to either have to traverse over private property or reverse some distance in order to find sufficient space to turn around.

The County Council notes that HE has advised that it has been in negotiation with all the landowners affected by the turning heads and that agreement has been reached in principle for the acquisition of the necessary land/rights, and in the event that these negotiations were not satisfactorily concluded by way of an agreement to sell, HE would request a material change to the DCO to enable the necessary land to be compulsorily acquired. There is of course a risk that the landowners, once appraised of the detail design and the likely level of compensation, might not be agreeable to the voluntary sale of the necessary land, and that the request for a material change to the DCO is unsuccessful.

The County Council finds guidance in the ExA's helpful analysis of the situation in relation to the delivery of no through signage at Traits Lane and Gason Lane and the traffic regulation order legalising the speed limit on the B3151 in paragraph 16.6.125 onwards of the ExA's report where there was no agreement in place to secure these matters.

On a similar basis, there is no agreement in place with the landowners for the securing of these turning heads. The provision of the turning heads is necessary to ensure the proper functioning of the proposed development and they are required as a consequence of the proposed development. They relate directly to the development being permitted, are related to planning and are necessary to ensure highway safety and must therefore be delivered.

In the absence of an agreement to provide these turning heads, the alternative is to impose an additional requirement. The ExA helpfully sets out the relevant considerations at paragraph 16.6.132 – 16.6.135 of their report.

The County Council notes that without the provision of these turning heads being properly secured the delivery of the development would be at risk since the ExA's recommendation is not to confirm the Order. Consequently, it is the Council's view that it would be reasonable to impose a negatively worded requirement in this case which secured the delivery of these turning heads, in accordance with a scheme which, after consultation with the County Council, has been submitted and approved by the Secretary of State, and that temporary arrangements are put in place prior to the closure of the roads to no through traffic, and that permanent turning heads are constructed prior to completion of the authorised development.

Finally, the County Council advises that it has been in contact with the HE's design team regarding the temporary turning facilities outlined in their submission. The County Council considers that whilst there may be scope to accommodate some of these temporary turning facilities within the existing highway limits, some of the proposed temporary turning head solutions may be more problematic and require further consideration or positive confirmation of the outcome of dialogue with landowners to confirm their acceptance that the apron access to their land may need to be used as a turning head. The County Council is confident that solutions can be put in place which are proportionate to any road safety risks which arise pending provision of permanent turning heads, but it requests that the scheme to be submitted pursuant to the additional requirement includes reference to the putting in place of temporary arrangements so that these may be given further consideration.

Part B - Other matters raised by HE in respect of the Draft DCO

5. HE comments on Protective Provisions

Proposed Deletion of Paragraph 33(2)

The ExA acknowledges that it is reasonable for the County Council as local highway authority to seek to ensure that it is fully content with the design and construction of those parts of the network for which it will ultimately be responsible (para 16.6.15 of the report). The County Council considers that the changes which the ExA has recommended to the consultation process and protective provisions address the fundamental concerns of the County Council.

HE appears to acknowledge and accept that it is entirely reasonable that the County Council should have a meaningful role in development of provisions relating to traffic management and the timing of these works and that it should seek to obtain the County Council's

agreement to these points (para 6.1.3 of submission 9.45). However, it states that such agreement should be "*in the context of the programme for delivery of the scheme and Somerset County Council should not be able to prevent commencement by refusing to approve the timing under the protective provisions*". On this basis it seeks the deletion of paragraph 33(2) of Part 4 of Schedule 8 of the DCO which provides:

"33(2) The undertaker must not commence construction of the Works to which the Design Detailing relates until approval has been given by the local highway authority to the Other Detailed Information"

The Other Detailed Information, as defined in Part 4, comprises:

- a schedule of timings for the Works, including dates and durations for any closures of any part of the local highway;
- traffic management proposals including any diversionary routes and a Detailed Local Operating Agreement;
- a schedule of condition of the affected local highway within the order limits; and
- where the local highway is occupied under this Order in connection with any Works but is not itself subject to Works, a specification of the condition in which the local highway will be returned post occupation.

