

AUTHORISATION UNDER SECTION 53 OF THE PLANNING ACT 2008

APPLICANT	Highways England
PROPOSED DEVELOPMENT	The proposed Nationally Significant Infrastructure Project (NSIP) for the A303 Stonehenge scheme (also known as the A303 Stonehenge Amesbury to Berwick Down scheme)
LAND	The land known as West Amesbury Farm shown edged green on the plan at Annex 1, forming part of Land Registry Title Number WT27860
DATE OF APPLICATION FOR SECTION 53 AUTHORISATION	20 July 2017 (the £1,500 fee payable in respect of the authorisation request was received by the Planning Inspectorate (the Inspectorate) on 27 July 2017)

AUTHORISATION

1. The terms used in this Authorisation and its Annexes are defined in Annex 2.
2. In exercise of the power conferred by section 53(1) of the Planning Act 2008, the Secretary of State authorises the Applicant and any Authorised Persons to enter the Land in order to carry out the Authorised Surveys.
3. This authorisation is granted:
 - (1) for the Authorisation Period;
 - (2) subject to compliance with the Conditions (which are necessary to protect the Landowner's and Tenant's legitimate interests); and
 - (3) solely for the purpose of undertaking the Authorised Surveys in connection with the proposed application for the Proposed Development.
4. This authorisation to enter the Land does not obviate the need for the Applicant to obtain any other statutory licences or consents or to comply with any other statutory requirements in relation to the Authorised Surveys.

Simone Wilding

Head of Major Casework Management

For and on behalf of the Secretary of State for Communities and Local Government

21 December 2017

STATEMENT OF REASONS

This authorisation has been given in response to a request to enter the land under section 53 (s53) of the Planning Act 2008 (as amended) ('PA2008'). The request was made by Highways England ('the Applicant') in respect of a proposed Nationally Significant Infrastructure Project (NSIP), A303 Stonehenge ('the Proposed Development') (also referred to as A303 Stonehenge Amesbury to Berwick Down).

Authorisation to enter the Land forming part of Land Registry Title number WT278260, South of the existing A303 ('the Land') was requested in a letter from the Applicant dated 20 July 2017. The Land is owned by the National Trust (freehold) ('the Landowner') and [REDACTED] is identified as the Tenant of the Land under an Agricultural Holdings Tenancy agreement ('the Tenant').

The Proposed Development includes a 2.9km twin-bored tunnel, the proposed alignment of which passes under the Land. The Applicant requested entry to the Land in order to undertake hydrogeological investigations of phosphatic chalk along the route alignment within the Land. The Applicant sought rights of entry for a period of three years; to undertake the majority of the intrusive surveys over one year followed by a two year period of groundwater monitoring. The Applicant has an existing consent from the Environment Agency under s32 of the Water Resources Act 1991 (as amended) relating to the proposed survey works for which authorisation to enter the Land was sought.

In determining the Applicant's request for authorisation under s53 of the PA2008, the Secretary of State has had regard to the relevant legislation, guidance, advice and the recommendation made by the Inspectorate.

The Secretary of State considers that the Applicant has satisfied s53(2) of the PA2008, in that the Applicant is considering a project of real substance. The Secretary of State is also satisfied that entry to the Land is genuinely required in order to facilitate compliance with the provisions mentioned in subsection s53(1A) of the PA2008 (implementing Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment). In authorising entry to the Land, the Secretary of State is satisfied that although other consents are required under separate statutory regimes to physically carry out the survey works for which the Applicant has requested authorisation, there is no evidence that such consent(s) would not be forthcoming.

The Secretary of State considers the Applicant has demonstrated reasonable efforts to obtain permission to enter the Land by agreement with the Landowner and the Tenant, and in the case of the latter, has been unsuccessful in agreeing the necessary rights of entry to undertake the proposed surveys. The Secretary of State understands that an 'agreement in principle' to enter the Land has been reached in respect of the Landowner.

AUTHORISATION UNDER SECTION 53 OF THE PLANNING ACT 2008

The Secretary of State considers that s53(1)(b) applies in respect of the authorisation request in that it relates to "*a proposed application for an order granting development consent*". This authorisation request is therefore granted for the period of three years in connection with the proposed surveys and monitoring period as requested by the Applicant. However, the Secretary of State does not consider it appropriate to authorise entry for "*an application for an order granting development consent*" (s53(1)(a)) as there is no such application before the Secretary of State and there is uncertainty around the timescales of the application submission. Accordingly, the right to enter the Land under this authorisation will cease at the point where the Applicant submits an application for development consent (if this pre-dates the expiry of the three year period of the authorisation).

