

# **Update on the Development Consent Order Application for the Dualling of the A303 Sparkford to Ilchester**

*Executive Portfolio Holders:* Angie Singleton, Strategic Planning (Place Making)  
Henry Hobhouse, Property, Climate Change & Income Generation

*Ward Member(s)* Mike Lewis, Tony Capozzoli

*Director:* Netta Meadows, Strategy and Support Services

*Service Manager:* Jan Gamon, Lead Specialist – Strategic Planning

*Lead Officer:* Jo Manley, Specialist – Strategic Planning

*Contact Details:* jo.manley@southsomerset.gov.uk or 01935 462442

## **Purpose of the Report**

1. To update District Executive on the Development Consent Order application for the dualling of the A303 Sparkford to Ilchester. To set out the issues so far identified from consideration of the application. District Executive is asked to agree delegation of the Council's "Relevant Representation" to the Lead Specialist, Strategic Planning and the Portfolio holders for Strategic Planning and Property & Climate Change and Income Generation.

## **Forward Plan**

2. This report appeared on the District Executive Forward Plan with a presentation date of October 2018.

## **Public Interest**

3. The report provides an update of the Development Consent Order application for the dualling of the A303 Sparkford to Ilchester. It sets out what a Relevant Representation is and how members of the public can get involved in the Examination of the application. It also sets out the key issues of relevance for SSDC that have been identified from consideration of the application so far.

## **Recommendation**


4. That the District Executive note this report and its contents, review and approve:
  - a. Delegated authority for the Council's Relevant Representations be given to the Lead Specialist, Strategic Planning in consultation with the relevant Portfolio Holders for Strategic Planning and Property, Climate Change and Income Generation.

## **Background**

5. District Executive considered a report on the 5<sup>th</sup> July 2018 which outlined the process by which Highways England are seeking to obtain planning permission for the dualling of the A303 between Sparkford and Ilchester.
6. In that report it was noted that the Council has previously submitted written representations to Highways England which set out the Council's strong support for the scheme and the principle of the preferred route and its design. Localised impacts were identified, where appropriate mitigation would be required to make the scheme acceptable.

7. The application was accepted by the Planning Inspectorate on the 23<sup>rd</sup> August 2018 and therefore we are now in the pre-examination period of the Development Consent Order (DCO) application (see diagram below for an outline of stages the application will go through).

**Diagram1: Stages of a Development Consent Order Application**

<b>Pre-application</b>	Period before submitting an application. Potential applicants have a statutory duty to carry out consultation on their proposals at this stage.
<b>Acceptance</b>	The Acceptance stage begins when an applicant submits an application for development consent to the Planning Inspectorate. The Planning Inspectorate, on behalf of the Secretary of State decides whether or not the application meets the standards required to be accepted for examination.
<b>We are here:</b> 	<b>Pre-examination</b> At this stage, the public will be able to register with the Planning Inspectorate to become an Interested Party by making a Relevant Representation. An Examining Authority is also appointed at the Pre-examination stage, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. There is no statutory timescale for this stage of the process, but it usually takes approximately three months from the Applicant's formal notification and publicity of an accepted application.
<b>Examination</b>	The Planning Inspectorate has up to six months to carry out the examination. During this stage Interested Parties who have registered by making a Relevant Representation are invited to provide more details of their views in writing.
<b>Recommendation and Decision</b>	The Planning Inspectorate must prepare a report on the application to the relevant Secretary of State, including a recommendation, within three months of the close of the six month Examination stage.

The relevant Secretary of State then has a further three months to make the decision on whether to grant or refuse development consent.

#### **Post Decision**

Once a decision has been issued by the relevant Secretary of State, there is a six week period in which the decision may be challenged in the High Court, known as Judicial Review.