It is assumed that HE is not suggesting that the County Council is motivated for some reason to hold up the delivery of the scheme by arbitrarily refusing to approve the "Other Detailed Information" to be submitted for its approval pursuant to paragraph 33(2). The County Council has repeated on numerous occasions its support for the scheme, most recently in its letter of 7th August 2020 to the Department for Transport in which it emphasised the need for the parties to work collaboratively to find and agree solutions to address the residual issues and avoid a situation where the Order is not made.

The County Council ultimately remains responsible for the maintenance of the local highway network and the management of the traffic in the area, and in the event that a defect in the 'Other Detailed Information' provided by HE creates an unacceptable danger or risk to users of that network then it is entirely reasonable that HE should address that defect before commencing works.

In any event, a delay in securing the County Council's approval of the 'Other Detailed Information' will not inevitably lead to a delay in the delivery of the scheme. The provision of this information will follow consultations on the detailed design, traffic management and CEMP provisions which will be submitted to the Secretary of State for approval, and therefore the expectation is that discussions between the parties on the 'Other Detailed Information' will have commenced well in advance of the point at which the final details are submitted to the County Council for approval. Furthermore, to avoid any residual concern

that the Applicant may have as to potential delays to the scheme, the County Council would be pleased to agree a service level agreement to manage the process for the submission and approval of the 'Other Detailed Information' so that HE can ensure the timely delivery of this information for approval.

Accordingly, the County Council submits that paragraph 33(2), as recommended by the ExA, remains.

Proposed Deletion of Paragraph 37(6) and (7)

The Applicant seeks the deletion of the following text of the above provisions:

"(6) Where either the stage 3 or stage 4 road safety audit identifies works which would give rise to any new or materially different adverse effects from those identified in the Environmental Statement, the undertaker must make a subsequent application to the Secretary of State and must follow the procedure set out in Regulations 22 to 25 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 to seek to permit the carrying out the identified works.

(7) In the event that the Secretary of State grants consent for the subsequent application the approved works must be undertaken by the undertaker prior to the completion of works under this Order and prior to any local highway being transferred or returned to the control of the local highway authority.."

It does so on the basis that "*The drafting of these sub-paragraphs is predicated on a misunderstanding of the law*".

It is possible that as a result of the road safety audit process a change to the works is required. Where these works give rise to any new or materially different adverse effect from those identified in the Environmental Statement then this would be treated as a material change to the works permitted under the DCO and would necessitate an application to the Secretary of State and the submission of further environmental information in accordance with the 2017 Regulations, as provided in paragraph 37(6).

It is anticipated that every effort will be made by HE to design the works such that they address the concern identified in the road safety audit but do not give rise to any new or materially different adverse effect necessitating a material change application. However, where this is unavoidable the above provisions deal with what should happen in those circumstances.

The County Council considers therefore that these provisions should remain and does not concur with HE's view that these paragraphs are misconceived in law and policy and should

be deleted. On the contrary, to delete these provisions would misleadingly suggest that the Applicant is not required to comply with the recommendations of the road safety audit in the circumstances outlined, and that the safety of road users and the general public is not important where that would give rise to the requirement to seek a material change to the scheme.

Finally, the County Council notes that HE does not wish to challenge any other changes to made to Schedule 8. However, if it is of assistance to the Secretary of State, the County Council has annexed to this note a few typographical errors in the protective provisions which the Secretary of State may wish to address in the event that he is minded to make the order.