The Secretary of State recognises the potential impacts of the proposed surveys (for which the right to enter the land is authorised) on the Land, including loss of or reduced use and productivity of the Land for a period that is difficult to define due to the nature of the surveys. However, losses due to interference / disturbance to the Land as a result of the surveys are subject to compensation under s53(7), to be determined by the Upper Tribunal in accordance with s53(8) if not agreed.

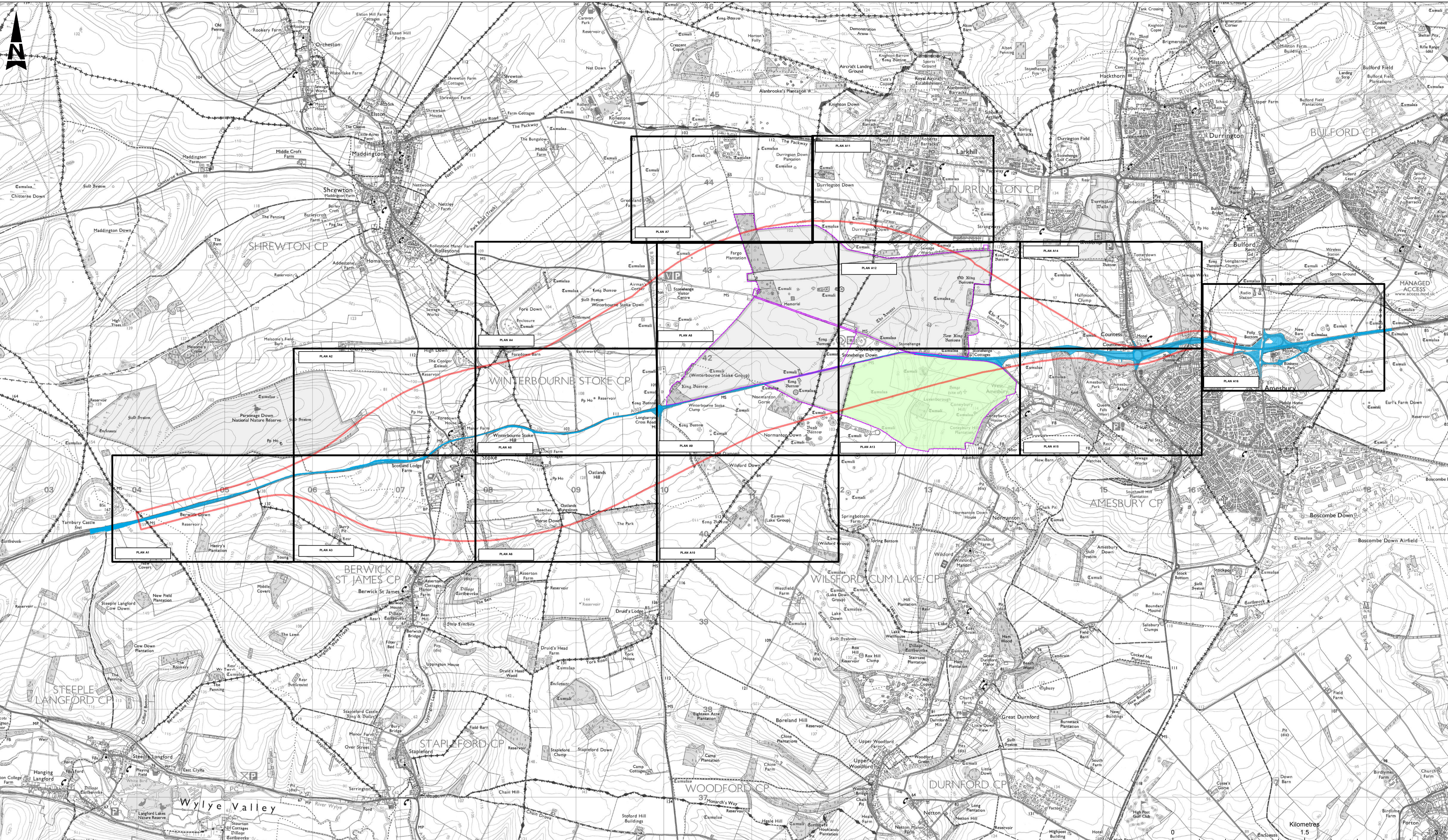
Simone Wilding