8. The high level timetable remains as it was reported to members in July, for convenience this is reproduced below:
  - Examination - 13<sup>th</sup> December 2018 for a period of up to 6 months
  - Decision - end of 2019
  - Road construction to commence by March 2020
  - Road open - 2022/2023
9. As a host authority, the Council is automatically registered as an “Interested Party” to participate in the Examination and as explained in the July District Executive report, will be invited by the Inspectorate to submit various reports including Relevant Representations, Written Representations and a Local Impact Report (LIR).
10. It is worth members noting that individuals and groups can also become an Interested Party on the application by registering and making a Relevant Representation. The registration period has begun and closes on the 19<sup>th</sup> October, details are on the Planning Inspectorate’s website: <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-sparkford-to-ilchester-dualling/?ipcsection=docs>

#### **Update on Actions Agreed at July District Executive**

11. As agreed by Members in July a joint Adequacy of Consultation Response (AoCR) with Somerset County Council was submitted to the Planning Inspectorate in August. This set out how Highways England had undertaken consultation on the scheme in accordance with the regulations for consultation as set out in the 2008 Act.
12. Members also agreed in July that a joint Statement of in Principle Support for the scheme from ourselves and Somerset County Council be submitted to Highways England. This was in advance of any Statement of Common Ground (SoCG), which would clarify to the Examining Authority where progress is being made towards matters which have been agreed, not agreed and are under discussion. It was felt that at the time, the signing of a SoCG was premature because officers had not had the opportunity to see the DCO application or its associated documentation. The Statement of in Principle Support was submitted and officers will now begin to consider SoCG with Highways England.

13. The principle of the Council entering into a Planning Performance Agreement (PPA) with Highways England was also agreed in July. Unfortunately, despite our best efforts, we have been unable to secure a PPA. The process was proving to be resource intensive and would not have resulted in sufficient funding for the Council. It was therefore decided to focus officer's time on consideration of the planning application, which contains over 160 documents, and seeking to ensure the best possible mitigation from the scheme, rather than the PPA.
14. In recognition of the large and complex nature of this project, District Executive agreed a budget to resource the Council's involvement in it. External support has been secured from Somerset Ecology Services and South West Heritage Trust. These officers will provide the biodiversity, landscape, conservation and heritage advice required for the project.

### **Relevant Representations**

15. The Relevant Representation is a summary of the aspects of the application that the Council agrees and/or disagrees with and our reasons why. SSDC are producing a joint Relevant Representation with Somerset County Council. This needs to be submitted to the Planning Inspectorate by 19<sup>th</sup> October 2018.
16. At the July District Executive meeting, a scheme of delegation was agreed for this project. Approval of the Relevant Representation was delegated to District Executive. This report requests that the Relevant Representation is now delegated to the Lead Specialist – Strategic Planning and Portfolio Holders for Strategic Planning and Property & Climate Change and Income Generation, this is because officers have not had sufficient time to review the application documentation prior to this meeting of District Executive.
17. There are 161 documents in the DCO application. The majority of them are associated to the Environmental Statement but there are also Statements of Common Ground, Plans and reports such as a Road Safety Audit and other transport and traffic modelling reports. Some of these documents are in excess of 550 pages and so an assessment of the application is not a quick exercise.
18. SSDC officers have been working with SCC officers to divide up the application into relevant areas.

SSDC officers will be concentrating on the following specialist areas:

- Air Quality and Noise & Vibration
- Cultural Heritage and Landscape
- Biodiversity
- People and Communities (including traffic impact and economic issues)
- Climate

Whilst Somerset County Council officers will cover the following specialist areas:

- Geology and Soils
- Material Assets and Waste
- People and Communities
- Road Design and Engineering
- Traffic and Highways matters such as de-trunking
- Drainage

19. This report summaries the issues identified in the application. It does not identify whether these are agreed with or not, as specialist officers are required to make that judgement. Officers for each specialist area have been asked to review the application by the 3<sup>rd</sup> October. The Specialist – Strategic Planning, can therefore update members orally at the District Executive meeting, of any significant issues that they have identified, if any.
20. It is worth noting that the scheme submitted is at preliminary design stage, and whilst advanced, is not technically a detailed design. For example a signage strategy, lighting and materials have not been agreed and on that basis, further localised impacts or issues may emerge and these should be presented to the Examining Authority at the earliest convenience.

