



National Infrastructure Planning Customer Services: 0303 444 5000
Temple Quay House e-mail: A303Stonehenge@pins.gsi.gov.uk
2 The Square
Bristol, BS1 6PN

Highways England
c/o David Cox
By email

Your Ref:

Our Ref: TR010025

Date: 20 November 2018

Dear Mr Cox

Planning Act 2008 – Section 51

Application by Highways England for an Order Granting Development Consent for the A303 Amesbury to Berwick Down

Advice following decision to accept the above application for examination

The above application was received by the Planning Inspectorate (the Inspectorate) on 19 October 2018. On 16 November 2018 the Inspectorate issued its decision (on behalf of the Secretary of State) to accept the application for examination.

In applying the Acceptance tests to the application documents, the Inspectorate noted some omissions/ discrepancies in the information provided. These observations are summarised in Box 30 of the A303 Amesbury to Berwick Down s55 Acceptance of Applications Checklist¹ (the Checklist).

This letter comprises advice to the Applicant provided under s51 of the Planning Act 2008 (PA2008). It should be read in conjunction with the Checklist issued alongside the Acceptance decision.

For the avoidance of doubt, on 8 November 2018 the Inspectorate contacted the Applicant having had difficulty identifying various works listed in Schedule 1 of the Draft Development Consent Order (DCO). On 12 November 2018 the Applicant submitted a document signposting within the application documents where these could be identified/ understood, published here:

<https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000477>

The Inspectorate notes the Applicant's statement in paragraph 4.13 of the letter covering the signposting document which asserts that "*should there be any matters that require further or more detailed consideration [...] Highways England would expect that these would be addressed post-acceptance, either during the examination, or through the issuing of s51 advice in parallel with the acceptance stage*"

¹ <https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000137>

[emphasis added]. On that basis the Applicant is expected to provide the updated information requested within this advice to the Inspectorate **before the Relevant Representations period starts**. This is to ensure that all persons with an interest in the application will have the opportunity to make Relevant Representations based on application documents that comprehensively articulate the Proposed Development.

Where the requested updates are not submitted by the deadline provided there may be implications for the date upon which the Preliminary Meeting can be held.

The Draft DCO (Doc 3.1)

Having considered the signposting document provided, the Inspectorate is satisfied that the Draft DCO is of a satisfactory standard for acceptance purposes. However, the Inspectorate considers that updates/ amendments should be made to the Draft DCO so that the examination can focus on the important and relevant matters pertaining to the Proposed Development rather than DCO drafting stylistics.

On that basis, and to ensure that all persons with an interest in the application will have the opportunity to make Relevant Representations based on application documents that comprehensively articulate the Proposed Development, the Applicant is expected to provide the following additional documents:

- 1.** A standalone examination document serving an equivalent purpose to the signposting document provided to the Inspectorate on 12 November 2018. The Applicant may wish to amend the signposting document so its purpose as an examination document is clearly stated.
- 2.** A 'detailed archaeological mitigation strategy' as certified by Article 56 (and Schedule 12) of the Draft DCO (and engaged by Requirement 5); or

A document clarifying the relationship between the 'detailed archaeological mitigation strategy' and Appendix 6.11 of the Environmental Statement (Doc 6.3), including an explanation and timeframes of the component parts as defined in the Draft DCO (ie overarching written scheme of investigation, heritage management plan, site specific written schemes of investigation and method statements).

- 3.** A document clarifying:
 - the relationship between the Outline Environmental Management Plan (OEMP) (Appendix 2.2 of the Environmental Statement); the 'preliminary works OEMP'; the Construction Environmental Management Plans (CEMPs); and other management plans for certain environmental topic areas (particularly those listed under 'MW-G7' of the OEMP). A visual aid to present the interrelationship across these plans would assist to clarify the technical and temporal overlaps. For example, the definition of 'preliminary works' in the Draft DCO includes (a) archaeological mitigation works; (c) investigations for the purpose of assessing ground conditions; and (d) remedial work in respect of any contamination or other adverse ground conditions. It is unclear if/ how these works relate to Draft DCO requirements 5 and 7 respectively; and
 - the number of CEMPs that will be produced in relation to specific phases of works, and how the content of phase-specific CEMPs is intended to be specified in the Draft DCO and secured.

Separately, the Inspectorate has noted the general nature of Requirement 3 as drafted. It is likely that the future Examining Authority will wish to probe how this Requirement could be made more specific, bearing in mind the example of drafting in the recent Silvertown Tunnel Order 2018 for instance.

Habitats Regulations Assessment (HRA) Reports (Doc 6.3)

4. The Applicant is requested to provide a plan/ figure showing all six European sites identified in the HRA reports.

Statement of Reasons (Doc 4.1)

5. In order to facilitate regular updates in the course of the Examination, the Applicant is requested to provide the 'Schedule of all interests in the Land and progress of negotiations with persons subject to compulsory acquisition and temporary possession powers' as a standalone examination document.

Funding Statement (Doc 4.2)

6. The Applicant is requested to provide an addendum to the Funding Statement which is concerned specifically with the availability of funds for Compulsory Acquisition/ compensation for the proposed development.

Guide to the Application

7. The Applicant is requested to prepare a 'Guide to the Application', as per advice issued on 17 May 2018:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/?ipcsection=advice&ipcadvic=fd091c09d3>

Consultation Report (Doc 5.1)

In respect of s42(1)(a) prescribed persons, it appears on the basis of the information provided by the Applicant that the potentially relevant persons identified in Box 6 of the Checklist were not consulted at the Pre-application stage.

Unless there is a good reason in each case why the Applicant considers that these persons are not relevant to the Proposed Development, the Applicant is advised to include these persons, or their appropriate successors, in its s56 notification exercise or to otherwise proactively draw their attention to the Relevant Representation period.

I trust that this advice is useful to you and that it will aid your preparation for the examination of the application. For the avoidance of doubt, and for the reason set out previously, you are expected to provide the information requested in this letter to the Inspectorate **before the Relevant Representations period starts**.

If you have any questions about the content of this letter, please do not hesitate to contact me using the details provided.

Yours sincerely

Richard Price

Richard Price
National Infrastructure Case Manager

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

<https://infrastructure.planninginspectorate.gov.uk>