Head of Major Casework Management

For and on behalf of the Secretary of State for Communities and Local Government

21 December 2017

ANNEX 1 TO THE AUTHORISATION – THE LAND

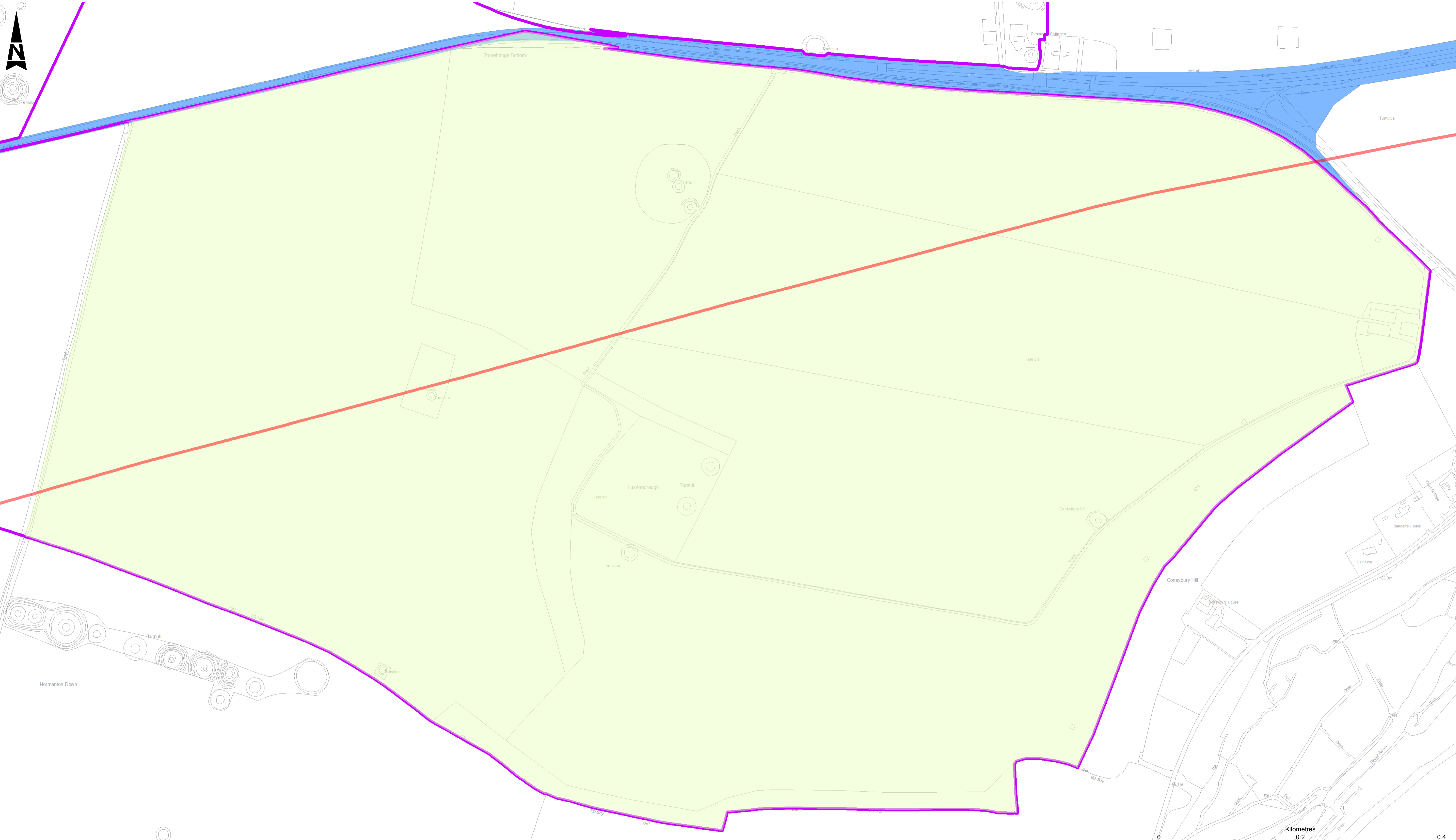


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 CLIENT NAME: Highways England LICENCE NUMBER: 100030649 [2016]

LEGEND	
	TITLE NO W1278260
	PLOT 78/16 – THE LAND OVER WHICH RIGHTS OF ENTRY ARE SOUGHT
	LAND OWNED OR UNDER THE CONTROL OF HIGHWAYS ENGLAND
	INSET PLANS
	THE EXTENT OF THE ROUTE CORRIDORS WITHIN WHICH THE PROPOSED DEVELOPMENT WILL BE LOCATED