### **Impact on Air Quality**

21. The Environmental Statement explains that the scheme has the potential to cause both adverse and beneficial effects with regard to dust and local and regional air quality during the construction and operational phase of the scheme. It concludes that using best practice mitigation measures, potential dust impacts could be suitably controlled and there are not expected to be significant air quality effects at nearby receptors during the construction phase.
22. The predicted effects from the operation of the scheme on local air quality is anticipated not to be significant and therefore the Environmental Statement offers no mitigation measures. The scheme is predicted to cause an increase in regional emissions because the number of vehicles travelling along the route would increase, but this increase is not considered to be significant.

### **Impact on Noise and Vibration**

23. The Environmental Statement considers both temporary and permanent noise and vibration impacts. The assessment of construction noise shows that linear road works and construction of site compounds have the potential to produce significant adverse effects at identified receptors unless the mitigation measures set out, are employed. Assessment of construction vibration shows that piling would produce a significant adverse effect at 1 receptor, but construction works duration limits are set out and therefore the Environmental Statement concludes that no significant adverse effects will arise due to construction noise or vibration.
24. The operational noise assessment shows that 2 receptors (The Spinney and Annis Hill Farm) will experience significant adverse effects and additional compensation in the form of secondary glazing must be offered to the owners of those properties. All other receptors may be subject to minor or moderate increases in the short-term and minor increases in the long-term but none of these are considered to be significant.

### **Impact on Cultural Heritage**

25. The scheme is within an area of high historic and cultural value. Cultural heritage within the study area includes approximately 100 listed buildings, 2 scheduled monuments, Hazelgrove Registered Park and Garden (RPG), and 2 conservation areas, along with non-designated buildings, historic landscapes and buried archaeological remains.

26. Whilst designed to reduce the effects on cultural heritage the Environmental Statement concludes that the scheme will result in a permanent loss of approximately 14% of the RPG, resulting in a moderate adverse effect and reports 12 significant adverse effects for identified heritage assets. During operation there is the potential for significant effects on Hazlegrove House Group and Hazlegrove House Registered Park and Garden Group due to traffic noise and the installation of lighting columns. In addition, there is the potential for permanent significant adverse effects on unknown buried archaeological remains if discovered once construction starts.

### **Impact on Landscape**

27. The Environmental Statement identifies 7 local Landscape Character Areas (LCAs) within the study area. It also identifies 44 visual receptors including residential properties, public rights of way, Hazelgrove RPG and a long distance footpath. The assessment of impacts on landscape character and visual impacts in the Environmental Statement concludes that of the 7 LCAs, 2 would experience significant adverse effects during construction for a temporary period. One LCA (Hazelgrove) would experience significant effects in year 1 and by year 15 there would be no residual significant effects upon landscape in any LCA.
28. It is also noted that of the 44 visual receptors, 16 would experience significant effects during construction and by year 1, this would reduce to 7 receptors experiencing significant effects. In Year 15, there would be no visual receptors experiencing significant effects. Due to tree and shrub planting along the A303 corridor, construction of screening bunds, false cuttings or the placement of the proposed A303, and or reduction in traffic, 12 visual receptors would experience slight beneficial effects.

### **Impact on Biodiversity**

29. Within the study area there is a wide variety designated sites, habitats and species. The impact on these ecological resources can be both direct or indirect and temporary or permanent and the likely significant effect for each ecological receptor is reliant on the mitigation measures that will be implemented. Whilst the habitat strategy is based on the principles of no net loss and also achieves a net gain in habitats of biodiversity value, the overall on-balance significance of effects on biodiversity as a result of the scheme is Slight Adverse for construction and Slight Adverse for operation.