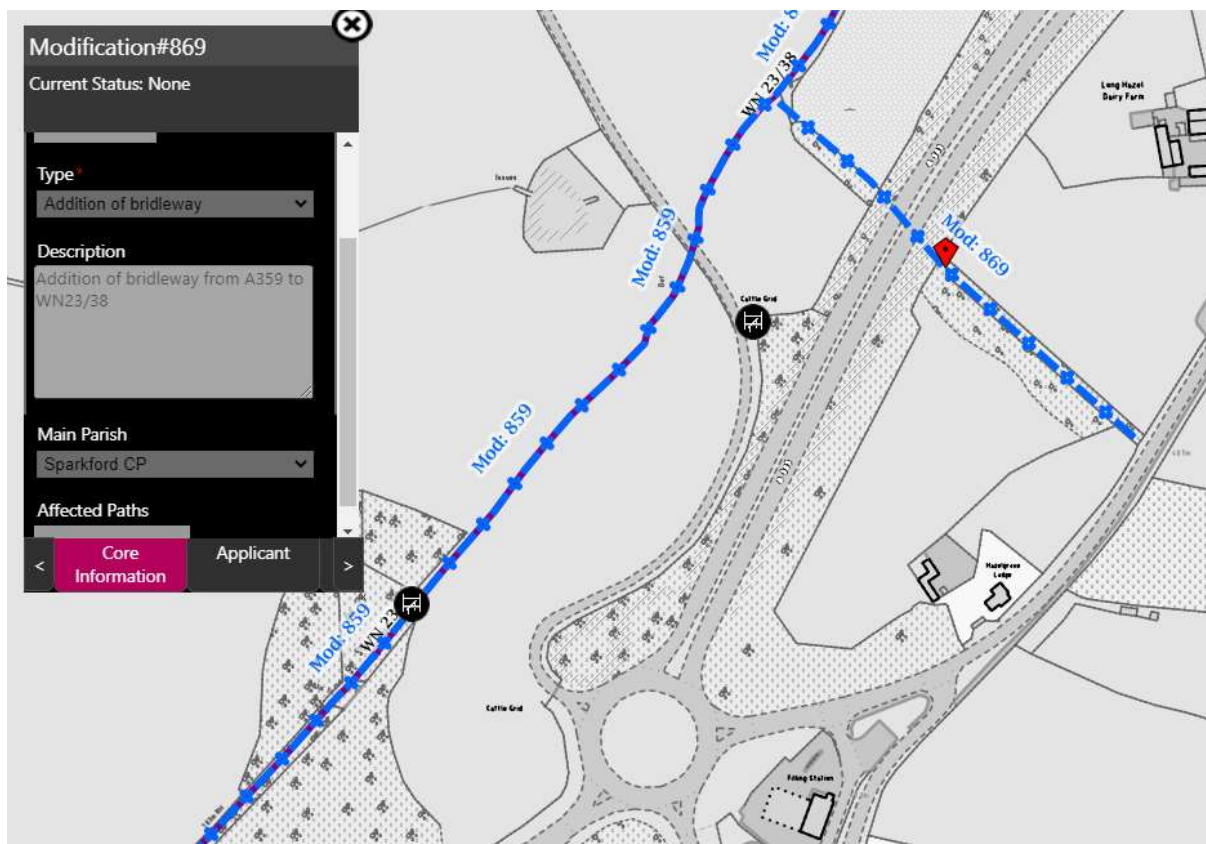
6. Bridleway provision and equestrian crossing at Hazlegrove Roundabout

The County Council is supportive of the new requirement 18 to improve provision for horse riders at the Hazlegrove roundabout. The Council also acknowledges the difficulty in delivering a Pegasus Crossing at this location. A material change to the red line could be applied for by HE to resolve this situation, or a modified Pegasus equestrian crossing could be considered that would still provide for a safer route for horse riders.

Whilst there are no recorded bridleways in the vicinity of the roundabout, it should be acknowledged that horse riders are lawful users of the A359. Current use of the roundabout is likely to be low due to the current A303 traffic flows and the presence of Wolfester Terrace (negating the need to use the roundabout if journeying along the A359). Reduced flows at the roundabout post implementation of the development may be an improvement on the existing situation. However, if the opportunity does exist to be inclusive to horse-riders in the provision of a safer crossing and avoiding the need to use the carriageway of the roundabout then this should be considered. The provision of the bridleway in the verge of the existing A303 from Gason Lane to the roundabout and back under the underbridge lends greater weight to including horse-riders in the off-road roundabout provision as this will aid connection for horse riders to the south and east of the roundabout to access the new network provision to the west of the roundabout and *vice versa*.

It is acknowledged that the ExA did not afford weight to the applications to modify the Definitive Map that are affected by the development or abut the development. These applications are for the addition or upgrade of footpaths to routes that would allow equestrians. The County Council refers you to its submission at Deadline 7 in this respect. It should be noted that the new application referred to at Deadline 7 to the east of the roundabout, was submitted on the 6th June 2019. The application is for the addition of a bridleway between the A359 and public footpath WN 23/38, reference 869M; please see Figure 1 below to illustrate the location.