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION	
In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following significant residual risks (Reference shall also be made in the design hazard log)	
Construction	None
Maintenance / Cleaning	None
Use	None
Decommission/ Demolition	None
PO3	06/07/17 FIT FOR INTERNAL REVIEW AND COMMENT
Rev	Date Description
	By Chk'd App'd

Drawing Status	Final	Suitability	S2	Project Title	A303 AMESBURY TO BERWICK DOWN									
Client					Drawing Title	KEY PLAN								
Designers					Scale	1:20,000	Designed	DI	Drawn	MD	Checked	PD	Authorised	SH
					Original Size	A1	Date	06/07/17	Date	06/07/17	Date	06/07/17	Date	06/07/17
					Drawing Number	Project	HE551506-AA-LSI-SWI-DR-ZL-000532	Originator	Volume	Revision	P03			
					Location	Type	Role	Number						



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 CLIENT NAME: Highways England LICENCE NUMBER: 100030649 [2016]

- LEGEND**
- PLOT 78/16 - THE LAND OVER WHICH RIGHTS OF ENTRY ARE SOUGHT
 - LAND OWNED OR UNDER THE CONTROL OF HIGHWAYS ENGLAND
 - TITLE NO WT278260
 - THE EXTENT OF THE ROUTE CORRIDORS WITHIN WHICH THE PROPOSED DEVELOPMENT WILL BE LOCATED

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION			
In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following significant residual risks (Reference shall also be made in the design hazard log)			
Construction			
None			
Maintenance / Cleaning			
None			
Use			
None			
Decommission/ Demolition			
None			

Rev	Date	Description	By	Chkd	App'd
P02	06/07/17	UPDATED TITLE BLOCK	MD	PD	SH

Drawing Status: **Final**

Client: highways england

Designers: ARUP ATKINS

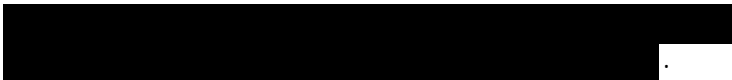
Suitability: S2		Project Title: A303 AMESBURY TO BERWICK DOWN			
Drawing Title: PLAN A13					
Scale: 1:2,500	Designed: DI	Drawn: MD	Checked: PD	Authorised: SH	
Original Size: A1	Date: 06/07/17	Date: 06/07/17	Date: 06/07/17	Date: 06/07/17	
Drawing Number: HE551506-AA-LSI-SWI-DR-ZL-000545	Project: HE551506-AA-LSI-SWI-DR-ZL-000545	Originator: HE551506-AA-LSI-SWI-DR-ZL-000545	Volume: HE551506-AA-LSI-SWI-DR-ZL-000545	Revision: P02	
Location:	Type:	Role:	Number:		

ANNEX 2 TO THE AUTHORISATION – TERMS AND DEFINITIONS

Interpretation

1. The following words and expressions shall, unless otherwise stated, have the following meanings

"Applicant"	Highways England Company Limited whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ (Company No. 09346363)
"Application"	the application contained in the Authorisation Request.
"Authorisation"	this authorisation.
"Authorisation Date"	the date of this Authorisation.
"Authorisation Period"	the period running from the Authorisation date to the end of the Expiry Date.
"Authorisation Request"	the Applicant's letter to the Inspectorate dated 20 July 2017 and accompanying documents, as amended by the Applicant's letter dated 6 October 2017 containing Annexes A-C.
"Authorised Persons"	the Applicant and any persons authorised by the Applicant to carry out the Authorised Surveys as notified to the Landowner and Tenant in accordance with the Notice of entry provisions in the Conditions.
"Authorised Purposes"	surveying and taking levels of the Land and/or facilitating compliance with Council Directive 2011/92/EU (the Environmental Impact Assessment Directive) (as amended), Council Directive 92/43/EEC (the Habitats Directive) or any European Union instrument which replaces all or any part of these Directives in connection with a proposed application for the Proposed Development
"Authorised Surveys"	the surveys described in Annex 4.
"Conditions"	the schedule of conditions set out in Annex 3.
"Expiry date"	21 December 2020 or (if earlier) the date of submission of an application for development consent for the Proposed Development pursuant to s37 of the Act.
"the Land"	the land known as West Amesbury Farm shown edged green on the plan at Annex 1, forming part of Land Registry Title Number WT27860