### **Impact on People and Communities**

30. The potential effects of the scheme on non-motorised users, amenity, driver stress, view from the road, land use, community and development land, community facilities, local economy and agricultural land is all considered in this chapter of the Environmental Statement.
31. In summary the Environmental Statement concludes that there will be significant effects due to permanent land take from Pepper Hill Cottage and The Spinney and temporary land take from Camel Hill Cottage. Best and Most Versatile (BMV) agricultural land will also be lost. Some significant impacts are anticipated on individual farm businesses during construction with temporary

and permanent impacts with respect to land take, severance, access and husbandry for individual farms.

32. The provision of a new construction workforce locally will be beneficial for the economy. Despite slight adverse effects for non-motorised users and driver stress due to potential diversions and closures of routes, presence of construction material and machinery and vehicles, once operational, the benefits outweigh those temporary impacts.

### **Other Impacts**

33. Colleagues at the County Council are currently reviewing the application and modelling outputs are currently being undertaken to establish the scale of any traffic flows through surrounding villages and to fully understand the potential impacts. Work will be done to fully understand the potential impacts of this increased traffic including reviewing this increase from a noise and vibration and air quality and emission impact perspective.

### **Next Steps**

34. With District Executive approval, the Lead Specialist – Strategic Planning in conjunction with the Portfolio Holders for Strategic Planning and Property & Climate Change and Income Generation will approve the Relevant Representations for submission to the Planning Inspectorate on the 19<sup>th</sup> October.
35. Officers will continue to work jointly with Somerset County Council on the Local Impact Report and producing Written Representations, these will be brought back to District Executive for approval before submission before the Examination.
36. It should be noted that Highways England have informed officers that the preliminary meeting may be moved forward into November. This concerns officers as the Examination period effectively begins the day after this meeting, and the “clock begins ticking” on the reports that are required by the Planning Inspector. Officers are raising concerns with the Planning Inspectorate as the Examination will be resource intensive for the Council and bringing forward this stage, particularly given Christmas is also within this period, is not ideal.

### **Financial Implications**

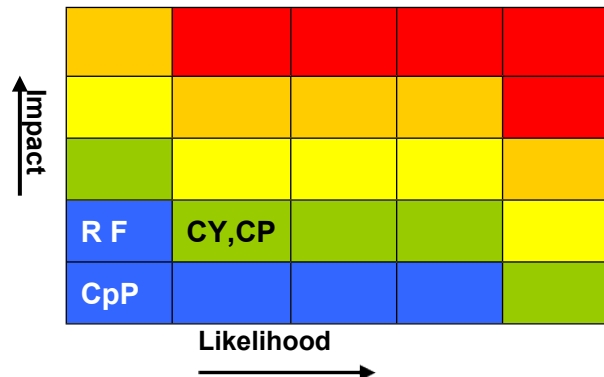
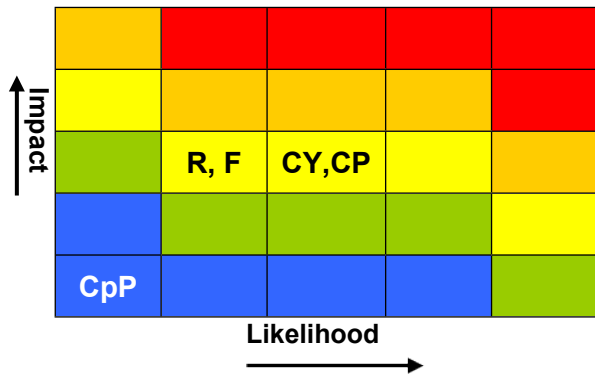
37. Officers from Strategy and Commissioning, Legal Services and Service Delivery will be required to support the project. External support has been secured using the budget agreed at the July District Executive meeting

### **Risk Matrix**

This should assist officers and members in making a more informed decision, in relation to Risk Management.

**Risk Profile before officer recommendations**

**Risk Profile after officer recommendations**



**Key**

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

**Council Plan Implications**

38. None.

**Carbon Emissions and Climate Change Implications**

39. None.

**Equality and Diversity Implications**

40. None.

**Privacy Impact Assessment**

41. No Impact.

**Background Papers**

42. None.