Figure 1 - Application for the addition of a bridleway between the A359 and public footpath WN 23/38, reference 869M



WN 23/38 is currently recorded as a footpath but is subject to an application to have it recorded as a bridleway too (reference 859M).

The last year has seen a period of process improvements with regard to increasing the determination rate of applications to modify the Definitive Map. One of the changes made is to conduct a shortened investigation where the basis of the application is unambiguous evidence of a legal creation or dedication, and when the next application is to be investigated in such a way, we can batch such applications that are within the current queue to achieve a number of potential 'quick wins' (where the evidence is very strong there is less likelihood of valid objection to any order and thus a shorter process overall). A recent case has begun investigation in this regard and thus application 869M will be batched with it for determination on the basis of the strong evidence that the applicant has submitted. Whilst a shortened investigation will be undertaken it cannot be guaranteed that the public rights over this route will be determined prior to the revised DCO decision deadline of 20 November 2020. All other applications to modify the Definitive Map that are affected or in

the vicinity of the development will be taken out of turn and investigated as a batch if and when permission is granted for the DCO.

The effect of the development on the bridleway rights that are alleged to exist over application route 869M would be to add the west bound off-slip to the width of the crossing point. The existing crossing point already has 4 lanes of carriageway and a central barrier, but this would be increased to include the new alignment of the dual carriageway and retention of the existing as the slip road. In addition, the speed of the traffic will increase at this location following implementation. This situation is different to that of footpath WN 27/16 as the scheme is directly impacting on the route of 869M.

If the bridleway rights are confirmed over 869M in the coming months, it is advised that consideration is given to this in the context of suitable mitigation for this DCO application. The bridleway, if determined to exist over 869M would be a cul-de-sac until such time as the other applications for unrecorded rights have been determined. However, a pedestrian alternative has already been provided via the roundabout and underbridge connecting to footpaths WN 23/12 & 38.

If 869M is confirmed as a bridleway it would further support the ExA case that the roundabout provision for pedestrian and cyclists should also be inclusive of horse-riders.

The County Council proposes that draft DCO requirement 18 is amended from:

'No part of the authorised development is to commence until a scheme for the provision of a bridleway connecting the points marked "BS" and "BU" on Rights of way and Access Plans Regulation 52(2)(k) and 5(2)(o) Sheet 4 of 4 HE5510507-MMSJV-LSI000-DR-UU-2105 Revision C has, after consultation with Somerset County Council, been submitted to and approved in writing by the Secretary of State. The scheme shall also include provision for a 'Pegasus crossing' between the points marked "BS" and "BT" on the said drawing. The route must be available for use prior to the opening of the Hazlegrove junction westbound on slip to operational traffic.'

to:

'No part of the authorised development is to commence until a scheme for the provision of a bridleway connecting point "BQ" and "BU" on Rights of way and Access Plans Regulation 52(2)(k) and 5(2)(o) Sheet 4 of 4 HE5510507-MMSJV-LSI000-DR-UU-2105 Revision C has, after consultation with Somerset County Council, been submitted to and approved in writing by the Secretary of State. The scheme shall also include provision for appropriate equestrian road crossings mechanisms. The route must be available for use prior to the opening of the Hazlegrove junction westbound on slip to operational traffic. In the event this is

unachievable, within 6 months of commencement of the development, the undertaker shall prepare and submit a report which outlines why the preferred option referenced above was not achievable and after consultation with Somerset County Council, a revised scheme for this connection with a timescale for delivery, for approval in writing by the Secretary of State, and following approval the undertaker shall implement the revised scheme in accordance with the timescale therein.'

The amendment recognises that BR – BS is currently in the DCO only as footway/cycleway, and that equestrians will also need to cross the existing western A303 arm of the roundabout to access the proposed bridleway provision at BQ and beyond. The proposed and the amended requirement 18 does not restrict the applicant to only considering the proposed footway/cycleway crossing points, thus other possibilities are capable of being explored, which SCC would be pleased to work with HE on.

7. Layby signage and works outside Order Limits

We understand that the ExA has added to Requirement 12 of the rDCO a requirement for the signage strategy to include details for information boards setting out the history of the road, and that HE have provided comments on this.