"Landowner"	The National Trust for Places of Historic Interest of Heelis, Kemble Drive, Swindon, Wiltshire SN2 2NA or other the registered proprietor at the Land Registry for the time being of the Land.
"Non-intrusive surveys"	walkover surveys including the taking of measurements and levels by means of non-intrusive equipment and methods and the taking of photographic records but excluding any intrusive works to search and bore.
"Notice"	Not less than 14 days' written notice of any intended entry to carry out an Authorised Survey or any lesser period that may from time to time be agreed in writing by the person on whom the Notice is to be served.
"Secretary of State"	The Secretary of State for Communities and Local Government.
"Tenant"	
"Proposed Development"	The proposed Nationally Significant Infrastructure Project (NSIP) for the A303 Stonehenge scheme (also known as the A303 Stonehenge Amesbury to Berwick Down scheme).
"PA2008"	The Planning Act 2008 (as amended).
"Risk Assessment & Method Statement"	The Risk Assessment & Method Statement (Ref. MS-SWC6161-03 and RS-SWC6161-02) dated 13 January 2017, prepared by Structural Soils Ltd
"Working Day"	any day from Monday to Friday (inclusive) which is not Christmas Day, Good Friday or a statutory Bank Holiday.
"Working Hours"	the period 8am to 6pm.

ANNEX 3 TO THE AUTHORISATION – SCHEDULE OF CONDITIONS

Interpretation

1. In these Conditions unless the context otherwise requires:
 - (a) any gender includes any other gender;
 - (b) the singular includes the plural and vice versa;
 - (c) references to persons include natural persons, firms, companies, corporations;
 - (d) the headings are for convenience only and do not affect interpretation; and
 - (e) any reference to a statutory provision includes a reference to that provision as amended and as extended or applied by or under another statutory provision.

General

2. Entry to the land is authorised only:
 - (a) for the purpose of the Authorised Surveys;
 - (b) for the Authorised Purposes;
 - (c) for the Authorised Period;
 - (d) on Working Days and during Working hours;
 - (e) provided the activities undertaken in connection with the Authorised Surveys will not constitute an offence in themselves, including an offence under Regulation 43 of the Conservation of Habitats and Species Regulations 2017;
 - (f) subject to all necessary consents (if any) in relation to carrying out the Authorised Surveys having first been obtained;
 - (g) subject to the Notice of entry provisions in Conditions 7 and 8;
3. The Applicant must not enter the land otherwise than in accordance with this Authorisation and these Conditions.
4. The Applicant's right to enter the Land pursuant to this Authorisation ceases immediately if the Applicant is in breach of this Authorisation or any of these Conditions.
5. These Conditions are in addition to the provisions of section 53 of the PA2008 and if there is any conflict between these Conditions and the section 53 provisions the latter shall prevail.
6. The Landowner and Tenant retain control, possession and management of the Land and the Applicant has no right to exclude the Landowner or the Tenant from the Land, except where it is necessary for the Applicant to do so for reasons of adherence to Health and Safety policies.

Notice of entry

7. No person may enter the Land the land pursuant to this Authorisation unless Notice has first been given to the Landowner and to the Tenant, such Notice to include the following:
 - (a) details of the areas, type, purpose and timing of the Authorised Survey (including the exact locations of any boreholes to be constructed) together with details of access routes to the survey site and the Risk Assessment & Method Statement;
 - (b) details of the type and nature of any equipment and apparatus to be used;
 - (c) the name and contact details of any Authorised Person who is authorised by the Applicant to enter the Land to carry out the Authorised Survey and contact details (including telephone number) of the Authorised Person who will have management responsibilities for undertaking the Authorised Survey;
 - (d) the date or dates when entry to the Land is required to carry out the Authorised Survey and the period of time for which entry to the Land is required; and
 - (e) a copy of Annex 4 (Schedule of Authorised Surveys) to this Authorisation citing the Authorised Survey activities that are being undertaken.
8. Notice may be given:
 - (a) by post (in which case it will be deemed to be delivered on the date on which it would be delivered in the ordinary course of post);
 - (b) by delivering it to the person to whom it is to be given; or
 - (c) with the prior consent of the person to whom it is to be given, by email to the email address provided by that person from time to time.

Carrying out the Authorised Surveys

9. In undertaking any Authorised Survey the Authorised Person is to:
 - (a) cause as little damage as is possible;
 - (b) not do any act, matter or thing which would or might constitute a breach of any law (including without limitation common law) statute, regulation, rule, order, byelaw or notice which would or might vitiate in whole or in part any insurance effected by or on behalf of the Landowner or the Tenant in respect of the Land from time to time;
 - (c) provide details at least 48 hours prior to the Survey(s) of the names and contact details of all persons undertaking the Survey(s) and the Applicant's main point of contact for the duration of the works in question;
 - (d) provide at least 48 hours prior to the Survey(s) full details of the areas to be Surveyed, the nature and timings of Surveys together with access routes;
 - (e) at all times take all measures as are reasonably necessary to maintain the same level of security in respect of the Land which would exist but for the undertaking of the Survey(s) including leaving all gates as found;

- (f) not cause for example by way of lighting or noise any nuisance, disturbance, annoyance, inconvenience or unreasonable interference to the Landowner or the Tenant or to adjoining and/or neighbouring property and/or to the owners, tenants or users of such adjoining or neighbouring property;
 - (g) prepare a pre-entry photographic record of condition and provide a copy to the Landowner and the Tenant;
 - (h) not display any signs or notices at the Land other than those required pursuant to statute and for reasons of health and safety;
 - (i) not interfere with the existing use of the Land other than to the extent reasonably necessary to carry out the Survey(s);
 - (j) contact the Landowner and Tenant when leaving the Land; and
 - (k) observe the Landowner and the Tenant's reasonable health and safety policies and site rules previously notified to the Authorised Person in writing.
10. Subject to Condition 11, the Authorised Surveys and associated activities must be carried out in general accordance with the Risk Assessment & Method Statement.
11. The authorised surveys and associated activities (with the exception of the remote water table monitoring) are, so far as reasonably practicable, to follow the sequence and timings set out in Annex 6 of this Authorisation, unless otherwise agreed with the Landowner and Tenant.
12. Subject to Condition 14, on completion of each Authorised Survey the Applicant must remove any apparatus or equipment taken onto the Land by any Authorised Person in connection with that survey.
13. On the earliest of:
- (a) the Expiry Date;
 - (b) the completion of the final Authorised Survey; or
 - (c) the date of termination of the authorisation pursuant to Condition 4

the Applicant must to the reasonable satisfaction of the Landowner and the Tenant make good any damage caused in carrying out the Authorised Surveys and remove any apparatus or equipment taken onto the Land by any Authorised Person in connection with the Authorised Surveys.

Equipment

14. Authorised Persons must not leave equipment required to undertake cable percussive boreholes, rotary boreholes or sonic boreholes on the Land when it is not in use. Equipment must be removed from the Land, so far as reasonably practicable, in accordance with to the sequence and timings of works for which the equipment is necessary as set out in Annex 6 of this Authorisation. The Authorised Persons may leave monitoring apparatus and other related equipment in place on the Land until completion of the final Authorised Survey or, if earlier, the Expiry Date, and must forthwith thereafter remove any such apparatus or equipment.