The information boards are likely to be placed on the Strategic Road Network and as such will be the responsibility of HE to determine safe and suitable locations. However, should a request be made by HE to install them on the Local Road Network consent will need to be obtained from the South Somerset Area Highway office prior to installation.

8. rDCO requirement 20; No through road signage at Traits Lane and Gason lane

We note the proposed amendment to the rDCO by inclusion of an additional Requirement to secure no through road signage at Traits Lane and Gason Lane and that HE have provided comments in respect of this.

We agree with HE that this provision could be secured via a S.278 agreement, however at this stage, due to limited information, we need to reserve our position on the detailed wording of such an agreement.

Whilst Somerset County Council can undertake the required works on behalf of HE, due to the works being within the local highway network, any S.278 will need to include provision for the applicant to fund these works in providing mitigation for their project.

We would also advise that in the interests of avoiding any delay to the installation of the mitigation, any agreement to provide these works needs to be within an agreed form and

ready for completion, prior to the formal submission to the Secretary of State pursuant to the Requirement.

9. rDCO requirement 21: Speed limit on B3151

We note the proposed amendment to the rDCO by inclusion of an additional requirement to secure a speed limit on the B3151 and that HE have provided comments in respect of this. Our comments are as per our response to the "no through road signage at Traits Lane and Gason lane" above.

10. West Camel and Sparkford

It is understood that an additional requirement is proposed to secure traffic monitoring and mitigation in Sparkford and West Camel. Highways England consider that this requirement would not be necessary due to progress that has been made to date in respect of the two situations.

Somerset County Council are able to confirm that in respect of West Camel the design was completed by Highways England and is scheduled for delivery shortly by Somerset County Council via a S.278 Agreement.

In respect of Sparkford, we can concur that HE have funded and progressed an outline design of a scheme, however no discussion has taken place with the applicant in respect of delivery and no discussions have started as yet in respect of a S.278 agreement.

We are therefore supportive of the approach advocated by the ExA being a requirement for HE to agree a scheme of monitoring with us and deliver a scheme if impacts are realised.

11. Drainage Maintenance Tracks

We note that this issue relates to maintenance tracks along the five drainage balancing ponds that are proposed within the Applicant's DCO application. Our understanding is that Highways England will be responsible for the maintenance of these ponds, and this has been reiterated by the applicant at paragraph 5.2.2 of document 9.45.

Somerset County Council therefore has no comment to make as the Local Highway Authority.

We hope that the above comments are helpful in the determination of the DCO application. Somerset County Council looks forward to participating in any future processes as may be deemed necessary by the Secretary of State.

Yours sincerely



Andy Coupé

Strategic Manager – Infrastructure Programmes Group
Somerset County Council

Appendix 1 – Somerset County Council Comments on Protective Provisions

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Highways England (“the Applicant”) for an Order granting Development Consent for the A303 Sparkford to Ilchester Dualling.

Amendments to the Recommended DCO – Schedule 8, Part 4 Protective Provisions

Paragraph Reference	Current Text	Suggested Amendment
2	The definition of “Detailed Information” includes as bullet points (o) and (p) schedules of condition and a specification of the local highway. These are also included within “Other Detailed Information”	The deletion of (o) and (p) from the definition of Detailed Information on the basis that they appear in the definition of Other Detailed Information. They sit more appropriately with the latter definition as they are not matters of detailed design which the Secretary of State will approve.
35	Reference to sub-paragraph (1) in 35(1) suggests a numbering error	Paragraph 35 appears to be a continuation of paragraph 34. Accordingly change paragraph 34 to 34(1), 35(1) to 34(2) and 35(2) to 34(3), the subsequent paragraphs re-numbered and references in the text to numbered paragraphs updated.
37(9)	Reference to the DLOA	This appears to be a typographical error and the reference to DLOA deleted and replaced by the term “agreement”
45(1)	Reference to paragraph 43	This appears to be a typo and the reference should be changed to paragraph 48
50	This paragraph appears to be a continuation of paragraph 49	The number 50 should be deleted and the subsequent paragraphs re-numbered and references in the text to numbered paragraphs updated