Insurance

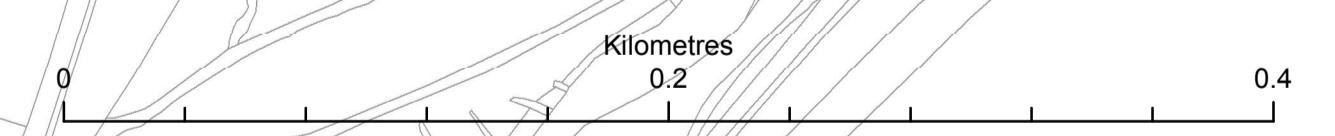
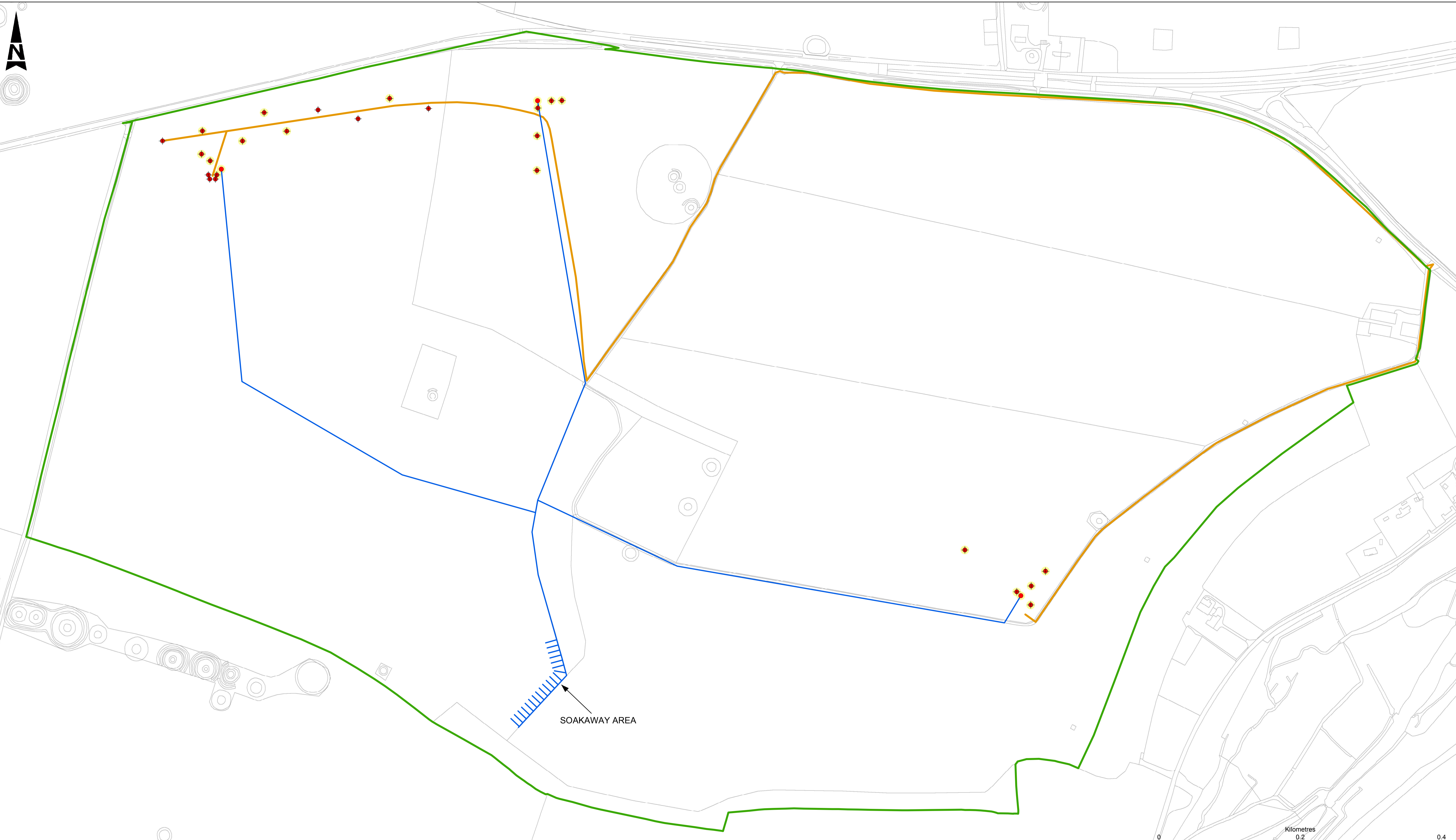
15. The Applicant must:

- (a) subject to provision of written evidence of such requirements, pay on demand the reasonable and proper cost of any additional insurance premiums payable by the Landowner and by the Tenant which may have become payable as a result of the Authorised Surveys; and
- (b) ensure that those who work on its behalf hold suitable and adequate insurance in respect of public and third party liability and provide proof of such insurance to the Landowner and the Tenant prior to carrying out each Authorised Survey.

ANNEX 4 TO THE AUTHORISATION –SCHEDULE OF AUTHORISED SURVEYS

1. Subject to the conditions in Annex 3 to the Authorisation, entry to the Land to carry out the activities listed in paragraph 2 is authorised for the following purposes:
 - (a) sampling and testing of the phosphatic chalk to provide information on its extent and engineering characteristics;
 - (b) providing information on hydrogeological conditions including evaluation of the volume and flow rate of water passing through the chalk, and monitoring of groundwater levels; and
 - (c) groundwater and soil chemistry sampling.
2. The following activities are authorised for the purposes identified in paragraph 1:
 - (1) installation of fencing to protect working areas, and its subsequent removal.
 - (2) installation of aluminium panel trackway in general accordance with the plan at Annex 5 of this Authorisation (unless otherwise agreed with the Landowner and the Tenant) to facilitate access, and the subsequent removal of the trackway;
 - (3) installation of 8 boreholes without raised caps located in general accordance with the plan at Annex 5 of this Authorisation;
 - (4) installation of 3 boreholes to be used as pumping wells for the purposes of pumping tests, and 18 monitoring boreholes each with installed piezometers, located in general accordance with the plan at Annex 5 of this Authorisation;
 - (5) archaeological investigation at sites of boreholes and wells (to understand potential features of archaeological interest being discovered during borehole construction);
 - (6) carrying out 2 sets of groundwater pumping tests at the 3 pumping wells which include the installation of pipe infrastructure and soakaway areas with associated flood mitigation (in accordance with Conditions 10 and 11 and in general accordance with the plan at Annex 5 of this Authorisation)
 - (7) removal and reinstatement of 8 boreholes without raised caps (as identified on the plan at Annex 5 of this Authorisation);
 - (8) retention of 18 monitoring boreholes for ongoing water table monitoring (see item (9) below) (as identified on the plan at Annex 5 of this Authorisation) for the period as specified in Annex 3 of this Authorisation);
 - (9) remote water table monitoring at the boreholes described in item (8) above, using piezometer associated telemetry (with approximately 3-monthly visits to the site to undertake routine maintenance of piezometers in the monitoring boreholes such as replacing of batteries and calibration of equipment). The installation of aluminium trackway for the purposes of 3-monthly visits to the site is not authorised;
 - (10) removal and reinstatement of 18 boreholes with raised caps and associated piezometer telemetry equipment.

ANNEX 5 TO THE AUTHORISATION –PLAN OF AUTHORISED SURVEYS



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 CLIENT NAME: Highways England LICENCE NUMBER: 100030649 (2016)

- LEGEND**
- PROPOSED INVESTIGATION**
- ◆ BOREHOLE
 - PUMPING WELL
 - ◆ BOREHOLE WITH RAISED CAP
 - PUMPING TEST DISCHARGE PIPES
 - ACCESS TRACK

LAND PARCEL 78/16

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION		
In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following significant residual risks (Reference shall also be made in the design hazard log).		
Construction		
Potential for contaminated land. Interaction with ecologically sensitive receptors. Sloping ground in Stonehenge Bottom. Interaction with third parties. Biosecurity measures for accessing agricultural land. Removal of livestock fencing for access to Stonehenge Bottom.		
Maintenance / Cleaning		
Interaction with County Wildlife Site. Sloping ground in Stonehenge Bottom. Interaction with third parties. Biosecurity measures for accessing agricultural land.		
Use		
None		
Decommission/ Demolition		
None		

Rev	Date	Description	By	Chk'd	App'd
P01	30/06/17	FIRST ISSUE	DI	PD	SH

Drawing Status
FIT FOR INTERNAL REVIEW AND COMMENT

Suitability
S3

Project Title
A303 AMESBURY TO BERWICK DOWN



Drawing Title
**LAND PARCEL 78/16
 PROPOSED GROUND
 INVESTIGATION**



Scale	Designed	Drawn	Checked	Authorised
1:2,500	N/A	DI	PD	SH
Original Size	Date	Date	Date	Date
A1	N/A	30/06/17	30/06/17	30/06/17
Drawing Number	Project	Originator	Volume	Revision
	HE551506-AA-HGT-D_SWI-DR-CX-000103			P01
Location	Type	Role	Number	106

**ANNEX 6 TO THE AUTHORISATION –TIMESCALES OF AUTHORISED SURVEY
ACTIVITIES**

Programme for initial visit (first pumping test)

	Week No.																										
Activity	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	
Laying trackway	■	■																									
Install fencing			■																								
Archaeological investigation			■	■	■																						
Drilling of boreholes and wells					■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■					
Setting up soakaway area														■													
Laying of pipe infrastructure															■												
Groundwater sampling															■	■	■										
Pumping tests															■	■											
Laying of pipe infrastructure																		■									
Groundwater sampling																		■	■	■							
Pumping tests																		■	■	■							
Laying of pipe infrastructure																					■						
Groundwater sampling																					■	■	■				
Pumping tests																					■	■	■				
Removal of pipe infrastructure																							■				
Removal of soakaway																								■			
Reinstatement of boreholes																					■	■	■	■	■	■	
Removal of fencing and trackway																									■	■	■

Programme for return visit (second pumping test)

	Week no.																
Activity	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Laying trackway	■	■															
Install fencing			■														
Setting up soakaway area				■													
Laying of pipe infrastructure					■	■											
Groundwater sampling					■	■	■										
Pumping tests					■	■	■										
Laying of pipe infrastructure								■									
Groundwater sampling								■	■	■							
Pumping tests								■	■	■							
Laying of pipe infrastructure											■						
Groundwater sampling											■	■	■				
Pumping tests											■	■	■				
Removal of pipe infrastructure													■				
Removal of soakaway													■				
Reinstatement of boreholes														■	■	■	
Removal of fencing and trackway															■	■	■